

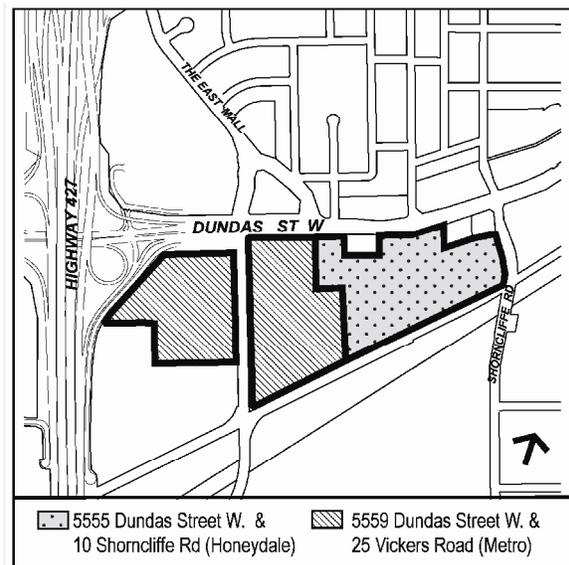
25 Vickers Road, 5555 and 5559 Dundas Street West and 10 Shorncliffe Road - Zoning Amendment Application - Request for Direction Report

Date:	October 31, 2011
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	05 114554 WET 05 OZ (5555 Dundas Street West and 10 Shorncliffe Road) 06 199602 WET 05 OZ (5559 Dundas Street West) 06 199605 WET 05 OZ (25 Vickers Road)

SUMMARY

These applications were made prior to January 1, 2007, with the exception of those respecting 10 Shorncliffe Road. The City's implementing Official Plan Amendment 156 (OPA 156), which is under appeal, was enacted in July, 2011 and is subject to the changes to the Planning Act which came into effect on January 1, 2007, and the City of Toronto Act, 2006.

These applications are for the lands south of Dundas Street West and west of Shorncliffe Road. More specifically, separate but interrelated applications have been submitted by Metro (formerly A&P) for 25 Vickers and 5559 Dundas Street West, and The Azuria Group (Honeydale) for the properties at 5555 Dundas Street West and 10 Shorncliffe Road. This is a report on appeals by the owners of their applications to amend the Zoning By-law, in order to provide staff with instructions for the Ontario Municipal Board hearing on these appeals and Honeydale's appeal of OPA 156, scheduled to commence in February, 2012.



Honeydale applied for Zoning By-law and Official Plan amendments to permit mixed-use development at a density of approximately 2.6 times the area of the lot with building heights ranging between 10 and 16 storeys on their property at 5555 Dundas Street West, subsequently acquiring and adding 10 Shorncliffe Road to their applications.

Metro also applied for Zoning By-law and Official Plan Amendments. The Zoning by-law Amendments were to permit office development at 25 Vickers Road and mixed-use development at a density of 2.3 times the area of the lot with building heights ranging between 3 and 22 storeys for 5559 Dundas Street West.

The purpose of this report is to seek City Council's instruction to bring forward the position outlined in this report to the Ontario Municipal Board hearing now scheduled to commence on February 13, 2012.

The Ontario Municipal Board hearing will be a combined hearing. Specifically, the hearing will include Honeydale's and Metro's appeals in connection with their site specific Official Plan and Zoning By-law Amendment applications and Honeydale's appeal of OPA 156 (adopted, by City Council July 12 and 13, 2011). These appeals are respecting certain of the lands within the Dundas Street West/ Highway 427 Planning Framework study which was initiated in response to the original applications.

RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. Authorize the City Solicitor, together with the Chief Planner and other appropriate City staff to attend the Ontario Municipal Board hearing in support of the position outlined in this report.
2. Request that the Ontario Municipal Board withhold its Order on the Zoning By-law Amendment appeals until the related Official Plan Amendment appeals are withdrawn or resolved.
3. That the Zoning By-law Amendments to permit the redevelopment of the properties at 5555 Dundas Street West, 10 Shorncliffe Road, 5559 Dundas Street West and 25 Vickers Road, be in accordance with the principles set forth in this report, with the details to be to the satisfaction of the Chief Planner and City Solicitor in consultation with the Executive Director, Technical Services.
4. Authorize the City Solicitor and any other appropriate City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

Honeydale Application

In March 2005, an Official Plan and Zoning By-law Amendment application was submitted for 5555 Dundas Street West (Honeydale Mall). The application proposed mixed use redevelopment of the lands for approximately 2,400 residential units and 4,000 m² of commercial floorspace. An overall site density of 3.2 times the area of the lot was proposed, with buildings ranging in height between 8 and 20 storeys. A preliminary report was adopted by City Council on September 25, 26 and 27, 2006 and included a recommendation that staff work with the applicant and adjacent landowners to develop a planning framework for the local area.

