

**57-65 Brock Avenue - Supplementary Report -  
Settlement Offer**

**Date:** October 31, 2017

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 14 - Parkdale - High Park

**REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege.

**SUMMARY**

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Item TE22.10 is a directions report from the Director of Community Planning, Toronto and East York District, dated February 22, 2017 that was considered by Toronto and East York Community Council at its February 22, 2017 meeting and was adopted by City Council, without amendment on March 9, 2017.

The applicant made its first submission on July 30, 2016 for Official Plan and Zoning By-law amendments to permit the development of a 7 storey residential building containing 106 units, 8,818 square meters of residential gross floor area and 73 parking spaces. Planning staff were initially concerned with the combination of height and massing, the contextual appropriateness of the proposal within the lower scaled buildings in the surrounding area, the transition to the lower-scaled residential house-form buildings located to the south and west, and the relationship to the two heritage-designated properties located across the street at 60 and 62 Brock Avenue respectively. Planning staff also had concerns with vehicular access to the building, as it was proposed at the south end of the site, disrupting the view terminus from Seaforth Avenue. Planning staff was also concerned by the absence of dedicated parkland, as the site was deemed large enough by Parks Forestry and Recreation Staff to require a park on the site. Metrolinx had also raised an issue of separation distance from a nearby rail corridor, advising that in order for it to accept a sub-standard 25 meter separation distance, one unit (#209) had to be removed from the plans.

On December 28, 2016 the application was revised to address some of the technical concerns identified in the first submission, and to remove one residential unit that was encroaching into the 30 meter rail corridor separation distance required by Metrolinx. Planning staff's concerns remained with respect to the combined height and massing, and the relationship and transition to the lower-scaled surrounding buildings, including the heritage buildings located on the west side of Brock Avenue. The continued absence of an on-site park also remained an issue.

On June 12, 2017 the applicant met with City Planning staff to introduce revised plans that appeared, in principle, to address concerns with the previous iterations of the combined height and massing, and design details related to the relationship with the heritage buildings located at 60 and 62 Brock Avenue, respectively. A formal "with prejudice" application submission was requested by Planning staff.

A "with prejudice" letter from the applicant's solicitor dated September 27, 2017 was subsequently received by City staff. The September 27, 2017 letter will be referred to as the "Settlement Plans" and is attached as Public Attachment 1. The Settlement Offer must be considered by Council at its meeting commencing November 7, 2017 because an OMB hearing is scheduled to begin on November 27, 2017.

This report contains advice from the City Solicitor and requests further direction in response to the Settlement Offer.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council delete the recommendation of the Toronto and East York Community Council as adopted in TE22.10 and adopt the confidential instructions to staff as contained in the Confidential Attachment.
2. City Council authorize the public release of the recommendations contained in the Confidential Attachment, if adopted by City Council, but direct that the remainder of the Confidential Attachment remain confidential, as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the confidential recommendations.

## **DECISION HISTORY**

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On November 15, 2016, Toronto and East York Community Council approved the recommendations with amendments of the Preliminary Report from the Director,

Community Planning, Toronto and East York District on the application. The report identified various issues that need to be resolved, including: building height and massing in relation to the small-scale residential uses to the south and west; site layout and organization to ensure the proper functioning of the site, relationship to the adjacent heritage properties, separation distance between outdoor amenity space and the rear yards of adjacent residential buildings, the sufficiency of servicing infrastructure; and the adequacy of parkland in the area. The report can be accessed at:

<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-97839.pdf>

On February 22, 2017, Toronto and East York Community Council approved the recommendations of a Directions Report, authorizing staff to attend at the Ontario Municipal Board to oppose the Official Plan Amendment and Zoning bylaw applications, and these recommendations were adopted by Council on March 9, 2017. The report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE22.10#>

## COMMENTS

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The below chart provides a comparison of the changes to built form as between the December 28, 2016 proposal and the current Settlement Plans.

	December 28, 2016	September 27, 2017
<b>***Number of Residential Units</b>		
Bachelor	0	0
1 bedroom	60	42
2 bedroom	26	34
3 bedroom	10	5
townhouse	9	16
Total	105	97
Number of Rental Dwelling Units	0	0
<b>***Residential Amenity Space (sq.m.)</b>		
Indoor	435	194
Outdoor	517	205

Total	953	399
***No. of Vehicular Parking Spaces		
Residential	57	52
Residential Visitor	16	15
Commercial	N/A	N/A
Total	73	67
***No. of Bicycle Parking Spaces		
Residential	109	89
Residential Visitor	22	10
Commercial	N/A	N/A
Total	131	99
Parkland	None	331 square meters
Height (meters)	23.95(7th floor/roof) 27.45 (mechanical penthouse)	23.75(7th floor/roof) 24.6 (mechanical penthouse)

The Settlement Offer also provides greater detail respecting matters pertaining to outstanding conditions that must be satisfied prior to any zoning by-law being finally approved, including, among other matters:

- revisions to technical studies including incorporating the mechanical penthouse into the seventh storey;
- a decrease in the overall number of units, combined with an increase in the number of two and three bedroom units;
- on-site parkland dedication of 331 square meters, including details with respect to the timing of the conveyance and the owner's responsibility for above base parkland improvements and maintenance, and

- an additional step back at the seventh storey to mitigate potential shadow, privacy and view impacts on neighbouring residential properties.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Public Attachment 1 - Settlement Plans  
Confidential Attachment 1