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June 10, 2022  
File No. 130514.1003

**By E-mail**

City of Toronto  
Planning and Administrative Tribunal Law  
Metro Hall, 26<sup>th</sup> Floor  
55 John Street, Toronto, ON  
M5V 3C6

**Without Prejudice**

Attention: Ms. Amanda Hill and Mr. Daniel Elmadany,  
City of Toronto

Dear Ms. Hill:

**Re: OLT Case Nos. PL 171325 and OLT-22-002289**  
**1966 – 2050 Eglinton Avenue East and 50 Thermos Road**  
**Without Prejudice Settlement Offer**

We are counsel to RioCan Holdings Inc., 2075936 Ontario Ltd. and 2076031 Ontario Ltd. ("**RioCan**") in respect of the proposed redevelopment of its property at 1966 – 2050 Eglinton Avenue East and 50 Thermos Road, Toronto (the "**Property**") for a multi-phase mixed use redevelopment of the Property.

As you know, our client filed an appeal of its Official Plan Amendment Application and Zoning By-law Amendment Application, which is currently proceeding before the Ontario Land Tribunal (the "**OLT**") under OLT Case No. PL 171325 and Case No. OLT-22-002289 (the "**Appeals**"). The Zoning By-law Amendment applies to a part of the Property municipally known as 1966-1980 Eglinton Avenue East ("**Zoning Lands**").

On behalf of our client, we are pleased to provide a without prejudice Settlement Offer to resolve the Appeals (the "**Settlement Offer**") for the above-noted applications. RioCan is prepared to settle the Appeals with the City of Toronto (the "**City**") on the basis of the following terms:

## **General Matters**

1. The development proposal for the Property (the "**Development**") shall be substantially in accordance with the enclosed drawings, prepared by Kirkor Architects, dated June 1, 2022, enclosed herein (the "**Revised Proposal**"). The phasing of development is also set out in the Revised Plans. The City agrees that:
  - (a) Of the eleven tall buildings indicated on the Revised Proposal, four towers along Eglinton Avenue East, within two buildings identified as Buildings A1 and B1, are permitted to be developed without having to provide the predominantly 5 metre tower setbacks required in the Golden Mile Secondary Plan and/or the site-specific OPA (SASP); and
  - (b) References to building height (in storeys) on the Revised Proposal exclude mechanical penthouses. Permissions for mezzanines or partial floors located above the ground floor will be defined and provided for in the site-specific zoning by-law amendment.

2. The proposed draft Official Plan Amendment is enclosed (the "**OPA**").
3. The permitted density for the Property will be 3.7 FSI. In calculating the FSI on the Property, the areas of the proposed school and proposed community recreation facility will be excluded. Without limiting the foregoing the gross floor area will be approximately 396,658 square metres calculated in accordance with Zoning By-law 569-2013, as amended, that the total proposed residential gross floor area will be approximately 371,020 and that the total proposed non-residential gross floor area will be approximately 25,638 square metres, subject to any minor revisions required through review of the Zoning By-law, not to exceed an FSI of 3.7.
4. The residential tower floor plates of tall buildings will have a maximum gross building area of 750 square metres.

## **Parkland Dedication**

5. RioCan agrees to satisfy its parkland dedication requirement under Section 42 of the *Planning Act* with the provision of on-site parkland for the entire Property, having a minimum size of 16,659 square metres as generally shown in the Revised Proposal. RioCan is proposing a dedication of 19,368 (which represents an over dedication of 2,709 square metres). The matter of over-dedication of parkland dedication will be addressed in the Section 37 Agreement.

