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Recommendations for Settlement of the Damaris Appeals to the Ontario Municipal Board

Moved By: Councillor Giorgio Mammoliti

SUMMARY

The Damaris property is located at 3035 Weston Road and is designated for residential use by City of Toronto Official Plan Amendment No.573 which is currently before the Ontario Municipal Board (OMB) as the subject of an appeal by parties other than the City of Toronto, Damaris and Lindvest.

The Damaris development applications were filed in late December 2005 and June 12, 2006 and have been the subject of continuous discussions between the applicant, the landowner to the north (Lindvest), the appellants of OPA No. 573 and the City of Toronto.

The Damaris property located at 3035 Weston Road is the subject of OMB Decision 1928 issued on July 6th 2006 which confirms that this property is not subject to the policies of the “New” City of Toronto Official Plan.

Toronto City Council at its May 2008 meeting approved the recommendations of a Settlement Report regarding the property located to the north of the Damaris lands identified as 2277-2295 Sheppard Avenue West and 100 Mainshep Road owned by Lindvest Properties (Westshp) Limited.

Concurrent with the above noted action by Council, Damaris and Lindvest entered into detailed negotiations regarding the coordination and integration of their respective developments as envisioned by OPA No. 573 and based on the outstanding details of the Damaris Plan of Subdivision submission as identified by City Staff.

Damaris having reached agreement with Lindvest on the integration of their respective Plans of Subdivision on May 19th 2008 submitted to the City of Toronto a revised Draft Plan of Subdivision addressing key details raised in meetings with City staff and which would facilitate and expedite the approvals of both Damaris and Lindvest Plans at the OMB.

Damaris and Lindvest have agreed to facilitate the elimination of the Weston Road access to and from the Damaris Subdivision by connecting the Damaris Street "A" with the Lindvest Street "H" and furthermore arrangements have been made by the two parties to accommodate on the Lindvest lands the creation of the necessary parcels required to allow for the proposed Damaris public lane to connect to the Lindvest private lane located on its Block 153.

Damaris notwithstanding OMB Decision 1928 and its position that Damaris is not subject to the New City of Toronto Official Plan policies including those for affordable housing and housing mix Damaris has made arrangements with Lindvest to provide for 10 affordable housing units to be located on the Lindvest lands. These 10 affordable units are in addition to any commitment Lindvest has made to the City of Toronto for the provision of affordable housing on its lands.

With respect to the housing mix policy in the New Official Plan it should be noted that the objective of OPA No. 573 was to set forth a comprehensive development plan for all the included lands it should be acknowledged that jointly the Damaris and Lindvest lands more than meet the housing mix policy in that the total number of units proposed by both plans is 711 and of which 365 or 51% are townhouses and apartments more than meeting the 30% requirement that the proposed units be something other than singles and semis.

Damaris' submission of May 19th 2008 which included a revised Draft Plan of Subdivision prepared by PMG Planning Consultants dated May 13, 2008 has been reviewed by City staff.

In view of the fact that on June 18th 2008 an OMB Pre-hearing has been scheduled that has the potential to turn into a Settlement Hearing with respect to the Lindvest Project and whereas it is in the best interests of all Parties including the City of Toronto that a comprehensive settlement be reached on June 18th 2008 or immediately thereafter with respect to both the Damaris and Lindvest projects the following recommendations are being made.

RECOMMENDATIONS:

1. That City Council supports the re-zoning and subdivision applications for 3035 Weston Road in principle as reflected in the submissions date stamped as received May 21, 2008.
2. That City Council authorize the City Solicitor inform the Ontario Municipal Board (OMB) that the City of Toronto has approved in principle the Damaris Submission dated stamped as received on May 21st 2008.
3. That City Council authorizes the City Solicitor to request the OMB to schedule settlement hearing at the earliest possible date.
4. That City Council directed the City Solicitor and the Director of Community Planning to make the necessary arrangements to meet with the appropriate Damaris representatives and consultants to address all technical aspects of the Draft Site Specific By-law in order that such by-law may be presented at the OMB settlement hearing and to report back to City Council if there are any outstanding issues.
5. That City Council directed the City Solicitor and the Director of Community Planning to make the necessary arrangements to meet with the appropriate Damaris representatives and consultants to address all technical aspects of the Draft Plan of Subdivision and provide conditions of approval to be presented at the OMB settlement hearing and to report back to City Council if there are any outstanding issues.
6. That City Council accepts the housing mix of the proposed development at 3035 West Road.
7. Toronto City Council accepts the elimination of the Weston Road access to the Damaris Subdivision pending written confirmation that Damaris and Lindvest have made arrangements to connect Street "A" to Street "H" on their respective Plans of Subdivision. Furthermore, staff be directed to discuss with Damaris the possibility of providing a pedestrian walkway connecting "Street A" to Weston Road.

8. Toronto City Council accepts an area along the southern boundary of the development as the appropriate location for parkland dedication required to be provided by Damaris. The final location shall be determined in discussion with Parks Forestry and Recreation, City Planning, Damaris and the local councillor. The location shall be subject to resolution of any grading and noise mediation issues to the satisfaction of the General Manager of Parks Forestry and Recreation. City Planning and Parks Forestry and Recreation are to report back to City Council if there are any outstanding issues.
9. Toronto City Council accepts the public lane as delineated on the Damaris Draft Plan of Subdivision pending Damaris confirmation that the appropriate measures have been and will be taken to ensure that the public lane is functional.
10. That City Council request the applicant to submit the following revised studies specific to the current proposal under consideration to assist staff's review of the applications: arborist report/tree preservation plan; Stormwater Management Report; and noise and vibration study.
11. The City Council requests the applicant to provide \$175,000 Section 37 contribution towards playground improvements to Louise Russo and Strathburn Parks
12. That full approval of this application is not granted until an agreement has been reached between the applicant and the City of Toronto's Affordable Housing Office. Regarding the provision of affordable housing at for the proposed development at 3035 Weston Road.