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April 1, 2021

BY EMAIL

CONFIDENTIAL AND WITHOUT PREJUDICE

Our File #127402

Ms. Amanda Hill and Mr. Daniel Elmadany
City of Toronto
Planning & Administrative Tribunal Law
Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

Dear Ms. Hill and Mr. Elmadany:

**Re: Confidential and Without Prejudice
Settlement Proposal for Official Plan Amendment Application
1880-1890 Eglinton Avenue East and 1523, 1525-1545 Victoria Park Avenue, Toronto
LPAT Case No. PL180201
Municipality File No. 16 269853 ESC 37 OZ**

As you are aware, we act on behalf of CP REIT Ontario Properties Limited (“**Choice**”) with respect to the property municipally known as 1880-1890 Eglinton Avenue East and 1523, 1525-1545 Victoria Park Avenue, Toronto (the “**Property**”). The Property is approximately 7.7 hectares in size and has 400 metres of frontage on Eglinton Avenue East. The Property is currently developed with a single storey shopping centre.

Official Plan Amendment Application

On December 22, 2016, Choice submitted an Official Plan Amendment (“**OPA**”) application to permit the comprehensive redevelopment of the Property as a mixed use, transit-oriented neighbourhood along the Eglinton Crosstown LRT. The proposed amendment introduces a Site and Area Specific Policy to the Official Plan that will contain new policies to guide future development on the Property.

On March 5, 2018, Choice appealed its OPA application to the Local Planning Appeal Tribunal (“**LPAT**”) due to Council’s failure to make a decision with respect to the application within the timeframe prescribed by the *Planning Act* (the “**Appeal**”).

On November 8, 2019, Choice submitted a “with prejudice” settlement proposal and a formal revision to its OPA Application.

On September 22, 2020, Choice filed a resubmission with updated materials and studies in support of its OPA application.

On October 16, 2020, Choice filed zoning by-law amendment (“**ZBA**”) and draft plan of subdivision (“**Subdivision**”) applications for the Property.

Settlement Offer

We are writing to provide a **without prejudice** settlement offer to resolve the Appeal (the “**Settlement Offer**”). The revised development proposal for the Property (the “**Revised Proposal**”) which forms the basis of this Settlement Offer is described in paragraphs 1 through 10 below and shown on the Site Plan, prepared by Giannone Petricone Associates and dated January 22, 2021. The revised OPA attached hereto (the “**Revised OPA**”) is intended to reflect the Revised Proposal. Choice is prepared to settle the Appeal with the City based on the Revised Proposal, the Revised OPA and the following terms:

1. **Gross Floor Area:** A total gross floor area of 300,097 square metres is proposed for the Property, calculated in accordance with Zoning By-law 569-2013, as amended. The total residential gross floor area is approximately 270,088 square metres. The total retail gross floor area is approximately 21,272 square metres. The total office gross floor area is approximately 8,738 square metres. The gross floor area for each type of use will be reviewed and finalized through the ZBA application process, provided that the total gross floor area shall not exceed 300,097 square metres. The gross floor area of the community use space described in paragraph 10(a) below will be excluded from the calculation of the gross floor area on the Property.
2. **Density:** The resulting density is 3.95 FSI, based on the gross site area of the Property and calculated in accordance with Zoning By-law 569-2013, as amended.
3. **Built Form:**
 - **Block B:** A 1 to 3-storey building and three 1-storey buildings.
 - **Block C:** A 25-storey tall building with a 6-storey base building stepping down to a 3-storey street wall at the intersection of Golden Mile Boulevard and Pharmacy Avenue as well as on the north and west sides of the 6-storey building as shown on the Site Plan. However, the achievement of a 25-storey tall building on Block C is subject to the inclusion of Block “H2” as further detailed in the Revised OPA.
 - **Block D:** On the east side of the block, a 38-storey tall building and a 40-storey tall building with a shared 5-storey base building stepping down to a 3-storey street wall along Golden Mile Boulevard. On the west side of the block, a 4-storey mid-rise building along Golden Mile Boulevard and a 36-storey tall building with a 5-storey base building along Eglinton Avenue East and a 3 to 5-storey base along Public Street C (Meadoway Boulevard).
 - **Block E:** On the east side of the block, a 5 to 12-storey mid-rise building with a 1 to 3-storey base along Golden Mile Boulevard, a 3 to 5-storey base along Eglinton Avenue East, and a 3 to 5-storey base along Public Street C (Meadoway Boulevard). On the west side of the block, a 33-storey tall building with a 5-storey base along Eglinton Avenue East, stepping down to a 3-storey base on the north side.

