

WITHOUT PREJUDICE

June 25, 2007

BQ

**EXCERPTS  
MEMORANDUM OF UNDERSTANDING**

**BETWEEN:**

**THE CORPORATION OF THE TOWN OF OAKVILLE**  
(hereinafter the "Town")

- and -

**BIRCHGROVE ESTATES INC.**  
(hereinafter "Birchgrove")

**IT IS UNDERSTOOD AND AGREED THAT:**

1. This memorandum of understanding is subject to approval by Council to be considered in accordance with the provisions of the relevant legislation including the *Municipal Act*, and the *Ontario Heritage Act*. (BALANCE CONFIDENTIAL PENDING FINAL APPROVAL OF COUNCIL)
2. CONFIDENTIAL PENDING FINAL APPROVAL OF COUNCIL
3. CONFIDENTIAL PENDING FINAL APPROVAL OF COUNCIL

**Proposed Development**

4. The Bronte Quadrangle development (the "development") shall be in substantial conformity with the proposed site plan, dated April 24, 2007 attached as Appendix "B" to this memorandum of understanding (the "drawings"). Any modifications to the development shall be in accordance with the criteria and objectives stated in this agreement. The Town and Birchgrove acknowledge that these drawings are preliminary and subject to additional refinement and review.
5. The development shall meet the following criteria, with any reduction in height, gross floor area, or number of units being at the discretion of Birchgrove:
  - a. a maximum building height on Jones Street of 10 stepping down to 6 storeys along Bronte Road substantially as shown in the drawings;
  - b. a maximum gross floor area of 300,000 square feet;
  - c. a maximum of 275 residential units;
  - d. commercial uses shall be included at grade level (a minimum of 9,000 square feet);

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- e. parking for the residential units shall be provided at a minimum rate of 1.5 parking spaces per unit, including visitor parking;
  - f. no additional parking shall be required for the commercial uses;
6. Birchgrove shall make revisions to the development proposal shown on the drawings, to the satisfaction of the Town, acting reasonably, in order to address the following objectives:
- a. The Bronte Road frontage shall provide for an active pedestrian friendly environment through the articulation of the building façade and the terracing of the building above 6 storeys.
  - b. An active publicly accessible private open space element at the corner of Bronte Road and Ontario Street shall be created which defines the edge of the urban environment and supports the commercial elements within the new development through building treatment, hard and soft landscaping, and street furniture. Supporting the private open space element at this corner will require a special treatment at the elbow of the building in order to maximize lower floor views through to the square and Bronte Road. This open space element will be publicly accessible serving both the development and the general public. An easement for this purpose shall be included within the implementing documentation associated with this memorandum of understanding and registered on title.
  - c. The interface between Glendella and the new 6 to 10 storey building shall create a pedestrian street environment which provides an appropriate built form environment between the 2 storey heritage building, ground floor commercial and upper floor residential uses. The interface will be enhanced by maximizing the distance separation (recognizing the overall limitation of the site and building orientation), building facades of both the heritage and new development and a review of the terracing of the new building.
  - d. In support of the open space elements particular attention will be given to the placement and refurbishment of the Art Gallery and the refurbishment of Glendella in order to provide an active pedestrian environment as well as to create a heritage street atmosphere along Ontario Street. A variety of commercial and mixed uses which support the pedestrian activity of the area as well as the economic viability and long term preservation of the heritage buildings will be reflected in the zoning by-law. The proposed interim use of Glendella as a sales office for the development is acknowledged as a permitted use.
  - e. The Jones Street frontage shall be reviewed to ensure a compatible relationship with the adjacent development to the west with consideration to the terracing and façade treatment. Similarly, the distance separation

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and the treatment of the internal street will be reviewed to ensure long term compatibility with the new townhouses and the 6 to 10 storey building. Opportunities to reduce these setbacks in order to maximize distances between the heritage building and the south face of the 6-10 storey building will be considered.

- f. Any modifications to the plan shall minimize impacts on neighbouring properties including impacts on adjacent heritage buildings.

#### **Glendella**

7. Glendella shall remain in situ and be refurbished and restored by Birchgrove, at its expense in accordance with applicable permits and the generally accepted heritage conservation practices. Immediate steps shall be taken to preserve the existing structure, including the submission of heritage permit applications for that purpose.
8. The Town consents to the demolition of the rear addition of Glendella in accordance with the decision of the Ontario Municipal Board dated February 7, 2007, subject to the necessary applications and plans being submitted and approved for the resulting alterations to the rear façade of the building.

#### **Art Gallery**

9. The Art Gallery relocated by Birchgrove at its expense to a location in the area shown in the drawings, subject to any revisions that may be required or agreed to in accordance with this memorandum of understanding. The Art Gallery shall be restored at its new location at Birchgrove's expense in accordance with accepted heritage conservation practices and applicable permits.

#### **Police Station**

10. The Police Station shall be relocated by Birchgrove at its expense in a manner that maintains structural soundness. Birchgrove shall restore any damage caused to the building through relocation. In the absence of the agreement of the parties with respect to an alternate location, the Town shall be responsible for finding a new location for the Police Station.

#### **Demolition of Other Buildings**

11. The Town acknowledges that demolition permits for the non-designated buildings, other than the Marketeria, are available to Birchgrove subject to the erection of tree hoarding, site hoarding, and compliance with site siltation requirements.
12. The Town acknowledges that no further heritage approvals are required for the demolition of the Marketeria.

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13. Birchgrove agrees to obtain the necessary permits and demolish the non-designated buildings on the property (including the Marketeria) forthwith.

**Traffic/Servicing/Site Plan /Heritage Matters**

14. The Town and Birchgrove agree to work expeditiously to resolve any issues which may arise relating to transportation, servicing, heritage and site plan matters with a view to presenting a final site plan and conditions to the Ontario Municipal Board for approval in September, 2007 during the time scheduled for a hearing.
15. As part of any Site Plan approval, Birchgrove shall be required to make a contribution of \$130,000 towards intersection improvements at Bronte Road and Rebecca Street.
16. The Town and Birchgrove agree that Glendella and the Art Gallery shall continue to be designated under the *Ontario Heritage Act* and agree to cooperate in the preparation and registration of revised heritage by-laws including revised legal descriptions for the lands and lists of heritage attributes. Birchgrove further agrees to the registration of a heritage easement for the future preservation of Glendella, the Art Gallery. In the event that the final location of the Police Station is within the Bronte Quadrangle, then this paragraph shall also apply to the Police Station.

**Outstanding Legal Proceedings**

17. CONFIDENTIAL PENDING FINAL APPROVAL OF COUNCIL
18. CONFIDENTIAL PENDING FINAL APPROVAL OF COUNCIL
19. CONFIDENTIAL PENDING FINAL APPROVAL OF COUNCIL

**APPENDIX "A"**  
**Memorandum of Understanding**  
**Bronte Quadrangle**

Subject to the approval of the proposed Memorandum of Understanding by Birchgrove, on or before June 25, 2007, the following is the proposed schedule for the consideration of approvals required for the Memorandum of Understanding.

**June 25<sup>th</sup> – P&D Council**

- approval in principle of a settlement based on Memorandum of Understanding
- declaration of surplus land with respect to 25 Bronte Road and 2413 Ontario Street

**June 26<sup>th</sup> – Consultation with Heritage Oakville to obtain comments on heritage issues relating to the settlement including:**

- proposed relationship of heritage buildings and other structures
- removal of Clements house (2413 Ontario Street) from the list of properties of heritage interest
- proposed location of Art Gallery (relocation approved by OMB)
- relocation of Police Station on site as shown or off-site to another location
- removal of rear addition of Glendella (approved by OMB)
- demolition of Marketeria (approved by OMB)

**July 3<sup>rd</sup> – Council**

- Consideration of final approval of Memorandum of Understanding
- Consideration of Approval of an Agreement of Purchase and Sale for Town owned lands.

**July 9<sup>th</sup> – OMB Prehearing**

- Request OMB to maintain scheduled hearing in September to consider Minutes of Settlement.

