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January 26, 2022

Via Email (sarah.oconnor@toronto.ca)

Without Prejudice

Toronto City Council
City Hall, 12th Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Sarah O'Connor, Solicitor

To Whom it May Concern:

**Re: Settlement Offer – 1821-1831 Weston Road
Ontario Land Tribunal Case/File No. PL210256**

We are the solicitors for Weston Road Limited Partnership (the “**Owner**”), the owner of the properties known municipally as 1821-1823 and 1831 Weston Road (collectively, the “**Subject Property**”) in the City of Toronto (the “**City**”).

The Owner filed an application to amend Zoning By-law No. 569-2013 and Zoning By-law No. 1-83, which was deemed complete by the City as of December 27, 2019, and on October 30, 2020, the Owner provided a resubmission after receiving preliminary comments from City staff and commenting agencies (the “**Original Proposal**”, and collectively, the “**Application**”).

On April 19, 2021, the Owner appealed the Application to the Ontario Land Tribunal (the “**Tribunal**”) pursuant to section 34(11) of the *Planning Act* (Tribunal Case/File No. PL210256 – the “**Appeal**”). In its decision dated November 4, 2021, the Tribunal set a ten day hearing of the Appeal to commence on April 4, 2022.

Further to our discussions with City staff, we write to make an offer to settle the Appeal of the Application with the City in its entirety (the “**Settlement Offer**”). The proposed Settlement Offer terms are as follows:

1. Built Form

The zoning by-law amendment will permit the proposed development (the “**Development**”) generally in accordance with the zoning envelope depicted on the set of plans and drawings

which is attached hereto as Schedule “A” (the “**Settlement Plans**”), and subject to the matters expressly set out herein, and which notably include the following attributes:

- (a) A mixed-use building comprising approximately 35,303 square metres (380,000 square feet) and 485 dwelling units, with a maximum height of 141 metres and 45 storeys, plus mechanical penthouse, minimizing shadowing on sidewalks, public realm, and parks (an updated shadow study will be provided to support the final development proposal before a final order on the rezoning issues);
- (b) Massing, setbacks, and step-backs of the building generally as depicted in the Settlement Plans, and subject to the criteria set out below, which includes the following features as compared to the Original Proposal:
 - (i) for the podium portion of the Development:
 - A. a 3 metre step-back of the podium façade along the frontage of Weston Road above a maximum height of 9 metres;
 - B. on the westerly portion of the podium, a setback of 5.5 metres along the property line facing the Weston GO parking lot property, (with consideration given to the possibility of a ground-level privately-owned publicly accessible space within this area at the time of site plan approval); and,
 - C. on the easterly portion of the podium:
 - a) a setback of 5.5 metres along the easterly portion of the podium with no window restrictions;
 - b) maintaining the 2 metre setback along the easterly portion of the podium facing the lands at 1765-1775 Weston Road, with clerestory windows only; or,
 - c) a setback of 0 metres along the easterly portion of the podium, with no windows along the property line shared with the lands at 1765-1775 Weston Road.
 - (ii) for the tower portion of the Development:
 - A. a repositioning of the tower portion of the development 7.5 metres north towards the rear of the Subject Property, with a total minimum setback of 10.5 metres from Weston Road, while maintaining a 3.0 metre or greater tower step-back from the northerly portion of the podium at the rear;
 - B. a maximum tower floor plate of 750 square metres;
 - C. the “core” area of the tower, which shall consist of no more than 40% of the length of the tower, remaining with a minimum setback