(<http://www.toronto.ca/legdocs/2006/minutes/committees/et/et060913.pdf>)

The applicant revised their application in January 2011 to add the adjacent 10 Shorncliffe Road property and modify their development concept. The modified development concept, proposed 2,000 residential units and 17,400 m² of commercial floorspace at an overall site density of 2.6 times the area of the lot with buildings ranging in height between 10 and 16 storeys. The modified application also proposed a public road network and public park.

Metro Applications

In March 2005, the owner of 5559 Dundas Street West and 25 Vickers Road (Metro, formerly A&P) submitted an Official Plan amendment application, followed in December 2006 by separate Zoning By-law amendment applications for their properties located immediately to the west of the Honeydale lands.

The Zoning amendment applications proposed that 25 Vickers Road be zoned Class 1 Industrial to permit office development, no development concept was submitted for this property. The application for 5559 Dundas Street West proposed 61,000 m² of office/commercial space plus 1,434 residential units, a public park and new public roads at a density of 2.3 times the area of the lot with buildings ranging in height between 3 and 22 storeys.

Dundas Street West/ Highway 427 Planning Framework Study

Given the scale of development proposed with the Honeydale and Metro applications and the potential to develop a new mixed use community, City Council initiated a Planning Framework Study administered by the City and funded by the applicants. The purpose of the study was to evaluate opportunities for mixed-use redevelopment and set out a framework to inform and direct future growth.

The study was completed in May 2011 and included four community consultation meetings, four working group meetings and a design charrette. The applicants were engaged in the study process. The Planning Framework Study was considered at the June 22, 2011 meeting of Etobicoke York Community Council and the implementing Official Plan Amendments 156 and 159 for the majority of the lands were adopted by City Council at its meeting of July 12 and 13, 2011. OPA 156 was subsequently appealed to the Ontario Municipal Board by Honeydale.
(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EY8.5>).

Official Plan Amendment 156

OPA 156 (By-law 990-2011) applies to the lands on the south side of Dundas Street West and includes both the Honeydale and Metro properties. OPA 156 implements the recommendations from the Planning Framework Study and is intended to resolve the related Official Plan Amendment applications submitted by Honeydale and Metro. Official Plan Amendment 156:

- modifies the Official Plan so that the lands on the south side of Dundas Street West and east of The East Mall would be designated *Mixed Use Areas*, and the lands west of The East Mall would be designated *Employment Areas*;
- adds roads to Schedule 2 Planned but Unbuilt Roads of the Official Plan to reflect the key public roads and road segments that are required to support development;
- adds Site and Area Specific Policy 367 to identify key objectives for development, and set out policies related to public realm and built form, transportation and development phasing, community services and facilities, municipal infrastructure, and holding zones;
- includes Map 1 which illustrates the structure plan for the area identifying public streets and a centrally located public park

Honeydale appealed OPA 156 on the basis of concerns with maximum building heights being determined in accordance with adjacent right-of-way widths (Policy 4.c)vii). The appellant has stated in their appeal submission that should the implementing Zoning By-law Amendment resolve their concerns; then their intention is to withdraw the appeal.

Ontario Municipal Board

In March 2005, at the time of these applications, the Toronto Official Plan had been adopted by City Council and was before the OMB on a number of appeals. Prior to the submission of their applications, the applicants held meetings and discussions with the

City to advise of their intent to seek approvals to redevelop their lands for mixed-use development. On this basis, the OMB granted both landowners party status on their appeals of the Toronto Official Plan solely for the purpose of amending the Official Plan to ensure conformity with their site specific applications.

