



MUNICIPAL, PLANNING & DEVELOPMENT LAW

**Without Prejudice**

28 June 2019

Sent by E-mail

Mr. Mark Crawford  
Legal Services  
City of Toronto, Metro Hall  
55 John Street, 26<sup>th</sup> Floor  
Toronto, Ontario M5V 3C6

Dear Sir:

**Re: Settlement Proposal**  
**Appeals by Innocon Inc. (LPAT Case No. PL180069)**  
**City of Toronto - Official Plan Amendment 208, By-laws 1468-2017 and 1469-2017**

As you know, we are legal counsel for Innocon Inc. ("Innocon"), one of two appellants in the above-noted proceedings before the Local Planning Appeal Tribunal (the "LPAT"). As discussed, our client is prepared to settle its appeals in the above-noted proceedings, prior to the preparation and exchange of witness statements, on the basis that the City of Toronto and Innocon will both support the attached revised version of Official Plan Amendment No. 208 ("OPA 208") before the LPAT.

We look forward to hearing from you regarding our client's settlement proposal. In the meantime, please do not hesitate to contact us if you have any questions.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in black ink, appearing to read "S. Mahadevan", is written over the typed name.

Sharmini Mahadevan

Encl.

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Authority: Planning and Growth Management Committee Item PG24.7, as adopted by City of Toronto Council on December 5, 6, 7 and 8, 2017

**CITY OF TORONTO**

**Bill**

**BY-LAW -2017**

**To adopt Amendment 208 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2016, as 10, 20, 48, 54 and 62 Murray Road.**

Whereas authority is given to Council under 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 enacts:

1. The attached Amendment No. 208 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

Enacted and passed on ( ), 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**AMENDMENT NO. 208 TO THE OFFICIAL PLAN**

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2016 AS  
10, 20, 48, 54 and 62 Murray Road**

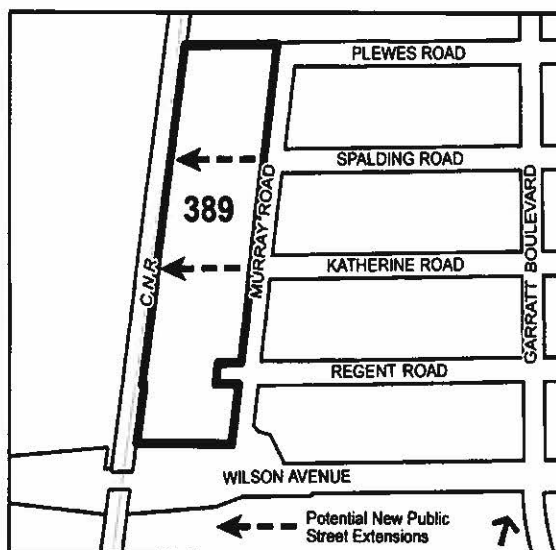
The *Official Plan* of the City of Toronto is amended as follows:

1. Map 16, Land Use Plan, is amended by re-designating the lands located west of Murray Road between Wilson Avenue and a line representing the westerly extension of Spalding Road known municipally in 2016 as 10, 20, and 48 Murray Road to *Mixed Use Areas* as shown on the attached Schedule 1.
2. Map 16, Land Use Plan, is amended by re-designating the lands west of Murray Road north from a line representing the westerly extension of Spalding Road known municipally in 2016 as 54, and 62 Murray Road to *General Employment Areas* as shown on the attached Schedule 1.
3. Schedule 1, "Existing Minor Streets with Right-of-Way Widths Greater than 20 Metres" is amended by adding the following:

Street Name	From	To	Planned Right-of-Way Width
Murray Road	Wilson Avenue	Plewes Road	22

4. Chapter 7, Site and Area Specific Policies, is amended by deleting the existing Site and Area Specific Policy No. 389 and replacing it with a new Site and Area Specific Policy No. 389 for the lands known municipally in 2016 as 10, 20, 48, 54 and 62 Murray Road, as follows:

**389 The Murray Road Area**



**1. VISION**

The Vision for the Murray Road Area is for a connected community with a balanced mix of land uses with opportunities for high value employment to attract new investment and support for local business. A green and animated public realm will provide safe and comfortable options for pedestrians and cyclists to get to and from local destinations and public transit, providing connectivity options and bringing together distinctive residential communities.

A new public park or publicly accessible open space that can be used by the community will provide additional green space and also create a series of green connections from Downsview Park through the Ancaster community.

Development will be arranged so that massing and height is located primarily along the Wilson Avenue frontage and progressively scaled down northwards to respect the existing residential character of the Ancaster community. A 45 degree angular plane will also be required along the Murray Road frontage to minimize shadowing and create an appropriate pedestrian realm along the street.

**2. LAND USE**

a. Within the Murray Road Area:

- i. A minimum thirty (30) metre setback is required along the western edge adjacent to the Toronto-Barrie railway corridor. This area can be used for:
  - A. a public or private street;
  - B. accessory structures;
  - C. acoustic fencing;
  - D. landscaped space, and private or publicly accessible open spaces; and
  - E. pedestrian and cycling facilities and related amenities.
- ii. Land uses within lands designated *General Employment Areas* will be located and designed to demonstrate compatibility with existing and planned residential development, and may be required to submit the appropriate noise, dust, air quality, vibration compatibility and traffic studies, where required. The cost of any compatibility studies and mitigation measures shall be borne by the developer, including the cost to peer review the studies.

- iii. Concrete batching plants, a contractor's establishment, motor vehicle body repair shop, transportation terminal and plastic product manufacturing are prohibited uses.
- b. The following uses are prohibited throughout the Murray Road Area:
  - i. Retail development with over 3,000 square metres of retail area.
- c. Despite Policy 2. a. iii. above, the facility at 20 and 48 Murray Road containing the two concrete batching plants that existed on April 9, 2019, may be modified, subject to the following:
  - i. The operation of the facility has continued as a legal non-conforming use;
  - ii. All modifications made to the facility are required for maintenance or for improved efficiency of the operation of the facility;
  - iii. All modifications made to the facility will improve the compatibility of the facility with the residential properties located east of Murray Road; and
  - iv. If any proposed modifications to the facility trigger site plan control approval, appropriate improvements are made to the existing public realm on the west side of Murray Road.

### **3. PUBLIC REALM**

#### **Streetscape and Landscaping**

- a. Improvements to sidewalks and boulevards will include new sidewalks with a minimum width of 2.1 metres, installation of street furniture and tree plantings;
- b. Street trees will be planted both on the public right-of-way and on private lands, given the important role they play in creating a well-defined, comfortable and inviting pedestrian realm;
- c. On the boundaries of properties that contain employment uses and commercial areas, new development will provide enhanced landscaping, screening, lighting and noise attenuation/mitigation, where appropriate, to provide for safer movement along these edges and reduce conflicts with service areas;

### **Public Parks and Other Open Spaces**

- d. Parkland dedication requirements for new residential and commercial development within the Murray Road Area will be satisfied through land conveyance secured through the development approval process and, where appropriate, S. 37 of the *Planning Act* for park improvements or over dedications to parkland. The size and configuration will be determined during the review of development applications;
- e. Lands conveyed as parkland will:
  - i. Serve as a focal point and be designed with high quality and sustainable materials; and
  - ii. Be linked by public streets, pedestrian and cycling connections and multi-use pathways to create a network of green space, pedestrian and cycling zones;

### **Privately Owned, Publicly Accessible Open Spaces (POPS)**

- f. POPS will be encouraged in new development and will be designed to extend and connect the public realm onto development sites in a way that is accessible to members of the public year-round. POPS will not be considered to satisfy any portion of the parkland dedication requirement for development approval.

## **4. MOVEMENT**

Transit, walking and cycling are interrelated components and together with new street extensions, will contribute to the provision of a range of sustainable travel options. The public streets, parks and open spaces, and development in the Murray Road Area, will be designed to be consistent with the following transit-supportive policies:

### **Public and Private Streets**

- a. New public and/or extension of existing public streets will be:
  - i. Secured through the development approvals process to provide access and address to development parcels and parks. The location and configuration of streets will be subject to detailed planning, transportation and engineering studies conducted in relation to the approval of development applications;
  - ii. A 2 metre road conveyance will be required along the west side of Murray Road to secure a 22 metre right of way width sufficient to accommodate public realm improvements including sidewalks, pedestrian amenities and bicycle lanes or paths; and

- iii. Designed and constructed to City standards and consistent with Council approved guidelines;
- b. New streets should be public streets. Where private streets are deemed appropriate by the City, they will be designed to function as a component and extension of the existing and planned public street network, and will include walkways, cycling routes, landscaping, traffic calming measures, and lighting and pedestrian amenities, as required by the City. Full public access easements along these private streets will be secured through development approvals;
- c. Facilities for pedestrians, cyclists, transit and shared mobility users will be improved as the space within the planned right-of-way of existing and new streets is reorganized and constructed with development. The organization of space within the planned right-of-way will be guided by Complete Street principles;

