

40-42 Westmoreland – Request for Direction to Amend a Section 37 Agreement

Date:	March 13, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward No. 18 – Davenport
Reference Number:	File No. 03-200562 SHY 18 OZ

SUMMARY

A Section 37 Agreement was registered on title in 2006 at 40-42 Westmoreland Avenue in conjunction with a Zoning By-law Amendment. The agreement secures, among other things, the number of parking spaces to be provided on-site to serve the development. Now under new ownership, the proposed number of residential units has decreased, and therefore, the number of required parking spaces has been reduced. The Section 37 Agreement must be amended to reflect this change.

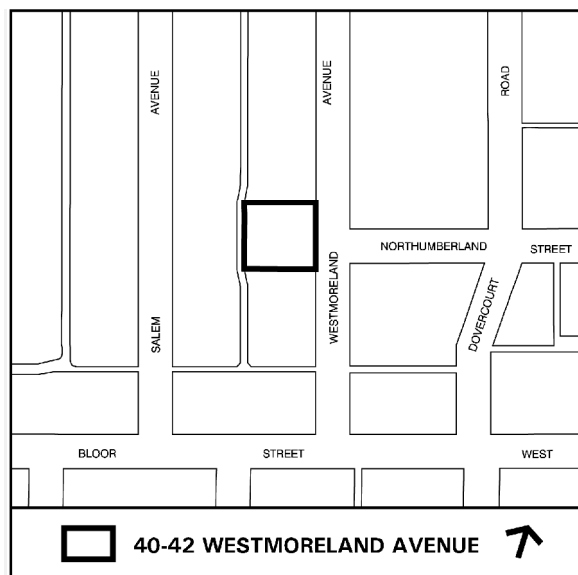
RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor to amend the Section 37 Agreement registered on title at 40 Westmoreland Avenue to delete Section 2.4 with respect to parking requirements.

Financial Impact

The recommendations in this report have no financial impact.



DECISION HISTORY

In December 2003 the owners of the vacant church at 40-42 Westmoreland Avenue made an application to amend the Zoning By-law to permit the church to be converted for residential use. A Final Report on the Zoning Amendment application, and the site specific Zoning By-law No. 871-2004, were adopted by City Council on July 20, 2004. The approval permitted the conversion of the existing church into 25 dwelling units with 26 underground parking spaces. A Section 37 Agreement was registered on title on August 17, 2006.

The property was recently subject to a Committee of Adjustment application, File No. A0840/11TEY, approved on January 25, 2012. Among the minor variances approved was a reduction in the number of parking spaces from 24 to 18.

COMMENTS

Section 2.4 in the registered Section 37 Agreement details the amount of parking required on the site, as follows:

- 2.4 The Owner agrees to provide and maintain to the satisfaction of the Commissioner of Urban Development Services, a minimum of twenty-four parking spaces on the Site as follows:
 - (a) twenty-three of these parking spaces must be located within the lands forming part of the Church lands;
 - (b) six of the twenty-three spaces may be designated for small cars only; and
 - (c) two of the twenty-three spaces must be designated solely for the purpose of residential visitor spaces for the Church Lands and cannot be assigned to an individual unit.

New owners have purchased the site and the project has been redesigned with only 17 dwelling units. Staff have determined that 18 parking spaces, including 1 for visitors is appropriate for the development. The owner made an application to the Committee of Adjustment which approved the reduction in the number of parking spaces required from 24 (including 2 visitor spaces) to 18 (including 1 visitor space).

The Section 37 Agreement must now be amended to reflect the Committee of Adjustment decision. Planning staff believe that Section 2.4 of the Section 37 Agreement should be removed in its entirety, as the parking requirements are secured in the zoning, and it is not necessary to secure them in the Section 37 Agreement. The property owners are in agreement with this amendment.

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SIGNATURE

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