

2772 and 2778 Keele Street - Zoning By-law Amendment – Final Report

Date: April 6, 2021
To: North York Community Council
From: Acting Director, Community Planning, North York District
Ward: Ward 6 – York Centre

Planning Application Number: 01 036296 NNY 09 OZ

SUMMARY

At its meeting of October 7, 2020, the North York Community Council adopted item NY18.10 requesting the Director of Community Planning, North York District, to bring forward a report to amend the Section 37 provisions of Site-Specific By-law No. 3-2005 (OMB), and authorize that the Section 37 provisions of the By-law be amended to specify that uncommitted funds be used for parkland and streetscape improvements in the vicinity of the development site at 2772 and 2778 Keele Street. This report recommends approval of amendments to the Section 37 provisions of By-law No. 3-2005 (OMB) providing for the reallocation of uncommitted funds as described above.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Site Specific Zoning By-law 3-2005 (OMB) for the lands at 2772 and 2778 Keele Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to this report from the Acting Director, Community Planning, North York District.
2. City Council authorize the City Solicitor to make stylistic and technical changes to the Zoning By-law Amendment as may be required.
3. Prior to the introduction of the Bill, the owner be required to enter into a Section 37 Amending Agreement reflecting the changes set out in the Zoning By-law Amendment to the satisfaction of the City Solicitor.
4. City Council authorize the appropriate City Officials to take actions as are necessary to implement the foregoing, including the execution of the Section 37 Amending Agreement.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

At its meeting of May 4, 2004, City Council adopted the Official Plan and Zoning By-law Amendment Final Report dated February 24, 2004 (File No. 01 036296 NNY 09 OZ) to allow for the development of an 8 to 10 storey residential apartment building with 140 units at 2772 and 2778 Keele Street. Its Site-Specific By-law 3-2005 (OMB) included Section 37 provisions to secure community benefits consisting of a cash contribution of \$200,000 (two hundred thousand dollars) for landscaping at the Downsview Library property and streetscape improvements at Keele Street, north of the intersection of Keele Street and Wilson Avenue.

The staff report dated February 24, 2004 can be found at this link:

<https://www.toronto.ca/legdocs/2004/agendas/committees/tn/tn040504/it030.pdf>

By-law 3-2005 (OMB) can be found at this link:

<https://www.toronto.ca/legdocs/bylaws/2005/law0003.pdf>

The North York Community Council minutes of May 4, 2004 can be found at this link: <https://www.toronto.ca/legdocs/2004/minutes/committees/tn/tn040504.pdf>

At its meeting of March 12, 2020, North York Community Council adopted item NY14.26 requesting the Director of Community Planning, North York District, bring forward a Zoning By-law Amendment report to North York Community Council to amend the Section 37 provisions of By-law 3-2005 (OMB) for 2772 and 2778 Keele Street to specify that \$30,000 of the secured and uncommitted funds be used for the St. Conrad Catholic School playground improvements, and the balance for parkland improvements in the vicinity of the development site. The decision of North York Community Council can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY14.26>

At its meeting of October 7, 2020, North York Community Council adopted item NY18.10 amending item NY14.6 and requesting that the Director of Community Planning, North York District, bring forward a Zoning By-law Amendment report to North York Community Council to amend the Section 37 provisions of By-law 3-2005 (OMB) for 2772 and 2778 Keele Street to specify that uncommitted funds be used for parkland and streetscape improvements in the vicinity of the development site.

The decision of North York Community Council can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY18.10>

COMMENTS

Staff have reviewed the records on the Section 37 funds for 2772 and 2778 Keele Street and confirm that \$200,000 was secured. A payment of \$200,000 was received and has since accumulated an interest in the amount of \$16,633.73. At the time of this report, \$164,633.73 remains unspent.

In accordance with the North York Community Council request in item NY 18.10 and subsequent consultation with the Ward Councillor, this report recommends that City Council amend Site Specific Zoning By-law 3-2005 (OMB) for 2772 and 2778 Keele Street to reallocate uncommitted funds, together with accrued interest, originally allocated towards landscaping on the Downsview Library property and streetscape improvements on Keele Street, north of the intersection of Keele Street and Wilson Avenue, to parkland and streetscape improvements in the vicinity of the development site. A draft Zoning By-law Amendment that includes an amendment to the Section 37 provisions within it is included as Attachment 1 to this report. Conclusion

Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposed reallocation of funds to improve parkland and streetscapes within the vicinity of the development site is in keeping with the intent of the Toronto Official Plan, particularly as it relates to health, liveability, and overall quality of life.

CONTACT

Eno Rebecca Udoh-Orok, Planner
Tel. No. 416-392-5474
E-mail: Eno.Udoh-Orok@toronto.ca

SIGNATURE

Giulio Cescato, MCIP, RPP
Acting Director, Community Planning,
North York District

ATTACHMENTS

Attachment 1: Amendment to By-law No. 3-2005 (OMB)

Attachment 1: Amendment to By-law No. 3-2005 (OMB)

Authority: North York Community Council Item as adopted by City of Toronto Council
on _____, 2021

CITY OF TORONTO

BY-LAW _____, 2021

**To amend By-law 3 – 2005 (OMB) in respect of lands municipally known as
2772 and 2778 Keele Street.**

Whereas the former Ontario Municipal Board pursuant to its Order No. 1686, dated October 25, 2004, upon hearing the appeal of Grande Murano Ltd., under Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, amended the former City of North York Zoning By-law No. 7625 for the lands at 2772 and 2778 Keele Street; and

Whereas the Zoning By-law Amendment, numbered By-law 3 – 2005 (OMB) by the City of Toronto By-law Registry, included specific benefits pursuant to Section 37 of the *Planning Act*, and did not include a provision to re-allocate any of the Section 37 benefits in the event the contributions have not been used for the intended purposes within three (3) years of the By-laws coming into full force and effect; and

Whereas the full amount of the Section 37 contribution was not used on the proposed benefits, and a provision needs to be added to By-law 2 – 2005 (OMB) in order to re-direct the remaining funds; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; 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 enacts:

1. Section 2 of By-law 3 – 2005 (OMB) is amended by adding the following new section 2. (e) (ii):

2. (e) (ii) That uncommitted funds from section 2(e) (i), including accrued interest, be used for parkland and streetscape improvements in the vicinity of the development site.

Enacted and passed on _____, 2021

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)