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File No. 23119

May 2, 2025

DELIVERED BY EMAIL (sarah.oconnor@toronto.ca)

City of Toronto | Legal Services Division
Metro Hall, 26th Floor
55 John Street
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Attention: Sarah O'Connor, City Solicitor

Dear Sarah:

**Re: - 943 to 963 Eglinton Avenue East & 23 Brentcliffe Road
- Kosmor Contracting Inc., Linway Developments Ltd. & Hyde Park GP Inc.
- Applications/Appeals for Official Plan and Zoning By-law Amendments,
and Draft Plan of Subdivision Approval
- Municipal File Nos. 21 235960 NNY 15 OZ & 21 235961 NNY 15 SB
- OLT Case No. OLT-22-004594
- Without Prejudice Offer for Settlement**

As you know, we are the solicitors for Kosmor Contracting Inc., Linway Developments Ltd. and Hyde Park GP Inc., the owners and developer (collectively, the "**Owner**") of the property municipally known as 943 to 963 Eglinton Avenue East & 23 Brentcliffe Road (the "**Site**").

SETTLEMENT OFFER

Further to the ongoing discussions between the Owner's representatives and City staff, we are pleased to provide the following settlement offer on a without prejudice basis. Please note that this settlement is premised on the resolution of the Official Plan Amendment and Zoning By-law Amendment appeals, with the Draft Plan of Subdivision appeal to be adjourned sine die.

The proposed terms of settlement are as follows:

Built Form

1. The Owner agrees to formally revise its development proposal that is the subject of the above-noted appeals before the OLT to reflect the revised plans submitted to the City and attached here, prepared by Graziani & Corazza Architects and dated May 6, 2024 (the "**Proposed Development**").

The main revisions from the original proposal before the OLT are as follows:

- a. **Site Access:** Removed all access points off Aerodrome Crescent, and moved them internal to the site off the north-south oriented Public Street. Building A service access shifted further south away from Eglinton Avenue East. Buildings B and D service access shifted north away from Vanderhoof Avenue.
- b. **Private Street:** Lined the east-west oriented Private Street with sidewalks and layby parking spaces, ensuring centerline alignment of the Private Street with the driveway access on the west side of Brentcliffe Road.
- c. **Massing at Building Corners:**
 - i. Building A: introduced an angled setback at grade in the northeast corner of the building for site lines from Eglinton to the new Public Street.
 - ii. Building B: podium space was reconfigured to provide an enhanced central POPS space, and the one “wing” of the podium was reduced from 6 storeys to 1 storey.
 - iii. Building C: introduced an angled setback at grade in the northeast corner of the building for pedestrian connectivity from Eglinton Ave to Aerodrome Cres.
 - iv. Building C and D: both towers have been aligned to address building identity with the internal corner where the Private Street meets the Public Street providing a focal point with symmetry leading into POPS 3.
- d. **Active Uses:** Maintained along all street frontages.
- e. **Massing:** Tower/podium heights have been adjusted to meet the angular plane as measured off Eglinton Ave. E. and Aerodrome Cres.:
 - i. Building A: previously 20 storeys, now 18 (a reduction of 2 storeys)
 - ii. Building D: previously 23 storeys, now 24 (an increase of 1 storey). Also, introduced podium step backs along Aerodrome Cres.
- f. **POPS Space:** Originally proposed on the West side of the Property along Brentcliffe Rd.; now, a more ‘centralized square’ POPS space is provided internal to the Site adjacent Building B, along with narrower linear POPS adjacent Building A along Brentcliffe Rd. and wider linear POPS between Buildings C and D.

- i. Original POPS area: 4,011 m²
- ii. Revised POPS area: 2,233 m²

g. Gross Floor Area:

- i. Residential GFA was previously 100,110 m²; revised design comprises 101,801 m², with the change predominantly due to massing changes at the podium levels, with previous courtyard areas at grade are now occupied spaces.
 - ii. Retail GFA was previously 3,633 m² and has increased to 5,363 m², providing a minimum 5% retail area.
- h. Unit Count & Mix:** Number of Residential units increased from 1,279 to 1,308 units due to the changes in massing and the built form of buildings. The Proposed Development maintains a minimum 10% three bedroom units.
- i. Amenity Space:** Both indoor and outdoor amenity areas each still meet the required 2 m² per unit, for a total of 4 m² per unit.
- j. Parking:** Underground parking is maintained as two separate blocks separating the West and East parcels of the property, given the introduction of the central north-south oriented Public Street.

Parking and Transportation

2. The Owner agrees to the following, as reflected in the attached architectural drawings:
- a. The Owner will provide road widenings (as shown on the Proposed Development drawings) along the Brentcliffe Rd. and Eglinton Ave. E. frontages of the site, as lands to be conveyed to the City for a nominal sum, free and clear of any obstructions and encumbrances, as may be refined through the Draft Plan of Subdivision approval process.
 - b. The Owner will provide two 'Type G' and three 'Type B' Loading Spaces in compliance with City of Toronto Zoning By-law 569-2013 and any other relevant City standards.
3. The Owner also agrees that the following transportation matters shall be addressed as indicated below:
- a. An updated Functional Road Plan with pavement markings, signage, and cross sections for the proposed road and intersections, as well as improvements to the adjacent road networks (Eglinton Avenue East,

Vanderhoof Avenue, and Brentcliffe Road) will be refined and submitted through the Draft Plan of Subdivision process;

- b. An assessment of the projected 95th percentile pick-up / drop-off occupancy demand to determine the adequacy of spaces and appropriate connections into the lobby of each building shall be completed as part of the Site Plan Approval process recognizing that such assessment may include re-evaluation of building envelopes; and
 - c. If necessary, a detailed Phasing Plan and timeline for the construction of each phase and including the new public road will be submitted through the Draft Plan of Subdivision approval process;
4. Finally, in recognition of the updated parking standards in more recent amendments to Zoning By-law 569-2013 and the recent amendments to the *Planning Act* prohibiting minimum parking standards, we would propose the removal of parking standards from the draft ZBA, with further discussion between our consultants and staff to align with the overall City direction for parking.

Parkland

5. The Owner and City acknowledge that the parkland dedication required for the development is 2,216.7 m² based on the Owner's Settlement Plans (the "**On-Site Parkland Dedication**").
6. The Owner and City acknowledge that the parkland dedication requirement for the development shall be satisfied prior to the issuance of the first Above-Grade Building Permit for the development of the Site.
7. The Owner acknowledges that the City has discretion to require the On-Site Parkland Dedication, or to accept the Owner's Off-Site Parkland Conveyance and/or cash-in-lieu of parkland pursuant to Section 42 of the Planning Act and the Toronto Municipal Code, as may be amended.
8. To satisfy a portion of the parkland dedication requirement, the Owner proposes to convey 3,000 m² of offsite parkland at 131 Vanderhoof Avenue, adjacent to and south of the Site, to allow for the westerly expansion of the City's existing Leonard Linton Park at 60 Research Road, as generally shown on the parkland sketch included in the attached Proposed Development drawings, dated October 2024 sketch.
9. The Owner agrees that the Off-Site Parkland Conveyance will be transferred to the City subject to the conveyance being free and clear, above and below-grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition and in base park condition to the satisfaction of the General Manager, Parks and Recreation and the City Solicitor.

10. The Owner and City acknowledge and agree that for the purpose of determining the value of any remaining cash-in-lieu value, the total value of the Off-Site Parkland Conveyance would include the value of the land, any land transfer tax, , and any other typical closing adjustments, to the satisfaction of the General Manager, Parks and Recreation.
11. The Owner acknowledges that the Off-Site Parkland Conveyance does not fully satisfy the Owner's obligation to the City for parkland dedication and/or cash-in-lieu under Section 42 and the Toronto Municipal Code.
12. The Owner agrees to pay the City the balance of the cash-in-lieu prior to issuance of the first Above-Grade Building Permit for the development to satisfy the difference between the value of the Owner's Off-Site Parkland Conveyance and the cash-in-lieu of parkland value of what would be the On-Site Parkland Dedication.
13. The Owner and City agree that the City's cash-in-lieu valuation/appraisal will be done by the City's Real Estate Services as of the day before issuance of the first Above-Grade Building Permit according to standard City practice.
14. Should the value of Off-Site Parkland Dedication exceed the value of the total parkland dedication or cash-in-lieu owing for the development, the Owner would propose to provide any parkland over-dedication as an in-kind contribution to satisfy any community benefits charge that may be required for the development, subject to the City's respective authority and discretion in such matters.

