

**11 Dunbloor Road – City-Initiated Zoning By-law Amendment
Application – Final Report**

Date:	May 25, 2016
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	16 149940 WET 05 OZ

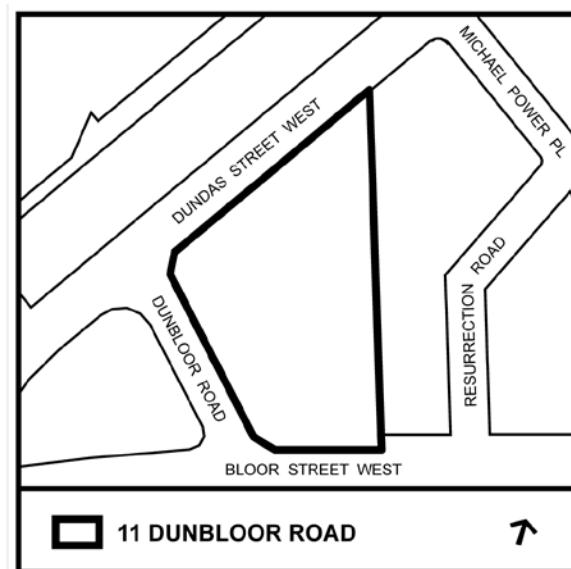
SUMMARY

This City-initiated application proposes to amend the Zoning By-law and Section 37 Agreement for the lands at 11 Dunbloor Road (formerly known as 5145 Dundas Street West) to reallocate previously secured Section 37 community benefits for streetscape improvements within Ward 5.

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 and to undertake City-initiated Zoning By-law Amendments accordingly.

The property at 11 Dunbloor Road (formerly known as 5145 Dundas Street West) was identified as one such property with a Section 37 Agreement which could be amended.

At its meeting of July 16-19, 2013, City Council adopted recommendations to permit the Section 37 community benefits to be reallocated to a community centre and/or park improvements, if and when consent was provided by all the relevant parties to amend the Section 37 Agreement.



This report is required because the current proposal is to reallocate the funds further, to be spent on capital streetscape improvements within Ward 5.

RECOMMENDATIONS

Should City Council wish to reallocate the Section 37 community benefits related to the development at 11 Dunbloor Road, City Council can provide the following direction:

1. City Council amend Site Specific Zoning By-law No. 751-2003, for the lands at 11 Dunbloor Road (formerly known as 5145 Dundas Street West) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the report of the Director of Community Planning, Etobicoke York District, dated May 25, 2016.
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 at 11 Dunbloor Road (formerly known as 5145 Dundas Street West) to reallocate the remainder of the original \$225,000 contribution (plus accrued interest) for Section 37 community benefits to capital streetscape improvements within Ward 5.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to execute an Amending Section 37 Agreement, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of July 24, 2003, City Council approved an application to redevelop the property at 11 Dunbloor Road (formerly known as 5145 Dundas Street West) with six residential buildings. This approval required the property owner to enter into a Section 37 Agreement with the City to provide either a contribution of \$225,000 to the City to be used for seniors service capital facilities (Islington Seniors Centre) or, alternatively, the construction of a supermarket and/or convenience food store within the development and a contribution of \$50,000.00 to the City to be used for seniors service facilities (Islington Seniors Centre).

The owner opted to make a contribution of \$225,000.00 and the funds were received by the City and the Section 37 Agreement registered on title August 10, 2004. The development has now been completed; however, the funds have not been spent.

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

At its meeting of July 16, 17, 18 and 19, 2013, City Council gave direction to enact the Bills to amend the Official Plan and Zoning By-law to re-allocate the original \$225,000 in community benefits to community centre and/or park facilities, once the City Solicitor had obtained consent to amend the Section 37 Agreement. At the time, the 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 owner, Concert Properties. No concerns were identified through circulation. Comments from the community consultation meeting indicated a need for a dog walk, a community centre and a grocery store in the area. The Section 37 Agreement was not amended and the Bills were not enacted. The link to the Council decision is: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY25.2>

The existing Section 37 Agreement registered on title will need to be amended and executed with Concert Properties (the original and current owner), who is the other party to the Section 37 Agreement.

