

**14 Trent Avenue – Zoning Amendment Application –  
Final Report**

<b>Date:</b>	February 8, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 32 – Beaches-East York
<b>Reference Number:</b>	13 262623 STE 32 OZ

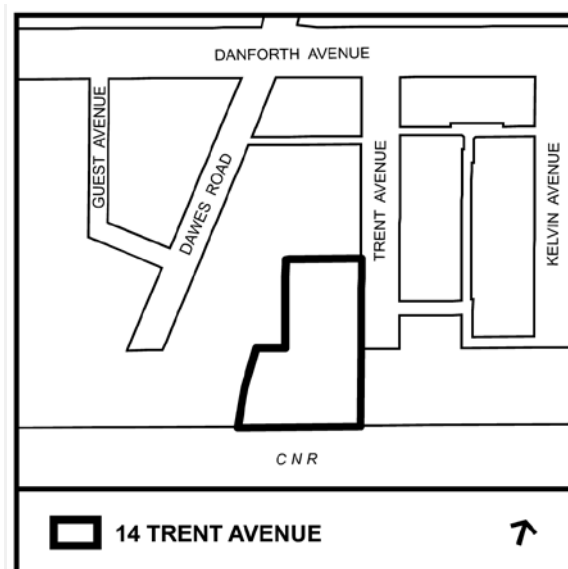
**SUMMARY**

At its meeting of December 5, 2017, City Council adopted a motion requesting City Planning to bring forward a zoning by-law amendment to amend the Section 37 provisions of Site Specific Zoning By-law 123-2016 for 14 Trent Avenue. The purpose of the amendment is to allow a cash contribution originally directed toward park improvements to be applied to public realm and laneway improvements in the area near Trent Avenue, Kelvin Avenue and Luttrell Avenue.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Site Specific Zoning By-law 123-2016, for the lands at 14 Trent Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the report dated February 8, 2018 from the Acting Director, Community Planning, Toronto and East York District.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Zoning By-law Amendment as may be required.
3. Prior to the introduction of the Bill, the owner be required to enter into a Section 37 Amending Agreement reflecting the changes set out in the Zoning By-law Amendment to the satisfaction of the City Solicitor.
4. City Council authorize the appropriate City Officials to take such actions as are necessary to implement the foregoing, including execution of the Section 37 Amending Agreement.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting of September 30, 2015, City Council adopted a zoning amendment application for a 12-storey residential building at 14 Trent Avenue. A Section 37 Agreement between the City and the owner, Birchmount Co-Operative Development Corporation, was entered into to secure community benefits contemplated (the "Section 37 Agreement"). Among the community benefits secured through the application was a cash contribution of \$400,000, \$300,000 of which would be directed towards park improvements in the area near Trent Avenue, Kelvin Avenue and Luttrell Avenue and \$100,000 of which would be directed towards public realm improvements at Main Square Community Recreation Centre and in the vicinity of the intersection of Main Street and Danforth Avenue. A link to the City Council decision can be found here:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE10.9>

At its meeting of December 5, 2017, City Council adopted a motion from Councillor McMahon directing staff to bring forward a zoning by-law amendment for 14 Trent Avenue to amend the Section 37 provisions of Site Specific Zoning By-law 123-2016 to permit a cash contribution originally directed towards park and public realm improvements to be applied to public realm and laneway improvements in the area near Trent Avenue, Kelvin Avenue and Luttrell Avenue. A link to the City Council direction can be found here:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM35.18>

### **ISSUE BACKGROUND**

#### **Community Consultation**

A community consultation was held on February 7, 2018. Notice was mailed out in accordance with the requirements of the *Planning Act*. Sixteen members of the public attended the meeting. Staff presented on the amendment to the Section 37 provisions. No concerns were raised and questions were on clarifying the amendment. Staff was clear that no changes were proposed to the approved 12-storey residential development.

