

2 Fieldway Road - City Initiated Amendment to Zoning By-law - Final Report

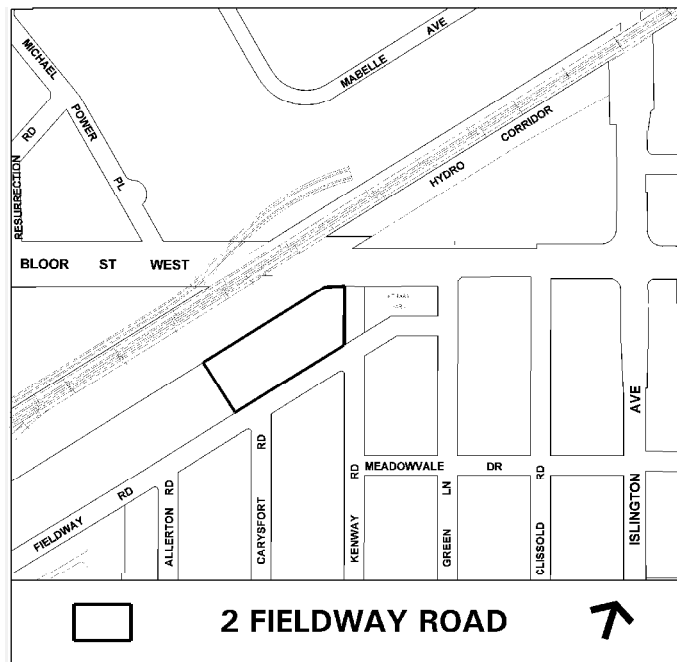
Date:	May 28, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	12 259696 WET 05 OZ

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 2 Fieldway Road (now known as 2 and 8 Fieldway Road) 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 963-2006 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

The City Planning Division recommends that:

1. City Council amend Site Specific Zoning By-law 963-2006, for the lands formerly known as 2 Fieldway Road, 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 2 Fieldway Road to reflect the reallocation of the \$50,000 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 2 Fieldway Road 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

At its meeting of July 25, 26 and 27, 2006, City Council approved an application to permit the conversion of a 12 storey office building into a 13 storey residential building as well as to construct 14 townhouse units at the property formerly known as 2 Fieldway Road. A subsequent application was approved for an 8 storey residential building instead of the 14 townhouse units at 8 Fieldway Road. This approval required the property owner to enter into a Section 37 Agreement with the City to provide a contribution of \$50,000 to the City to be used for streetscape improvements and an access easement.

The funds were received by the City and the Section 37 Agreement entered into on September 11, 2006. The development is now in its last phases; 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 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 that the subject property had secured but unexpended funds. Accordingly, an application process was initiated specifically to amend the relevant Section 37 provisions of site specific Zoning By-law 963-2006.

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, Finer Space (Fieldway) Corporation. No concerns were identified through the circulation, however, TTC identified the potential opportunity to improve the connection between the stairs accessing Bloor Street West and Kenway Park.

A Community Consultation Meeting was held on January 24, 2013 which was attended by 4 people. Comments provided include:

- Use the Section 37 funds for improved lighting or for improved access to Kenway Park.
- Monies should be applied to the 'local neighbourhood' first.
- The need for a 4 way stop sign at Fieldway Road and Green Lanes.

In accordance with Community Council direction and subsequent consultation with the Ward Councillor, this report recommends that City Council amend Zoning By-law 963-2006 for the property formerly known as 2 Fieldway Road to reallocate the \$50,000 cash contribution originally committed for streetscape improvements to streetscape improvements and/or parks improvements within 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 \$50,000 with accrued interest has a current estimated value of \$50,256.25.

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

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SIGNATURE

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

ATTACHMENTS

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 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:

- streetscape improvements and/or
- park improvements within Ward 5, and
- an access easement.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)