In January 2011, Metro requested that the OMB schedule a prehearing on their appeal of their 2005 Official Plan amendment application on the basis of concerns with timing of the completion of the Planning Framework study. A hearing was scheduled for January 2012 and to date, three prehearings have been held, on May 3, 2011, July 28, 2011 and October 28, 2011. A fourth prehearing is scheduled for December 5, 2011. Honeydale also attended and participated in the prehearings. A consolidated OMB hearing is now scheduled to begin on February 13, 2012 which will include Metro and Honeydale's appeal of their Zoning By-law and Official Plan Amendment applications in addition to Honeydale's appeal of OPA 156.

ISSUE BACKGROUND

Staff have been working with the applicants on implementing zoning for the lands based on the recommendations from the Planning Framework Study and OPA 156. This approach is agreed to by all parties as the initial development concepts submitted with their respective applications have not been updated to reflect the results of the study and approved OPA 156. Both applicants have indicated that at this time they are not prepared to submit phasing plans, site plans or a plan of subdivision. At the time of preparation of this report there is a concurrence on a number of zoning provisions, although not all development standards have been finalised.

Discussions are advanced with respect to holding designations pursuant to Section 36 of the Planning Act; however recommendations by City staff regarding the extent and conditions for release of holding provisions have not been able to be finalized as we had been awaiting receipt of a joint submission by the applicants of a servicing study for review by City staff. A Final Draft of that report was received on October 27, 2011 and has been circulated to the Executive Director, Technical Services for comments.

Discussions regarding Section 37 provisions have also been initiated.

At the October 28, 2011 pre-hearing, the City Solicitor requested the OMB reschedule the hearing to the late spring to allow time for City staff to review the servicing study, make any revised recommendations arising from such to City Council and to allow the City to enact by-laws for these lands. The OMB did not agree to put the hearing over for the time required but did move the hearing a number of weeks to allow City staff an opportunity to report and obtain further instructions from Council at its meeting in January, should such be required.

Site and Area Description

The lands subject to these applications include 25 Vickers Road (Metro), 5555 Dundas Street West (Metro), 5559 Dundas Street West (Honeydale Mall) and 10 Shorncliffe Road (Etobicoold Storage). The total area of the lands is 23.69 hectares, which is comprised of 9.04 hectares (Honeydale) and 14.65 hectares (Metro). The lands slope south from Dundas Street West to the Canadian Pacific rail corridor which forms the south limit of the site. Surrounding lands uses are as follows:

North: commercial uses fronting onto the south and north sides of Dundas Street West;

South: the Canadian Pacific rail corridor beyond which are a mix of employment uses;

West: Highway 427;

East: Shorncliffe Road beyond which are lands within the Etobicoke Centre Secondary Plan area currently subject to Zoning By-law Amendment applications for mixed use redevelopment.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. Key objectives include: building strong communities; wise use and management of resources; ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs, that infrastructure should be provided in a co-ordinated, efficient and cost effective manner to accommodate projected needs and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS. Section 4.5 of the PPS provides that the Official Plan is the most important vehicle for implementation of the PPS.

Planning Act

Section 2 of the *Planning Act* sets forth matters of Provincial interest which municipal councils shall have regard to in making decisions under the Act. These include the orderly development of safe and healthy communities, the appropriate location of growth and development, the adequate provision and efficient use of transportation, sewage and water services and waste management systems, minimization of waste, the adequate provision and distribution of educational, health, social, cultural and recreational facilities.

Provincial Growth Plan

The initial Honeydale and Metro proposals were filed in March 2005, prior to the enactment of the provincial Growth Plan for the Greater Golden Horseshoe on June 16, 2006. The proposals were subsequently modified by including additional properties (Honeydale) and additional zoning amendment applications (Metro). Although the initial applications are not subject to the Growth Plan; the subsequent amendments make it prudent for City Council's planning decisions to follow the policy direction of the Growth Plan.

Former City of Etobicoke Official Plan

As OPA 156 and the land use designations of the Toronto Official Plan for the subject properties (not including 10 Shorncliffe Road) are under appeal, the lands remain subject to the former City of Etobicoke Official Plan. The Etobicoke Official Plan designates 25 Vickers Road (Metro) *Industrial*, the northern portion of 5559 Dundas (Metro) *District Retail*, the southern portion of 5559 Dundas (Metro) *Industrial* and 5555 Dundas (Honeydale) *District Retail*. OPA 156 proposes to remove 10 Shorncliffe from Map 2 - Urban Structure (Employment District); the land use designation of *Mixed Use* is not affected.

