

City Council

Notice of Motion

MM9.4	ACTION			Ward:5
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Zoning By-law Amendment for Reallocation of Section 37 Funds from the Development at 2 Fieldway Road for Capital Improvements in Ward 5 - by Councillor Justin J. Di Ciano, seconded by Councillor Vincent Crisanti

** Notice of this Motion has been given.*

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

Recommendations

Councillor Justin J. Di Ciano, seconded by Councillor Vincent Crisanti, recommends that:

1. City Council request the Director, Community Planning, Etobicoke York District to bring forward a zoning by-law amendment to the Etobicoke York Community Council pertaining to 2 Fieldway Road, to amend the Section 37 provisions of By-law 963-2006 to authorize additional capital streetscape improvements with respect to the funds previously secured specifically for streetscape improvements along Bloor Street West.
2. City Council direct that a community meeting be held in the affected area and that notice for the statutory public meeting under the Planning Act be given according to the regulations under the Planning Act.
3. City Council request the City Solicitor to prepare an amending Section 37 agreement to secure the amended Section 37 community benefits resulting from Recommendations 1 and 2, above, and that the amending agreement be executed prior to introduction of the Bill in City Council.

Summary

Section 37 funds were negotiated and secured from the development at 2 Fieldway Road for streetscape improvements along Bloor Street West which were to be in addition to the Owner's obligation to site-related streetscape improvements.

All funds have been received and a portion of the funds from those developments have been spent for the purposes as stated in the zoning by-law and Section 37 agreements. Currently, there remain outstanding balances which have accrued interest in the Section 37 Planning Act Reserve Fund. The remaining balance is no longer required for the negotiated purposes. There are currently other streetscape improvements in the Ward (or there are various local capital

improvement projects) that need additional funding or are currently unfunded, but could be completed utilizing the unspent balance.

This Motion recommends that the Section 37 provisions of the site-specific zoning by-law be amended to specify that any of the secured and uncommitted funds may be used for various capital improvements including the installation of the landscaped medians on The Queensway.

The condominium at 2 Fieldway Road is occupied and registered. Accordingly, the existing Section 37 Agreement registered on title will need to be amended and executed with the Condominium Board, who is now the other party to the Section 37 agreement, rather than the original developer.

A community consultation meeting will form part of the rezoning process.

Background Information (City Council)

Member Motion MM9.4