## COMMENTS

The owner has commenced construction of the development contemplated by Site Specific Zoning By-law 123-2016 and provided for in the Section 37 Agreement. The cash contribution in the amount of \$400,000 required prior to issuance of an above grade building permit for improvements to parks and the public realm in the area has been paid to the City. The funds have not yet been allocated. The owner, City staff, and the Ward Councillor have agreed that the cash payment of \$400,000 would be more appropriate to direct toward public realm and laneway improvements in the area near Trent Avenue, Kelvin Avenue and Luttrell Avenue.

Amendments to the Schedule "A" Section (a) of Site Specific Zoning By-law 123-2016 as well as the Section 37 Agreement are required to make this change.

Schedule "A" Section (a), subsection (i) and (ii) of Site Specific Zoning By-law 123-2016 provides:

- "(a) Prior to the issuance of above grade permits provide a cash contribution of \$400,000 which is to be used for the following:
  - (i) \$300,000 for park improvements in the area near Trent Avenue, Kelvin Avenue and Luttrell Avenue;
  - (ii) \$100,000 towards public realm improvements at Main Square Community Recreation Centre and in the vicinity of the intersection of Main Street and Danforth Avenue; and
  - (iii) In the event the cash contributions referred to in Section (i) and (ii) above have not been used for the intended purpose within five years of this By-law coming into full force and effect, the cash contribution may be redirected for other public realm improvements in the vicinity of the development, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor;"

City Planning staff, in consultation with the Ward Councillor, are recommending that the wording of Schedule "A" Section (a), subsection (i) and (ii) of the Site Specific Zoning By-law 123-2016 be revised to the following:

- "(a) Prior to the issuance of above grade permits provide a cash contribution of \$400,000 which is to be used for the following:
  - (i) \$400,000 be allocated to Transportation Services, Public Realm unit and to the Laneway Project for improvements to the public realm and laneways in the area near Trent Avenue, Kelvin Avenue and Luttrell Avenue; and

- (ii) In the event the cash contributions referred to in Section (i) and (ii) above have not been used for the intended purpose within five years of this By-law coming into full force and effect, the cash contribution may be redirected for other public realm improvements in the vicinity of the development, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor."

A corresponding change is proposed to the Section 37 Agreement.

These amendments to Site Specific Zoning By-law 123-2016 and the Section 37 Agreement are necessary to allow the option to redirect funds to much needed public realm and laneway improvements in the area close to the development. The property owner has been consulted and is in agreement with this revision.

It has been determined that funds cannot be utilized for specified purposes in the original Section 37 Agreement. There were no available lands sufficient for park use in the neighbourhoods consisting of Trent Avenue, Kelvin Avenue and Luttrell Avenue. Alternatives were discussed and presented to the community, which included improvements to the public realm and public laneways, both areas of which are unfunded and could be financed, in part, by utilizing the balance from the original Section 37 Agreement.

An amendment to the Section 37 Agreement is necessary to expand the permitted applications of these funds as outlined above. The Site Specific Zoning By-law will need to be amended in order to revise the Section 37 provisions and provide authority for amending the Section 37 Agreement. The amending Section 37 Agreement will be drafted in consultation with City Planning, Legal Services, and the property owner, executed by the owner prior to introduction of the Bill and will be registered on title.

## **CONTACT**

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## **SIGNATURE**

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Lynda Macdonald, Acting Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law

**Attachment 1: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

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

**To amend Site Specific Zoning By-law No. 123-2016, as amended,  
With respect to the lands municipally known as,  
14 Trent Avenue**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS 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*;

The Council of the City of Toronto enacts as follows:

1. Section (a) of Schedule "A" by deleted and replaced with the following:
  - "(a) Prior to the issuance of above grade permits provide a cash contribution of \$400,000 which is to be used for the following:
    - (i) \$400,000 be allocated to Transportation Services, Public Realm unit and to the Laneway Project for improvements to the public realm and laneways in the area near Trent Avenue, Kelvin Avenue and Luttrell Avenue; and
    - (ii) In the event the cash contributions referred to in Section (i) and (ii) above have not been used for the intended purpose within five years of this By-law coming into full force and effect, the cash contribution may be redirected for other public realm improvements in the vicinity of the development, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor."

ENACTED AND PASSED this ~ day of ~, A.D. 2018.

JOHN TORY,  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk