

City Council

Notice of Motion

MM1.8	ACTION			Ward: 12
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859, 861 and 875 Eglinton Avenue West - Minor Amendment - by Councillor Josh Matlow, seconded by Councillor Michael Colle

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Josh Matlow, seconded by Councillor Michael Colle, recommends that:

1. City Council amend its decision on CC43.19 [2018] by adding a new Part 5.b.iii:

5.b.iii. the financing and construction of necessary improvements to off-site municipal infrastructure, which include approximately 53 linear metres of 450mm diameter storm sewer, one maintenance hole, the disconnection and reconnection of two catchbasins with leads including full surface restoration all located on Dewborne Avenue, or other municipal infrastructure improvements necessary to comply with MECP Procedure F-5-5, based on the Functional Servicing Report prepared by WSP Canada Group Limited, dated November 14, 2018, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

Summary

On June 26, 2018, City Council accepted a Settlement Offer to resolve the appeals by the Owner of 859, 861 and 875 Eglinton Avenue West (the "Site") to the Local Planning Appeal Tribunal of Council's failure to enact site specific Zoning By-law Amendments in relation to the Site, along with the Owner's appeals of Official Plan Amendment Number 253 (Eglinton Connects), and the implementing By-law 1030-2014.

In accepting the Owner's settlement offer, City Council authorized the City Solicitor to enter into an agreement pursuant to Section 37 of the Planning Act to secure a cash contribution, above-base park improvements for an offsite parkland dedication, and an entrance and connection to the planned future Toronto Transit Commission Bathurst LRT Station.

City Council also instructed the City Solicitor to request the Local Planning Appeal Tribunal withhold its order on the Zoning By-law Amendments until such time as the Local Planning Appeal Tribunal has been advised by the City Solicitor that the proposed Zoning By-law amendments are in a form satisfactory to the City; the City has received an executed Section 37

Agreement securing the benefits outlined above, and the Section 37 Agreement has been registered on title to the properties; and the Chief Engineer and Executive Director, Engineering and Construction Services has confirmed that all engineering matters have been addressed to his satisfaction.

On September 26, 2018, the Local Planning Appeal Tribunal issued a Decision allowing the Owner's appeal in part, and approving the Zoning By-law Amendment to the former City of York B-law 1-18 in principle. The Local Planning Appeal Tribunal withheld its Order, pending confirmation of the matters described above, and requested an update as to the satisfaction of the conditions and the final form and content of the Zoning By-law Amendment by October 1, 2018.

The Owner submitted a revised Functional Servicing Report on November 16, 2018. In the course of reviewing the revised report, Engineering and Construction Services staff noted that off-site infrastructure improvements would be required to support the development of the site.

This matter is urgent, as the parties have been unable to update the Local Planning Appeal Tribunal on the pre-conditions to the issuance of the order, or to finalize the form and content of the Zoning By-law Amendments and Section 37 Agreement, in accordance with the Local Planning Appeal Tribunal - directed deadline of October 1, 2018. The finalization of these matters is now ten weeks overdue. This meeting has been the first opportunity available to Council to provide further direction.

Background Information (City Council)

Member Motion MM1.8