

**City Council****Notice of Motion**

MM18.12	ACTION			Ward:22
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**Updated Term Sheet for Child Care Facility and Zoning By-laws - 45-77 Dunfield Avenue - by Councillor Josh Matlow, seconded by Councillor Gord Perks**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to a re-opening of Item TE13.5. A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

**Recommendations**

Councillor Josh Matlow, seconded by Councillor Gord Perks, recommends that:

1. City Council amend its February 3 and 4, 2016 decision on Item TE13.5 by deleting Part 6.
  - a. and replacing it with the following:
    - 6a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
      - i. the construction, finishing, furnishing and equipping of a non-profit licensed child care facility to accommodate at least 52 children, including 10 infants, 10 toddlers and 32 preschoolers in two groups of 16, generally in accordance with the Child Care Term Sheet attached as Schedule A to Motion MM18.12, comprising 531 square metres of interior space and 254 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision of a minimum of three (3) child care-pick-up and drop-off parking spaces and three (3) parking spaces for Child Care Facility staff;
      - ii. prior to the issuance of the final building permit, the completion Child Care Facility and the entering into a lease agreement with the City for one 99-year term; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes and local improvement charges;
      - iii. a one-time cash contribution of \$180,000.00 to a replacement reserve fund for the child care facility to replace appliances and large equipment due

to wear and tear; and

iv. a one-time cash contribution of \$150,000.00 to start-up costs for the defrayment of operational deficits during the child care facility's first year of operation.

2. In order to give effect to Part 1 above, City Council amend the proposed zoning by-law amending By-law No. 438-86 by amending "Appendix 1 Section 37 Provisions" so that it now reads as Schedule B attached to this Motion.

3. In order to give effect to Part 1 above, City Council amend the proposed zoning by-law amending By-law No. 569-2013 by amending "Schedule A Section 37 Provisions" so that it reads as Schedule C attached to this Motion.

4. City Council further amend the proposed zoning by-law amending By-law No. 569-2013 to insert Diagram 4, attached as Schedule D to this Motion.

5. City Council determine through the adoption of this Motion, that pursuant to Section 34(17) of Planning Act, no further notice is to be given in respect to the changes to the by-laws amending By-law No. 438-86 and By-law No. 569-2013.

### **Summary**

City Council at its meeting on February 3 and 4, 2016 adopted Item TE13.5, as amended, and in so doing, approved a zoning amendment application for 45-77 Dunfield Avenue.

Before introducing the necessary Bills to City Council for enactment, City Council required the Owner at 45-77 Dunfield Avenue to enter into an Agreement pursuant to Section 37 of the Planning Act to secure a child care facility community benefit, as outlined in the Term Sheet in Attachment 11 to the Item.

The Term Sheet in Attachment 11 for the child care facility community benefit requires modifications in order to update and clarify the terms for the Section 37 Agreement and future lease agreement of the child care facility.

The Section 37 provisions in the Council decision and proposed amending zoning by-laws require corresponding updates.

Further, it has come to City Planning's attention that the height map referred to as Diagram 4 in the text of proposed by-law amending By-law No. 569-2013 was not attached to the proposed zoning by-law in Item TE13.5 adopted by City Council. This Diagram 4 needs to be added to the amending by-law.

This Motion is required because it is anticipated that the Section 37 Agreement will be executed based on the Updated Child Care Facility Term Sheet and the amending zoning by-laws will be on the Bills List to be enacted at this Council meeting.

### **REQUIRES RE-OPENING**

Toronto and East York Community Council Item TE13.5 - February 3 and 4, 2016 City Council meeting, as it pertains to the Child Care Facility Term Sheet, Part 6. a. of the Council

decision and the Section 37 provisions of both proposed zoning by-laws, as they pertain to the child care facility, and for the purpose of inserting a height map in the proposed zoning by-law amending By-law No. 569-2013.

### **Background Information (City Council)**

Member Motion MM18.12

Schedule A - Updated Child Care Facility Term Sheet

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-92635.pdf>)

Schedule B - Appendix 1 Section 37 Provisions to the Zoning By-law Amending By-law No. 438-86

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-92636.pdf>)

Schedule C - Schedule A Section 37 Provisions to the Zoning By-law Amending By-law No. 569-2013

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-92637.pdf>)

Schedule D - Diagram 4

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-92638.pdf>)