

**60 and 70 Esther Lorrie Drive – Zoning By-law Amendment
Application – Revised Supplementary Report**

Date:	June 8, 2009
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward No. 2 – Etobicoke North
Reference Number:	07 259833 WET 02 OZ

SUMMARY

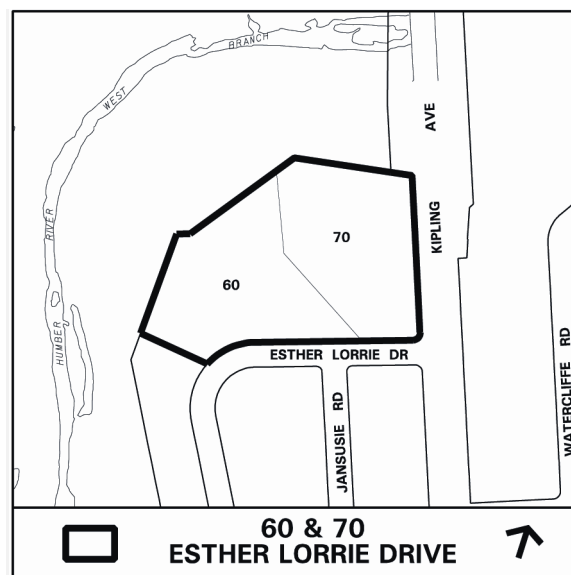
At its meeting of May 14, 2009, Etobicoke York Community Council deferred consideration of the Final Report that recommended approval of this application. Discussion at Community Council focussed on the need to secure additional Section 37 commitments, or, if that was not possible, to consider reallocating the funds to community-oriented benefits including local parks. The potential for further changes to the project was also discussed.

Councillor Ford convened a meeting among the residents, the applicant and City staff to discuss a possible resolution. This report recommends amendments to the proposed by-law and Section 37 provisions in the event that Council wishes to implement the option discussed with the community.

RECOMMENDATIONS

In the event that Council wishes to implement the modifications outlined in this report, the City Planning Division recommends that:

1. City Council amend the draft by-law included as Attachment 5 to the staff report dated April 28, 2009 to:



- i) Amend clause 5 to substitute the figure 37,800 square metres for the figure 39,300 square metres where it appears in the second line;
- ii) Amend clause 6 to substitute the figure 1.41 times the area of the Lands for the figure 1.47 times the area of the Lands where it appears in the first line;
- iii) Amend the by-law to append the revised Schedules B and B2 (Building height) appended to this report;
- iv) Amend Clause 15, Section 1 to read:

“Prior to the issuance of the first above ground building permit (excluding sales office), the owner shall be required provide adequate funding, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the Director of Development Engineering and at no cost to the City to install 2 public transit shelters at Toronto Transit Commission stops in the area.”;
- v) Amend Clause 15 to delete Sub-sections 1.1 through 1.3 where they appear in Section 1;
- vi) Amend the by-law to add a new clause 16 as follows:

“Prior to the issuance of the first above ground building permit (excluding sales office), the owner shall be required to make arrangements satisfactory to the Chief Planner and Executive Director, City Planning Division, to provide funds in the amount of \$150,000 for improvements to Sunnydale Acres Park.” and
- vi) Amend Section 2 clause (ii) to read:

“new amenity upgrades including the provision of a 180 square metre indoor meeting room within the proposed building for the exclusive use of residents of the existing buildings.”

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of May 14, 2009, Etobicoke York Community Council considered the Final Report on this application. The staff report recommended approval of the proposal, subject to conditions. Staff recommended that the applicant be required to enter into a Section 37 Agreement to secure benefits including protecting the rental status of the existing apartments for 20 years; renovations and amenity upgrades to the existing apartment buildings; and, funding for 2 additional transit shelters in the neighbourhood.

The Section 37 agreement was also to secure a left turn lane at Esther Lorrie Drive and Kipling Avenue; funds that could be used for future traffic calming measures; and, a cash contribution for street trees.

Community Council deferred consideration of the Final Report to allow for further consideration of issues related to the proposal. Although no direction was provided to staff, discussion at Community Council focussed on the need to secure additional Section 37 commitments, or, if that was not possible, to consider reallocating the committed funds to community-oriented benefits including local parks.

