

City Council**Notice of Motion**

MM18.13	ACTION			Ward:36
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Reallocation of Section 37 Funds at 2229-2245 Kingston Road - by Councillor Gary Crawford, seconded by Councillor Pam McConnell

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Gary Crawford, seconded by Councillor Pam McConnell, recommends that:

1. City Council amend the Section 37 agreement for 2229-2245 Kingston Road, to reallocate the agreed to financial contribution as follows:
 - a. the \$120,000 contributed by the Owner shall be used for the following purposes:
 - i. an amount up to a maximum of \$100,000 be used for improvements to the school playground at Cliffside Public School, 27 East Haven Drive, provided that an agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning, is in place between the City and the Toronto District School Board to ensure that there is appropriate public access to the playground for a minimum of 5 years;
 - ii. if no agreement as detailed in 1.a.i above is in place within three (3) years of the Zoning By-law 760-2015 coming into full force and effect and at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, the cash earmarked for the playground improvements at Cliffside Public School may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the local City Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the Site;
 - iii. the remainder of the financial contribution, which shall be the difference between the \$120,000 and what is spent on the Cliffside Public School playground improvements, shall be used for local streetscape improvements; and
 - iv. in the event the remainder of the financial contribution referred to in 1.a.iii above has not been used for the intended purpose within three (3) years of Zoning By-law 760-2015 coming into full force and effect, the cash contribution may be redirected

for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

2. City Council authorize the City Solicitor and any other necessary City staff to take the necessary steps to carry out Council's decision.

Summary

At the July 7, 8 and 9, 2015 City Council meeting, Council passed a by-law to remove a holding symbol (H) with respect to the lands municipally known as 2229-2245 Kingston Road. As a pre-condition to enacting this by-law, Council required the Owner to enter into a financially secured Agreement pursuant to Section 37 of the Planning Act which secured, among other things, a \$120,000 financial contribution to be used for improvements to the school playground at 27 East Haven Drive, Cliffside Public School, provided there is an agreement in place between the City and the Toronto District School Board to ensure that there is access for a minimum of 5 years. The Section 37 Agreement was executed and registered on title on July 24, 2015. Subsequently, the Ward Councillor requested to reallocate a portion of the funds so that a maximum of \$100,000 be used for the school playground improvements and the remainder be allocated to streetscape improvements.

In order to reallocate the funds as described, the Section 37 agreement needs to be amended. The zoning by-law that initially authorized the Section 37 benefits, By-Law No.1224-2009, which allowed for the redevelopment of the subject lands, does not need to be amended to implement this change because streetscape improvements were included as possible Section 37 benefits under this by-law.

Background Information (City Council)

Member Motion MM18.13