



## STAFF REPORT ACTION REQUIRED

### 2522 – 2542 Keele Street – Draft Plan of Standard Condominium Application – Status Report

<b>Date:</b>	March 16, 2018
<b>To:</b>	City Council
<b>From:</b>	Acting Chief Planner & Executive Director, City Planning
<b>Wards:</b>	Ward No. 12 – York South Weston
<b>Reference Number:</b>	File No. 17 125471 WET 12 CD

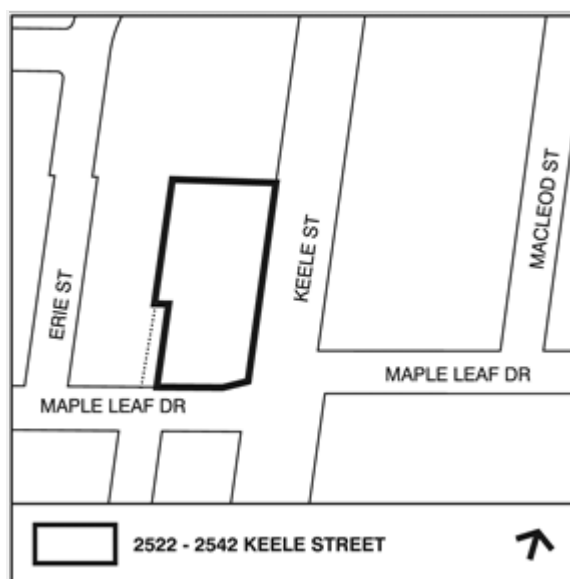
### SUMMARY

At its meeting of February 21, 2018, Etobicoke York Community Council requested the Director, Community Planning, Etobicoke York District, to submit a report directly to City Council on March 26, 2018, verifying the following matters: a report from the Building Division dated December 14, 2015, outlining that the size of the mixed use building as approved by the Ontario Municipal Board was limited to 10,000 m<sup>2</sup>; a report outlining that the application before City Council on July 19, 2013 did not request relief in parking and the applicant is providing 184 parking spaces on site; and a report outlining that the final site specific Zoning By-law approved by the Ontario Municipal Board provides for the needs of the local community and the needs of the new building residents in conformity with Official Plan policies. This report responds to that request.

### RECOMMENDATIONS

**The City Planning Division recommends that:**

1. City Council receive this report for information.



## **DECISION HISTORY**

At its meeting of February 21, 2018, Etobicoke York Community Council adopted a report from the Director, Community Planning, Etobicoke York District entitled "Draft Plan of Standard Condominium Application - 2522 - 2542 Keele Street - Request for Direction Report" dated February 2, 2018 (Item EY28.3). The report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2018/ey/bgrd/backgroundfile-112468.pdf>

Etobicoke York Community Council recommends that:

1. City Council direct the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing on June 19, 2018, or such alternate date as may be secured by the applicant, in support of the approval of the Draft Plan of Standard Condominium application (File No. 17 125471 WET 12 CD) for 2522 – 2542 Keele Street as generally illustrated on Attachment 1 to the report (February 2, 2018) from the Director, Community Planning, Etobicoke York District, subject to:
  - a. The Draft Conditions of Approval as generally listed in Attachment 2 to the report (February 2, 2018) from the Director, Community Planning, Etobicoke York District, which except as otherwise noted must be fulfilled prior to final approval and the release of the Plan of Condominium, and with Condition 1 amended to now read:
    1. The plans submitted for final approval and registration must be substantially in accordance with the approved draft plans specified above. Any revisions to these plans must be approved by the Etobicoke York Community Council.
2. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to Council's decision.

The Etobicoke York Community Council also provided decision advice and other information. They requested the Director, Community Planning, Etobicoke York District, to submit a report directly to City Council on March 26, 2018, verifying the following matters:

1. A report from the Building Division dated December 14, 2015, outlining that the size of the mixed use building as approved by the Board was limited to 10,000 sq.m.
2. A report outlining that the application before City Council on July 19, 2013, did not request relief in parking and the applicant is providing 184 parking spaces on site.
3. A report outlining that the final site specific zoning by-law approved by the Board provides for the needs of the local community and the needs of the new building residents in conformity with Official Plan policies.

## COMMENTS

### Building Division Report December 14, 2015

Etobicoke York Community Council has requested that staff verify that a report from the Building Division dated December 14, 2015, outlined that the size of the mixed use building as approved by the Ontario Municipal Board was limited to 10,000 m<sup>2</sup>. As described below, the "placeholder" report dated December 14, 2015 from the Building Division, did incorrectly state that the uses on the site were "limited to a maximum density of 10,000 square metres of gross floor area." This was not correct; the follow-up report from the Building Division dated December 29, 2015 attached the correct zoning by-law, as approved by the Ontario Municipal Board, which limited the gross floor area of the proposed development to 11,242.5 m<sup>2</sup>.

At its meeting of January 19, 2016, Etobicoke York Community Council received for information a report from the Chief Building Official and Executive Director, Toronto Building dated December 29, 2015 entitled "Conditional Permit Status: 2522 - 2542 Keele Street". A placeholder report from the Chief Building Official and Executive Director, Toronto Building dated December 14, 2015 was also on the agenda. At that time, staff were responding to a request from City Council from its December 9, 2015 meeting to report on the status of the Conditional Building Permit Agreement for 2522 Keele Street. Staff was also requested to provide a copy of the final Zoning By-law and a list of any remaining approvals required under applicable law in the report. The Council request can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM11.22>

The placeholder report incorrectly stated that the "mixed uses on the site were limited to a maximum of 10,000 m<sup>2</sup> of gross floor area." The report from the Chief Building Official and Executive Director, Toronto Building dated December 29, 2015, contained the correct information and included a copy of the final Zoning By-law as approved by the Ontario Municipal Board. Section 2(m) of the by-law states that the gross floor area of a building shall not exceed two hundred and fifty (250) percent of the site area. This limits the gross floor area of a building on the site to a maximum of 11,242.5 m<sup>2</sup> as the site area is 4,497 m<sup>2</sup>.

### Parking

Etobicoke York Community Council has requested that staff verify that a report outlining the application before City Council on July 19, 2013, did not request relief in parking and the applicant is providing 184 parking spaces on site. As described below, staff can confirm that the report did not request relief in parking and the applicant is providing 184 parking spaces on site.

At its meeting of July 16 to 19, 2013 City Council considered the report from the Chief Planner and Executive Director, City Planning entitled "2522-2542 Keele Street - Zoning By-law Amendment and Site Plan Control Applications - Request for Direction Report" (Item MM37.67). The report provided an overview and status of the Zoning By-law Amendment and Site Plan Control applications and recommended the following in

advance of the Ontario Municipal Board (OMB) hearing scheduled to commence on August 12, 2013:

The report recommended that:

- "1. City Council instruct the City Solicitor, City Planning staff and any other City staff to attend the OMB hearing generally in support of the revised proposal, provided that the outstanding matters identified in this report are secured through the Zoning By-law Amendment and through conditions of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning; and provided that appropriate facilities, services and matters pursuant to Section 37 of the *Planning Act* are secured in an agreement registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor prior to the issuance of any Board order.
2. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to advise the OMB of the above Council position and to:
  - a) request that the Board withhold its Order on the Zoning By-law Amendment application appeal until it has been advised by the City Solicitor that the proposed Zoning By-law Amendment is in a form satisfactory to the City and that the Section 37 Agreement required in Recommendation 1 above has been entered into and registered on title;
  - b) request that the Board withhold its Order on the Site Plan Control application appeal until it has been advised by the City Solicitor that the Notice of Approval Conditions have been finalized, and any pre-approval conditions have been satisfied;
  - c) request that the Board withhold its Orders on the Zoning By-law Amendment and Site Plan Control application appeals until the applicant has designed and provided financial securities for the road widening as noted in this report to the satisfaction of the General Manager, Transportation Services and the Director, Engineering and Construction Services and at no cost to the City of Toronto; and
  - d) request that the Board withhold its Orders on the Zoning By-law Amendment and Site Plan Control application appeals until a revised Functional Servicing Report has been submitted to the satisfaction of the Director, Engineering and Construction Services.
3. City Council authorize the City Solicitor, the Chief Planner and Executive Director, City Planning and other City staff to take any necessary steps to implement the foregoing."