## **Servicing**

6. RioCan will address servicing matters in advance of lifting of the Holding (H) provision as set out below.

## **Section 37 Contribution for the Zoning Lands**

7. In exchange for the approvals to permit the Revised Proposal on the Zoning Lands, RioCan will agree to the following contributions pursuant to Section 37 of the *Planning Act*:
  - a. The provision of \$13,500,000 towards 68,000 square feet of community recreation centre space in Building B2 of the Revised Proposal. The community recreation centre is to be designed, constructed and conveyed to the City at the time of construction of the portion of the Development to be located on the Zoning Lands. RioCan's obligation to design, construct and convey the community recreation facility is conditional upon the City paying or securing payment of the cost thereof to the extent it exceeds \$13,500,000. RioCan is not responsible for the cost of the design, construction and/or conveyance to the extent it exceeds \$13,500,000. Any indexing of this amount or any other amount payable or to be secured by RioCan will be based on increases in the Building Construction Price Index for the Toronto Census Metropolitan Area, as reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 18-10-0135-01, or its successor.
  - b. Provision of affordable housing in accordance with one of the following clauses, as applicable:
    - i. If the City approves financial incentives through its Open Door Program (including property tax exemptions and development charges exemptions) to assist with the development of affordable housing units on the Property: 67 affordable housing units, based on 100 percent average market rent ("**AMR**") and an affordability period of 40 years; or

- ii. If the City does not approve incentives through its Open Door Program (including property tax exemptions and development charges exemptions) to assist with the development of affordable housing units on the Property: 55 affordable housing units based on 100 percent AMR and an affordability period of 15 years.

In either event,

- 50% of the affordable housing units will be provided in Block A, and 50% will be provided in Block B with an option to consolidate additional housing in an earlier Phase of Development; and
- The unit types and sizes shall be determined in each site plan application and will reflect the unit mix and average size of the market units within each building, with the overall unit mix of the affordable housing as generally identified in the Revised Proposal.

## **Matters Required to Support the Development**

Our client agrees to secure the following matters in the Section 37 agreement and ZBAs, or where appropriate conditions of subdivision approval for the subdivision agreement, as a legal convenience or as matters required to support development:

8. The provision of \$700,000 to Public Art and a Public Art Plan in consultation with City Staff and the Toronto Public Art Commission, with the locations of Public Art to be determined through the Public Art Plan process.
9. The provision of the Travel Demand Management Plan (“**TDM**”), prepared by BA Consulting Group Ltd, dated June 1, 2022 and enclosed herein within that portion of the Development to be located on the Zoning Lands to be updated as set out below:
  - a. 2.3 TDM: Transit- replace \$150,000 lump sum with \$200,000 lump sum.
  - b. 2.4 TDM: Monitoring - replace \$30,000 to the City for their monitoring efforts with \$40,000.
  - c. TDM Marketing Initiatives (e.g. preparation of materials for each phase (\$1,000 per information session))

The delivery of additional TDM strategies for the remainder of the development of the Property will be addressed through future application processes.

10. RioCan agrees to provide wind tunnel testing for the entire Property as part of the first site plan control application on any part of the Property and secure and implement any required mitigation measures to the satisfaction of the City.
11. RioCan agrees to provide the following Privately Owned Publicly Accessible Spaces(“POPS”):
  - a. Block 1 – Eglinton Avenue POPS with a minimum size of 200 square metres;
  - b. Block 1 – Street #9 POPS with a minimum size of 225 square metres; and
  - c. Block 2 – Eglinton Avenue POPS with a minimum size of 200 square metres.

12. RioCan agrees to provide public pedestrian access easements as generally set out in the Revised Proposal to the satisfaction of the City, with the exact location, design and timing of delivery of the pedestrian easement to be determined in the context of a Site Plan Approval.
13. RioCan agrees that prior to the issuance of Site Plan Approval for any part of the Property, they will provide a Design Brief, to the satisfaction of the City.
14. RioCan agrees to construct and maintain the Property in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the Property.
15. As part of the first site plan application and prior to any site plan approval on any part of the Zoning Lands, RioCan shall provide a revised landscape plan and soil volume plan for the Zoning Lands, to the satisfaction of the City.
16. As part of the first site plan application and prior to any site plan approval on any part of the Zoning Lands, RioCan agrees to provide a Public Utilities Plan for the entire Property to the satisfaction of the City.
17. If the City approves financial incentives through its Open Door Program (property tax exemptions and development charges exemptions) to assist with the development of affordable housing units on the Property, then, prior to the issuance of any building permit, including permits for excavation and shoring, RioCan agrees to enter into a municipal capital facility agreement ("Contribution Agreement") with the City to provide Open Door Affordable Housing Program incentives for the affordable rental housing units to be developed on the Property.

