

**5055 Dundas Street West - City Initiated Amendment to Zoning By-law - Final Report**

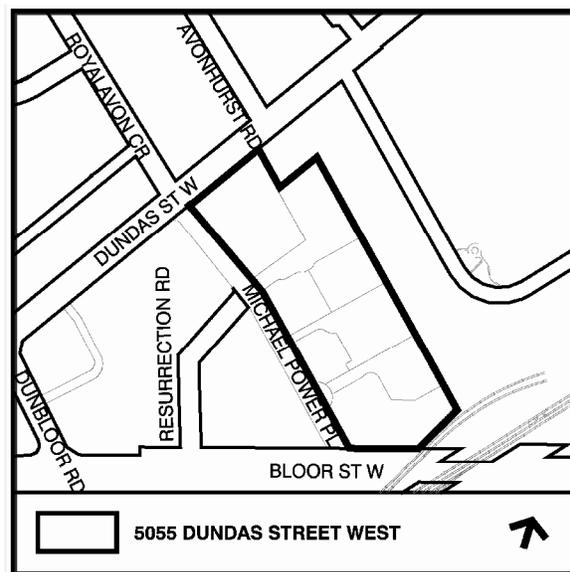
<b>Date:</b>	May 27, 2013
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 5 – Etobicoke-Lakeshore
<b>Reference Number:</b>	12 259724 WET 05 OZ

**SUMMARY**

At its meeting of May 15, 2012 Etobicoke York Community Council directed staff to review the status of secured but unexpended Section 37 funds in Ward 5 for the purpose of identifying funds that could be reallocated to alternate appropriate community benefits in Ward 5 and to undertake City-initiated Zoning By-law amendments accordingly. Alternate appropriate community benefits were defined in this direction as parks, streetscape improvements, recreation, public art or community facilities.

The property formerly known as 5055 Dundas Street West (now known as 5005 and 5055 Dundas Street West and 0, 3, 5, 11, 15 and 17 Michael Powers Place) has been identified as one such property with a Section 37 Agreement which could be amended.

As directed by Etobicoke York Community Council, this report proposes amendments to the former City of Etobicoke Zoning By-law 1555-2012(OMB) and the related Section 37 Agreement for the purpose of allowing the reallocation of secured but unexpended Section 37 funds. The total amount of the Section 37 funds collected would not be altered.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend Zoning By-law 1555-2012(OMB), for the lands formerly known as 5055 Dundas Street West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council authorize the City Solicitor to amend the registered Section 37 Agreement for the property formerly known as 5055 Dundas Street West to reflect the reallocation of the residual \$275,000 contribution as outlined in this report.
4. Prior to the introduction of Bills to Council, City Council require the City Solicitor to obtain consent to amend the Section 37 Agreement for the property formerly known as 5055 Dundas Street West from all relevant parties and/or their successors in Title to the Section 37 Agreement.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The Ontario Municipal Board, in Order 0981 issued July 6, 2000, approved the development of 1,275 dwelling units for the lands formerly known as 5055 Dundas Street West. The Section 37 Agreement, registered on title March 27, 2001, included a contribution valued at \$425,000 for affordable housing and public art. Half of the funds, being \$212,500, were received by the City. A \$150,000 portion of this contribution was secured for capital improvements to Toronto Community Housing Corporation owned Mabelle Avenue parkette in 2012, leaving a residual of \$275,000. The initial phases of the development are complete; the final phase is under construction; however the funds have not all been spent or received.

At its meeting of May 15, 2012 Etobicoke York Community Council directed staff to review the status of secured but unexpended Section 37 funds in Ward 5 for the purpose of identifying funds that could be reallocated to appropriate community benefits in Ward 5 and to undertake City-initiated Zoning By-law Amendments to reallocate such funds. These alternative appropriate community benefits were defined in this direction as parks, streetscape improvements, recreation, public art or community facilities. The link to the Motion is as follows:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EY16.25>

## **COMMENTS**

Subsequent to this direction, staff completed a review of the status of Section 37 Agreements in Ward 5 and determined the subject property had secured but unexpended funds. Accordingly, an application process was initiated specifically to amend the relevant Section 37 provisions of the site specific Zoning By-law.

This City initiated application was circulated to all appropriate agencies and City Divisions, residents of the development and other property owners within 120 metres of the site, the relevant condominium corporations, as well as the original developer, Port Royal Place Developments Inc. No concerns were identified through the circulation.

A Community Consultation Meeting was held on December 11, 2012 which was attended by 3 people. Comments provided include:

- Use the Section 37 funds to develop a dog walk and for better street lighting.

In accordance with Community Council direction and subsequent consultation with the Ward Councillor, this report recommends that City Council amend the site specific Zoning By-law for the property formerly known as 5055 Dundas Street West to reallocate the residual \$275,000 cash contribution originally committed for affordable housing and public art, to streetscape, public art and parkland improvements in Ward 5. It should be noted this report also recommends the City Solicitor be authorized to amend the registered Section 37 Agreement accordingly. The Section 37 contribution of \$425,000 (less the \$150,000 already allocated) has a current estimated value of \$288,115.94 (balance remaining with accrued interest plus portion not yet received).

A draft Zoning By-law Amendment is included as Attachment 1 to this report. This report also recommends that such amendments not be enacted until all relevant parties to the original Section 37 Agreement, and/or their successors in Title, consent to these amendments.

## **CONTACT**

Derek Waltho, Planner  
Tel. No. 416-394-8206; Fax No. 416-394-6063  
E-mail: dwaltho@toronto.ca

## **SIGNATURE**

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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment

**Attachment 1: Draft Zoning By-law Amendment**

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend Zoning By-law No. 1555-2012(OMB)  
With respect to the lands municipally known as  
5055 Dundas Street West**

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

WHEREAS the 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*; and

WHEREAS the Council of the City of Toronto wishes to amend the Section 37 provisions that are set out in Zoning By-law No. 1555-2012(OMB);

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

1. Section 4.9 of Zoning By-law No 1555-2012(OMB) is deleted and replaced by the following:

4.9

The owner shall pay \$150,000.00 to the City in respect of affordable housing and public art.

The owner shall pay \$275,000.00 to the City for streetscape and public art improvements consistent with the Etobicoke Centre Public Space and Streetscape Plan or parkland improvements within Ward 5.

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

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)