



Barristers & Solicitors

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April 8, 2019

Our File No.: 173223

Without Prejudice

Via Email

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

Attention: Ray Kallio

Dear Sirs/Mesdames:

Re: LPAT Case No. PL190008 - 90 Eglinton Avenue East

We are the solicitors for 90 Eglinton Avenue Holdings Limited, the owner of the property known municipally as 90 Eglinton Avenue East (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 conclusion of the City Council meeting scheduled to commence on April 16, 2019.

As a result of staff recommendations in the Interim Request for Directions Report, adopted without amendment by City Council at its meeting commencing July 23, 2018 (the "**Staff Report**"), and requests from the community, our client engaged in settlement discussions with City planning staff and have prepared a revised Roof Plan, Sections, Ground Floor Plan, Statistics and Context Height Map to address these comments. These without prejudice plans, prepared by Teeple Architects dated April 5th, 2019 (the "**Settlement Plans**"), are attached and form the basis of our client's without prejudice settlement offer.

Background

On March 12, 2018, our client filed a rezoning application to permit the redevelopment of the Property with a 55-storey, mixed-use building containing retail, residential and office uses containing a combined gross floor area of 53,826 square metres. The application was deemed complete on April 12, 2018, and a community consultation meeting was held on May 16th, 2018.

Approximately 10 months after submission of the initial application, our client filed an appeal to LPAT for the failure of City Council to make a decision, but has continued their discussions with City staff and the Ward Councillor's office to address issues identified in the Staff Report.

The Settlement Plans

The Settlement Plans enclosed demonstrate and assume the following revisions to the rezoning application for the Property, which reflect the amendments requested in the Staff Report and discussions with the Ward Councillor's office, as well as at a meeting with Planning Staff on April 4, 2019.

- The height of the building has been reduced from 55 to 52 storeys. The enclosed context height map demonstrates how the proposed building height continues to implement the in-force policy direction requiring descending heights away from the Yonge-Eglinton Centre. While our client is proposing to construct a 52-storey building, for the purposes of the zoning by-law, the 'technical' number of storeys would include an additional partial level to accommodate the bicycle mezzanine level without any increase in the overall height of the building. To secure this approach, our client would agree to include language within the implementing zoning by-law stating that one partial storey within the podium level is to be used exclusively for bicycle parking.
- The tower setback to the north property line has been increased from 12.6 to 15.0 metres, providing more than the Property's proportionate share of the tower separation distance to the lands designated as *Apartment Neighbourhoods*. The tower setbacks to the east and west property lines continue to exceed the 12.5 metre setback, as outlined within the Tall Building Guidelines.
- The proposed tower setback from the south has been increased, eliminating any balcony projections within the required 3-metre setback, above the maximum podium height of 8 storeys.
- The tower floor plate has been reduced from 835 square metres to approximately 799 square metres, while continuing to meet or exceed all Tall Building Guideline tower setbacks.
- The 3-metre podium stepback has been provided above the 6th storey.
- The Settlement Plans continue to include the provision of a 12.0 metre setback at grade along Eglinton Avenue East, to allow for the implementation of the Yonge-Eglinton Secondary Plan 'Greenline'. As part of this settlement, our client would commit to securing a public easement that would facilitate public access to the Eglinton Greenline while providing adequate private area for future commercial

tenants for patios and other uses, similar to the approach taken within the 150 Eglinton Avenue East amending by-law 1216-2018 (by-law 569-2013)

- The Settlement Plans continue to include the replacement of all existing usable office space currently on the site today, as per the adopted but unapproved policies in Official Plan Amendment No. 231.
- Our client agrees to include the following language within the implementing by-law text to secure certain the agreed upon unit size ratio in accordance with the draft ‘Growing Up Guidelines’:

*“(a) A minimum 15% of dwelling units shall contain at least two-bedrooms, of which 50% shall have a minimum gross floor area of 87 square metres;
(b) A minimum 10% of dwelling units shall contain at least three-bedrooms, of which 50% shall have a minimum gross floor area of 100 square metres;”*

- The enclosed ground floor plan has been modified to provide a 2.1 metre exterior pedestrian connection at grade to facilitate the possibility of a future connection. The ultimate location, design and interim use of the pedestrian connection will be determined through the site plan control application process.

Section 37 Contribution

Upon confirmation from City Staff that the Settlement Plans would be recommended for approval to City Council, our client would agree to include a voluntary Section 37 cash contribution of \$2,995,000.00, indexed from the date of execution of the Section 37 Agreement, payable prior to the issuance of the first above-grade building permit for the proposed development, as part of this without prejudice settlement offer. The sum of this contribution is to be allocated towards capital projects within the Yonge-Eglinton area, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

Section 42 Contribution

Upon confirmation from City Staff that the Settlement Plans would be recommended for approval to City Council, pursuant to a meeting on March 28, 2019; with City of Toronto Real Estate Services and Parks staff, our client would agree to an off-site parkland dedication at 51 Montgomery Avenue paired with an cash-in-lieu contribution of \$4,447,340, indexed from the date of execution of the Section 37 Agreement, payable upon issuance of first above grade building permit, in satisfaction of application’s Section 42 requirements.

Implementation

Our client would also agree that implementation of the settlement at the Local Planning Appeal Tribunal will be conditional upon the following matters, which must be completed prior to issuance of any final order by 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 staff to review these matters and provide feedback as part of reaching a mutually agreeable redevelopment proposal for the Property.

Please let us know if further clarification is required in respect of this without prejudice settlement offer.

Yours truly,

Goodmans LLP



David Bronskill

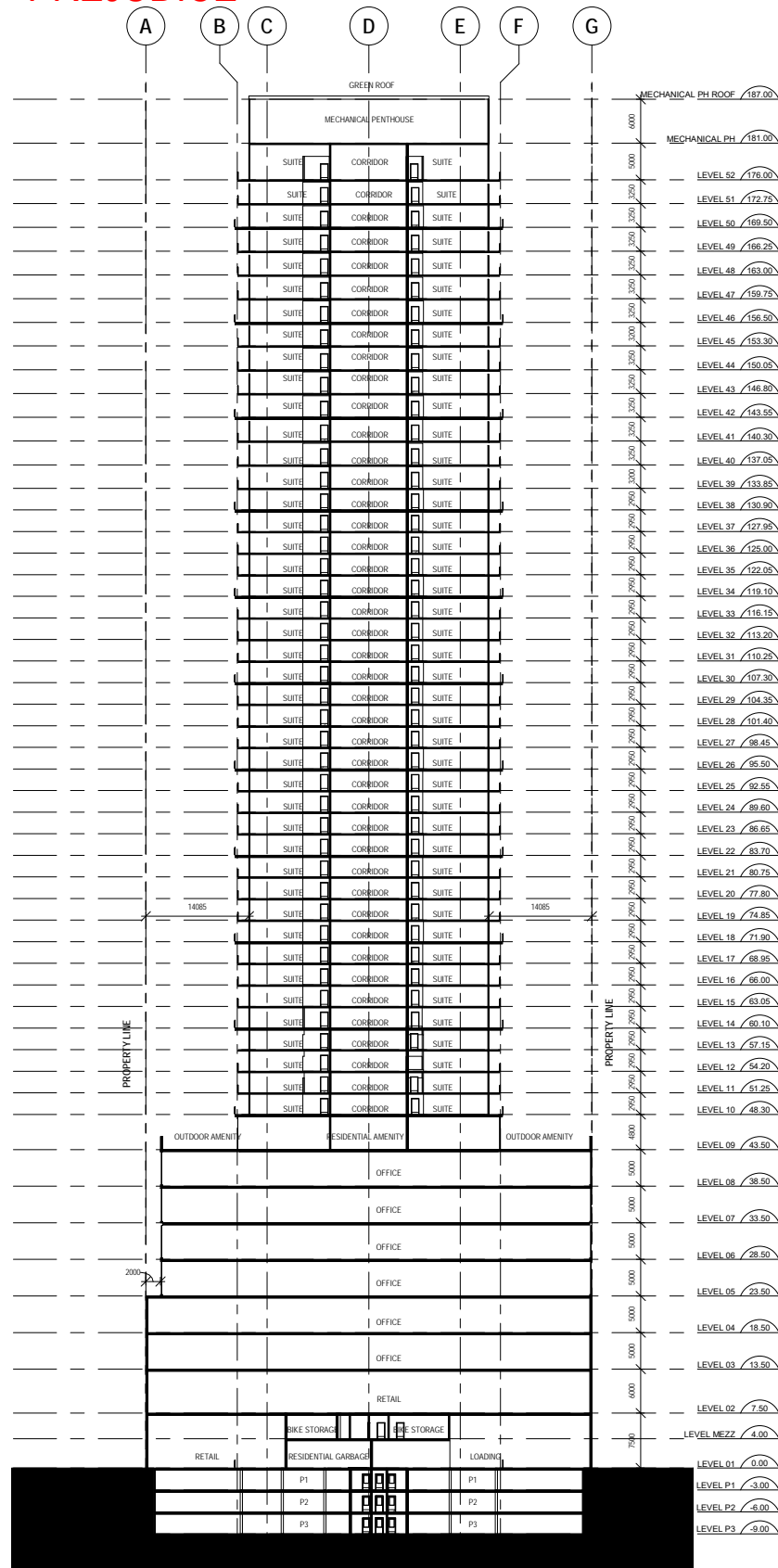
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cc: Client