COMMENTS

Section 37

Section 37 of the Planning Act allows municipalities to obtain public benefits for developments with an increase in height or density. The benefits are generally capital projects and must bear a planning relationship to the proposed project. As well, Section 37 provides a mechanism to secure non-monetary commitments related to site development, including the protection of rental housing and off-site improvements.

The applicant has agreed to enter into a Section 37 Agreement with the City to secure public benefits arising from the proposed development. City staff and the applicant are finalizing the Agreement which will secure:

1. the rental status of the units in the existing rental apartment buildings for a 20 year period;
2. amenity upgrades to the existing rental apartment buildings, and the provision of a 180 square metre indoor meeting room within the proposed building for the exclusive use of residents of the existing buildings;
3. renovations and improvements to the condition of the existing rental apartment buildings without pass-through costs to the tenants; and
4. sufficient funding to install two public transit shelters at Toronto Transit Commission bus stops in the area.

It should be noted that conditions 1, 2 and 3 directly implement Official Plan housing policies and are typically secured with applications where intensification is being sought on rental housing apartment sites.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

- a) the provision of the eastbound auxiliary left turn storage lane with a 15 metre taper at the west approach to the Esther Lorrie Drive/Kipling Avenue intersection

including the provision of adequate financial guarantees, including engineering and inspection fees;

- b) the applicant shall provide funding in the amount of \$40,000.00 to cover the cost associated with implementing physical traffic calming on Esther Lorrie Drive and Jansusie Road, if warranted within five years following full build-out of the subject site. The municipality will return these monies, without interest, if traffic calming measures are not installed on these roads within the five year timeframe; and
- c) a cash contribution for installation of street trees within the public boulevard areas along both sides of Esther Lorrie Drive, in front of 60 to 70 Esther Lorrie Drive, and, along both sides of the Kipling Avenue frontage, where opportunities exist, to be determined at the site plan control approval stage.

Before introducing the necessary Bills to City Council for enactment, the owner will be required to enter into a Section 37 Agreement and have completed registration on title securing the benefits outlined above.

Community Meeting

On June 1, Councillor Ford convened a meeting between the applicant and approximately 25 residents to further discuss the development proposal and the recommended Section 37 provisions.

It was evident that the residents in attendance did not support the development proposal in its current form. Some could support a development if the overall height was reduced. The applicant is reluctant to further reduce the height and gross floor area of the development if there is a potential appeal of Council's decision to the Ontario Municipal Board.

During the course of the meeting it was determined that most residents could support reallocation of a portion of the funds committed through the Section 37 provisions to improvements to Sunnydale Acres Park, as follows:

- | | | |
|----|--|------------------|
| a) | Road improvements to implement left turn lane at Esther Lorrie Drive and Kipling Avenue: | \$70,000 |
| b) | Traffic calming funding: | \$40,000 |
| c) | Funds for on-site landscaping: | \$42,000 |
| | TOTAL: | \$152,000 |

The applicant has agreed to the above re-allocation, and a reduction in height to 12 storeys, on the understanding that there would be no appeal of the project. Staff note that Council has no ability to limit a third-party's right to appeal any application approved under the Planning Act.

Staff support the suggested amendments to the by-law and Section 37 provisions to implement the above-noted settlement, in the event that Council determines that it is acceptable. It is noted that the Section 37 provisions related to the protection and enhancement of the existing rental buildings on the property are not affected by the proposed amendments.

This report was prepared in consultation with staff from the Parks, Forestry and Recreation Division.

