

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

<b>MM20.23</b>	<b>ACTION</b>			Ward:5
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**5415, 5421-5429, 5453, 5475, 5481, 5485 and 5487 Dundas Street West and 15 and 25 Shorncliffe Road: Zoning By-law Amendment to Revise Section 37 Provisions - by Councillor Justin J. Di Ciano, seconded by Councillor John Campbell**

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

*\* This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Justin J. Di Ciano, seconded by Councillor John Campbell, recommends that:

1. City Council delete Parts 4.a.i. and ii. of Item EY11.5 headed "Final Report - 5415, 5421-5429, 5453, 5475, 5481, 5485 and 5487 Dundas Street West and 15 and 25 Shorncliffe Road - Zoning Amendment and Removal of an "H" (Holding Symbol) Applications", adopted by City Council on November 29, 30 and December 1, 2011 and replace them with the following:
  - i. \$1,250,000.00 from the Owner of Dunshorn to be allocated towards the capital needs of a future YMCA facility proposed to be located on the former Westwood Theatre lands and/or local park improvements, paid prior to the issuance of an above-grade building permit, and indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 agreement to the date of payment.
  - ii. \$250,000.00 from the Owner of Alder Place to be allocated towards the capital needs of a future YMCA facility proposed to be located on the former Westwood Theatre lands and/or local park improvements, paid prior to the issuance of an above-grade building permit, and indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 agreement to the date of payment.
2. City Council authorize, with respect to the Planning Act Section 42 parkland dedication requirement,:
  - a. the cash-in-lieu portion of the parkland dedication for the Dunshorn site in excess of 5 percent be directed in part towards the full cost of completion of the above-base improvements for the new public park to be located on the Dunshorn site; and

b. the Owner's cash-in-lieu payments be provided in the form of letter(s) of credit up to 120 percent of the value of the design and construction work associated with the above base park improvements for the on-site park in order to secure the timely completion of the above-base park improvements by the Owner, to the satisfaction of the General Manager, Forestry and Recreation, with the remaining cash-in-lieu to be paid in cash.

3. City Council delete and replace sections 13 (g) and (h) of the draft bylaw for 5415, 5421-5429, 5453, 5475, 5481 Dundas Street West and 15 and 25 Shorncliffe Road with the following:

(g) The Owner of the Lands shall provide and construct to municipal standards a private road, having the characteristics of a public road, with the exception of ownership, connecting Shorncliffe Road to an approved privately owned, publicly accessible road on the abutting lands to the east and to Dundas Street West (the "Private Road"), all to the satisfaction of the Director, Community Planning, Etobicoke York District and the Director, Construction and Engineering Services. The Private Road will be completed in phases in tandem with the phased development of the site with each segment of the Private Road abutting any development parcel for which any building permit has been issued, to be completed prior to the first above-grade building permit being issued or prior to condominium registration for that development parcel, at the sole discretion of the Director, Construction and Engineering Services.

(h) The Owner of the Lands will convey (an) easement(s) to the City for public access to the Private Road at all times. Easements for segments of the Private Road may be provided separately and in a phased manner as the road continues to develop, at the discretion of the Director, Engineering and Construction Services. The easement related to the segment of the Private Road abutting a development parcel, shall be provided prior to the issuance of any above-grade building permit or prior to condominium registration for that parcel, at the sole discretion of the Director, Construction and Engineering Services.

The section 37 agreement will contain requirements for the Owner to insure and indemnify the City, all to the satisfaction of the City Solicitor.

4. City Council authorize the City Solicitor to amend the bills to reflect any or all of the above recommendations.

5. City Council determine that the revisions made to the proposed zoning by-law are minor in nature and, pursuant to subsection 34(17) of the Planning Act, no further public notice is required in respect of the proposed zoning by-law.

## **Summary**

On November 29, 30 and December 1, 2011 and February 6 and 7, 2012, Council adopted Items EY11.5 and EY12.8 respectively, thereby approving the recommendations of the Report from the Director, Community Planning, Etobicoke York District to approve a proposed Zoning By-law Amendment. The development proposal, located at the intersection of Dundas Street West and Shorncliffe Road, consists of 1,957 residential units in 6 buildings with 8 towers ranging in height from 20 to 30 storeys, together with 9,834 m<sup>2</sup> of commercial space.

City Council's approval directed that the contribution of \$1,500,000 under Section 37 of the Planning Act be allocated to above-base park improvements to the new park on the site and/or

for improvements to Cloverdale Park. This Motion reallocates the Section 37 cash contribution towards the proposed YMCA to be located on the former Westwood Theatre lands and/or towards local park improvements.

This Motion also directs that the cash-in-lieu of parkland payments in excess of 5 percent of the contribution be allocated in part for the full completion of the above-base park improvements for the on-site parkland, in accordance with the Toronto Municipal Code Chapter 415-35C.

Finally, this Motion clarifies that the private road that is to be secured as a legal convenience through the Section 37 agreement will be constructed in phases, in conjunction with abutting development parcels. Likewise, public access easements for the road may also be provided in a phased manner. This is despite the wording in the draft bill attached to the final report that suggests the entirety of the private road would be completed prior to first occupancy on the site. The phased construction of the road is necessary given that underground garage structures will be constructed beneath the private road, and this will occur on a phased schedule.

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

Member Motion MM20.23