

**700 Evans Avenue - City Initiated Amendment to Zoning By-law - Final Report**

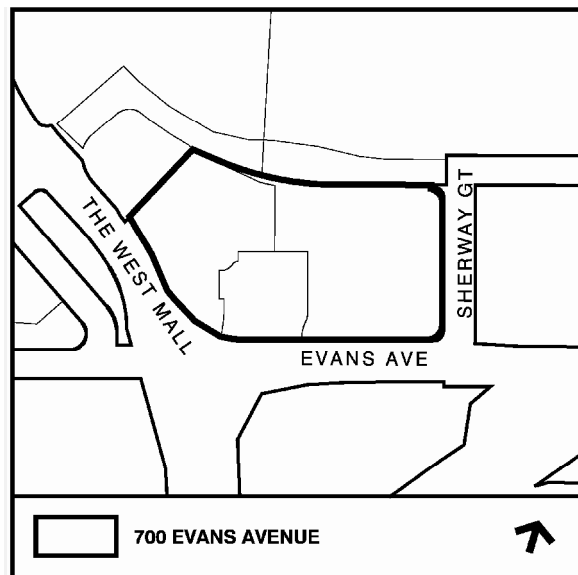
<b>Date:</b>	May 27, 2013
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 5 – Etobicoke-Lakeshore
<b>Reference Number:</b>	12 259737 WET 05 OZ

**SUMMARY**

At its meeting of May 15, 2012 Etobicoke York Community Council directed staff to review the status of secured but unexpended Section 37 funds in Ward 5 for the purpose of identifying funds that could be reallocated to alternate appropriate community benefits in Ward 5 and to undertake City-initiated Zoning By-law amendments accordingly. Alternate appropriate community benefits were defined in this direction as parks, streetscape improvements, recreation, public art or community facilities.

The property formerly known as 700 Evans Avenue (now known as 700 Evans Avenue and 225 and 235 Sherway Gardens Road) has been identified as one such property with a Section 37 Agreement which could be amended.

As directed by Etobicoke York Community Council, this report proposes amendments to the former City of Etobicoke Zoning By-law 760-2006 (OMB) and the related Section 37 Agreement for the purpose of allowing the reallocation of secured but unexpended Section 37 funds. The total amount of the Section 37 funds collected would not be altered.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend Site Specific Zoning By-law No. 760-2006(OMB), for the lands formerly known as 700 Evans Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. City Council authorize the City Solicitor to amend the registered Section 37 Agreement for the property formerly known as 700 Evans Avenue to reflect the reallocation of the \$400,000 contribution as outlined in this report.
4. Prior to the introduction of Bills to Council, City Council require the City Solicitor to obtain consent to amend the Section 37 Agreement for the property formerly known as 700 Evans Avenue from all relevant parties and/or their successors in Title to the Section 37 Agreement.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **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 for Etobicoke Creek Trail improvements, \$59,000 for road and transit improvements, \$350,000 for above base park improvements and \$150,000 for public art.

The funds were received by the City and the Section 37 Agreement registered on title November 25, 2005. Of the \$400,000 allocation for Etobicoke Creek Trail improvements, only \$42,306 has been spent. Phase 1 of the development has been completed; Phase 2 is now under construction.

At its meeting of May 15, 2012 Etobicoke York Community Council directed staff to review the status of secured but unexpended Section 37 funds in Ward 5 for the purpose of identifying funds that could be reallocated to appropriate community benefits in Ward 5 and to undertake City-initiated Zoning By-law Amendments to reallocate such funds. These alternative appropriate community benefits were defined in this direction as parks, streetscape improvements, recreation, public art or community facilities. The link to the Motion is as follows:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EY16.25>

## **COMMENTS**

Subsequent to this direction, staff completed a review of the status of Section 37 Agreements in Ward 5 and determined the subject property had secured but unexpended funds. Accordingly, an application process was initiated specifically to amend the relevant Section 37 provisions of site specific Zoning By-law 760-2006(OMB).

This City initiated application was circulated to all appropriate agencies and City Divisions, residents of the development and other property owners within 120 metres of the site, the relevant condominium corporations, as well as the original developer, Sherway Gate Development Corp. Comments from the circulation, including a resolution from the City of Mississauga, were all in opposition to the proposed reallocation.

A Community Consultation Meeting was held on January 24, 2013 which was attended by 18 people. Comments provided include:

- Would there be guarantees that if the funds were reallocated, then future unspecified funds would be made available to complete the Etobicoke Creek Trail.
- General comments that the Section 37 funds not be reallocated.

In accordance with Community Council direction and subsequent consultation with the Ward Councillor, this report recommends that City Council amend Zoning By-law 760-2006(OMB) for the property formerly known as 700 Evans Avenue to reallocate a portion of the \$959,000 Section 37 contribution, being the \$400,000 originally committed for Etobicoke Creek Trail Improvements, to parkland improvements in Ward 5. It should be noted this report also recommends the City Solicitor be authorized to amend the registered Section 37 Agreement accordingly. The Section 37 contribution of \$400,000 with accrued interest and less the \$42,306 already spent has a current estimated value of \$365,217.34.

A draft Zoning By-law Amendment is included as Attachment 1 to this report. This report also recommends that such amendments not be enacted until all relevant parties to the original Section 37 Agreement, and/or their successors in Title, consent to these amendments.

## **CONTACT**

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## **SIGNATURE**

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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment

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**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend Zoning By-law No. 760-2006(OMB)  
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 wishes to amend the section 37 provisions that are set out in Zoning By-law No. 760-2006(OMB);

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

1. Section 15 (a) of Zoning By-law No.760-2006(OMB) 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.