#### **Pedestrians, Cyclists and Transit**

- d. The public street, parks and open space network will be designed to provide pedestrians and cyclists with direct, convenient and attractive connections to transit options and other key destinations;
- e. Cycling infrastructure, including, but not limited to, physically separated bicycle lanes, standard (i.e. painted) bicycle lanes, signed routes and off-street multi-use trails, will be encouraged within the Murray Road Area to facilitate increased cycling safety and ridership;
- f. Infrastructure for bicycles, including weather protected and easily accessible visitor bicycle parking, will be required in all new development;
- g. Development shall be coordinated with the potential for a pedestrian and cycling overpass of the Toronto-Barrie railway corridor as identified in the adjacent Downsview Secondary Plan, to provide connectivity between the Stanley Greene and Ancaster communities and to connect the City cycling network;

#### **Traffic Demand Management (TDM), Parking and Access**

- h. Quantitative multimodal transportation assessments and site-related mitigation measures will be required for new development applications and:
  - i. will demonstrate that sufficient and safe transportation infrastructure exists within the Murray Road Area to support new development, and

- ii. will outline the TDM measures proposed on site;
- i. New vehicular parking facilities will be provided below-grade as part of new development;
- j. On street parking will be permitted, where appropriate, to enhance street activity, serve at-grade retail uses, provide a buffer between vehicular traffic and sidewalks and contribute to creating a desirable pedestrian environment; and
- k. Zoning By-laws implementing the Murray Road SASP may reduce parking requirements for development in exchange for dedicated car-sharing and/or bike sharing facilities or other sustainable mobility facilities.

## **5. BUILT FORM AND BUILDING HEIGHT**

- a. The height of new development will be guided by the following principles:
  - i. a 2 storey base building expression along Murray Road to match the built form and scale of the residential community on the east side of Murray Road;
  - ii. a 2 metre stepback above the 2nd floor for building frontages on Murray Road;
  - iii. a maximum height of 45.72 metres;
  - iv. a 45 degree angular plane facing a Neighbourhoods designation; and
  - v. a 6 metre setback inclusive of any road widening from the Murray Road property line;
- b. Development in the Murray Road Area will protect for the current and future operations of the Downsview Airport. The implementing Zoning By-law(s), and/or Minor Variance(s), will restrict the height of buildings and structures in consideration of the operational requirements of the airport; and
- c. New buildings within the Murray Road Area should include uses on the ground floor which animate the public realm and create places for the public that adds to the vitality of the streetscape. Pedestrian entrances to new development should provide direct access from the sidewalk.



**6. DENSITY**

- a. New development will be permitted at a level that is supportable and appropriate for the comprehensive planning framework and is balanced with the timely provision of physical and social infrastructure, but shall not exceed a maximum density of 1.5 times the area of the lot.

**7. INFRASTRUCTURE**

- a. As new development proceeds, the Murray Road Area will be enhanced to ensure it is attractive and functions well, to support current and future residents, through investments in key infrastructure such as parks, sidewalks and cycling trails, street trees and the pedestrian and cycling overpass of the Toronto-Barrie railway, as outlined in this policy document; and
- b. New development will include approaches to mitigate stormwater management as necessary and consistent with the Wet Weather Flow Guidelines and Infrastructure and Basement Flooding Studies related to the Murray Road Area, as appropriate.

**8. ENVIRONMENT**

- a. New development will be encouraged to meet the Tier 2 Standards of the City of Toronto Green Development Standards and incorporate sustainable building and landscape design in development; and
- b. Proponents of development containing sensitive uses will be required to demonstrate the proposed development meets all provincial guidelines and their successor guidelines, related to noise, air quality and soil contamination to ensure compatibility with surrounding land uses, to the satisfaction of the City and where necessary, the Province.

**9. IMPLEMENTATION****Zoning By-laws, Minor Variance and Consent**

- a. Zoning By-laws, minor variance, consent, or any other public action will implement the Vision of the Murray Road SASP;