## **Resolution of the Appeals**

18. Our client agrees to request, jointly with the City, to consolidate the OPA Appeal and the Rezoning Appeal and proceed with a settlement hearing as soon as possible.
19. Our client agrees to request the OLT withhold the issuance of any Orders on the OPA until such time as the OLT has been advised that:
  - a. the final content and form of the Official Plan Amendment is to the satisfaction of the City and RioCan, including any revisions to the maps and schedules to the Official Plan Amendment as may be necessary to implement the Settlement Offer;
  - b. RioCan has agreed to resolve its appeal of Official Plan Amendment 499, including the Golden Mile Secondary Plan and that Official Plan Amendment 499 as adopted by City Council is brought into force as it applies to the Property, subject to any authorized changes as may be required as determined by the Chief Planner and Executive Director, City Planning and the City Solicitor to implement this Settlement Offer for this Property, including, but not limited to, minimizing duplicative/repetitive policies, maps or references and, if deemed appropriate, incorporating the proposed SASP into Section 14 of the Secondary Plan, instead of Chapter 7, Site and Area Specific Policies of the Official Plan.
20. Our client agrees to request that the OLT withhold its Order on the Zoning By-law until the following conditions have been satisfied for the Zoning Lands:
  - a. the proposed Zoning By-law Amendment is in a final form satisfactory to the Chief Planner;

- b. the proposed Zoning By-law Amendment(s) contain a Holding ("H") provision which will be removed upon RioCan having, at its sole cost and expense:
  - i. submitted a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report taking into account any existing, approved and proposed developments and any required materials and analysis to address stormwater, sanitary and water capacity matters and infrastructure improvements and/or new municipal infrastructure determined to be required to support the Revised Proposal, ("Engineering Reports") to the satisfaction of the City;
  - ii. has secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the Development, all to the satisfaction of the City for all improvements or upgrades required to support the Development, according to the accepted Engineering Reports;
  - iii. submitted a revised Multi-Modal Transportation Impact Study, including a comprehensive transportation demand management plan satisfactory to the City and thereafter implement any such requirements as part of the Draft Plan of Subdivision and/or Site Plan Control application;
  - iv. submitted a Compatibility/Mitigation Study, including a satisfactory peer review, that is acceptable and satisfactory to the City and secure the implementation of any required mitigation measures;
  - v. a Section 37 Agreement has been entered and registered on title;
  - vi. submitted a revised Noise and Vibration Study, recommending that the lands be designated as Class 4 area pursuant to NPC-300 Guidelines, which will be peer reviewed at the owner's sole cost and expense, with such reports being satisfactory and acceptable to the Chief Planner and Executive Director, City Planning, and the owner shall thereafter implement the mitigation measures, as part of the Zoning By-law Amendment and/or site plan approval; and
  - vii. obtained approval of the Draft Plan of Subdivision under subsections 51(31) or 51(56) of the Planning Act.

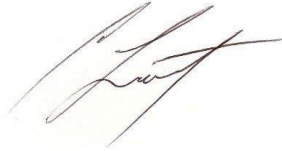
## **Document to be Provided**

21. RioCan agrees that it will submit to the City a complete resubmission on the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications including updated reports, plans, drawings and materials to provide alignment between all applications 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.

The Settlement Offer presented under this letter supersedes and replaces all prior offers, agreements, negotiations, and understandings in respect of these matters.

Please contact the undersigned if you wish to discuss further. We look forward to receiving City Council's support for our settlement offer.

Yours truly,

A handwritten signature in black ink, appearing to read 'Calvin Lantz', is positioned above the printed name.

Calvin Lantz

CL/ec

Enclosures

Cc. Daniel Fama, *RioCan*  
Emily Caldwell, *City of Toronto*