District Retail areas are intended to accommodate regional servicing commercial uses. Residential uses are permitted through a zoning amendment subject to criteria related to the adequacy of local social and educational services, accessibility and proximity to and capacity of roads and transit, suitability of a site for residential and additional density, the effect of the height and form of development relative to adverse shadow and amenity impacts, and transition to lower density residential uses.

Industrial areas are intended to accommodate employment generating uses in relatively low profile building forms, including manufacturing, warehousing or transportation oriented uses. Amendments to delete industrial designations are to be evaluated relative to consideration of likely similar redesignation applications on adjacent lands, the ability to provide a logical and coherent land use boundary and transition to *Industrial* designations to avoid any destabilizing influence and land use conflicts.

City of Toronto Official Plan

The Toronto Official Plan contains policies and objectives that guide future growth and development in the City. The Official Plan contains a number of city-building priorities such as directing growth to areas well served by transit and creating viable and complete communities. The Official Plan also contains policies that require development to be considered as part of a broader approach to community building to ensure that all residents have access to housing, parks and community services.

The land use designations of the Toronto Official Plan for these properties (not including 10 Shorncliffe Road) were appealed by the applicants and hence are not in full force and effect. OPA 156 (which was also appealed by Honeydale) and was adopted by City Council on July 12 and 13, 2011 would bring into force a *Mixed Use Areas* designation for the lands east of the East Mall (5559 Dundas, 5555 Dundas and 10 Shorncliffe) and *Employments Areas* for the lands west of the East Mall (25 Vickers). As well, OPA 156 would establish that the Dundas Street West frontage of these properties would be identified as an Avenue, 25 Vickers Road would be an Employment District on Map 2 – Urban Structure and 10 Shorncliffe Road would be removed from Employment District on Map 2 – Urban Structure. Because of the outstanding appeals these proposed designations are not yet in effect.

Mixed Use Areas encourage a broad range of commercial, residential, institutional and open space uses. *Mixed Use Areas* are intended to absorb most of the anticipated increase in retail, office and service employment in coming decades as well as much of the new housing. The Plan's policies provide for future redevelopment of these areas to accommodate appropriate increases in population and jobs along transit lines including ensuring adequate services and infrastructure will be provided and impacts will be addressed.

Avenues are areas of the City where reurbanization is intended to be achieved on an incremental basis. *Employments Areas* are places of business and economic activity intended to accommodate substantial growth in jobs and to meet the needs of key economic clusters.

Zoning

The subject lands are presently zoned either Industrial Class 1 (I.C1) or Industrial Class 2 (I.C2) in the former Etobicoke Zoning Code. These zone categories permit a range of light industrial and manufacturing uses as well as limited commercial/office uses at a density of 0.6 FSI for office type uses. Portions of the Honeydale and Metro properties are also subject to site specific zoning by-laws. Specifically, By-law 3780 (5555 Dundas; Honeydale) permits an outdoor garden centre; By-law 2787 (5555 Dundas; Honeydale) establishes a parking rate, and By-law 2792 (25 Vickers; Metro) refers to permitted business uses.

Reasons for the Application

Zoning By-law amendments are required to establish appropriate zone categories and development standards to enable mixed use development on the lands in accordance with the Official Plan, in particular OPA 156.

COMMENTS

Planning Framework

Planning Act, Provincial Policy Statement and Provincial Plans

The proposed Zoning By-law amendment provisions set forth below are consistent with the PPS and have regard to the Provincial interests set forth in Section 2 of the Planning Act. The proposed provisions for inclusion in a By-law to be approved by the OMB at the upcoming hearing support and implement the policy objectives of focusing growth in existing settlement areas and promoting efficient land use, reduces land consumption and utilizes existing services and infrastructure.

The proposed amendment conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The compact and efficient form of development helps to optimize the utilization of existing services and infrastructure and to reduce the need to convert rural land to urban uses. These are examples of intensification through redevelopment of underutilized sites.

Official Plan

It is intended that with the resolution of the zoning applications that the respective appeals of the Official Plan Amendment applications and the appeal of OPA 156 will be resolved enabling the *Mixed Use Areas* and *Employment Areas* designation to come into full force and effect.