- distance of 10 metres to both the easterly property line and westerly property line;
- D. the southerly portion of the tower reformatted to have a minimum setback distance of 12.5 metres to both the easterly property line and westerly property line;
 - E. the northerly portion of the tower reformatted to have a setback distance of 11 metres to both the easterly property line and westerly property line; and,
 - F. there will be no projecting balconies permitted where the side yard setback is less than 12.5 metres;
- (c) A readjustment and integration (to be integrated as much as possible through other design refinements to the base building while allowing accessible route to the rear yard/amenity space) of the parking access ramp into the massing of the rear podium wall, but while potentially maintaining a turning circle in the northeast or east of the Subject Property, creating at-grade, landscaped open space along the northern edge of the Subject Property (to be used as outdoor amenity or with consideration given to the possibility of a privately-owned publicly accessible space and potential public connection to the Weston GO Station in the future at the time of site plan approval);
- (d) A minimum of 2.0 square metres indoor and 2.0 square metres outdoor amenity space provided as generally depicted in the Settlement Plans, which includes the following features as compared to the Original Proposal:
- (i) an increase in the amount of outdoor amenity space provided above the podium to the south of the tower as a result of the shifting of the tower to the north;
 - (ii) at-grade, landscaped open space along the northern edge of the Subject Property, to be used either as outdoor amenity or with consideration given to the possibility of a privately-owned publicly accessible space and potential public connection to the Weston GO Station in the future at the time of site plan approval; and,
 - (iii) an increase of the overall indoor amenity space, facilitated by enclosing all or part of the northernmost rooftop terrace on the seventh floor in order to create and maintain a contiguous indoor amenity space.
- (e) The unit mix shall comply with the City's Growing Up Guidelines with respect to the provision of a minimum 10% three bedroom units and combined 25% two bedroom and three bedroom units, but may not comply with respect to suggested unit sizes – however, the overall average unit size will increase from the average unit sizes noted in the Original Proposal, with a focus on increasing the size of the 25% family-sized units toward the minimum target sizes and layouts of the Guidelines.

2. Section 37

An upwardly indexed cash contribution of \$1,600,000.00 (One Million, Six Hundred Thousand) to the City to be paid prior to the issuance of the first above-grade building permit, and to be used for capital improvements to the public realm/streetscape improvements in Weston, a local off-leash dog park, and/or towards the revitalization of the Weston Library Branch, in consultation with the local Ward Councillor.

The Section 37 Agreement will also be used as a legal convenience to secure a commitment to explore and design an at-grade privately-owned publicly accessible open space for mid-block pedestrian connection to the Weston GO Station along the west side and north side of the Subject Property at the time of site plan approval.

3. Conditions

This proposed Settlement Offer is conditional on:

- (a) City Council conditionally accepting this Settlement Offer during its meeting scheduled for February 2 and 3, 2022; and,
- (b) The City consenting to the Owner requesting a settlement hearing for this site-specific matter, to be held on a date to be scheduled as soon as possible, with a Final Order withheld subject to an agreement between the City and Owner as to the final form of zoning by-law amendment, signed Section 37 Agreement, and such other conditions as set out in Recommendation 2 of the Request for Directions Report (August 20, 2021) from the Acting Director, Community Planning, Etobicoke York District, and subject to the provision of an updated shadow study.

This Settlement Offer is made without prejudice. Should the Settlement Offer be accepted by City Council, it may be released publicly. Should you require further information please do not hesitate to contact the undersigned.

