

**2, 8 and 22 Fieldway Road – City-Initiated Zoning By-law Amendment Application – Final Report**

<b>Date:</b>	May 25, 2016
<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>	16 145850 WET 05 OZ

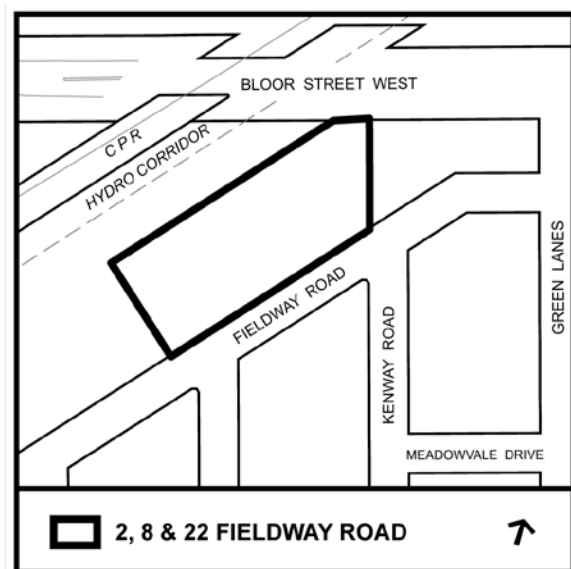
**SUMMARY**

This City-initiated application proposes to amend the Zoning By-law and Section 37 Agreement for the lands at 2, 8 and 22 Fieldway Road (formerly known as 2 Fieldway Road) 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 Zoning By-law Amendments accordingly.

The property at 2, 8 and 22 Fieldway Road (formerly known as 2 Fieldway Road) was identified as one such property with a Section 37 Agreement which could be amended.

At its meeting of September 30, October 1 and 2, 2015, City Council adopted a motion directing staff to prepare the necessary Zoning By-law and Section 37 Agreement amendments for the re-allocation, if and when consent was provided by all the relevant parties to amend the Section 37 Agreement. City Council also directed City staff to hold a community meeting and give notice for a



statutory public meeting.

This report is required because the current proposal is to reallocate the funds to be spent on capital streetscape improvements within Ward 5 and to report back on the consultation process directed by Council.

## **RECOMMENDATIONS**

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**Should City Council wish to reallocate the Section 37 community benefits related to the development at 2, 8 and 22 Fieldway Road, City Council can provide the following direction:**

1. City Council amend Site Specific Zoning By-law No. 963-2006, for the lands at 2, 8 and 22 Fieldway Road (formerly known as 2 Fieldway Road) 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 2, 8 and 22 Fieldway Road (formerly known as 2 Fieldway Road) to reallocate the remainder of the original \$50,000 contribution (plus accrued interest) for Section 37 community benefits to capital streetscape improvements in 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 25, 26, 27, 2006, City Council adopted a City Planning report to permit the conversion of a 12-storey office building into a 13-storey residential building, as well as to construct 14 new townhouse units at 2 Fieldway Road. The Section 37 contributions were valued at \$50,000 for capital streetscape improvements on Bloor Street West and an access easement.

The funds were received by the City and the Section 37 Agreement was registered on title September 11, 2006. 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 Council 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 adopted recommendations to authorize City staff to amend the site-specific Zoning By-law and Section 37 Agreement for 2, 8 and 22 Fieldway Road (formerly known as 2 Fieldway Road) to re-allocate the Section 37 community benefits to streetscape improvements and/or park improvements within Ward 5 and an access easement, 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 developer (Finer Space (Fieldway) Corporation). No concerns were identified through the circulation, however, the TTC identified the potential opportunity to improve the connection between the stairs accessing Bloor Street West and Kenway Park. Comments from the community consultation meeting indicated a need for improved lighting and access to Kenway Park, a desire to have the funds spent in the local neighbourhood as a priority, and the need for a 4-way stop sign at Fieldway Road and Green Lanes. 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.EY25.4>

At its meeting of September 30, October 1 and 2, 2015, Council adopted a motion to amend the Section 37 Agreement to allow the funds to be spent on additional streetscape improvements (other than on Bloor Street West) and to prepare an amending Section 37 agreement prior to the introduction of the Bills. Council also directed staff to hold a community meeting in consultation with the Ward Councillor and give notice for a statutory meeting. The Council decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM9.4>

The condominiums at 2, 8 and 22 Fieldway Road are occupied and registered. Accordingly, the existing Section 37 Agreement registered on title will need to be amended and executed with the Condominium Boards, who are now the other party to the Section 37 Agreement, rather than the original developer.

### **Reasons for the Application**

Only a small portion of the funds collected through the rezoning at 2, 8 and 22 Fieldway Road (formerly known as 2 Fieldway Road) for improvements to capital streetscape improvements on Bloor Street West have been spent, ten years after the rezoning occurred. The remainder of the original contribution of \$50,000 (plus accrued interest) is estimated at \$41,392.01.

In order to spend the Section 37 funds on anything other than capital streetscape improvements on Bloor Street West, a 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 re-allocate the funds for streetscape improvements and/or park improvements within Ward 5 and an access easement, but did not address the change required to allocate the streetscape improvements beyond Bloor Street West. Also, the City Council decision directed City staff to hold a community consultation meeting and give notice for a statutory meeting.

## **COMMENTS**

A Section 37 Agreement was registered on title for the property at 2, 8 and 22 Fieldway Road (formerly known as 2 Fieldway Road) in conjunction with a Zoning By-law Amendment. The agreement originally secured, among other matters, a contribution of \$50,000 for capital streetscape improvements on Bloor Street West and an access easement.

The Ward Councillor has identified a need for streetscape improvements in Ward 5. The condominium corporations have not yet been approached to request amendment of the Section 37 Agreement for this purpose.

A community consultation meeting was held on May 19, 2016. Six people attended the drop-in format community meeting. All attendees opposed reallocating the funds to allow them to be spent within Ward 5, further away from the site. Attendees expressed the opinions that funds should be spent:

- To improve the streetscape along Bloor Street West, between Resurrection Road and Green Lanes. Specific suggestions were for improved lighting and/or a mural in the underpass and to improve an existing gabion wall.
- To improve Kenway Park, located at Fieldway Road and Green Lanes. Specific suggestions included additional benches, lighting and a fence to keep small children and dogs away from traffic on Bloor Street West. One person also suggested the funds be used for a small dog park within Kenway Park.
- To improve the streetscape along Fieldway Road.
- To improve a shed in a local community garden.

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 condominium corporations) to have the amended Section 37 Agreement executed. Following the amended Section 37 Agreement being executed, City staff would forward the Bill for 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 \$50,000 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 \$50,000 contribution for Section 37 would remain unchanged, and all other matters of the agreement would be maintained.

## **CONTACT**

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## **SIGNATURE**

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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. 963-2006  
With respect to the lands municipally known as  
2, 8 and 22 Fieldway Road  
(formerly known as 2 Fieldway Road)**

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. 963-2006;

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

**1.** Section 10.1 of Zoning By-law No. 963-2006 is deleted and replaced by the following:

10.1

The following items are a list of public benefits to be secured by the Section 37 Agreement:

- capital streetscape improvements within Ward 5, and
- an access easement.

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