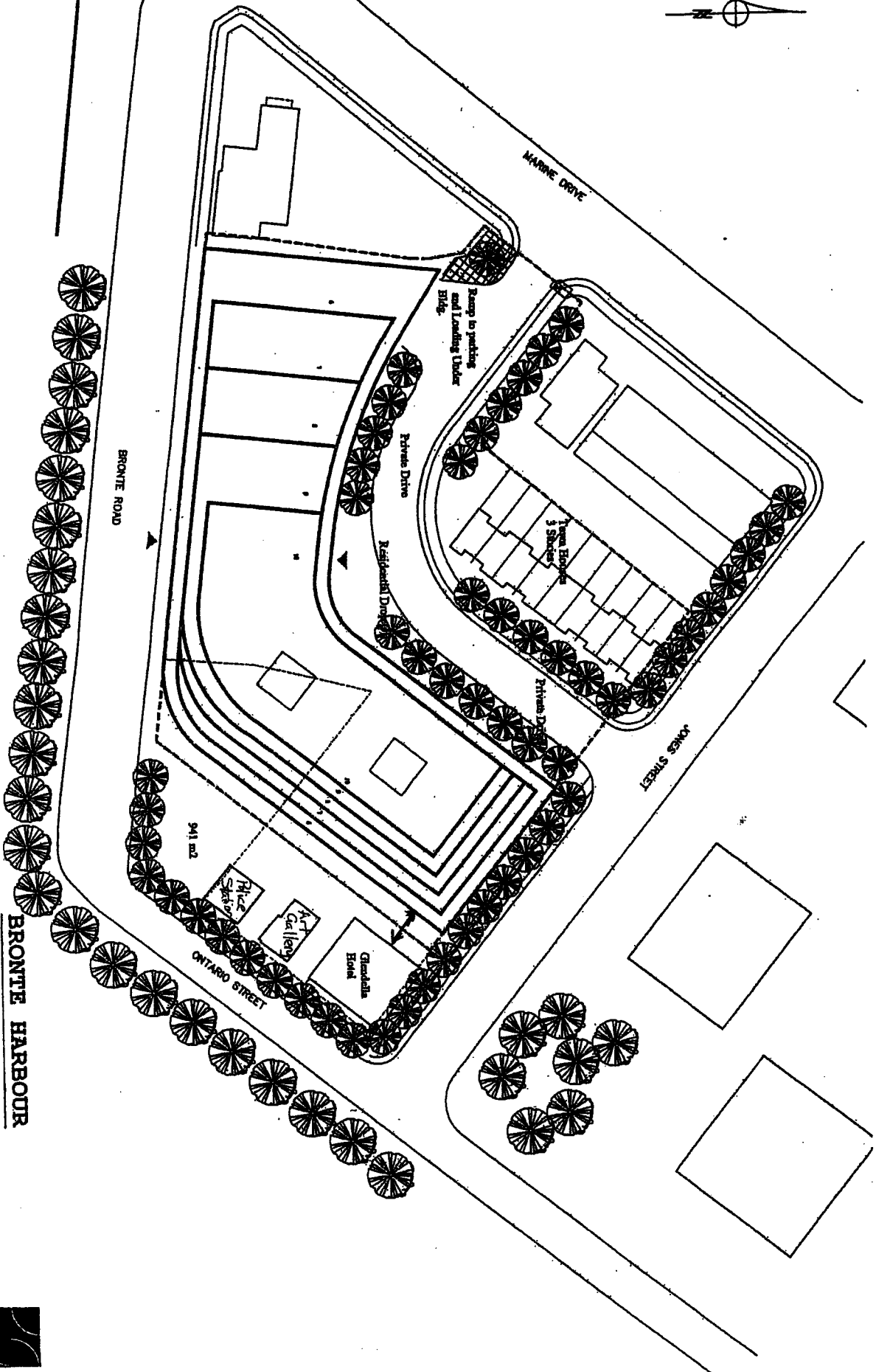
**August 8<sup>th</sup> – Site Plan Committee**

- Conditions of Site Plan approval considered by Site Plan Committee.

**September – OMB Hearing**

- Presentation of Minutes of Settlement for Zoning By-law approval and Site Plan approval.

Appendix "B"



**BRONTE HARBOUR**  
 Proposed Site Plan  
 SCALE: 1 : 500      Project # 2753      April 24th, 2007

