

**MEMORANDUM OF UNDERSTANDING
(BRONTE VILLAGE MALL)**

B E T W E E N:

1812502 ONTARIO INC.

(the "Appellant")

- and -

THE CORPORATION OF THE TOWN OF OAKVILLE

(the "Town")

(collectively referred to as the "Parties")

MEMORANDUM OF UNDERSTANDING

WHEREAS the Appellant is the owner of lands within the Town of Oakville in the Regional Municipality of Halton, municipally known as 2441 Lakeshore Road West (the "Bronte Village Mall")

AND WHEREAS the Appellant, or its predecessor in interest has filed appeals to the Ontario Municipal Board ("OMB") with respect to the following matters:

1. A rezoning application for the redevelopment of the Bronte Village Mall (OMB File No. PL 110708);
2. A site specific appeal of the town-initiated amendment (OPA 275) to the Town's former Official Plan (OMB Case No. PL070682)
3. A site specific appeal of the Town's new Official Plan (the "Livable Oakville Plan") (OMB Case No.100058)

AND WHEREAS at a prehearing in PL110708 held on January 20, 2012, the Parties advised the OMB and the members of the public present at the prehearing of their intent to advise members of the public whether the parties had agreed to a settlement and to provide an opportunity to review information related to the settlement prior to the next prehearing;

AND WHEREAS the next prehearing is scheduled for June 22, 2012.

AND WHEREAS the parties have agreed in principle to a settlement based on the principles set out in this memorandum of understanding:

AND WHEREAS the parties have not yet finalized all of the details of the settlement, including draft modifications to the Livable Oakville Plan, a draft Zoning By-law amendment, draft Urban Design Guidelines and Minutes of Settlement fully setting out the obligations of the Parties (the "final settlement documents");

AND WHEREAS the parties wish to confirm the general principles of the settlement prior to releasing information to the public.

NOW THEREFORE:

1. The Parties agree to negotiate in good faith with a goal of achieving final settlement documents in advance of the next prehearing which would permit redevelopment of the Bronte Village Mall lands:
 - a. In phases, in a manner generally consistent with the Revised Concept Drawings attached as Appendices A-1 to A-4.
 - b. Generally consistent with the settlement framework attached as Appendix "B" to this memorandum of understanding.
2. The Parties agree that Appendices A-1 to A-4 and Appendix B may be released to the public for the purposes of describing the matters agreed to by the parties.
3. The Parties acknowledge that this Memorandum of Understanding is intended as a broad summary of matters agreed to by the parties, and that there are details of which remain subject to negotiations or refinement. This Memorandum of Understanding shall not be interpreted as an abandonment or settlement of issues related to the details under discussion.
4. This memorandum of understanding may be signed in counterparts, with the counterparts, including electronic facsimiles of signatures forming the whole.

IN WITNESS WHEREOF the Parties have caused this Memorandum of Understanding to be executed by their duly authorized representatives:

1812502 ONTARIO INC.

Per: 

Name: Derek Hull

Position: Vice-President,

I have authority to bind the corporation.

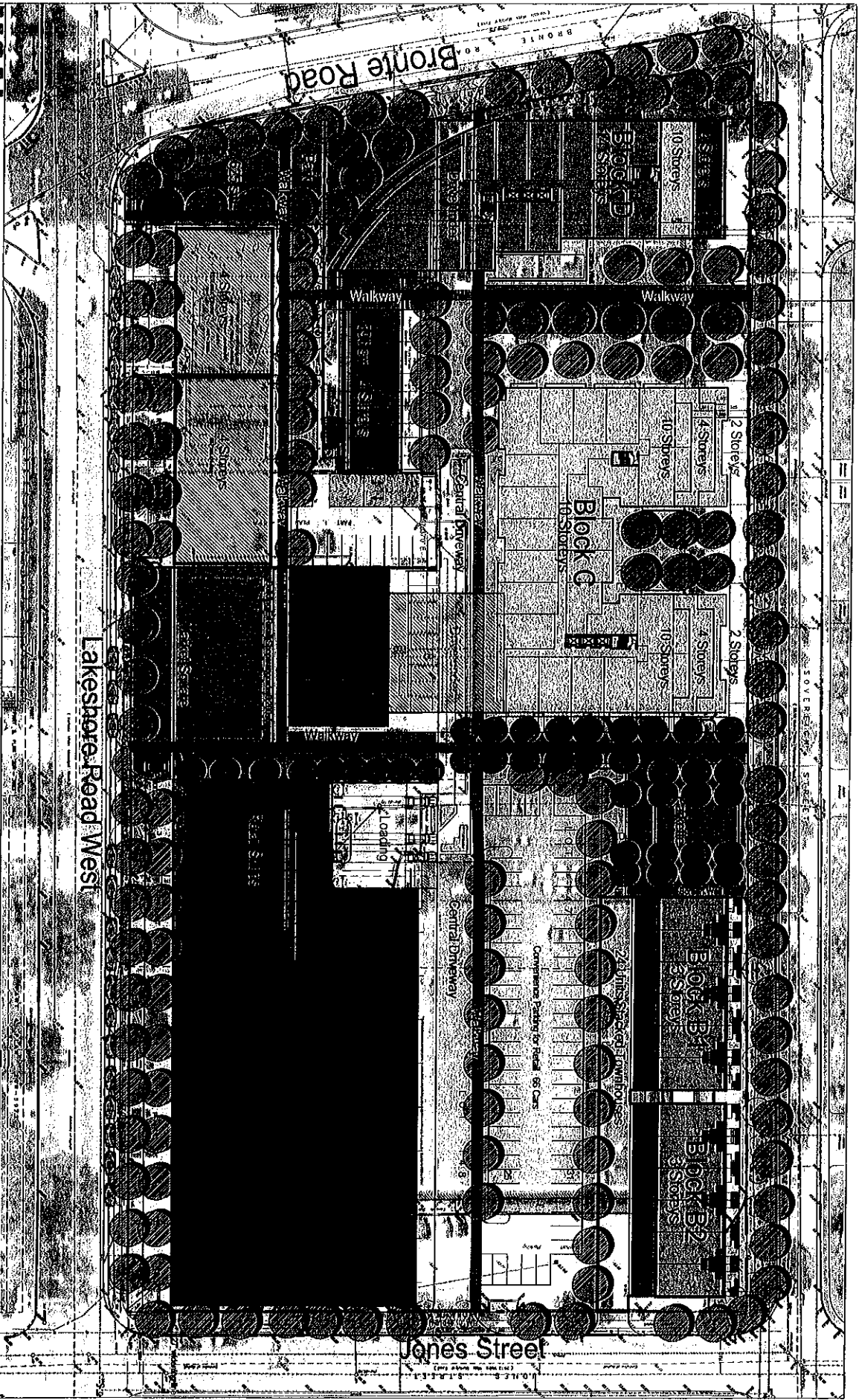
The Corporation of the Town of Oakville

Per: 

Name: Jane Clohecy

Position: Commissioner of Planning & Development

I confirm that this Memorandum of Understanding is in accordance with instructions provided by Council



MSAI

Bronte Village Mall

Mixed Use Re-development Plan
Bronte Village, Town of Oakville

Concept Plan

Phase 3
May 1, 2012

A4

APPENDIX B

SETTLEMENT FRAMEWORK

- **General Principles:**
 - Long Term Goals
 - development and revitalization of the site in accordance with the Livable Oakville Plan subject to limited amendments as noted.
 - protection of the opportunity for a food store
 - Short Term Goals
 - early revitalization through redevelopment and streetscape improvements
 - phasing to protect for and encourage achievement of long term goals
 - protection of the opportunity for a food store
 - Degree of Flexibility
 - Final settlement would allow development and phasing generally in accordance with Revised Concept Plans (Appendices A-1 – A-4), require key components to be provided but still maintain sufficient flexibility to permit future improvements.
- **Building height**
 - Maximum height distribution to maintain the principles established in Livable Oakville Plan subject to limited amendments as noted:
 - Maximum 10 storeys on Block C achieved through height transfer from Blocks B1 and B2 (complies with Livable Oakville Plan)
 - One tower on Bronte – Maximum up to 14 storeys on Block D achieved through height transfer from Blocks B1 and B2 and modification to Livable Oakville Plan for height above 10 storeys.
 - Exemption from bonusing requirements (modification to Livable Oakville Plan based on application predating relevant policies coming into effect).
- **Built form**
 - Urban Design requirements of Livable Oakville Plan must be met
 - Must be terraced (2 to 4 storeys) and be limited to residential along Sovereign
 - Terracing may begin at 4 storeys at corner of Bronte and Sovereign
 - Residential built form along Sovereign to provide for courtyard features
 - Building layout must demonstrate that the non-participating landowners can develop to the planned intent of Livable Oakville Plan
 - Underground parking required with minimal surface spaces
- Public and private North/South pedestrian connections and view corridors to be provided through site

- **Permitted/Required Uses**

- Mixed Use (except along Sovereign) with permissions for stand-alone residential buildings.
- Food Store is intended in the short and long term
- Community commercial uses will be required on Lakeshore frontage and urban square and encouraged to be incorporated into the ground floor of mixed use buildings (except along Sovereign Street)

- **Streetscape**

- Enhanced streetscape/Public Realm is required on all frontages. Treatment to reflect the gateway location and abutting uses.
- Urban square to be provided through parkland dedication centrally located along Lakeshore with a pedestrian linkage to Sovereign.
- The extent and timing of streetscape improvements to be refined through the Minutes of Settlement and future site plan applications, with the landscaping illustrated in Appendix A-1 – A-4, representing a reasonable approximation of the type, scale and phasing of improvements intended by these provisions.

- **Transportation**

- East West connection to be provided through site from Bronte to Jones
- No new access (other than interim access) from Sovereign or Lakeshore
- Existing accesses from Sovereign and Lakeshore to be closed in the long term
- Transit and/or parking layby to be provided along Lakeshore at the time of first development (Appendix A-1) unless deferred by the town.
- Contribution to be provided to improvements to Bronte/Lakeshore intersection identified in updated traffic study
- Parking standards generally in accordance with original application, without prejudice to future applications to reduce the parking standard

- **Parkland Dedication**

- Parkland requirements will be based on the by-law standards with valuation subject to standard rights of appeal
- Market square, parkette and extensions forming a central pedestrian linkage as shown in concept drawings acceptable as credits towards parkland dedication subject to size, location, configuration being maintained and safe public access across private driveway.

- **Livable Oakville Plan**
 - to be modified in Livable Oakville Appeal consistent with the settlement, with the modifications identified as required being:
 - Permission for one 14 storey building
 - Exemption from bonusing requirements
 - Permission for some stand-alone residential buildings (mixed use option to be maintained except along Sovereign Street)
- **OPA 275 Appeal** to be disposed of as redundant.