

City Council

Motion without Notice

MM28.51	ACTION			Ward:26
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939 Eglinton Ave East - Approval of a Development Charge Credit - Further direction on Ontario Municipal Board Hearing on Zoning Amendment Application - by Councillor Jon Burnside, seconded by Councillor Josh Colle

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Jon Burnside, seconded by Councillor Josh Colle, recommends that:

1. City Council approve a development charge credit against the Sanitary Sewer component of the Development Charges for the design and construction by the owner of 939 Eglinton Avenue East of the sanitary sewer improvements along Eglinton Avenue East that are in excess of the sanitary sewer improvements necessitated by and attributable to the development; the development charge credit shall be in an amount that is the lesser of: (a) the cost to the owner of designing and constructing the sanitary sewer improvements less \$300,000.00, with the design and cost of the sanitary sewer improvements to be approved by the Chief Engineer and Executive Director, Engineering and Construction Services; and (b) the Sanitary Sewer component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

Summary

At its meeting of December 13 to 15, 2016, City Council adopted Item CC23.6, accepting an offer from the owner of 939 Eglinton Avenue East to settle the appeal of its zoning by-law amendment application. Council instructed the City Solicitor to support the settlement before the Ontario Municipal Board, but to request that a final order be withheld pending the parties agreeing to the final form of zoning by-law, execution of the section 37 agreement and the owner satisfying the requirements of a technical review of the proposal by the City's commenting divisions.

To support the proposal, the applicant's engineering consultant identified in its study certain off-site infrastructure improvements specifically with respect to sanitary sewer improvements, required in order to provide servicing capacity for the development. Staff confirmed that similar but more extensive infrastructure improvements along the same segment of Eglinton

Avenue East, while identified, are not within the City's 10-year capital plan. It is desirable to construct the full extent of the infrastructure improvements required along this portion of Eglinton Avenue East expeditiously and comprehensively.

The owner has agreed to design and complete certain off-site sanitary sewer infrastructure improvements along Eglinton Avenue but only if the City agrees to provide it with a development charge credit to the extent that the improvements are in excess of the improvements that would otherwise be required as a result of the development. The estimated value of the improvements that are solely attributable to the development in today's dollars is \$300,000.00.

The purpose of this Motion is to approve a development charge credit against the Sanitary Sewer component of the Development Charges payable for the development in accordance with City policy in this regard. (For clarity, certain other infrastructure improvements are required to be constructed by the owner along Brentcliffe Road that are separate and apart from the subject matter of this Motion).

The Ontario Municipal Board has issued a decision approving the proposal as described in the settlement offer, but is withholding its final order pending confirmation that outstanding matters have been resolved as between the parties. Consensus respecting the extent of the infrastructure improvements to be constructed by the owner is an integral part of finalizing the City's technical review. As such, this matter is urgent.

Background Information (City Council)

Member Motion MM28.51