- **Block F:** On the east side of the block, a 3-storey building along Street B (Entrance Boulevard) and Golden Mile Boulevard and a 46-storey tall building with a 3 to 4-storey base building along Eglinton Avenue East. On the west side of the block, a 44-storey tall building and a 48-storey tall building with a shared 4-storey base building stepping down to a 3-storey street wall along Golden Mile Boulevard.
 - **Block G:** A 25-storey tall building and a 31-storey tall building with a shared 6-storey podium.
4. **Tower Floor Plate:** The residential tower floor plates of tall buildings shall have a maximum gross building area of 750 square metres.
 5. **Tower Separation Distances:** The separation distances between the tower portions of tall buildings shall be 30 metres except along Victoria Park Avenue on Blocks F and G where 25 metres shall be permitted although greater separation distances are encouraged. For clarity, tall buildings are those that exceed 12 storeys in height.
 6. **Future Transportation Network:** Choice will provide lands for (1) a future street network, (2) the future implementation of transit priority measures on Victoria Park Avenue, and (3) public realm improvements on Eglinton Avenue East for pedestrians and cyclists. The new and existing public streets and their rights-of-way are generally shown and identified in the Revised OPA.
 7. **Public Park:** An on-site parkland dedication of 6,597 square metres is proposed on Block A. The remaining required parkland dedication under Chapter 415, Article III of the Toronto Municipal Code will be provided in cash-in-lieu of parkland.
 8. **Privately Owned Publicly-Accessible Spaces (“POPS”):** POPS will be provided as generally shown in the Revised OPA.
 9. **Interim Surface Parking on Block B:** Prior to the construction of the three 1-storey buildings on Block B, surface parking is proposed along the street frontages of Block B on an interim basis.
 10. **Section 37 Contribution:** In exchange for zoning approvals to permit the Revised Proposal at the density described above, Choice will agree to provide to the City:
 - a) \$13,500,000 for the provision of 30,000 square feet of unfinished (shell condition for office type use at \$450 per square foot) community service facility space in the first phase of the Revised Proposal. In the event that, through the Zoning By-law Amendment process, it is determined that the type of community use space intended by the City would require the delivery of shell space designed other than for an office type use, with the result that the cost of delivering the space in shell condition would exceed \$450 per square foot, or be less than \$450 per square foot, then the gross floor area of the community use space will be adjusted accordingly to result in a total cost to Choice of \$13,500,000; and
 - b) the provision of:
 - i) 230 affordable housing units, based on 100% Average Market Rent, an affordability period of 15 years and a waiver of property taxes and

development charges through the City of Toronto's Open Door Program,
or

- ii) 120 affordable housing units, based on 100% Average Market Rent and an affordability period of 15 years, in the absence of any financial assistance through the City of Toronto's Open Door Program.

These affordable housing units will be provided in phase 2 (Block G) and phase 3 (Block D) of the Revised Proposal.

11. **Phasing:** The phasing of development infrastructure, community benefits and the development of the Property will be addressed through the ZBA and Subdivision application processes.
12. **Craigton Drive:** Choice acknowledges and agrees that the inclusion of a portion of Craigton Drive in the Revised OPA in no way fetters the discretion of City Council regarding the operation, management and/or control of such lands, including any potential disposition of such lands.
13. **Transit Corridor Study:** In the event that the Transit Corridor Study for Victoria Park Avenue has not commenced prior to the development of the Property, Choice may provide funding based on its proportionate share of the costs of such study, up to a maximum of \$125,000, in support of such study.
14. **Draft Official Plan Amendment:** The Revised OPA included and forming part of this Settlement Offer is intended to permit the Revised Proposal. This Settlement Offer is conditional upon Council resolving to support the Revised Proposal and Revised OPA at its Council meeting commencing April 7, 2021, but Choice and the City agree that the Revised OPA may be further revised, as necessary, to reflect the details of the Revised Proposal and the terms of this Settlement Offer. Choice and the City will work together to finalize the form of the Revised OPA in order to reflect the Revised Proposal prior to the Council meeting commencing June 8, 2021.
15. **Related Applications for ZBA and Subdivision Approvals:** In order to ensure that the OPA, ZBA and Subdivision approvals are given concurrently, Choice has submitted ZBA and Subdivision applications for the Property and Choice intends to appeal those applications to the LPAT at the earliest opportunity pursuant to Sections 34(11) and 51(34) of the *Planning Act*, respectively. Accordingly, it is also a condition of this Settlement Offer that, at or prior to the Council meeting commencing June 8, 2021 (or a date as otherwise agreed to by the City and Choice), City Council and the Chief Planner and Executive Director, City Planning shall provide instructions to the City Solicitor to:
 - a) support the appeals of the ZBA and Subdivision applications in a form which permits the Revised Proposal;
 - b) request the LPAT to consolidate the appeals of the OPA, ZBA and Subdivision and conduct a hearing of same at the earliest opportunity; and
 - c) request the LPAT to allow the appeals of the OPA, ZBA and Subdivision in order to permit the Revised Proposal in accordance with the terms of this Settlement Offer.

Furthermore, the City acknowledges that other parties may have an interest in the OPA, ZBA and Subdivision applications and the City will cooperate with Choice to address any concerns raised by other parties in a manner that is generally supportive of the Revised Proposal, to the satisfaction of the City and Choice.

16. On November 27, 2020, Choice filed an appeal of the Golden Mile Secondary Plan (“**GMSP**”) to the LPAT with respect to policies affecting the Property and the future alignment of Golden Mile Boulevard.
17. At the hearing of the GMSP appeal, Choice and the City will request the LPAT to bring the GMSP into force as it applies to the Property in the form which, together with the Revised OPA, permits the Revised Proposal.
18. The terms of this Settlement Offer shall remain open until the conclusion of the City Council meeting commencing April 7, 2021.
19. If City Council does not accept this Settlement Offer, the Settlement Offer shall remain confidential and without prejudice.
20. If City Council accepts this Settlement Offer, that decision shall be disclosed to Choice on a confidential and without prejudice basis, but shall otherwise remain confidential until the condition identified in paragraph 15(a) has been satisfied.

Should you have any questions about the foregoing, please contact the undersigned or Sidonia Tomasella (stomasella@airdberlis.com / (416) 865-7763).

Yours truly,

AIRD & BERLIS LLP



Maggie Bassani

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encl.

cc: client

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