

**5145 Dundas Street West - City Initiated Amendment to Site Specific Official Plan and Zoning By-law - Final Report**

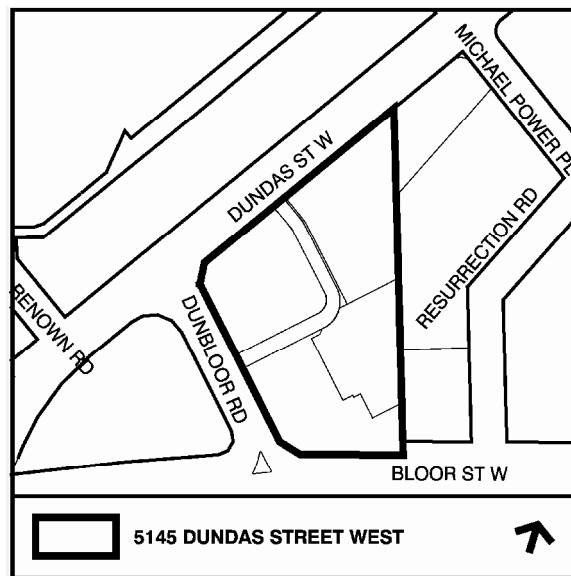
<b>Date:</b>	May 28, 2013
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 5 – Etobicoke-Lakeshore
<b>Reference Number:</b>	12 259713 WET 05 OZ

**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 5145 Dundas Street West (now known as 3 and 7 Summerland Terrace, 3, 15 and 5129 Dundas Street West and 11 Dunbloor 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 to delete the relevant site-specific Section 37 provisions in the Etobicoke Centre Secondary Plan and to amend the former City of Etobicoke Zoning By-law 751-2003 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**

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### **The City Planning Division recommends that:**

1. City Council delete the relevant site-specific Section 37 provisions in the Etobicoke Centre Secondary Plan Chapter of the Official Plan, for the lands formerly known as 5145 Dundas Street West, substantially in accordance with the draft Official Plan Amendment attached as Attachment 1 to this report.
2. City Council amend the site-specific Zoning By-law 751-2003, for the lands formerly known as 5145 Dundas Street West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. City Council authorize the City Solicitor to amend the registered Section 37 Agreement for the property formerly known as 5145 Dundas Street West to reflect the reallocation of the \$225,000 contribution as outlined in this report.
5. 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 5145 Dundas Street West 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 24, 2003, City Council approved an application to redevelop the property 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 to the City to be used for seniors service facilities (Islington Seniors Centre).

The owner opted to make a contribution of \$225,000 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 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 the subject property had secured but unexpended funds. Accordingly, an application process was initiated to delete the relevant site-specific Section 37 provisions within the Etobicoke Centre Secondary Plan Chapter of the Official Plan and to amend the site-specific Zoning By-law 751-2003.

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, Concert Properties. No concerns were identified through the circulation.

A Community Consultation Meeting was held on December 11, 2012 which was attended by 5 people. Comments provided include:

- Use the Section 37 funds to develop a dog walk.
- The importance of a community centre in the neighbourhood.
- The need for a grocery store.

In accordance with Community Council direction and subsequent consultation with the Ward Councillor, this report recommends that City Council amend the Official Plan and Zoning By-law 751-2003 for the property formerly known as 5145 Dundas Street West to reallocate the \$225,000 cash contribution originally committed for seniors service capital facilities, to capital funds for a community centre and/or parks improvements in 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 \$225,000 with accrued interest has a current estimated value of \$320,163.68.

Draft Official Plan and Zoning By-law Amendments are included as Attachments 1 and 2 to this report, respectively. 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**

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

**ATTACHMENTS**

Attachment 1: Draft Official Plan Amendment

Attachment 2: Draft Zoning By-law Amendment

**Attachment 1: Draft Official Plan Amendment**

Authority: Etobicoke York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

To adopt Amendment No. .... to the Official Plan of the City of Toronto respecting Chapter 6, Etobicoke Centre Secondary Plan, Site and Area Specific Policy 4.2

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the Council for the City of Toronto, at its meeting of ~ 20~, determined to amend the Official Plan for the City of Toronto; and

WHEREAS 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*;

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

1. The text attached hereto is adopted as an amendment to the Official Plan for the City of Toronto.

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

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

OFFICIAL PLAN AMENDMENT NO. ....  
TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Secondary Plans, 12 Etobicoke Centre Secondary Plan, 4 Site and Area Specific Policies, 2. 5145 Dundas Street West by deleting the following:

Section 37 Requirements

The owner of the Site shall provide the City of Toronto with the following facilities, services and matters as provided for in an Agreement with the City, pursuant to Section 37 of the *Planning Act*:

(i) Subject to subsection (ii), the following density bonuses shall be permitted on the Site:

(ii) Council may not pass any by-law designating the lands for uses described in this by-law, unless in return for the residential densities and height permissions thereby granted, the owner of the lands is required by such by-law to have first entered into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters set out in such by-law, and to ensure that such agreement is in a form satisfactory to the City and is appropriately registered on title to the lands.

Seniors Housing/Senior Citizen Apartment:

A density (Floor Space Index) bonus of 1.0 times the lot area shall be permitted if the additional density (Floor Space Index) 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 seniors service capital facilities (Islington Seniors Centre), as deemed appropriate by the City, which contribution shall be provide prior to the issuance of any building permit which causes the grow Floor Space Index (FSI) for the Site to exceed 3.50 times the lot area.

Supermarket and/or Convenience Food Store:

As an alternative to the cash contribution of \$225,000.00 the Owner may construct a supermarket and/or convenience food store of a minimum gross floor area of 700 square metres, to a maximum gross floor area of 4 200 square metres, with all the gross floor area devoted to the supermarket and/or convenience foodstore excluded from the calculation of density and in addition make a cash contribution of \$50,000.00 to be used for seniors service facilities (Islington Seniors Centre), 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.

**Attachment 2: Draft Zoning By-law Amendment**

**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  
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 a community centre and/or parks improvements in 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.

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

ROB FORD,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk