

Attachment 3 – Background on Planning and Building Approvals 351 Wallace Avenue

1. Planning Applications:

Official Plan and Rezoning Application

The owner filed applications for Official Plan Amendment, Rezoning and Site Plan Approval with the City Planning Division on November 8, 2004. The proposal was to amend the Official Plan and rezone an industrial property to permit the construction of 134 residential units on the site.

City Planning staff had a number of concerns with the proposed development including density, height and the built form character. In addition, the development was controversial within the local community and three community consultation meetings were held to discuss the proposal between April 25, 2005 and January 8, 2006. Staff and the local Ward Councillor worked to negotiate with the developer to address the community's concerns and achieve a more appropriate development that was sensitive to the surrounding low-density, street related residential neighbourhood.

City Planning staff prepared a preliminary staff report (March 7, 2005) that was considered at the March 30, 2005 meeting of the Toronto and East York Community Council. City Council, at its meeting on April 25, 26 and 27, 2006, adopted the final City Planning report (March 20, 2006) that recommended the refusal of the application as submitted, but included a list of amendments that City Planning staff would support if the developer were to submit further revisions.

(Links to the planning reports are provided below:

<http://www.toronto.ca/legdocs/2005/agendas/committees/te/te050330/it030.pdf>

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060425/te3rpt/cl007.pdf>)

On March 8, 2006, prior to Council adoption of the above-noted final planning report, the owner appealed the Official Plan and Rezoning applications to the Ontario Municipal Board (OMB) citing the City's failure to respond to the applications within the legislative timeframes under the *Planning Act*. The matter was considered at the OMB and a final order of the OMB was given on January 31, 2007.

Therefore, given the complexity of the Official Plan and Rezoning application and the issues to be resolved, the building permit could not have been issued by December 31, 2005. Even relatively straightforward rezoning and site plan applications can take longer than a year to finalize before the building permit can be issued.

Site Plan and Minor Variance - Committee of Adjustment Applications

After the above-noted final OMB order was given, staff commenced its review of the Site Plan Approval drawings (as well as the building permit drawings noted below) originally

submitted in 2004. The Site Plan Approval drawings were submitted for circulation to City staff and external agencies for comment on several occasions. The visitor parking spaces at grade as shown on the Site Plan drawings did not comply with the minimum size requirements in the Zoning Bylaw and therefore a Minor Variance application was required. This application was approved by the Committee of Adjustment (application submitted on July 29, 2008 and approved on October 8, 2008).

The owner subsequently filed a second application with the Committee of Adjustment on September 22, 2009 to reduce the width of the driveway to allow the visitor parking spaces, planters, stairs and pedestrian walkway to be maintained so as not to encroach into the driveway. The Committee of Adjustment approved this application on November 24, 2009. As a condition of approval, an amendment to the existing Section 37 Agreement registered on title would be required (this requirement has now been completed).

As of the date of writing of this report, the Notice of Approval Conditions (NOAC) has been granted (August 2008), however, final Site Plan Approval has not been granted as the owner is fulfilling the pre-approval conditions in the NOAC.

2. Building Permit Applications:

The owner submitted a building permit application to the City on December 31, 2004. This permit application was for a proposed residential development project consisting of 134 stacked townhouse units located in seven construction blocks. The proposal would replace a warehouse building that was demolished under demolition permit number 01-26370 (issued on May 28, 2001).

The main building permit application (submitted in 2004) could not be issued by December 31, 2005 because additional planning approvals were required (e.g. the existing Official Plan designation and zoning on the lands did not allow for the proposed residential use and Site Plan Approval had not been obtained). Toronto Building staff commenced its review of the building permit application after the OMB issued its final order on the planning applications in January 2007 (discussed above). This building permit, however, still could not be issued (and has not been issued) due to outstanding planning approval matters noted earlier.

The owner submitted building permit applications to compartmentalize the construction, including a foundation and drain permit, on July 21, 2008. The foundation permit was issued on October 10, 2008 (development charges are payable upon issuance of a permit allowing for construction above grade, and thus no charges were payable prior to issuance of the foundation permit).

As a result of outstanding planning matters, the owner submitted a conditional building permit application on November 10, 2009. This conditional building permit was issued on November 24, 2009 after payment of all applicable fees, including development

charges. As noted earlier, the main building permit has not been issued and is pending planning approvals.