OPA 156 establishes the development vision for the area as being mid-rise development along Dundas Street West frontage and primarily residential development to the east of the East Mall and office/employment to the west of the East Mall. Development is to be supported by a public street network and organized around a centrally located public park. Built form and public realm policies provide direction to inform the preparation of implementing zoning. Policies on transportation, phasing, community services and facilities, municipal infrastructure and holding provisions identify key matters to be addressed in the development of the lands.

Lands in the *Mixed Use Areas* designation are located on Dundas Street West adjacent to the Etobicoke Centre with access to public transit, including the Kipling Station which will enable development and reinvestment in the lands to achieve a new mixed use community. The development of a new community supports an array of uses, creates a strong main street condition along Dundas Street West and is serviced by an extended and expanded public street network and new public park supports City policy objectives.

The *Employment Areas* designation for the lands west of the East Mall will help provide a buffer from adjacent industrial uses and Highway 427 to the proposed *Mixed Use* area on the east side of the East Mall.

Proposed Zoning

This section sets out recommended zoning provisions for the Metro and Honeydale lands. The zoning is intended to implement the Planning Framework Study and Official Plan Amendment 156. The zoning would facilitate the development of a mixed residential/employment community on the east side of the East Mall and an employment area on the west side of the East Mall. Along the Dundas Street West frontage it is anticipated that there will be commercial uses at grade and residential uses above the ground floor in buildings no higher than 8 storeys. To the south of the Dundas Street frontage, a new predominantly residential community is anticipated in the form of multiple apartment buildings up to 18 stories in height fronting on a new public street network. Centrally located within this community there will be a new public park on lands contributed by both property owners with frontage on the new public roads.

The zoning provisions and standards outlined in this report are intended to be City Council's position on these applications at the OMB hearing. Not all zoning provisions have been finalised, in particular those related to holding provisions and community benefits. This report recommends that the Chief Planner, City Solicitor and Executive Director, Technical Services be authorized to finalize details in accordance with principles outlined herein.

i) Land Use

The Metro and Honeydale lands east of the East Mall be zoned Commercial Residential (CR) and for Metro lands west of the East Mall be zoned Employment Industrial Office (EO). The CR zone would permit apartment residential uses as well as a retail, commercial and office uses. The EO zone would permit office and light industrial uses including warehousing, commercial/recreational facilities and limited retail sales.

A Parks and Open Space (OS) zone category will be centrally located and approximately half on the Metro (5559 Dundas Street West) and half on the Honeydale (5555 Dundas Street West) property to enable the development of a single large public park.

The applicants are in agreement with the zoning categories for their lands however discussions regarding the size of the public park have not been completed. Parks, Forestry and Recreation advise that the Section 42 Planning Act parkland dedication requirement for the lands would be approximately 2.7 hectares. Metro and Honeydale are proposing a combined dedication of approximately 0.50 hectares based on Metro's initial Zoning Amendment application and Honeydale's revised January 2011 application.

The proposed Zoning will not permit residential units on the ground floor of buildings along Dundas Street West as this is the main commercial street for the development and the surrounding area.

ii) Development Density

A minimum development density of 1.0 will apply to all of the lands in the EO and CR zones.

A maximum development density of 2.0 will apply to those EO lands west of the East Mall. Lands east of the East Mall will have a maximum density of 2.5 times the area of the lot for lands fronting onto Dundas Street West to a depth of 60 metres, and for lands south of Dundas Street West to the CP rail corridor they are to have a maximum density of 2.7 times the area of the lot.

Metro has no objection to the recommended development densities. Honeydale is requesting that their entire lands, including those along Dundas Street West, have a maximum density permission of 2.75 times the area of the lot.

iii) Building Height

The proposed zoning will include a minimum building height requirement of 3 storeys or 10.5 metres for both the EO and CR zones.

For the lands west of the East Mall, buildings would have a maximum height permission of 30 metres.

For all of the lands east of the East Mall, a maximum building height of 24 metres is recommended for those lands fronting Dundas Street West up to a depth of 60.0 metres, and a maximum height of 55 metres for the remainder of the lands.