Reasons for Application

The funds collected through the rezoning at 11 Dunbloor Road (formerly known as 5145 Dundas Street West) for improvements to the seniors centre (Islington Seniors Centre) have not been spent, thirteen years after the rezoning occurred. The remainder of the original contribution of \$225,000 (plus accrued interest) is estimated at \$277,464.

In order to spend the Section 37 funds on anything other than the Islington Seniors Centre, an Official Plan Amendment, Zoning By-law Amendment and Section 37 Agreement amendment are required.

The previous City Council decision in 2013, which was not enacted in Bills, was to reallocate the funds for community centre and/or park facilities. As the Official Plan Amendment previously approved by City Council would be the same, only a Zoning By-law Amendment and Section 37 Agreement amendment are being considered at this time to allow the funds to be re-allocated to capital streetscape improvements in Ward 5.

COMMENTS

A Section 37 Agreement was registered on title for the property at 11 Dunbloor Road (formerly known as 5145 Dundas Street West) in conjunction with an Official Plan and Zoning By-law Amendment. The agreement originally secured, among other matters, the option to provide a \$225,000.00 contribution toward a seniors centre (Islington Seniors Centre).

City Council at its meeting on July 16-19 2013, directed staff to proceed with an Official Plan and Zoning By-law Amendment to reallocate those funds towards a community centre and/or park improvements.

The Ward Councillor has identified a need for streetscape improvements in Ward 5. The Councillor has secured written consent from the condominium corporation at 11 Dunbloor Road (formerly known as 5145 Dundas Street West) to amend the Section 37 Agreement for this purpose, though the Section 37 Agreement amendment has not yet been executed.

If directed to do so by City Council, City staff would follow a multi-step process to implement the Recommendations of this report. Once City Legal has drafted the amendment to the Section 37 Agreement, City staff would approach the relevant parties (i.e. the current owner of 11 Dunbloor Road) to have the amended Section 37 Agreement executed. Following the amended Section 37 Agreement being executed, City staff would forward the Bills for the Official Plan (adopted by City Council in 2013) and the Zoning By-law Amendment (in Attachment No. 1 to this report) to City Council for enactment.

Conclusion

Should City Council wish to re-allocate the Section 37 contribution to allow for the remainder of the original \$225,000.00 contribution (plus accrued interest) to be allocated towards capital streetscape improvements in Ward 5, City staff will implement the Recommendations of this report. The overall \$225,000.00 contribution for Section 37 would remain unchanged, and all other matters of the agreement would be maintained.

CONTACT

Elise Hug, Senior Planner
Tel. No. 416-338-2560
Fax No. 416-394-6063
E-mail: ehug@toronto.ca

SIGNATURE

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

ATTACHMENT

Attachment 1: Draft Zoning By-law Amendment

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CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No. 751-2003
With respect to the lands municipally known as 11 Dunbloor Road
(formerly known as 5145 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. 751-2003;

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

1. Section 10(iii) of Zoning By-law No. 751-2003 is deleted and replaced by the following:

10 (iii)

The following density bonuses shall be permitted on the Site:

A density (Floor Space Index) bonus of 1.0 times the lot area shall be permitted if the additional density (Floor Space Index) from 3.5 to 4.5 times the lot area is devoted to the construction of seniors housing/senior citizen apartment building, provided that a contribution of \$225,000.00 is made to the City, to be used for capital funds for streetscape improvements within Ward 5, as deemed appropriate by the City, which contribution shall be provided prior to the issuance of any building permit which causes the gross Floor Space Index (FSI) for the Site to exceed 3.50 times the lot area.

In the event the cash contributions have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.

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

JOHN TORY
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk