

## **34-50 Southport Street – City Initiated Amendment to a Section 37 Agreement – Final Report**

Date: April 1, 2022

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 4 - Parkdale-High Park

**Planning Application Number:** 18 149995 WET 13 SA & 20 120971 STE 04 SA

### **SUMMARY**

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This report recommends that the Section 37 Agreement for the development at 35-50 Southport Street be amended to remove the requirement for two of the off-site traffic improvements which had been noted as being required to support the development. Transportation Services staff have concluded, in consultation with the applicant's traffic consultant, that specific improvements at the intersection of South Kingsway and Ormskirk Avenue are not necessary.

The applicant has consulted with Community Planning staff and Committee of Adjustment staff and will be amending a recently submitted minor variance application to also include a request for the removal of the requirement for these improvements from site specific Zoning By-law 264-2013.

The amendment to the Section 37 Agreement would be subject to the variance of the site specific zoning by-law being granted by the Committee of Adjustment.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Subject to the Committee of Adjustment granting necessary minor variances to site-specific Zoning By-law 264-2013 for the lands at 34-50 Southport Street, City Council direct the City Solicitor in consultation with the General Manager, Transportation Services, to prepare for execution and registration on title, an amendment to the Section 37 Agreement between the City and the owner, dated February 21, 2013, which would remove the requirement for the installation of a southbound-to-eastbound left turn lane and the relocation of the crosswalk at the South Kingsway and Ormskirk Avenue intersection.

2. City Council authorize the appropriate City officials to take the necessary action to give effect to the above, including execution of the amended Section 37 Agreement.

## **DECISION HISTORY**

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At its October 30, 31 and November 1, 2012, meeting, Council adopted, as amended, the Etobicoke York Community Council Item 19.1, Official Plan and Zoning By-law Amendment applications to permit a mixed use development with two residential condominium towers on the lands municipally described as 34-50 Southport St.

At its February 20 and 21, 2013 meeting, Council adopted Member Motion MM30.10, revising the Zoning By-law permissions to clarify commercial/visitor vehicular parking supply provisions, the list of permitted uses and the minimum required amount of retail space. The Official Plan Amendment and Zoning by-law Amendment By-laws were enacted on February 21, 2013.

The application was appealed to the OMB by the Swansea Area Residents Association. The appeal was dismissed by the OMB in an order issued on October 25, 2013, and on November 18, 2013, an OMB order was issued bringing the Official Plan and Zoning By-law Amendment by-laws into force.

## **COMMENTS**

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Zoning By-law 264-2013 secured a number of matters, including off-site traffic improvements secured as a legal convenience to support development at 34-50 Southport St. These included improvements to the intersection at South Kingsway and Ormskirk Avenue as set out in both By-law No. 264-2013 (Appendix 1, s8 (b)(ii) & (iii)) and the Section 37 Agreement between the owner and the City, dated February 21, 2013 (AT3284773) (s. 11.3 and 11.4).

Specifically, these improvements are as follows:

- the addition of an auxiliary southbound to eastbound left turn storage lane at the north intersection approach, providing 20 metres of storage and a 15 metre approach taper. This design shall be incorporated within the existing South Kingsway pavement cross-section by means of pavement markings; and
- the removal and relocation of the existing pedestrian crossover along South Kingsway just north of the approach of Ormskirk Avenue to incorporate the auxiliary southbound to eastbound left turn storage lane.

The applicant's consultant has indicated that the southbound-to-eastbound left-turn lane will not provide significant added benefit. Transportation Services concur with the applicant's transportation consultant that a southbound-to-eastbound left turn lane is not required at this intersection, and, therefore, relocation of the crosswalk is not required. Removal of the southbound left turn lane and crosswalk relocation necessitate relief from By-law 264-2013 and revision to the Section 37 provisions. The applicant

proposes to seek minor variance approval from the Committee of Adjustment to amend the site specific zoning by-law to remove these requirements. It is expected that any approval would be conditional upon an amending Section 37 Agreement being entered into with the City.

Following discussions between City Planning staff and the appropriate City of Toronto staff, all parties support the proposed amendments. Council preauthorization to direct preparation and execution of any necessary amendment to the Section 37 Agreement is in no way intended to fetter the discretion of the Committee of Adjustment in making its decision on the application.

### **Conclusion**

City Planning staff, in consultation with the appropriate City Staff are supportive of the proposed amendments to By-law 264-2013.

The original Section 37 obligations will remain intact while recognizing that the proposed southbound-to-eastbound left turn lane and the relocation of the crosswalk do not provide significant added benefit and are not necessary.

### **CONTACT**

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### **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA  
Director, Community Planning, Toronto and East York District

### **ATTACHMENTS**

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**City of Toronto Data/Drawings**  
Attachment 1: Location Map

Attachment 1: Location Map

