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July 13, 2018

Our File No.: 172048

**Without Prejudice**

**Via Email**

City of Toronto Legal Services  
Metro Hall, 26<sup>th</sup> Floor  
55 John Street  
Toronto, ON M5V 3C6

**Attention: Alexander Suriano**

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL180217  
50 and 60 Eglinton Avenue West**

We are solicitors for 60 Eglinton West Limited, who are the owners of the properties known municipally as 50 & 60 Eglinton Avenue West (the "**Property**"). We are writing to propose a without prejudice settlement offer of our client's appeal to the Local Planning Appeal Tribunal ("**LPAT**") Please note that this without prejudice settlement offer remains open until the conclusion of the City Council meeting scheduled to commence on July 23, 2018.

As a result of settlement discussions with City of Toronto planning staff and in response to requests from the community, the enclosed without prejudice plans prepared by Turner Fleischer and Hariri Pontarini Architects (the "**Settlement Plans**") include revisions to the proposed redevelopment of the Property and also incorporate the approved development of 90 Eglinton Avenue West and 17-19 Henning Avenue (the "**Adjacent Property**") to enable the comprehensive redevelopment of both properties.

**Background**

As background, at its meeting on July 4, 5, 6 and 7, 2017, City Council enacted By-law Nos. 824-2017, 825-2017 and 826-2017 to enable the redevelopment of the Adjacent Property for a 24-storey mixed use building containing office, residential and retail uses with a combined gross floor area of 20,300 square metres.

In October 2017, our client filed a rezoning application and accompanying technical official plan amendment application to permit the redevelopment of the Property for a 36-storey mixed use

building containing retail and residential uses with a combined gross floor area of 28,000 square metres. We appealed these applications to the Ontario Municipal Board, now continuing as LPAT, for the failure of City Council to make a decision.

### **The Settlement Plans**

The Settlement Plans incorporate two important matters. First, the Settlement Plans include revisions to the applications for the Property, which have been reviewed and accepted by City staff after months of good faith discussions. The details of these revisions are outlined below.

Second, the Settlement Plans demonstrate the ability to combine the Property and the Adjacent Property to enable a comprehensive approach to development. The Settlement Plans consolidate the parking, truck loading and servicing of both properties through the rear lane, which will extend along the northern property line to provide access from both Henning Avenue and Duplex Avenue. The intention is to combine both developments, with amendments potentially required to the approvals for the Adjacent Property in general accordance with the Settlement Plans.

These revisions include:

- Although there is no existing office space on the Property and no policy direction to require the provision of additional office space on the Property, our client has agreed to provide an additional 1,024 square metres of office space across both properties. As you may know, the previous approval for the Adjacent Property required the provision of 2,785 square metres of office replacement on the Adjacent Property. The Settlement Plans represent 37% beyond that previously secured for the Adjacent Property, and 100% of the office space existing today on the Adjacent Property.
- To respond to the request from City of Toronto planning staff that no new net shadows be cast on the parking lot forming park of Eglinton Park during the spring and fall equinoxes, the tower height has been reduced from 36 to 32 storeys. (We note that the previous approval for the Adjacent Property had resulted in net new shadowing on this parking lot at 9:18, which had been deemed acceptable to staff at that time.)
- The proposed tower for the Property would be setback 4.5 metres from the north property line and 11.0- metres from the west property line where a facing condition would exist.
- The Settlement Plans reduce the tower floor plate for the Property from 794.4 square metres to approximately 750 square metres.
- Our client will ensure that a minimum of 5% of the 3-bedroom units and 7.5% of the 2-bedroom units in the development on the Property will meet the minimum size recommendations set out within the Growing Up Guidelines.



- The tower setback has been increased to 2.0 metres along the Duplex Avenue property line above the building facades proposed for retention along Duplex Avenue and Eglinton Avenue West. A 3.0 metre canopy above the first storey is also provided along the east elevation, with the City acknowledging and agreeing that it will encroach on the public right-of-way.
- The Settlement Plans includes lands to be conveyed to the City by our client at the northeast portion of the Property, following the line established by the southern portion of the east property line.
- A designated bicycle elevator is included to access the below-grade bicycle parking.
- In response to comments from City of Toronto heritage staff, design elements and window configuration alterations have been added to the building to complement the existing cornice line of the 50 Eglinton Avenue West façade. Our client also agrees that it will be responsible for the conservation of the south and east facades of the building currently located at 50 Eglinton Avenue West, with the details to be refined through the design process.

### **Section 37 Contribution and Other Matters**

As part of City Council accepting this without prejudice settlement offer, our client is prepared to provide a voluntary Section 37 contribution of \$2.5-million, with the final determination for allocation of these funds to be determined through discussions with City planning staff and the local councillor. We believe this voluntary Section 37 contribution reflects other recent approvals within the Yonge-Eglinton area.

Our client will also agree to be responsible for the costs associated with the approximately 3.0 metre sidewalk widening/road narrowing along Duplex Avenue immediately adjacent to the Property. The details of this work will be confirmed through the site plan approval process.

### **Parkland**

Based on a request from City staff, an off-site parkland dedication is proposed. The off-site parkland is located at the property known municipally as 58 Helendale Avenue, which is directly abutting the off-site parkland dedication provided in satisfaction of the Section 42 requirement for the Adjacent Property. This off-site parkland dedication further achieves the City's future park objectives by providing parkland in a location identified as a "Proposed Public Park" on Map 21-8 of the proposed Midtown in Focus Secondary Plan update.

This off-site parkland dedication, along with an indexed cash-in-lieu contribution of \$900,000.00, would fully satisfy any Section 42 requirement in respect of the Property. The Section 37 Agreement would confirm that the combination of this off-site parkland dedication

and a cash-in-lieu contribution of \$900,000.00 would full satisfy our client's Section 42 obligations in respect of the Property.

## **Implementation**

Our client would also agree that implementation of the settlement will be conditional upon the following matters, which must be completed prior to issuance of any final order from LPAT:

- preparation of zoning by-law amendment(s), in a form acceptable to the parties;
- the execution of a Section 37 agreement, in a form satisfactory to the City solicitor, for which the City and our client will work cooperatively and in good faith to finalize as soon as possible.

With implementation of this redevelopment still subject to site plan control, refinements and improvements to the architectural expression can be resolved in a cooperative manner with City Staff and Council through this process.

Our client and its consultant team appreciate the extensive efforts of City of Toronto staff to review these matters and provide feedback as part of reaching this mutually agreeable redevelopment proposal for the Property and the Adjacent Property.

Should there be any questions or further clarification required, please to do not hesitate to contact us.

Yours truly,

**Goodmans LLP**



David Bronskill

DJB/

cc: Joe Nanos  
Al Rezoski  
Mark Chlon  
Client