CONDITIONS TO TRIBUNAL'S FINAL ORDER

15. With respect to the Tribunal proceedings in this matter, in consideration of the City's acceptance of this settlement offer including the attached settlement plans, the Owner is agreeable to the issuance of the Final Order for the Official Plan and Zoning By-law Amendments for the Proposed Development being withheld until the City Solicitor has advised that the following conditions to implement the settlement plans have been satisfied:
 - a. The proposed OPA and Zoning By-law Amendments are in a final form and content, to the satisfaction of the Executive Director, Development Review Division;
 - b. The Owner has submitted a revised Pedestrian Level WTS (Wind Tunnel Study), including the identification of any required mitigation measures to be secured in the zoning by-law amendment and through the site plan control process, to the satisfaction of the Executive Director, Development Review Division;
 - c. The Owner has satisfactorily addressed the Engineering and Construction Services matters in the Engineering and Construction Services

Memorandum dated February 23, 2022, or as may be updated, in response to further submissions filed by the Owner, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- d. The Owner has submitted a revised Functional Servicing and Stormwater Management Report providing confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e. The Owner has submitted an addendum to the Transportation Impact Study (TIS), comprising the following:
 - i. Sightline analysis for the intersection of Eglinton Avenue East and the new public street;
 - ii. A comparison of existing traffic volumes based on updated counts at critical intersections;
 - iii. Comparison of background traffic volumes;
 - iv. Revised trip generation based on the updated statistics for the proposal; and
 - v. Revised site traffic assignment based on the removal of the Aerodrome driveway;with such addendum to be reviewed by and to the satisfaction of the General Manager, Transportation Services; and
- f. The Owner has addressed all outstanding issues raised in the Urban Forestry Memorandum dated January 5, 2022, or as may be updated, in response to further submissions filed by the Owner, as they relate to tree planting, soil volume, utility conflicts, tree protection, and Toronto Green Standards, to the satisfaction of the Supervisor, Tree Protection and Plan Review.

PRELIMINARY LANDSCAPE PACKAGE

Independent of this settlement offer, our client has undertaken additional work with its consultants and landscape architect Studio TLA to develop a preliminary landscape concept package setting out some of the design principles and details for the site. This concept package has been shared with City staff, in the interest of demonstrating some of the additional commitments that have been discussed with City staff and community members.

The details of this landscape design will be refined with the preparation, submission and advancement of a site plan application, but for the present time, the concept package

illustrates our client's commitment to the following additional details of the site's development:

- A. Design of the interior POPS spaces and central intersection to enhance the "placemaking". function of the site for both residents and community, including provision of a public art installation.
- B. Provision of ample outdoor amenity areas on rooftop areas and terraces.
- C. Other key elements of landscape design, including children's play areas & exercise equipment; lounging areas & communal tables; and passive areas & pollinator gardens.

Our client looks forward to continued discussions with the City and community to ensure that this development best responds to the needs of its context and community.

SUPPORTING MATERIALS

In support of this settlement offer, please find attached the following:

- 1. Architectural plans prepared by Graziani and Corazza Architects and dated May 6, 2024.

If you have any questions regarding the above and attached, please do not hesitate to call or email me. Thank you.

Yours very truly,

KAGAN SHASTRI DeMELO WINER PARK LLP



Adrian Frank
AGF/CJD/cah

Attachment

cc: Kosmor Contracting Inc., Linway Developments Ltd. & Hyde Park GP Inc.