Sincerely,

McCarthy Tétrault LLP



Michael Foderick
MF/DA

Attachment

c: Roman Ivanov






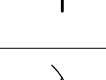
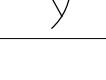
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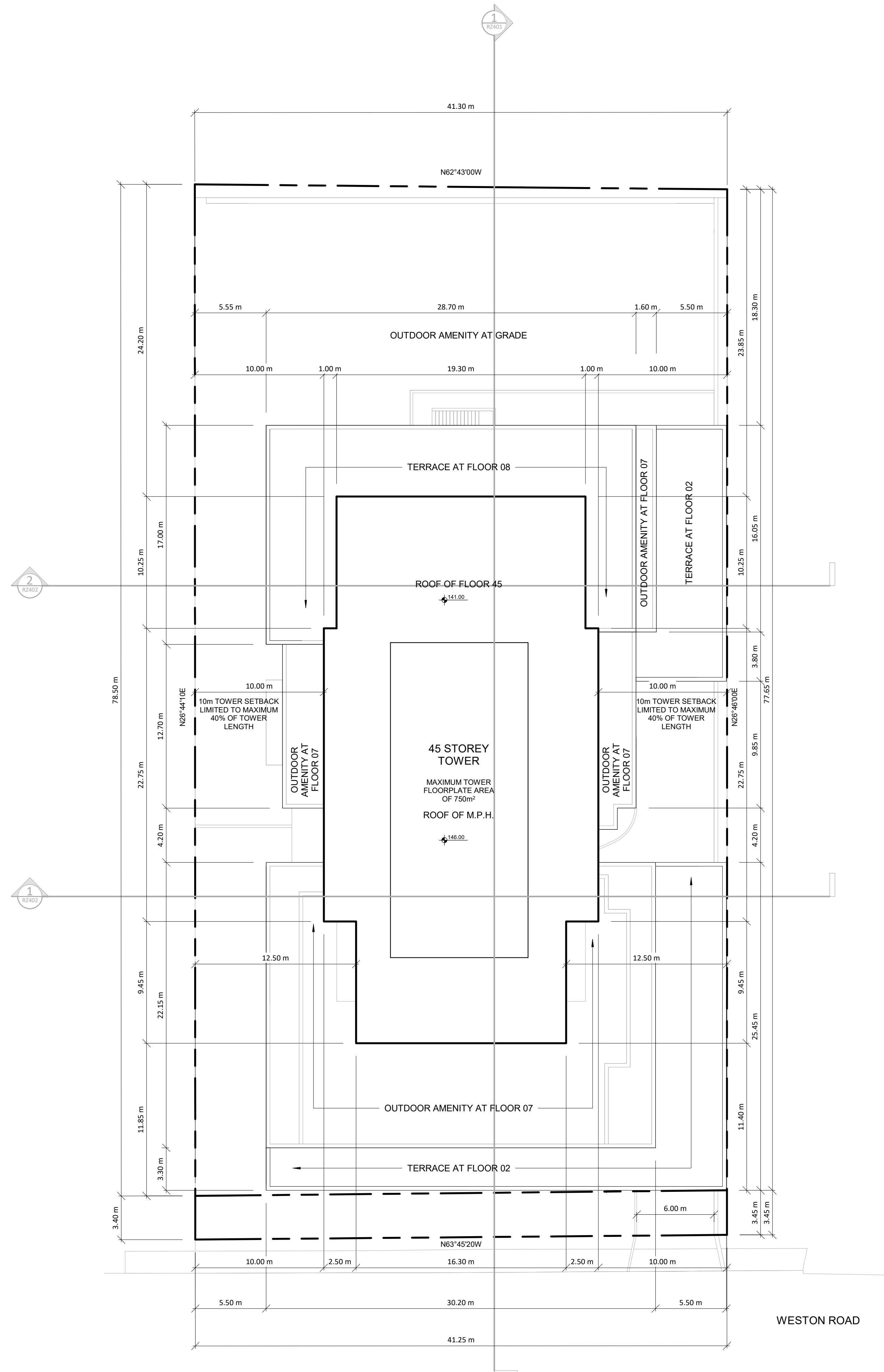
Schedule "A"

Settlement Plans, prepared by Turner Fleischer Architects, dated January 21, 2022

This drawing, as an instrument of service, is provided by and is the property of Turner Fleischer Architects Inc. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify Turner Fleischer Architects Inc. of any variations from the supplied information. This drawing is not to be used for any other purpose without the written consent of Turner Fleischer Architects Inc. Information shown on this drawing, before the appropriate consultant's drawings are prepared, is for information only. The contractor must conform to all applicable codes and requirements of authority having jurisdiction. The contractor working from drawings not specifically marked 'For Construction' must assume full responsibility and bear costs for any corrections or damages resulting from his work.

LEGEND

-  PRIMARY RESIDENTIAL ENTRANCE
-  SECONDARY RESIDENTIAL ENTRANCE
-  RETAIL ENTRANCE
-  EXIT
-  FIRE HYDRANT
-  SIAMESE CONNECTION
-  CONVEX MIRROR



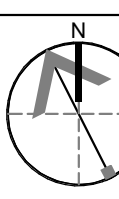
#	DATE	DESCRIPTION	BY
4	2022-01-21	ISSUED FOR SETTLEMENT REVIEW	RMM
3	2021-11-12	REVISED FOR OLT	NMC
2	2020-10-29	RE-ISSUED FOR REZONING SUBMISSION #2	LSW
1	2019-11-21	ISSUED FOR REZONING	RMM

