

City Council

Motion without Notice

MM9.35	ACTION			Ward: 17
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2135 Sheppard Avenue East and 299 Yorkland Boulevard - Authority to Amend Section 37 Agreement - by Councillor Shelley Carroll, seconded by Councillor Josh Matlow

** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.
 * This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.
 * This Motion has been deemed urgent by the Chair.*

Recommendations

Councillor Shelley Carroll, seconded by Councillor Josh Matlow, recommends that:

1. City Council authorize the City Solicitor to amend the Section 37 Agreement for 2135 Sheppard Avenue East and 299 Yorkland Boulevard to permit an alternative phasing of development which would permit the construction of either of Building A or Building B (including the associated podium), prior to the issuance of an Above-Grade Building Permit for Building C and, where the Owner elects to do so, to require the cash contribution of the outstanding community benefits identified in the Section 37 Agreement not yet provided, prior to the issuance of the first Above-Grade Building Permit for the second Building.

Summary

The approved Zoning By-law 1182-2016 permits a mixed use development in three residential buildings with heights of 26 storeys (Building D), 34 storeys (Building A) and 43 storeys (Building B), as well as a four-storey retail building (Building C) at the southwest corner of Sheppard Avenue East and Consumers Road. Buildings A and B are connected through a five-storey residential podium. The Zoning By-law permits a maximum gross floor area of 83,500 square metres including a maximum gross floor area of 18,750 square metres for non-residential uses and a total of 1,100 dwellings units. A new 2,140 square metre centrally-located park with frontage on Consumers Road and Yorkland Boulevard and a new north-south public street are also proposed as part of the development. In 2017, the applicant applied to the Committee of Adjustment to seek variances to the approved Zoning By-law in order to permit, among other things, an increase in the dwelling units from 1,100 to 1,200 units. On March 9, 2018, the Chief Planner approved the draft plan of subdivision application, in accordance with Delegated Approval By-law 229-2000.

The City and the Owner, entered into a Section 37 Agreement dated September 28, 2015 (the “Section 37 Agreement”) as a result of increased height and density. The Section 37 Agreement

requires the Owner to complete construction of the mixed-use development in phases. The Section 37 agreement stipulates that either of residential Building D or residential Buildings A and B may constitute the first phase of development. Following that first phase of development for either of those buildings, no further above-grade building permits for the remaining residential building(s) are to be issued until an above-grade building permit is issued for the retail building (Building C). The construction of the public street and the conveyance of the park block are to occur prior to the registration of the draft plan of subdivision. The Site and Buildings are shown on the attached extracted zoning by-law map.

The Owner has chosen to construct Building D as the first phase of development. The construction of Building D is complete. Construction of the new public street is complete. The park block has been constructed to base park condition and above-base park construction will begin this summer. The Owners have advised that attracting a suitable retail tenant to occupy the retail building has been challenging. The opportunity to build one further residential building on the site in advance of the retail building provides further certainty to support attracting retail tenants. The provision of the Section 37 Community Benefits identified in the Section 37 agreement not previously provided would also be required to be provided in advance of the next above-grade building permit for the second residential building. Such community benefits include a cash contribution of \$850,000.00 for capital improvements to the Pleasant View Toronto Public Library branch and the cash contribution of \$1,000,000.00 towards streetscape improvements in the Consumers Business Park in the immediate vicinity of the Site.

The Owner has proposed that the original Section 37 Agreement be amended by amending the agreement to provide an alternative phasing of development to allow for the construction of one additional residential building (either Building A or B, including associated podium), prior to the construction of the retail building (Building C) and the contribution of the community benefits earlier than stipulated in the Section 37 Agreement. The third and final residential building would be constructed after the construction of Building C. City Staff and the City Solicitor agree with this approach and seek instruction from City Council.

This matter is time sensitive as City staff require the appropriate direction from City Council on the processing of a Site Plan Application for the second residential building on the lands, for which City staff have been advised will be submitted prior to the next available City Council meeting.

Background Information (City Council)

Member Motion MM9.35

Attachment 1 - Schedule C1(142) to Zoning By-law 1182-2016

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-136029.pdf>