Metro has no objection to the building heights. Honeydale has no objection to the 55 metre height permission, but is requesting a 30 metre maximum height permission along Dundas Street West.

iv) Setbacks and Stepbacks

A front yard setback of a minimum 3 metres and maximum 4.5 metres has been agreed to by both Honeydale and Metro. Side and rear setbacks and building stepbacks have not yet been finalised, but will be based on a consideration of mid-rise and tall building guidelines and emerging standards resulting from the harmonized zoning by-law review.

Development setbacks will also include a minimum 30 metre setback from the Canadian Pacific rail corridor, and a minimum 14 metre from Vickers Road for Ministry of Transportation/Highway 427 requirements. The 30 metre setback to the CP rail corridor can accommodate a future subway extension in accordance with the approved Bloor-Danforth Subway Westerly Extension Environmental Assessment completed in 1993.

v) Amenity Space

The zoning by-law will require that buildings containing 20 or more dwelling units provide a minimum of 2.0 m² of indoor amenity space for each dwelling unit and a minimum of 2.0 m² of outdoor amenity space for each dwelling unit of which at least 40 m² is to be located on the ground floor adjoining or directly accessible to the indoor amenity space.

Metro has no objection to this provision. Honeydale is requesting a 1.5 m² per unit requirement for indoor amenity space and no requirement for outdoor amenity space.

vi) Parking and Loading

Vehicle parking and loading rates will be based on the Proposed Parking Standards for Commercial and Residential Use Study (Phase 1 and 2) Report approved by City Council in March 2007. It is our understanding that both Metro and Honeydale are in agreement with parking provisions; loading provisions have not been finalized.

An agreement on bicycle parking requirements and rates has not been finalized; more specifically Honeydale is requesting that there be no regulations for bicycle parking in the zoning by-law.

vii) Section 36 – Holding Provisions

An "H" Holding symbol is recommended to be placed on all of the lands until all of the matters required for the development of the lands can be addressed to the satisfaction of the City. As the recommended zoning is not based on a Plan of Subdivision and/or a Site Plan application it is not possible at this time to determine appropriate development blocks, alignment of public roads, determine appropriate public park size and assess any municipal infrastructure extensions or upgrades that are required.

For these reasons, the holding provision is recommended to include the following matters and to be capable of being partially removed in whole or in part as development proceeds subject to the satisfaction of the City:

- i. Limit development on the land to a maximum density of 0.6 times the area of the lot and for only those uses currently permitted by the existing zoning on the lands until the following is provided and secured to the satisfaction of the City:
 - a) a phasing plan identifying the sequence of new development including the phasing and timing of the public park, the provision of infrastructure, the phasing of new public roads and the disposition of existing buildings;

- b) a draft plan of subdivision demonstrating how the development provides for new streets, municipal services, stormwater management facilities, and development blocks;
- c) a traffic impact study that reviews the projected traffic impacts of each phase of proposed development, including the cumulative impacts of full development on the existing and proposed street network and identifies measures to be implemented so that each phase can support development and maintain public access to the surrounding public street system;
- d) a stormwater management plan master report that sets out how stormwater management will be achieved in phases and cumulatively over the site;
- e) a functional servicing report to identify whether capacity exists in the trunk and local system to accommodate development within the tributary service area, identify any required improvements and determine mitigation measures;
- f) entering into and registering a financially secured Development Agreement with the City for the construction of any improvements to the municipal infrastructure as required, and
- g) entering into and registering a Section 37 Agreement and such other Agreements with the City as may be required to secure the matters identified in a. to e.

The applicants have agreed to the use of a holding provision, but are seeking specificity regarding the lands to which the "H" will apply and the various plans and studies, agreements and conditions that are being requested. Without the submission of a phasing plan, a plan of subdivision, or studies related to transportation and infrastructure improvements, there is no indication as to what holding provisions may apply to only portions of the lands. A draft joint servicing study undertaken by Metro and Honeydale intended to provide detailed information regarding servicing capacity and phasing was submitted to the City on October 27, 2011 in Final Draft form and has not been reviewed or finalized. It is recommended that the holding provision be applied over all the lands and that the potential for partial removal in whole or in part be considered when a specific application or more detailed information becomes available.

viii) Section 37 Community Benefits

Section 37 of the Planning Act provides the authority to secure community benefits for capital improvements in return for any increases in height and/or density of development. The enactment of Zoning By-law amendments for the lands east of the East Mall will enable the transformation of the site from employment and commercial plaza uses to a new mixed use community. These lands are located south of the residential neighbourhood to the north of Dundas Street West and do not have direct access to the

community facilities in this neighbourhood. Securing community benefits for the future population anticipated from development of these lands is recommended.

