

**AIRD BERLIS**

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September 27, 2017

Our File No: 125500

**VIA EMAIL AND COURIER**

Abbie Moscovich  
Solicitor, Planning & Administrative Tribunal Law  
City of Toronto, Legal Services  
26<sup>th</sup> Floor, Metro Hall  
55 John St.  
Toronto, ON M5V 3C6

Kirk Hatcher  
Planner, City Planning, Community Planning  
City of Toronto, City Hall, 18th Floor, East Tower  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Ms. Moscovich and Mr. Hatcher:

**Re: With Prejudice Settlement Offer  
Official Plan and Zoning By-law Amendment Applications  
57 Brock Avenue, City of Toronto  
City File No.: 16 183287 STE 14 OZ  
OMB Case No.: PL161123  
OMB File Nos.: PL161123 & PL170062**

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Aird & Berlis LLP is counsel to Brock Seaforth Inc., the owner the property municipally known as 57 Brock Avenue. The property is located on the east side of Brock Avenue, north of Queen Street West in the City of Toronto.

On July 30, 2016, our client submitted applications for Official Plan and Zoning By-law amendment to permit the development of a 7-storey residential building containing 106 dwelling units, 8,818 m<sup>2</sup> of residential gross floor area and 73 parking spaces. In response to initial City staff comments, a revised application was submitted on December 28, 2016 for the development of a 7-storey residential building containing 105 dwelling units 8,890 m<sup>2</sup> of residential gross floor area and 73 parking spaces.

The City failed to render a decision on the applications within the time frames set out in the *Planning Act*, R.S.O. 1990, c. P. 13, as amended and we appealed the Zoning By-law Amendment and Official Plan Amendment applications to the Ontario Municipal Board on October 31, 2016 and January 3, 2017, respectively. The Board has scheduled a four day hearing commencing November 27, 2017 for these appeals.

Throughout this time, our client and its team have continued to work City staff, public agencies and interested stakeholders. We have received constructive feedback as a

result of this process and at this time, we are pleased to submit an on the record settlement proposal for consideration by City Council at its meeting on November 7, 2017.

The key revisions and improvements to the project are described below:

1. A new public park having an area of 331 square metres (10% of the net site area) has been provided on the southwest portion of the site adjacent to Brock Avenue;
2. Vehicular access to the project has been relocated from the southwest corner of the site to the northwest corner;
3. A third level of parking has been introduced at the rear of the site;
4. An additional step back has been provided at the 7th storey to mitigate potential shadow, privacy, and view impacts on neighbouring residential properties;
5. The mechanical penthouse has been relocated from the roof and incorporated into the 7th storey;
6. Additional townhouse units have been incorporated on the ground floor and two-storey units have been created on the 6th floor. These create additional housing opportunities suitable for families. While the total number of units has decreased from 105 to 97, the number of two and three bedroom units has increased;
7. The design and massing of the building has been revised to complement the historic character of the adjacent buildings;
8. The west façade has been revised to increase the step backs above the second storey; and
9. The east façade facing the rail corridor has been revised to include a cantilever at the 5th, 6th, and 7th storeys.

Below is a comparison chart of the key statistics from the December 28, 2016 proposal:

	December 28, 2016 Proposal	Settlement Offer
GFA	8,890 sq. m.	8,752 sq. m.
FSI	2.59	2.55
Height	23.95 m (7 <sup>th</sup> roof), 27.45 m (mech.)	23.75 m (7 <sup>th</sup> roof), 24.6m (mech.)
- Average Grade	95.45 m geodetic datum	95.45 m geodetic datum
Dwelling Unit Count	105 units	97 units
- 1BR	60 units	42 units
- 2BR	26 units	34 units
- 3BR	10 units	5 units
- Townhouse	9 units	16 units
Amenity Space	952 sq. m.	399 sq. m.
- Indoor	435 sq. m. (4.14 sq. m./unit)	194 sq. m. (2.0 sq. m./unit)
- Outdoor	517 sq. m. (4.92 sq. m./unit)	205 sq. m. (2.11 sq. m./unit)
Vehicular Parking	73 spaces	67 spaces
- Residential	57 spaces	52 spaces
- Visitor	16 spaces	15 spaces
Bicycle Parking	131 spaces	99 spaces
- Long Term	109 spaces	89 spaces
- Short Term	22 spaces	10 spaces
Parkland Dedication	0 Sq. m. (0%)	331 sq. m. (10% of site area)

If City Council supports the revised proposal at its meeting commencing on November 7, 2017, our client will formally revise its appeals before the Ontario Municipal Board and proceed to a settlement hearing on that basis. It is understood that the parties will work together and finalize terms of the implementing Official Plan and Zoning By-law Amendments to reflect the foregoing prior to the hearing.

In support of this settlement offer to the City, the following materials are being sent directly to Mr. Hatcher together with his copy of this letter.

1. Five (5) full size copies of the Architectural Plans, prepared by RAW Design, dated September 26, 2017
  - (a) A000 – Cover
  - (b) A001 – Context Plan and Site Info
  - (c) A100 – Site Plan
  - (d) A101 – Basement Plan
  - (e) A201 - Ground Floor Plan
  - (f) A201M - Mezzanine Floor Plan
  - (g) A202 - Second Floor Plan
  - (h) A203 - Third Floor Plan
  - (i) A204- Fourth Floor Plan
  - (j) A205 - Fifth Floor Plan
  - (k) A206 - Sixth Floor Plan
  - (l) A207- Seventh Floor Plan
  - (m) A208 - Roof Plan
  - (n) A401 - Elevations
  - (o) A402 – Elevations
  - (p) A501 – Sections
2. Five (5) copies of the 3D View Renderings, prepared by RAW Design, dated September 26, 2017;
3. Five (5) copies of the Shadow Study, prepared by RAW Design, dated September 26, 2017;
4. One (1) digital file containing the 3D Massing Model, prepared by RAW Design; and
5. One (1) disk containing the digital copies of the above noted items.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

**AIRD & BERLIS LLP**



Kim M. Kovar  
KMK/jt

cc: Client

encl.

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**AIRD BERLIS**