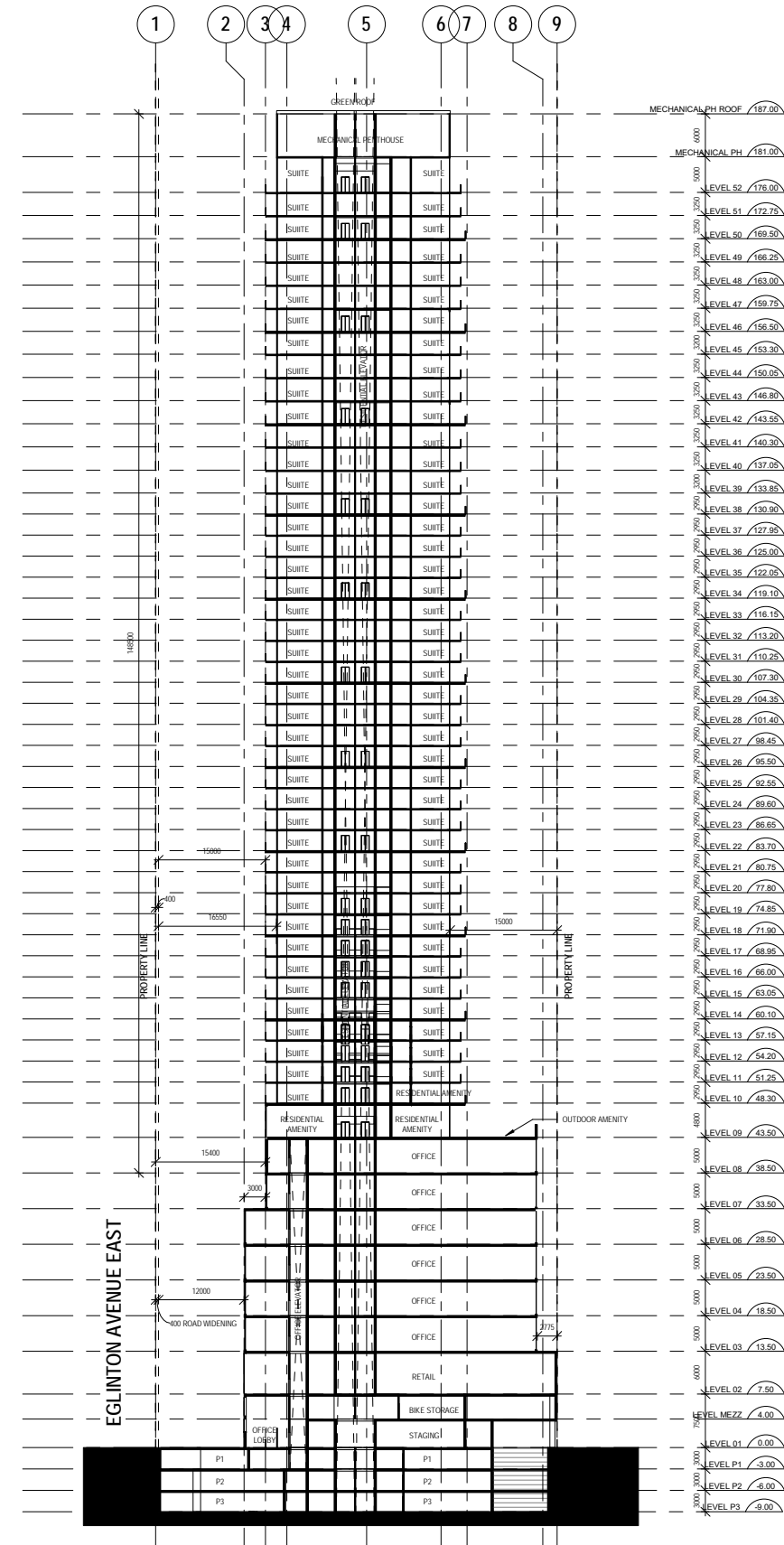
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90 EGLINTON						
Project Statistics						
MUNICIPAL ADDRESS: 90 EGLINTON AVENUE EAST, TORONTO ONTARIO						
GROSS SITE AREA 3415 m ²						
TOTAL PROPOSED GROSS FLOOR AREA (M²)		52846.1 m²		Total Building Ht		187.0 m
Total Residential Gross Floor Area		34595.0 m ²		Established Grade		163.2 masl
Non Residential Gross Floor Area		18069.2 m ²		Tower Floor Plate		799.0 m ²
Parking Gross Floor Area		182.0 m ²		Density (Total GFA/Site Area) 15.47		
REQUIRED/PERMITTED			PROPOSED			
ZONING:	CR 5.0 (c3.0, r3.0) SS2 (x2497)			187 Inclusive of mechanical penthouse		
HEIGHT:	X					
AMENITY SPACE:	2m ² / unit					
	INDOOR AMENITY	930	m ²	INDOOR AMENITY	930	m ²
	OUTDOOR AMENITY	930	m ²	OUTDOOR AMENITY	930	m ²
	TOTAL	1,860	m²	TOTAL	1860	m²
OFFICE SPACE	EXISTING USABLE	13,167	m ²	PROPOSED USABLE	13,167	m ²
		(100% office replacement)			(100% office replacement)	
PROGRAM:				1 BEDROOM	166	36%
				1 BEDROOM+DEN	81	17%
				2 BEDROOM	172	37%
				2 BEDROOM+DEN	0	0%
				3 BEDROOM	46	10%
				TOTAL	465	
LOADING:	RESIDENTIAL (400+ UNITS)	TYPE C	2	RESIDENTIAL (400+ UNITS)	TYPE C	2
	RETAIL (2,000 TO 4,999 m ²)	TYPE G	1	RETAIL (2,000 TO 4,999 m ²)	TYPE G	1
