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December 15, 2021

Our File No.: 182913

WITHOUT PREJUDICE

Via Email

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

Attention: Nathan Muscat/Amanda Hill/Daniel Elmadany

Dear Sirs/Mesdames:

**Re: OLT Case No. PL200254
1920-1940 Eglinton Avenue East, 20-50 Ashtonbee Road & 880-900 Warden Avenue
Without Prejudice Offer to Settle**

We are solicitors for Eglinton Warden Developments, 20 Ashtonbee Holdings Limited and 1920 Eglinton Avenue Holdings Limited in respect of the properties known municipally in the City of Toronto as 1920-1940 Eglinton Avenue East, 20-50 Ashtonbee Road and 880-900 Warden Avenue (the "**Property**"). We are writing on behalf of our client with a without prejudice settlement offer in respect of the above-noted matter. This settlement offer would remain open until the end of the City Council meeting scheduled to commence on December 15, 2021.

As you know, our client engaged in without prejudice discussions with City staff over the last several months regarding the redevelopment proposal for the Property. These discussions have resulted in a revised context plan, dated November 22, 2021 and prepared by Turner Fleischer Architects, and attached to this letter (the "**Revised Plan**"). A revised official plan amendment is also attached (the "**Revised OPA**"), which is intended to reflect the Revised Plan.

Our client is prepared to settle the appeal in this matter based on the Revised Plan, the Revised OPA and the following terms:

1. **Gross Floor Area:** A total gross floor area of approximately 306,153 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 285,028 square metres. The total non-residential gross floor area is approximately 21,125 square metres, with a minimum of 10% all of the GFA south of Street A

(Golden Mile Boulevard) in the Mixed Use Transit Nodes as non-residential uses. The gross floor area for each type of use will be reviewed and finalized through the zoning by-law amendment process for the Property, provided that the total gross floor area shall not exceed approximately 306,153 square metres (FSI of 3.95).

2. **Density:** The resulting maximum density is 3.95 FSI, based on the gross site area of the Property and also calculated in accordance with Zoning By-law 569-2013, as amended.
3. **Office Replacement:** Our client agrees to replace a minimum gross floor area of 6,896 square metres of existing office uses on the Property. The total gross floor area for existing and new office uses is 11,335 square metres of gross floor area. (Note that the office replacement can be included as part of the minimum 10% non-residential GFA south of Street A noted above.)
4. **Built Form:** The Revised Plan incorporates the following:
 - (i) **North West Block:** The north side of the block features a 6-storey mid-rise building at the corner of Ashtonbee Road and Hakimi Avenue and a 32-storey tall building with a 4-storey base building fronting along Astonbee Road. The south side of the block includes two separate 18-storey buildings, each with a 6-storey base building, fronting along the new Public Street A (Golden Mile Boulevard).
 - (ii) **North East Block:** The west side of the block features a 41-storey tall building with a 4-storey base building and a proposed park totalling 1,898 square metres at the corner of Golden Mile Boulevard and the new North-South Street. The east side of the block includes a 30-storey tall building with a 4-storey base building and a 43-storey building, with a 4-storey base building, which results a 4-storey street wall around the block.
 - (iii) **South-East Block:** The north side of the block features a 30-storey tall building with a 6-storey base building and a 48-storey tall building with a 4-storey base building. The south side of the block includes a 37-storey tall building, with a 6-storey base building, and a 48-storey tall building, with a 6-storey base building fronting along Eglinton Avenue East.
 - (iv) **South-West Block:** The east side of the block includes a 27-storey tall building with a 4-storey base building and a 7-storey mid-rise building at the corner of the new North-South Street and Eglinton Avenue East. The west side of the block features a park totalling 10,719 square metres.
5. **Tower Floor Plate:** The residential tower floor plates of tall buildings shall have a maximum gross building area of 750 square metres.

6. **Tower Separation Distances and Stepbacks:** The minimum separation distances between the tower portions of tall buildings is 30 metres, with predominantly 5-metre minimum tower stepbacks as set out in the Revised OPA.
7. **Future Transportation Network:** Our client will provide lands for the future street network, as shown on the Revised Plans, and 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.
8. **Public Park:** A total on-site parkland dedication of 12,617 square metres is proposed on the Property. Block A contains a public park with a minimum area of 10,719 square metres on the western portion of the Block. Block B contains a public park with a minimum area of 1,898 square metres. If applicable, any remaining required parkland dedication under Chapter 415, Article II of the Toronto Municipal Code will be provided as cash-in-lieu of parkland.
9. **Privately Owned Publicly-Accessible Spaces (“POPS”):** POPS will be provided as generally shown on the Revised Plan and in the Revised OPA.
10. **Public Art:** Public art will be provided through the Zoning by-law Amendment and/or Site Plan Control application process in a manner satisfactory to the City and our client.
11. **Commercial uses at grade along Eglinton Ave. E.:** Commercial uses at grade will be provided along Eglinton Avenue East on Block D.
12. **Shadow Policy in Revised OPA:** The City acknowledges and agrees that the attached concept plan meets the shadow policy set out in the Revised OPA.
13. **Affordable Housing:** Our client agrees that the Property is subject to Policy 3.2.1.9. b) of the Official Plan regarding the provision of affordable housing units on a large site. Any redevelopment of the Property would need to conform with this policy as recognized through the Revised OPA and implementation will be addressed as part of the Draft Plan of Subdivision and Zoning by-law Amendment(s) applications for the Property.
14. **Community Service Facilities:** Our client understands that new and improved community service facilities will be required to support growth in the Golden Mile area. The Property is located within two child care priority areas within the Golden Mile Secondary Plan. The provision of community service facilities will be determined through future draft plan of subdivision and zoning by-law amendment applications for the Property.