The following is the link to the report:

<https://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60347.pdf>

The Request for Direction report included a section entitled Traffic Impact, Access and Parking on pages 10-12. Comments were provided on the Traffic Impact Study (TIS) submitted by the applicant regarding access to the site and the amount of parking proposed, as well as parking ratios. The amount of total parking proposed for the site was 195 spaces. The parking ratios that were recommended by staff on page 11 of the report are the same ratios that were set out in the site specific Zoning By-law (Zoning By-law No. 889-2016) for 2522 Keele Street that was approved by the Ontario Municipal Board.

According to the building permit plans submitted to the Building Division and the Draft Plan of Condominium as outlined in the report from the Director, Community Planning, Etobicoke York District entitled "2522 - 2542 Keele Street - Request for Direction Report - Draft Plan of Standard Condominium Application" dated February 2, 2018 (Item EY28.3), the site currently contains 184 parking spaces. Based on the parking ratio and the number of units constructed, the minimum number of parking spaces required by the Zoning By-law is 160 spaces.

### **Needs of Local Community**

Etobicoke York Community Council has requested that staff verify that the final site specific Zoning By-law approved by the Ontario Municipal Board provides for the needs of the local community and the needs of the new building residents in conformity with Official Plan policies. At the February 21, 2018 staff sought clarification of this direction from Etobicoke York Community Council and it was clarified that the direction was to ascertain if community benefits in accordance with Section 37 of the *Planning Act* were secured for the site in the site specific Zoning By-law. As previously reported to Etobicoke York Community Council, the zoning by-law does not include any Section 37 requirements for the reasons set out below.

As noted above, the Request for Direction Report (Item MM37.67) that was before City Council at its meeting of July 16-19, 2013 included a recommendation which would have directed staff to attend the OMB hearing generally in support of the revised proposal and to secure appropriate facilities, services and matters pursuant to Section 37 of the *Planning Act* to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor prior to the issuance of any Board order.

Despite the fact that the OMB hearing was scheduled to commence on August 12, 2013, and that this July Council meeting was the last opportunity for staff to obtain instructions from Council as the City's position at the hearing, City Council referred this Request for Direction Report back to Etobicoke York Community Council for "further consultation and clarification". This referral did not direct staff, including the City Solicitor, to attend the OMB and did not provide the direction to secure Section 37 community benefits. Planning staff attended the OMB hearing under summons from the appellant, without any direction from City Council or any authority to request Section 37 benefits.

The Board decision notes that Councillor Di Giorgio attended the Ontario Municipal Board hearing and raised the matter of Section 37 benefits. The Board decision notes that, despite Planning staffs report recommendation that any City solicitor attending the Board hearing attempt to secure such benefits, no evidence was led by the City in this regard. The decision also notes that no solicitor appeared on behalf of the City at the hearing. No Section 37 benefits were imposed as part of the Board's approval of the zoning by-law. In fact, in its decision, the Board specifically stated that "the Board will not entertain any conditions that seeks a Section 37 benefit for the reasons stated."

## **CONCLUSION**

City staff have provided extensive information to Etobicoke York Community Council and City Council in response to numerous motions and requests for such information. This report is in response to an additional request from Etobicoke York Community Council at their meeting of February 21, 2018. Staff recommend that City Council receive this report for information.

## **CONTACT**

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## **SIGNATURE**

<p><b>City Clerk's Office</b></p> <p>Original signed by</p>
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Gregg Lintern, MCIP RPP  
Acting Chief Planner & Executive Director  
City Planning Division