

700 Evans Avenue - Amendment to Section 37 Agreement and Zoning By-law Amendment

Date:	August 22, 2012
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	12 226795 WET 05 TM

SUMMARY

At its meeting of May 15, 2012, Etobicoke York Community Council directed staff to report back on Section 37 benefits within Ward 5 with the objective of identifying Agreements which could be amended to provide greater flexibility in the allocation of funds. (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EY16.25>)

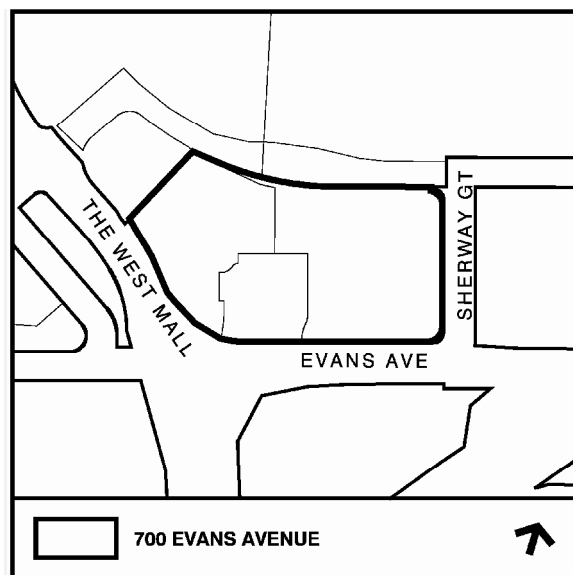
The property formerly known as 700 Evans Avenue is the subject of a Section 37 Agreement which could be amended.

This report proposes amendments to the Section 37 Agreement and Zoning By-law 760-2006 as related to the allocation of funds. The overall Section 37 contribution amount has not been changed.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Etobicoke York Community Council authorize City Planning to schedule a community meeting for the lands formerly known as 700 Evans Avenue in consultation with the local Councillor to present the draft zoning



by-law attached to this report and that notice for the community meeting be given by newspaper and by notice to the registered Condominium Corporations existing on site.

2. City staff be authorized to amend the Section 37 Agreement for 700 Evans Avenue, if and when the draft By-law amendment receives final approval and if and when consent is obtained from the registered property owner(s) and Condominium Corporations.

Financial Impact

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

DECISION HISTORY

The Ontario Municipal Board, in Order #3122 issued in 2006, approved the development of 990 residential units at the lands formerly known as 700 Evans Avenue. The Section 37 contributions were valued at \$959,000 which included \$400,000 to be allocated to Etobicoke Creek Trail improvements. As of July 2012, only \$42,306 of this \$400,000 has been spent. Phase 1 of the development has been completed; Phase 2 is now under construction.

COMMENTS

A Section 37 Agreement was registered on title in November 2005 for the property formerly known as 700 Evans Avenue in conjunction with an Ontario Municipal Board approved Zoning By-law Amendment. The agreement secures among other matters, a cash contribution for Etobicoke Creek Trail improvements.

Through discussions with the Ward Councillor and a review of the allocations of these monies, it was concluded that the \$400,000 plus any accrued interest, for the Etobicoke Creek Trail Improvements was an allocation which could be reallocated. The Ward 5 Councillor has identified a need for additional capital funds for parkland improvements in Ward 5.

CONCLUSION

In accordance with Etobicoke York Community Council's direction, attached is a draft Zoning By-law amendment which amends the Section 37 contribution to allow the \$400,000 to be allocated to parkland improvements within Ward 5. The overall \$959,000 contribution for Section 37 would remain unchanged, and all others matters of the agreement will be maintained

CONTACT

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SIGNATURE

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Etobicoke York District

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No 760-2006
With respect to the lands municipally known as
700 Evans Avenue**

WHEREAS authority is given to the Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the 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*; and

WHEREAS the Council of the City of Toronto passed Zoning By-law No. 760-2006 on; and

WHEREAS the Council of the City of Toronto wishes to amend the section 37 provisions that are set out in Zoning By-law No. 760-2006;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 15 (a) of Zoning By-law No.760-2006 is deleted and replaced by the following:

15 (a)

Contribution of \$400,000 to the City to be used for parkland improvements within Ward 5 and to be paid as follows:

- (i) \$100,000 prior to the issuance of the first above-grade building permit for the first building of the first phase of the development on the Lands;
- (ii) \$100,000 prior to the issuance of the first above-grade building permit for the second building of the first phase of the development on the Lands; and
- (iii) \$200,000 prior to the issuance of the first above-grade building permit for the first building of the second phase of the development on the Lands;