

## **Railway Lands West Community Park – Request to Enter into an Agreement**

<b>Date:</b>	March 24, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity Spadina
<b>Reference Number:</b>	File No. 06-103570 SPS 00 TM

### **SUMMARY**

The purpose of this report is to ask City Council for authorization to enter into an agreement, as contemplated in the Section 37 agreement secured as part of zoning by-law amendment application 05-202742 OZ, to allow Section 37 funds to be directed to the community park in the Railway Lands West.

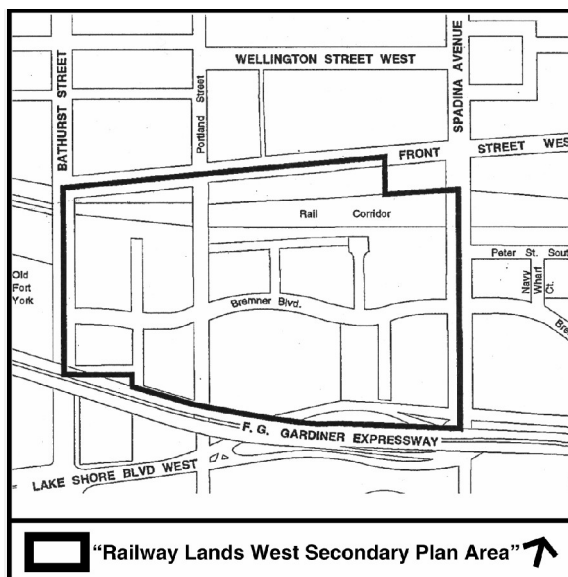
### **RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council authorize staff to enter into an agreement with Concord Adex Development Corp. which will allow Section 37 funds to be directed to the Railway Lands West community park, using the mechanism outlined in Section 4.4 of the Section 37 agreement signed by Concord Adex Development Corp., Cityplace Developments Corp. and the City.

#### **Financial Impact**

The recommendations in this report have no financial impact.



## **DECISION HISTORY**

In November of 2005 Concord Cityplace Inc. made a zoning amendment application to amend the Railway Lands West Zoning By-law (1994-0805), to permit three 18-storey towers, two 36-storey towers and one 38-storey tower within 3 blocks in the Railway Lands West. City Council adopted By-law 1080-2006 at its meeting of July 25, 26 and 27, 2006 which permitted the rezoning of the blocks.

The City secured \$4 million through Section 37 of the *Planning Act* as part of the approval. The agreement directs the funds towards any or all of the following: parks in the Railway Lands West (the Northern Linear Park, Southern Linear Park, Mouth of the Creek Park and the community park); the community centre and daycare located on Block 31; as well as towards building affordable housing on the City-owned blocks in the area.

## **COMMENTS**

### **Details of the Section 37 Agreement**

Concord Adex is required to make the contributions secured in the Section 37 agreement in three phases. Payments are required prior to the release of above grade permits on each of Blocks 26E, Block 26W and Block 29. The first two payments are \$1.316 million and the third is \$1.318 million, and all are indexed. The City has received the first payment, \$1,490,633.00, and is expecting the others shortly.

### **Allocation of funds to the community park**

As part of the Subdivision agreement that Concord Adex has with the City, they are responsible to design and construct the 8 acre community park in the Railway Lands West. The park is under construction and it is anticipated that it will be finished by the summer. City staff, along with Concord Adex and the Councillor's office have been in negotiations about the amount of money that should be directed from the Section 37 agreement towards the community park.

It has been agreed by all parties that Section 37 funds will be used for the following features within the park: waterplay feature, plaza seating walls, site furniture, and artificial turf and lighting for the large playfield. These are all items which are over and above what is required as part of the design of the park, and are therefore appropriate features to receive Section 37 funds. The total cost for these items is expected to be approximately \$930,000.00.

### **Process to direct the funds**

Section 4.4 of the Section 37 agreement states that:

Notwithstanding Section 4.3 above (the section detailing the payment schedule), at the request of the Chief Planner or the Owner, the Owner may construct improvements to the Local Initiatives, and in such case the next Phased Payment otherwise payable shall be reduced by the value of the improvements so constructed, as agreed by the parties prior to the commencement of the work. The

Parties agree that this option will not be exercised unless the City and the Owner have entered into an agreement addressing the terms thereof.

The City and the Owner (Concord Adex) would like to exercise this option. The City would enter into an agreement with Concord Adex that would see the next Section 37 payment be reduced by the amount of money that has been allocated to the park. This would eliminate the need for Concord Adex to pay the City the money that will then have to be reimbursed back to them for the agreed upon park upgrades. The exact amount for these items is being confirmed by the contractor that is building the park, and the final total will be verified by city staff.

## **CONCLUSION**

City staff request that City Council authorize staff to enter into an agreement with Concord Adex, as outlined in Section 4.4 of the Section 37 agreement signed by Concord Adex Development Corp., Cityplace Developments Corp. and the City. This agreement will allow the next required Section 37 payment from Concord Adex to be reduced by the amount of money that will be directed to the Railway Lands West community park.

## **CONTACT**

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## **SIGNATURE**

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Community Planning, Toronto and East York District

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## **ATTACHMENTS**

None