15. **Potential Future Public School:** Our client has agreed to make accommodation for a potential future public school on Block C, adjacent to the public park on Block A. As part of a zoning by-law amendment application that includes Block C, arrangements with the applicable school board will be required to confirm whether or not a school will be located on Block C. If a public school is confirmed not to be located on Block C, all or part of the non-residential space identified as a public school may be used for community recreation and/or other community service facility use, if identified as such by the City, and if agreed to by our client, as a community benefit. Any remaining part of the non-residential space not used for a community service facility may be considered for other non-residential uses.
16. **Transportation Demand Management (TDM):** Our client would agree to prepare and submit a multi-modal transportation impact study (MMTIS) to identify the demands and impacts of development, including a TDM strategy and/or other mitigating measures to accommodate travel generated by the development. The MMTIS would include reporting on monitoring outcomes of earlier phases on transit, cycling, pedestrian, and vehicular traffic patterns, and any recommended refinements to TDM strategies and the transportation network design. The MMTIS would be required to demonstrate, prior to the approval of any zoning by-law amendment, that there will be sufficient transportation capacity available to accommodate additional site generated trips or measures that can be undertaken to accommodate the additional trips for all modes of travel through TDM strategies or off-site infrastructure improvements.

Our client will also agree to implement a TDM strategy, to be secured in subsequent planning processes, that includes the implementation and funding for various TDM measures, including but not limited to:

- financial contribution to support Transit Corridor Study,
 - on-site cycling and where appropriate, off-site cycling and transit TDM measures,
 - Shared Mobility Hubs,
 - bike share stations and memberships,
 - Presto passes, and
 - financial contribution for future Golden Mile Transportation Monitoring Study.
17. **Servicing:** Our client understands that this settlement will remain confidential until the Chief Engineer and Executive Director, Engineering and Construction Services

has received satisfactory materials to address servicing capacity matters and infrastructure improvements to support the density shown on the Revised Plan, either through a Master Servicing Study for the Golden Mile Area or through a Functional Servicing and Stormwater Management Report for the Property in coordination with the Master Servicing Study.

18. **Phasing:** The phasing of development infrastructure, community service facilities, affordable housing and the development of the Property will be reviewed and determined through the rezoning and plan of subdivision application processes for the Property.
19. **Draft Official Plan Amendment:** As noted above, the Revised OPA included with this without prejudice settlement offer is intended to implement the Revised Plan. Our client and the City, however, acknowledge and agree that the Revised OPA may be further revised, as necessary, to reflect the details of the Revised Plan and the terms of this without prejudice settlement offer. In particular, the maps attached to the Revised Plan may require further refinement. Our client also agrees that should there be any changes to the Golden Mile Secondary Plan (OPA 499) that would eliminate the repetition of the policies in this Revised OPA that such policies may be deleted from this Revised OPA, in a manner satisfactory to the City and our client. Our client also does not have a preference whether the policies in this Revised OPA form part of Chapter 6, Section 43, Section 14 of the Golden Mile Secondary Plan or Section 7, Site and Area Specific Policies of the Official Plan, in the exercise above of reducing and/or eliminating redundant policies in the Revised OPA.
20. **Implementation:** Our client and the City acknowledge and agree that our client's appeal of the Golden Mile Secondary Plan would be resolved through implementation of this without prejudice settlement offer as part of the site-specific appeal that is the subject of the above-noted case number. Without limiting the foregoing, this would include a joint request by the City and our client that the Ontario Land Tribunal bring the Golden Mile Secondary Plan into force at it applies to the property in a form which, together with the Revised OPA, permits the Revised Plan.
21. **OLT Hearing Scheduled:** Upon conditional acceptance of this settlement offer by City Council, our client would agree to request that the hearings dates scheduled for February 21, 2022 to March 4, 2022 be released, with one of those hearing dates converted to a Case Management Conference for possible use as a settlement hearing.
22. **Official Plan Amendment 231:** Our client agrees to withdraw its Official Plan Amendment 231 appeal regarding office replacement as it relates to the Property

with satisfactory implementation of the minimum office use gross floor area included in the Revised OPA.

23. **Documentation to be Provided:** Our client agrees that it will submit to the City a complete resubmission on the Official Plan Amendment application including updated reports, plans, drawings and materials to implement this Settlement Offer satisfactory to the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the appropriate divisions.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on December 15, 2021, after which it should be considered as withdrawn.

Our client greatly appreciates the hard work of City staff that had enabled the presentation of this settlement offer to City Council.

Yours truly,

Goodmans LLP



David Bronskill
DJB/ bp

cc: Client

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