

56, 58 and 60 Fieldway Road – Community Benefits Charge In-Kind Report

Date: January 30, 2025

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

Planning Application Number: 23 127950 WET 03 SA

SUMMARY

On October 11 and 12, 2023, City Council approved the Zoning By-law Amendment for 56, 58 and 60 Fieldway Road to permit a mixed-use development with four towers and a public park. One of the recommendations was to direct staff to continue to work with the applicant to explore an in-kind community benefit package pursuant to Section 37(6) of the *Planning Act* and to report back for further instructions on any offer of in-kind community benefits made by the owner.

The applicants have agreed to provide on-site public art as a Community Benefits Charge (CBC) in-kind, at a total cost to the owner of up to 33 percent of four percent of the value of the land. The remainder of the CBC, net of the in-kind contribution, will need to be paid at the time of the building permit issuance.

RECOMMENDATIONS

The Director, Community Planning Etobicoke York District recommends that:

1. City Council allow the owner of 56, 58, and 60 Fieldway Road (the “Site”) to provide an in-kind Community Benefit Charge contribution pursuant to subsection 37(6) of the *Planning Act*, being:

a. the submission of a public art plan detailing the possible location(s) of any public art installations on the site, the artists selection process, and the design and implementation of the public art installation, generally in accordance with City Planning's Percent for Public Art process, prior to the issuance of the first-above grade building permit and to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. the commissioning and installation of public art on the Site, to the satisfaction of the Chief Planner and Executive Director, City Planning, generally in accordance with recommendations from the Toronto Public Art Commission and in consultation with the City Planning division, at a total cost to the owner of up to 33 percent of four percent of the value of the land (net of any exclusions or

exemptions authorized under the Community Benefits Charge By-law), as determined the day before the day the building permit is issued in respect of the development, with the projected costs of the in-kind contributions to be evidenced through cost estimates provided by the owner and approved by the City; and

c. To the extent that the estimated cost of the in-kind contribution is less than 33 percent of four percent of the value of the land, the difference in value between the final estimated cost of the in-kind contribution and four percent of the value of the land, as determined the day before the building permit is issued in respect of the development, will be provided in cash.

2. City Council authorize the Chief Planner and Executive Director, City Planning to enter into an agreement pursuant to subsection 37(7.1) of the *Planning Act* (the "In-kind Contribution Agreement") to address the provision of the in-kind contribution identified in Part 1 above to the satisfaction of the Chief Planner and Executive Director, City Planning, Executive Director, Development Review and the City Solicitor, with such agreement to be registered on title to the lands prior to the first above grade building permit being issued on the Site, which agreement shall be evidence of arrangements for the provision of the in-kind contribution to the satisfaction of City Council.

FINANCIAL IMPACT

The Development Review Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

This Report requests Council's approval of a CBC in-kind contribution of on-site public art. The estimated value of the proposed CBC in-kind contribution is approximately 33 percent of the four percent value of the land that is the subject of the development or redevelopment in accordance with the CBC By-law. The percentage ascribed to the in-kind contribution will not be a direct CBC payment to the City. The remaining CBC charge will be paid at the time of issuance of the first building permit.

DECISION HISTORY

A [Preliminary Report](#) on the application was considered by the Etobicoke York Community Council on November 22, 2021.

A Decision Report – Approval was adopted by Toronto City Council on October 11 and 12, 2023. The City Council decision is available here: [2023.EY7.4](#).

COMMENTS

The applicant has agreed to providing on-site public art as an in-kind community benefit to be secured in a CBC Agreement. The public art would be located in a prominent publicly accessible location on-site.

Section 37 of the *Planning Act* authorizes the City to adopt a CBC By-law and collect CBCs to pay for the capital costs of facilities, services and matters that are required to serve development and redevelopment.

The CBC By-law allows for an in-kind contribution for facilities, services or matters identified in a Community Benefits Strategy and required because of development or redevelopment provided by an owner of land, in lieu of payment of the CBC in cash.

The proposed public art will be secured as an in-kind in lieu of cash payment of the CBC, as per the above recommendations, at a total cost to the owner of up to 33 percent of four percent of the value of the land. The remainder of the CBC net of the in-kind contribution will need to be paid at the time of the first above grade building permit.

CONTACT

Desiree Liu, Senior Planner, Tel. No. (416) 394-8233, Email: Desiree.Liu@toronto.ca

SIGNATURE

Al Rezoski, MCRP, AICP
Acting Director, Community Planning
Etobicoke York District