CONTACT

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SIGNATURE

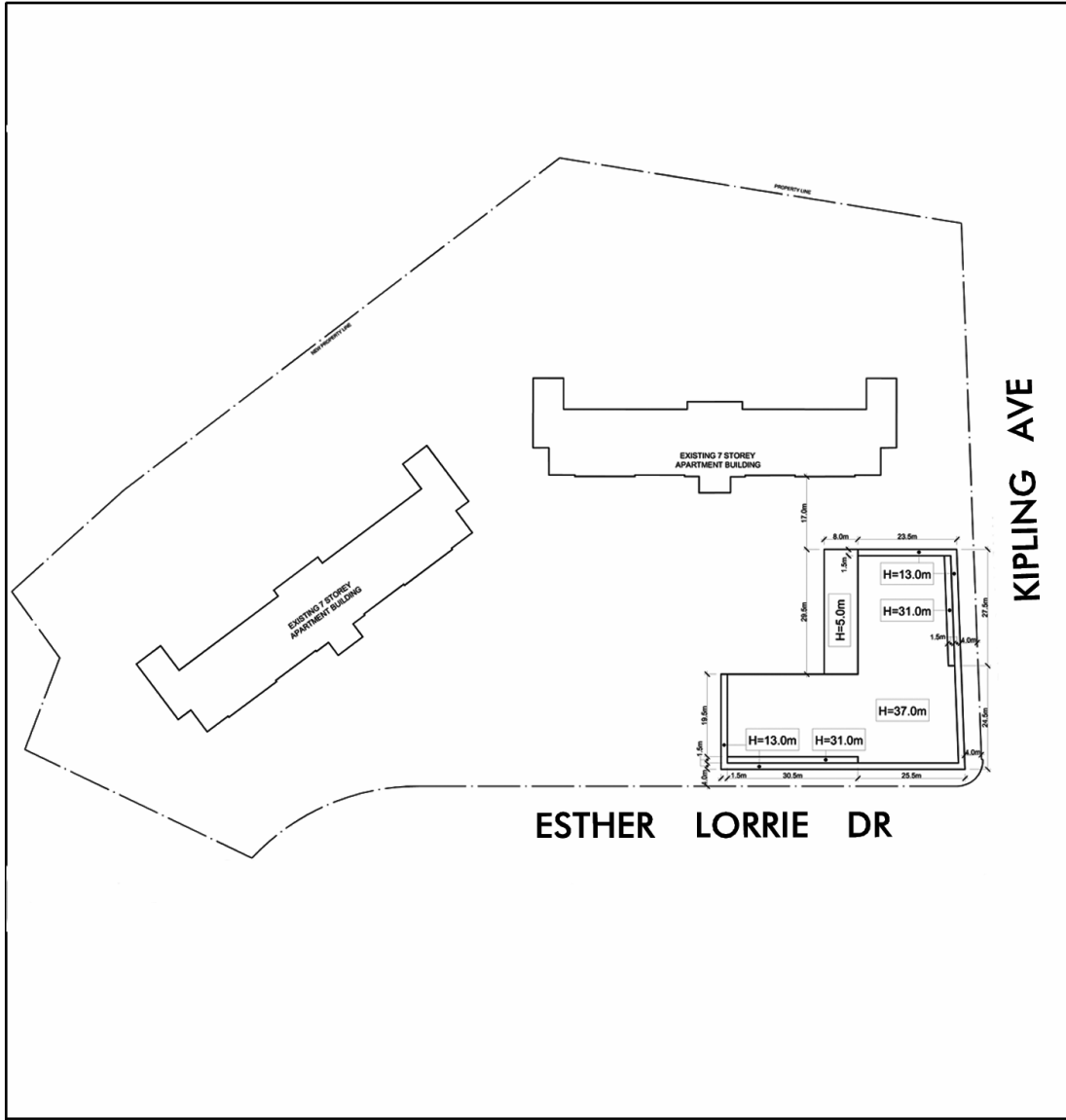
Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York

ATTACHMENTS

Attachment 1: Revised Schedule B
Attachment 2: Revised Schedule B2

Attachment 1: Revised Schedule B

Toronto Schedule 'B' BY-LAW



**PART OF BLOCKS A AND C
REGISTERED PLAN 5473
CITY OF TORONTO**

Applicant's Name:		RITCHIE KETCHESON HART AND BIGGAR LLP	
Assessment Map J14	Zoning Code Map/s J145	scale:	
File No. 07_259833	Drawing No.07_259833_dz2		



Attachment 2: Revised Schedule B2

TORONTO Schedule 'B2' BY-LAW