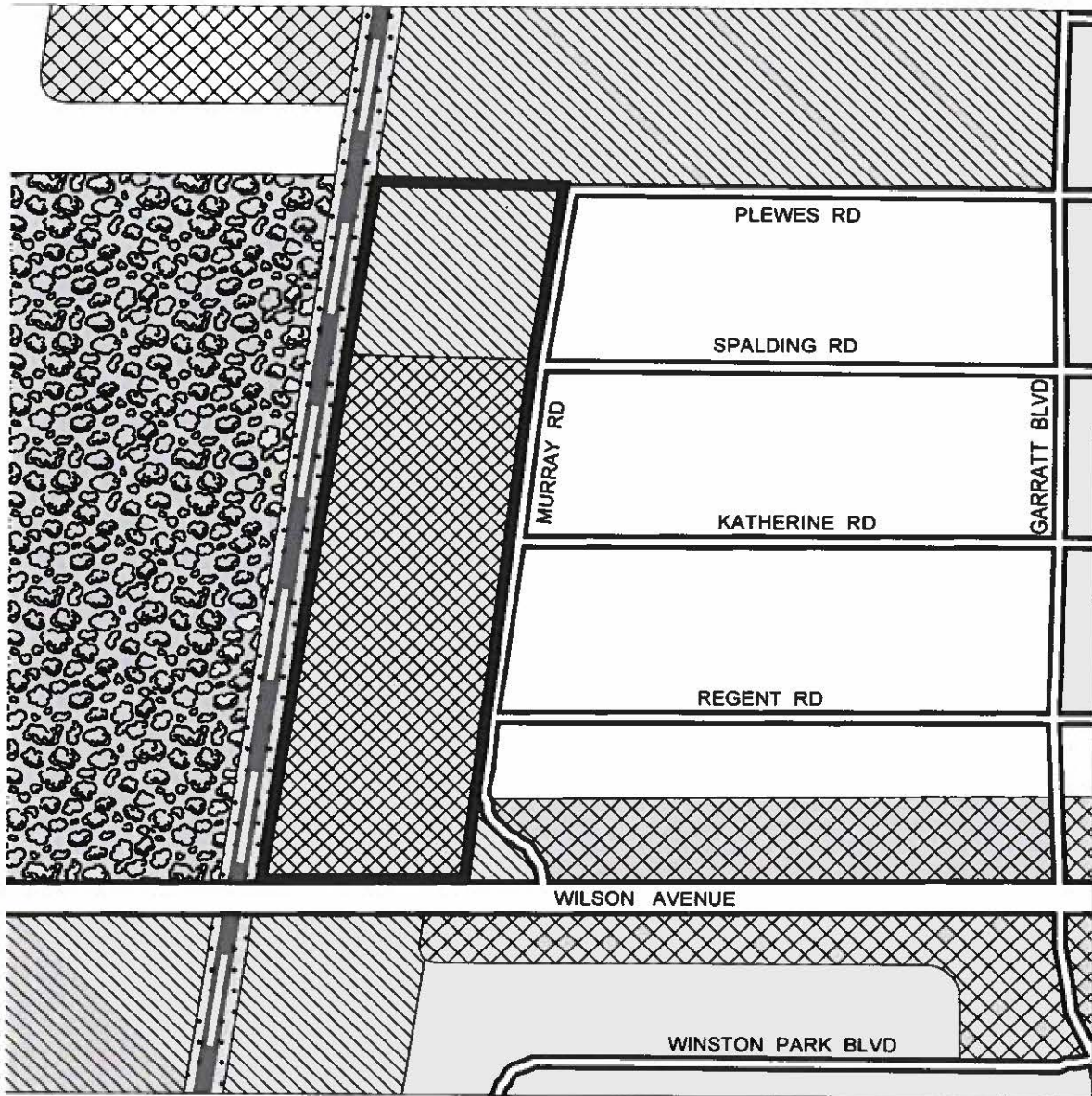
**Plan of Subdivision, Consent or Conveyance**

- b. Any division of land will be in conformity with the Murray Road SASP and will create land parcels that facilitate development consistent with the intent of the SASP;

**Holding 'H' By-laws**

- c. Holding (H) By-laws pursuant to the *Planning Act* will be considered during the processing of each application for rezoning received for lands within the Murray Road Area. Holding (H) provisions may be applied when land use, built form and density have been determined; however the following matters are required to be resolved prior to development proceeding:
- i. Residential and sensitive non-residential uses will only be permitted on the *Mixed Use Areas* once the existing facility operating two concrete batching plants has ceased to operate within the Murray Road Area;
  - ii. The submission of traffic impact studies and functional servicing and stormwater management reports, to the satisfaction of the City that demonstrate sufficient transportation and servicing capacity exists to accommodate the proposed development and/or identify necessary infrastructure improvements to City infrastructure at the cost of landowner(s), including any necessary cost-sharing agreement between landowners;
  - iii. The submission of studies to the satisfaction of the City that address the extent of any noise, dust, vibration and exposure from existing non-residential uses and mitigation measures required to the satisfaction of the City and in accordance with Provincial Guidelines;
  - iv. The implementation of any required noise attenuation or other mitigation strategies will be secured by an appropriate legal binding agreement or agreements between the City and the proponent; and
  - v. New public streets or public street extensions and infrastructure improvements are secured by an appropriate legal binding agreement or agreements between the City and the proponent.

Schedule 1



Official Plan Amendment 389

Revisions to Land Use Map 16 to redesignate lands from Employment Areas to Mixed use Areas

Murray Road Regeneration Study

File # 16 115948 NNY 09 02



↑  
Not to Scale  
12/18/2013