		TYPE B	1		TYPE B	1
GARBAGE & RECYCLING	FIRST 50 UNITS	AREA (m ²)	BINS	AREA (m ²)	BINS	
	(ASSUMES 1 GARBAGE, 1 RECYCLING, 1 ORGANIC BIN)	25	3			
	13 m ² FOR EACH ADDITIONAL 50 UNITS	108	17			
	BULK/WHITE GOODS	10				
TOTAL	143	20		169	24	
STAGING AREA:	ADD 5m ² TO TYPE G LOADING AREA FOR EVERY 50 UNITS	42	8		52	11
PARKING: AS PER CITY OF TORONTO PA1 STANDARD	UNIT TYPE	RATE/UNIT	REQ.	TYPE	RATE/UNIT	PROPOSED
	1 -BEDROOM	0.70	116.2	P1 - VISITORS / NON-RESIDENTIAL SPACES		
	1 BEDROOM+DEN	0.70	116.2			
	2 BEDROOM	0.90	154.8			
	2-BDRM+DEN	0.90	0			64
	3-BEDROOM	1.00	46		P2,P3 - RESIDENTIAL SPACES	0.3
	VISITOR	0.10	47			
		RATE/100m ² GFA				
	OFFICE	1	140			
	RETAIL/COMMERCIAL	1	41			
TOTAL		603.0	TOTAL		226	
ACCESSIBLE PARKING	REQUIRED		8	PROPOSED		8
RESIDENTIAL BICYCLE PARKING:	TYPE	RATE/UNIT				
	AS PER CITY OF TORONTO GREEN STANDARDS 'CYCLING INFRASTRUCTURE' REQUIREMENTS (AQ2.1)			TOTAL		
	OCCUPANT	0.9	419	RESIDENTIAL	419	
	VISITOR	0.1	47	VISITOR	47	
	RETAIL - OCCUPANT	0.2	8.0	RETAIL - OCCUPANT	8	
	RETAIL - VISITOR (3 plus)	0.3	16	RETAIL - VISITOR	16	
	OFFICE - LONG TERM	0.2	28	OFFICE - LONG TERM	28	
	OFFICE - SHORT TERM (3plus)	0.2	31	OFFICE - SHORT TER	31	
	TOTAL		549.0	TOTALS	549	

WITHOUT PREJUDICE
19/04/05



EAST-WEST SECTION 2
1:400



NORTH-SOUTH SECTION 1
1:400

Teepie Architects

5 Camden Street, Toronto, ON, Canada, M5V 1V2

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This drawing, as an instrument of service, is provided by and is the property of Teepie Architects Inc. and shall be used only for the project named on this drawing and solely for reference purposes only. The contractor is responsible for the coordination and verification of all dimensions contained herein and all measurements and conditions on site as they pertain to these documents. The contractor shall report any discrepancies to the consultant in writing prior to the commencement of any affected work.

DO NOT SCALE THIS DRAWING

This drawing shall not be used for construction purposes unless countersigned

Teepie Architects Inc.

90 EGLINTON

90 Eglinton Avenue E, Toronto ON

CLIENT

Madison Group

369 Remick Road, Toronto, Ontario, Canada, M3J 3G2
416.661.4000

DESIGN ARCHITECT

Teepie Architects Inc.

5 Camden Street, Toronto, Ontario, Canada, M5V 1V2
416.598.0554 info@teepiearch.com

PLANNER

WND

90 Eglinton Avenue East, Suite 970, Toronto, Ontario, Canada, M4P 2Y3
416.968.3511 admin@wndplan.com

LANDSCAPE ARCHITECT

The MBTW Group

255 Wickstead Avenue, Unit 1A, Toronto, Ontario, Canada, M4H 1G8
416.449.7787 contact@mbtw.com

TRAFFIC ENGINEER

WSP

100 Commerce Valley Drive West, Thornhill, ON, Canada, L3T 0A1
905.882.4211

CIVIL ENGINEER

WSP

100 Commerce Valley Drive West, Thornhill, ON, Canada, L3T 0A1
905.882.4211

MECHANICAL & ELECTRICAL ENGINEER

1 2017-12-15 PRE-APPLICATION MEETING SUBMISSION

REV. NO. DATE ISSUED FOR:

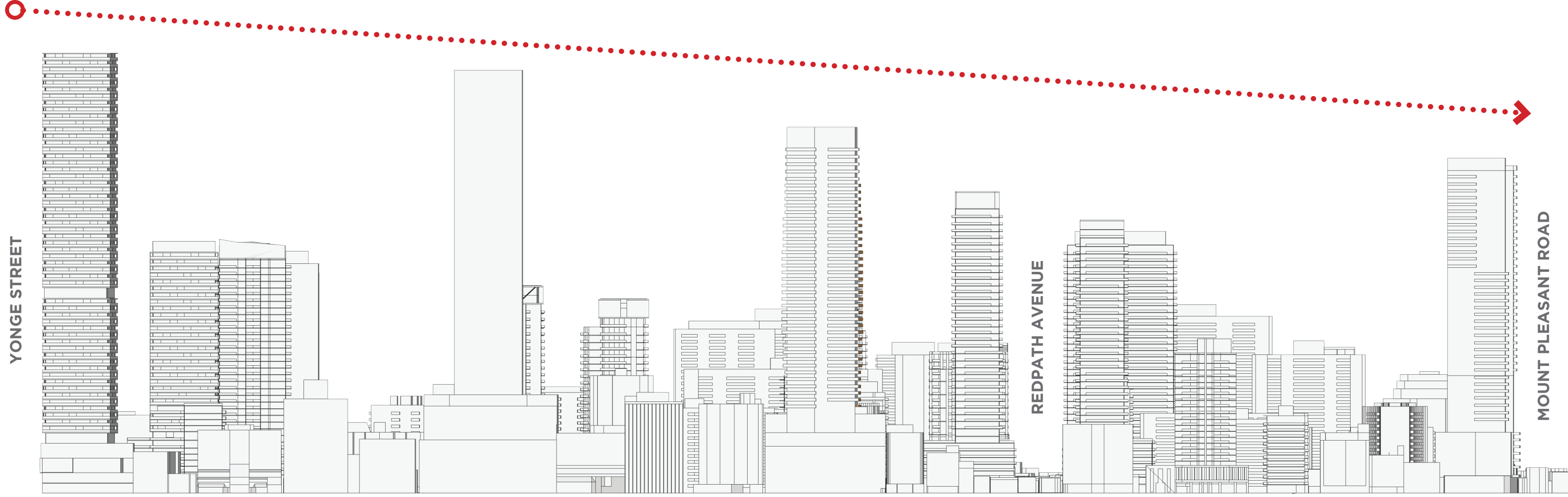
SEAL

BUILDING SECTION

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17-121 1:400 ARCH D 2018-03-09
PROJ NO SCALE FORMAT PLOT DATE

A 401



YONGE STREET

REDPATH AVENUE

MOUNT PLEASANT ROAD

EGLINTON AVENUE EAST - VIEW FACING NORTH

E Condos
8 Eglinton Ave. East
58 STY | 196m

SUBJECT SITE
***90 Eglinton Ave. East**
52 STY | 187m

150 Eglinton Ave. East
46 STY | 167m

150 Redpath
150 Redpath Avenue
40 STY | 132m

155 Redpath
155 Redpath Avenue
37 STY | 120m

***808 Mount Pleasant Rd.**
44 STY | 148m