PROJECT
1821-1831 Weston Road
Etobicoke, Ontario

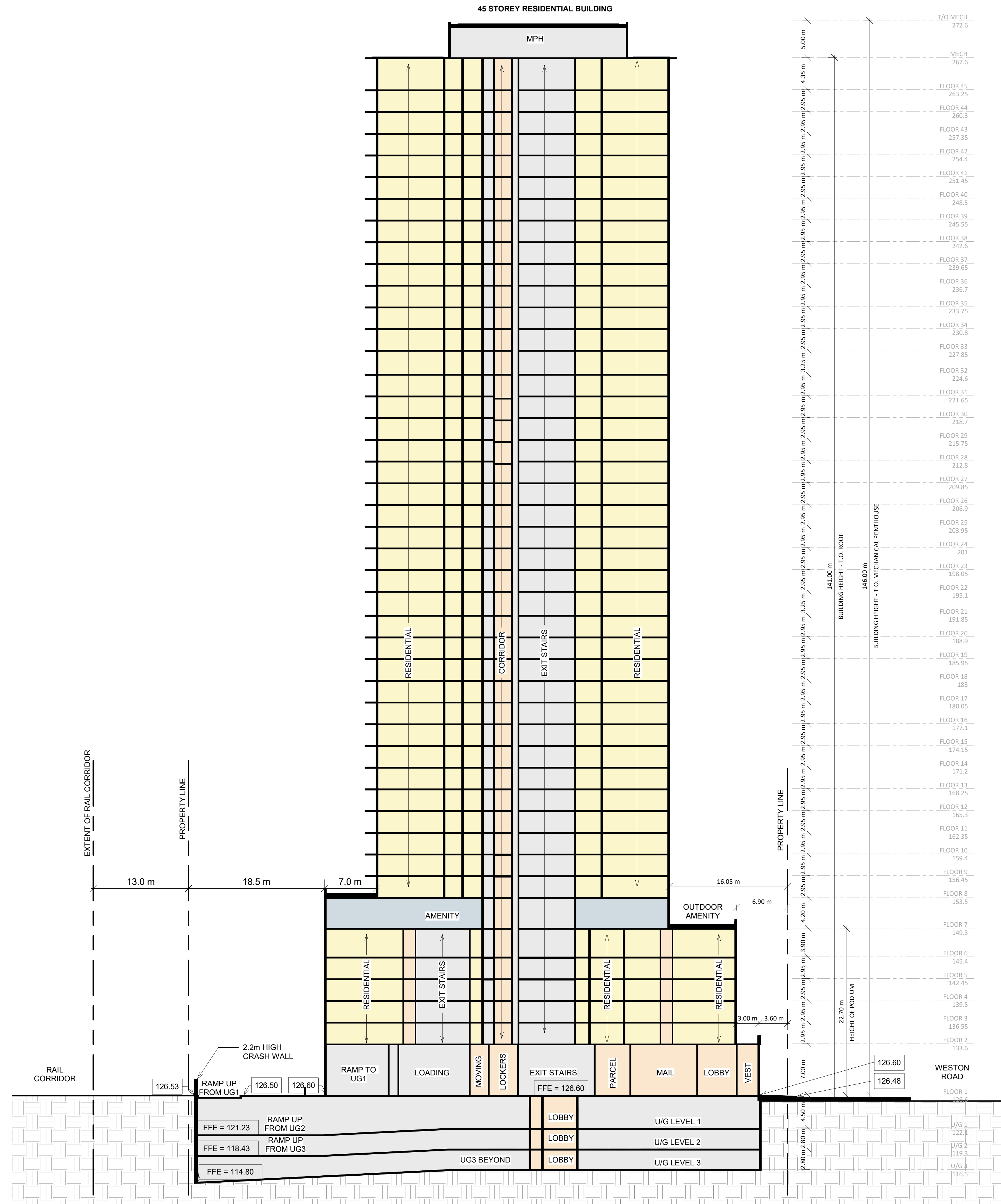
DRAWING
SITE PLAN - ROOF

PROJECT NO.
17.309SPA
PROJECT DATE
2021-08-04
DRAWN BY
LSW
CHECKED BY
RMM
SCALE
1 : 200

DRAWING NO.
RZ005



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#	DATE	DESCRIPTION	BY
4	2022-01-21	ISSUED FOR SETTLEMENT REVIEW	RMM
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PROJECT
1821-1831 Weston Road
Etobicoke, Ontario

DRAWING
BUILDING SECTION

PROJECT NO.
17.309SPA
PROJECT DATE
2021-08-04
DRAWN BY
LSW
CHECKED BY
RMM
SCALE
1 : 300

DRAWING NO.
RZ401