CITY OF TORONTO

BY-LAW No. 893-2007(OMB)

To adopt Amendment No. 374 to the Official Plan for the former City of Toronto with respect to the lands municipally known as 351 Wallace Avenue.

WHEREAS the Ontario Municipal Board, by way of Order No. 2478 issued on September 1, 2006 and Order/Decision No. 0268 issued on January 31, 2007, following an appeal pursuant to Section 22(7) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, and with the consent of the City of Toronto pursuant to Notice of Motion J(59) as adopted by City Council at its meeting of July 25, 26 and 27, 2006, adopting terms of settlement respecting 351 Wallace Avenue, determined to adopt an amendment to the Official Plan of the former City of Toronto in respect of lands municipally known as 351 Wallace Avenue;

THEREFORE the Official Plan of the former City of Toronto is amended as follows:

1. The text and map annexed hereto as Schedule ‘A’ are hereby adopted as an amendment to the Official Plan for the former City of Toronto.

2. This is Official Plan Amendment No. 374.

PURSUANT TO THE ONTARIO MUNICIPAL BOARD ORDER/DECISION NO. 2478 ISSUED ON SEPTEMBER 1, 2006 AND ORDER/DECISION NO. 0268 ISSUED ON JANUARY 31, 2007 IN BOARD FILE NO. PL060190.
SCHEDULE “A”

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding as Section 18.690 the following text and map:

“18.690 Lands known in the year 2005 as 351 Wallace Avenue.

Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lot delineated by heavy lines on Map 18.690 to permit the erection, use and maintenance of up to 134 dwelling units comprising stacked townhouses, provided:

(1) the maximum residential gross floor area erected and used on the lot does not exceed 14,216 square metres;

(2) the proposed residential buildings shall be designed to be compatible with surrounding land uses including the abutting stable low density neighbourhood; and

(3) pursuant to Section 37 of the Planning Act, such by-law requires the owner of the lot, at its expense, to provide the City of Toronto, in return for the residential density and height permission thereby granted, the following facilities, services and matters and to enter into and satisfactorily register on title to the lot, an agreement with the City to secure such matters:

(i) the construction and maintenance of the access and ingress driveway on the lot to City public road standards and with a minimum width of 15.9 metres, with the exception of stairs from the underground garage, such driveway to function and provide access to the public as if it were a public road;

(ii) prior to the issuance of any building permit for the development, the entering into and registration of a satisfactory easement with the City securing the public access required in (i) and, should the City require in the future, the conveyance at nominal cost of such driveway to the City in a satisfactory condition, free and clear of encumbrances;

(iii) prior to the issuance of the first above ground building permit for the development, the provision of a letter of credit satisfactory to the City to secure the completion of the driveway required in (i);

(iv) prior to the issuance of site plan approval pursuant to Section 41 of the Planning Act, the provision of satisfactory plans and specifications for the required driveway to the City;
(v) prior to the issuance of the first building permit, the conveyance to the City at nominal cost, free and clear of encumbrances, of a lane widening of 1.98 m along the east property line of the lot;

(vi) provided Canadian National Railway Company permits such a connection, the provision, prior to first occupancy of any dwelling unit on the lot, and maintenance of a privately owned public pedestrian walkway over the lot, providing direct access between Wallace Avenue, the lot and any future pathway adjacent to the Canadian National Railway corridor, such walkway to function and provide access to the public as if it were a City owned public pedestrian walkway;

(vii) provided Canadian National Railway Company permits the connection in (vi), the entering into and registration to the City’s satisfaction, prior to issuance of the first above ground building permit, of an easement with the City securing the public access required in (vi);

(viii) the undertaking and implementation of satisfactory noise and vibration studies and the incorporation of appropriate noise, vibration and railway safety measures, in the site plan application to the City’s satisfaction; and

(ix) the securing of such other collateral matters through such Agreement as are required.”