

ISSUE DATE:

January 15, 2014



PL130562

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Somerset Wallace Developments Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's neglect to enact a proposed amendment to the Official Plan for the City of Toronto to redesignate lands respecting 362 Wallace Avenue to permit the mixed use development comprised with residential and light industrial uses

Approval Authority File No. 11 286663 STE 18 OZ
O.M.B. File No. PL130562

Somerset Wallace Developments Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 438-86 of the City of Toronto to rezone lands respecting 362 Wallace Avenue to permit the mixed use development comprised with residential and light industrial uses

O.M.B. File No. PL130563

APPEARANCES:

Parties

Counsel

Somerset Wallace Developments Limited

P. Harrington

City of Toronto

K. Matsumoto

ORAL DECISION DELIVERED BY R. ROSSI ON JANUARY 9, 2014 AND ORDER OF THE BOARD

[1] This is a settlement hearing for a matter relating to proposed Official Plan and Zoning By-law amendments to the City of Toronto ("City") Official Plan and Zoning By-law No. 438-86 in order to facilitate development of a new residential subdivision and continued industrial uses as well as a new public road. The affected area is situated south of Ruskin Avenue and north of Wallace Avenue and abuts a rail corridor.

[2] The Applicant's planner, Gregg Fordyce, provided contextual evidence, a description of the proposal, a review of the settlement details and his planning opinion

on the appropriateness of both the development and the settlement. The site was previously used as a paint factory but the buildings have since been demolished and site remediation has been completed. The site is located on the east side of the Lower Galt Subdivision rail line between Ruskin Avenue and Wallace Avenue. The application is to permit the construction of 167 stacked townhomes, 20 non-residential condominium units in a new two-storey building with underground parking for 40 vehicles that will abut the rail corridor, a new public road (to be named Sousa Mendes Street), an extension to Macaulay Avenue and a new community facility. Development includes a new pedestrian bridge as well.

[3] Mr. Fordyce opined that he considered all of the relevant upper-tier and municipal planning instruments and opined that this proposed development satisfies the relevant policies contained therein. The relevant planning documents and applicable policy excerpts were presented in the parties' joint documentary evidence books. In Mr. Fordyce's opinion, the draft plan of subdivision facilitates the creation of the proposed new lots, public street and extensions. City Counsel Kelly Matsumoto also informed the Board that this application was thoroughly vetted during the City's comprehensive municipal review and was deemed to be worthy of municipal support.

[4] The Board finds persuasive Mr. Fordyce's opinion that the proposed development represents good planning and will be executed through this settlement. Additionally, the parties have furnished a s. 37 agreement that has been placed on the Board's file for future reference.

ORDER

[5] Having considered all of the evidence at this hearing, the Board orders that the appeal is allowed. The Board amends the Official Plan with the Official Plan Amendment attached to this Order as Attachment 1. The Board also amends Zoning By-law 438-86 with the Zoning By-law Amendment attached to this Order as Attachment 2.

"R. Rossi"

R.ROSSI
MEMBER

ATTACHMENT 1

ATT 1

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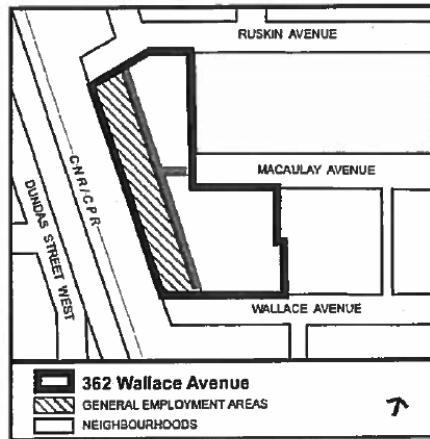
City of Toronto By-law No. ---20---

AMENDMENT NO. ___ TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2012 AS
362 WALLACE AVENUE

The Official Plan of the City of Toronto is amended as follows:

1. Map 18, Land Use Plan, is amended by:
 - a) Re-designating the lands located at 362 Wallace from *Employment Areas* to *Neighbourhoods* and from *Employment Areas* to *General Employment Areas* as shown on the map below; and
 - b) Adding a new municipal street (Sousa Mendes Street) and extension of Macaulay Avenue as shown here:



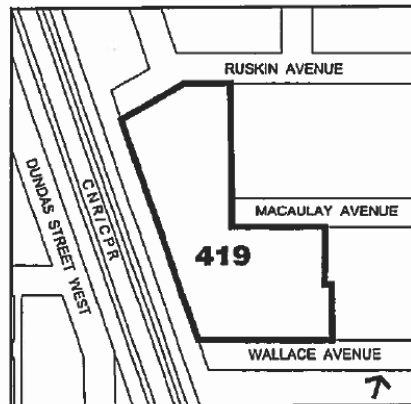
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 419 for the lands known municipally in 2012 as 362 Wallace Avenue as follows:

419. 362 Wallace Avenue

Residential uses on the site may be permitted if the following conditions are met:

- a) A new public road running north/south, generally from the southern terminus of Edwin Avenue, through the site to Wallace Avenue is provided;

- b) Macaulay Avenue is extended to meet the new public road described in (a) above;
- c) A minimum of 3,800 square metres of non-residential gross floor area is constructed on the site prior to or at the same time as any residential gross floor area;
- d) Only residentially-compatible employment uses are permitted on the lands designated General Employment Areas;
- e) Any required alterations to the Wallace Avenue pedestrian bridge must respect the heritage designation of the bridge and the bridge must remain open during the alterations;
- f) A 3 metre wide publicly accessible pedestrian connection through the site to allow access from the terminus of Macaulay Avenue to the West Toronto Railpath must be provided;
- g) Site design must not have any negative impact on the West Toronto Railpath, and the elevation of any building constructed adjacent to the West Toronto Railpath must provide overlook to the path; and
- h) The western terminus of Wallace Avenue should be designed as a meeting/gathering place, and any buildings constructed at the south end of the site should face onto this space and provide animation.



- 3. Chapter 7, Map 29, Site and Area Specific Policies, is revised to add the lands known municipally in 2012 as 362 Wallace Avenue shown on the map above as Site and Area Specific Policy No. 419.

ATT 2

ATTACHMENT 2

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~20~

To amend Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as
362 Wallace Avenue

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1) None of the provisions of Section 2 with respect to *height, lot and grade* and Section 4(2) 4(4), 4(6), 4(7), 4(11), 4(12), 4(13), 4(16) , all of Section 9 of By-law No. 438-86 being "A By-law and specific amending By-law to regulate the use of land and erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various area of the City of Toronto", as amended, shall apply to prevent the erection and use of an *apartment building* and a *non-residential building* and uses and structures accessory thereto provided:

a) The *lot* consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

Gross Floor Area

b) The *residential gross floor area* of the *apartment building* on the *lot* shall not exceed 15,575 square metres, and it can only be located on Blocks A, B, C, D, E, F, G, H or I as shown on Map 2;

c) The minimum *non-residential gross floor area* on the *lot* shall be 3,890 square metres and it can only be located on the blocks labeled as Industrial Units (N), Industrial Units (S) and Community Centre on Map 2 ;

Non-residential uses

d) The non-residential uses permitted on the *lot* shall be: *community centre, day nursery, public art gallery, bake-shop, caterer's shop, courier service, dry cleaning shop, duplicating shop, laundry shop, medical office, personal grooming establishment, retail store, restaurant, tailoring shop, take out restaurant, artist or photographers studio, custom workshop, software and design establishment, and office.*

e) Despite Section (d) above:

- i) A *retail store* is only permitted to a maximum gross floor area of 200 square metres per unit; and
- ii) A *restaurant* is only permitted to a maximum gross floor area of 200 square metres per unit;

Unit Type

f) The *apartment building* contains a minimum of 19, three-bedroom *dwelling units* and a minimum of 116, two-bedroom *dwelling units*;

Parking and Loading

- g) *Parking spaces* will be provided and maintained below grade on the lot in accordance with the following ratios:
 - i) 0.8 *parking spaces* for each bachelor *dwelling unit* in the *apartment building*;
 - ii) 0.9 *parking spaces* for each 1-bedroom *dwelling unit* in the *apartment building*;
 - iii) 1.0 *parking spaces* for each 2-bedroom *dwelling unit* in the *apartment building*;
 - iv) 1.2 *parking spaces* for each 3-bedroom *dwelling unit* in the *apartment building*;
 - v) 0.13 visitor *parking spaces* for each *dwelling unit* in the *apartment building*;
 - vi) 20 *parking spaces* for the non-residential uses on the *lot*; and
 - vii) 0 *parking spaces* are required for the *community centre*;
- h) A maximum of 3 *parking spaces* required in Section (g) above may have dimensions of 2.6 by 4.45;
- i) The residential visitor *parking spaces* as described in Section (g)(ii) above must be dedicated for use visitors to the residents of the *apartment building*, and there must be no charge to use them;
- j) One Type "G" loading space must be provided and maintained on the *lot*;

Bike Parking

- k) A minimum of 100 bike *parking spaces* will be provided for residents on the *lot*;
- l) A minimum of 28 bike *parking spaces* will be provided on the *lot* for visitors;

- m) A minimum of 2 bike *parking spaces* dedicated for use by the owners of the non-residential units on the *lot*;

Height

- n) No portion of any building or structure, including all mechanical equipment, shall exceed the heights measured in metres from *grade* as shown on Map 2;

Projections

- o) Despite Section (n) of this By-law the following projections are permitted on the *lot*:
 - i) Eaves and cornices shall not exceed a horizontal projection of 0.45 metres beyond the heavy lines shown on Map 2;
 - ii) Canopies shall not exceed a horizontal projection of 0.50 metres beyond the heavy lines shown on Map 2;
 - iii) Planters shall not exceed a 1.0 metre vertical projection beyond the heavy lines shown on Map 2;
 - iv) Stairs providing access to a residential unit shall not exceed a 1.5 metre vertical projection beyond the heavy lines shown on Map 2; and
 - v) Railings projecting beyond entrance stairs shall not exceed a 0.35 metre horizontal projection beyond the heavy lines shown on Map 2;

Implementation

- p) No person shall erect or use any building or structure above grade prior to satisfying the following condition:
 - i) The owner shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services, and matters required in Section (q) herein, the said agreement to include provisions relating to indemnity, insurance, GST, termination, unwinding, registration and priority of agreement, and the indexing of any financial contributions and register against the title to the lot as a first charge;

Section 37 of the Planning Act

- q) The owner of the *lot* at its own expense and in accordance with and subject to the agreement referred to in Section (p) herein shall provide the following facilities, services and matters to the City:
 - i) the owner is responsible, at its own cost, for the construction and fitting out of a 475

square metre community facility on the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and/or the Chief Corporate Officer, and/or the General Manager, Parks, Forestry and Recreation;

- ii) the owner is responsible for the design, total cost and construction of the realignment of the eastern staircase of the Wallace Street Pedestrian Bridge, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager of Transportation Services;
- iii) the owner is responsible, at its own cost, for an interpretive program on site to provide information to the public on the history of the Wallace Street Pedestrian Bridge, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- iv) the owner will provide for any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Executive Director of Engineering and Construction Services should it be determined that upgrades to such infrastructure is required to support this development;
- v) the owner shall comply with all parkland dedication conditions as listed in the Memorandum from the General Manager of Parks, Forestry and Recreation to the City Planning Division dated October 8, 2013;
- vi) the owner will provide a water line connection from the site to the West Toronto Railpath generally in the location of the western terminus of Wallace Avenue which can be used by the city for a water fountain; and
- vii) the owner will provide a separately metered hydro connection from the site to the West Toronto Railpath generally in the location of the western terminus of Wallace Avenue.

2) Definitions

- a) For the purpose of this By-law, the terms set forth in italics, subject to Section 2(i) and (ii) of this By-law have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended, and
 - i) *grade* for Blocks A, B, C, F and G means 114.9 metres above Canadian Geodetic Datum;
 - ii) *grade* for Blocks D and E means 115.10 metres above Canadian Geodetic Datum;
 - iii) *grade* for Blocks H and I means 114.65 metres above Canadian Geodetic Datum;
 - iv) *grade* for the non-residential building means 114.8 metres above Canadian Geodetic Datum;
 - v) *height* shall mean the vertical distance between *grade* and the highest point of the

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structure; and

vi) *lot* shall have the same definition as stated in By-law 438-86, except that 2 building may exist on this parcel of land.

3) Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

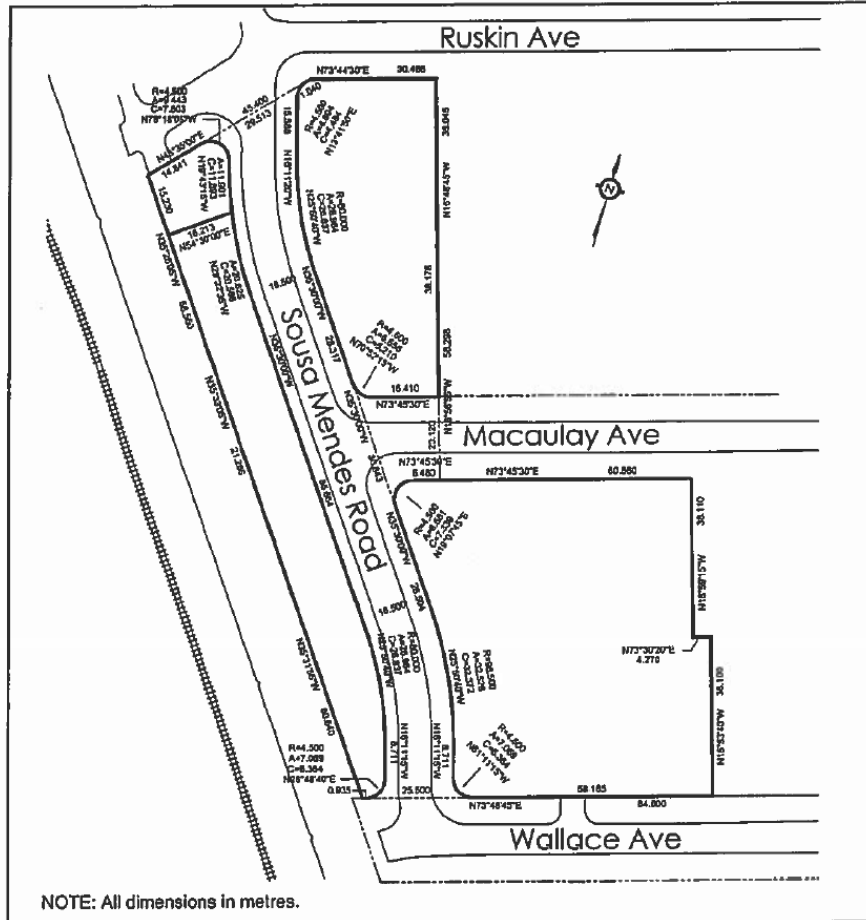
- a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

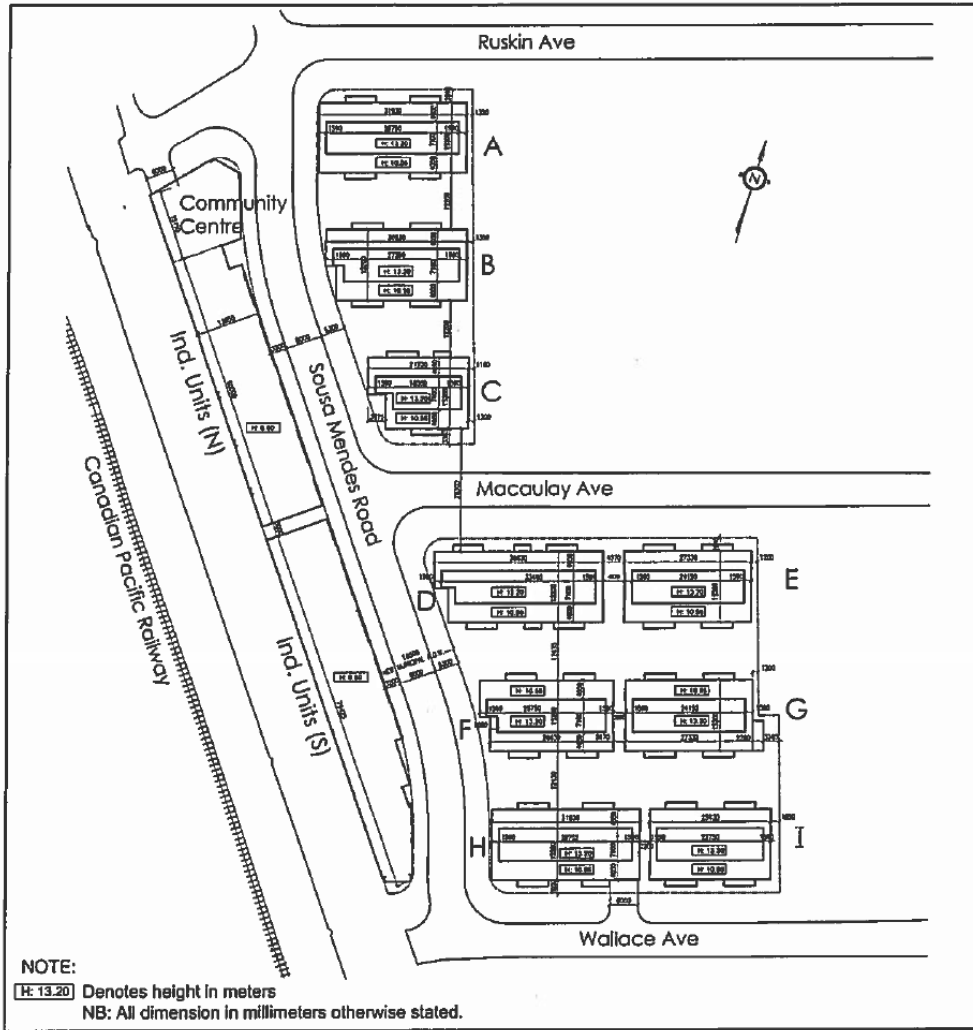


TORONTO City Planning
Map 1

362 Wallace Avenue

File # 11 _ 286663 OZ

↑
Not to Scale
10/30/2013



Toronto City Planning
Map 2

362 Wallace Avenue

File # 11 _ 286663 OZ

↑
Not to Scale
10/30/2013