Staff have reviewed the Section 37 benefits secured for recent applications in the area, and presented this information to Honeydale and Metro as a means of initiating discussions on Section 37. In consultation with the Councillor and Parks, Forestry and Recreation, a range of possible community benefits was identified. To date discussions have not been finalized, however, City Council's position on Community benefits is required for the OMB hearing.

Based on the review of potential community benefits needed and recent contributions in the area it is recommended that a total contribution of \$3.9 million be required to be provided and secured which amount be apportioned as follows: \$2.4 million to be paid by Honeydale and \$1.5 million to be paid by Metro. Community benefits to be secured are as follows:

- i. Cash contribution to a new community recreation centre in the local area or contribution for an expanded community or recreation facility in the local area which may include the expansion of a gymnasium or recreation facility in a local school;
- ii. Above-base improvements to the public park to be developed on the lands including the finalization of a detailed design and construction scheduled for such improvements to the satisfaction of the City of Toronto; and/or,
- iii. The provision of streetscape improvements along Dundas Street West above those secured under Section 41 of the *Planning Act* to extend the Etobicoke Centre Public Space and Streetscape Plan recommendations

The contribution would be paid prior to the first above ground building permit and indexed upwardly on a quarterly basis in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Board Order to the date of payment.

In addition, a public art contribution should be secured in the Zoning By-law and Section 37 Agreement in the amount of 1% of the gross construction costs for the redevelopment of the lands, in accordance with an approved public art plan.

Other matters to be secured in the Section 37 Agreement and in the Zoning By-law as a convenience have been identified:

Toronto Transit Commission (TTC)

The TTC recommends that the following be conditions of zoning approval:

- a. A payment of \$70,000 to the TTC for the installation of signal priority at two signalized intersections through which affected TTC bus routes operated in the vicinity of the site in order to mitigate delays to buses; and,

Toronto District School Board (TDSB)

The Board requests as a condition of approval that the applicant/developer enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site advising that sufficient accommodation for students may not be available in the area for all students and that students may be accommodated in facilities outside the area until adequate funding or space becomes available.

CONCLUSIONS

The lands subject to these applications form a large landholding within the Planning Framework Study area. The sites are easily accessible by public transit, less than 500 metres to a number of bus routes and within about 1-2 kilometre of the Kipling Subway Station on the Bloor-Danforth subway line.

The establishment of a new public park south of Dundas Street West and a new public street network will introduce necessary community infrastructure to support development.

The applicants have worked with City staff to develop a Zoning By-law that implements the conclusions of the Planning Framework Study and OPA 156. Discussions on recommended zoning for the applications are well underway but have not been finalized. The form and level of development recommended herein represents an appropriate level of development and intensification for the lands. The recommended holding provisions are necessary and appropriate to ensure that outstanding matters regarding the timing of development and provision of public infrastructure can be provided to support development to the satisfaction of the City. The provision of community benefits under Section 37 of the Planning Act is desirable and appropriate to provide for improvements that will directly benefit the future residents of this new community and reduce the impact of the development on existing residents.

This report recommends that the City Solicitor and appropriate City staff represent the position outlined in this report at the Ontario Municipal Board, and that staff continue discussions with the applicant on the zoning by-law up to the scheduled OMB hearing date of February 13, 2012 and that the City Solicitor be authorized to support a proposed zoning by-law as discussed in this report with such changes as the City Solicitor, in consultation with the Chief Planner and Executive Director, Technical Services as determines appropriate and consistent with the principles set forth in this report.

CONTACT

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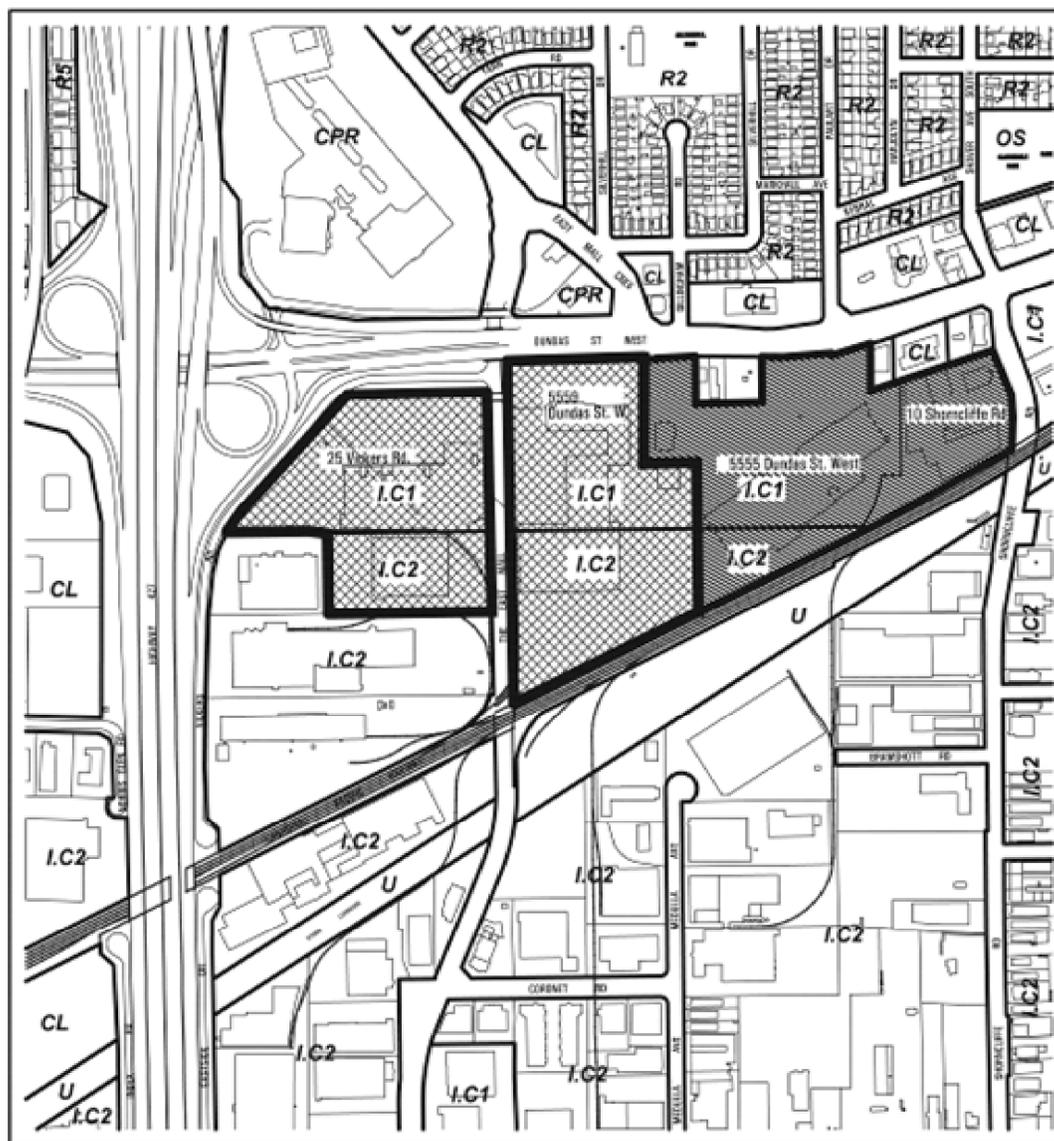
SIGNATURE

Thomas C. Keefe
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Etobicoke Zoning Code

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Toronto City Planning
Zoning

5555, 5559 Dundas Street West, 25 Vickers Road & 10 Shorncliffe Road

File # 05 114554 WET 05 OZ, 06 199602 WET05 OZ, & 06 199605 WET05 OZ

Former Etobicoke
R2 Residential Second Density
R5 Residential Fifth Density
I.C1 Industrial Class 1
I.C2 Industrial Class 2

CPR Commercial Planned Regional
OS Public Open Space
CL Commercial Limited
U Utilities

"Honeydale"
 "Metro"

Not to Scale

Zoning By-law 11,737 as amended

Extracted 13/10/2011

