

50, 60 & 70 Borough Drive & Lands Adjacent to Albert Campbell Square extending to Town Centre Court – Zoning Application – Final Report

Date:	November 8, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 38 – Scarborough Centre
Reference Number:	07 260576 ESC 38 TM

SUMMARY

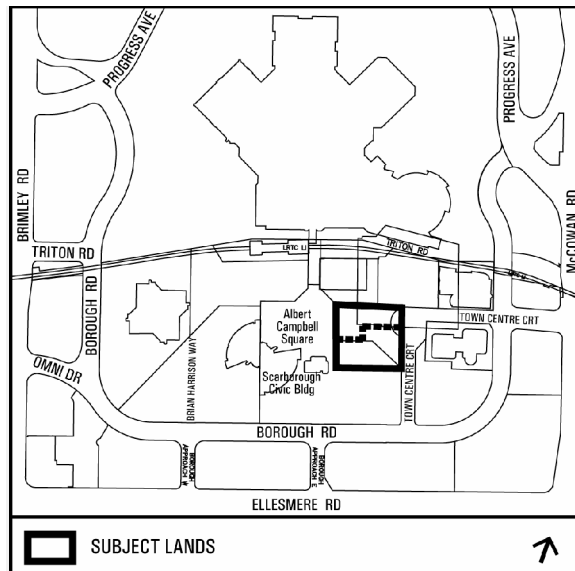
This City-initiated amendment is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report proposes to amend the Zoning By-law that applies to lands located at 50, 60 & 70 Town Centre Court and the lands adjacent to Albert Campbell Square extending to Town Centre Court. This amendment, if approved, would revise the Section 37 Community Benefits requirement to allow funds to be directed to the Scarborough Walk of Fame.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law for the subject lands substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Prior to the enactment of the Zoning By-law , a tripartite agreement be entered into with the owner of the Scarborough Town Centre Mall, the "Stand Up Scarborough – Walk of Fame" organization, and the City, to the satisfaction of the City Solicitor, that includes the following provisions:
 - a) that the Section 37 funds will be used for capital facilities only, namely the acquisition and installation of the plaques related to the Scarborough Walk of Fame;
 - b) the plaques will remain the property of "Stand Up Scarborough – Walk of Fame" or the City of Toronto after installation;
 - c) the owner of the Scarborough Town Centre Mall agrees to maintain the plaques in a clean condition and good state of repair; and
 - d) the owner of the Scarborough Town Centre Mall agrees to reasonable public access requirements with respect to the portion of the Town Centre Mall in which the plaques are to be installed.
4. City Council direct the Finance Division to administer the allocation of the funds to the Scarborough Walk of Fame.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of April 14, 2005, City of Toronto Council enacted Zoning By-law 328-2005 to permit the development of the subject lands. Three residential buildings, 29, 34 and 38 storeys in height with 1005 dwelling units, secondary commercial uses on the ground floor of the buildings, and a new, 0.4 hectare park (as an expansion of Albert Campbell Square) were approved. Zoning By-law 328-2005 established development requirements and zoning provisions for the site and set out Section 37 community benefits to be provided. Specifically, the owner was required to provide public benefits in exchange for the approved increase in height and density associated with the residential use of the lands in accordance with Section 37 of the Planning Act. Zoning By-law 328-2005 contained provisions for funds totalling \$1 million to be used for park improvements (\$800,000) and playground equipment (\$200,000) for local parks and/or schools within, or in close proximity to the Scarborough Centre. The owner has entered into a Section 37 Agreement with the City and has provided the \$1 million to the City.

Toronto City Council, at its meeting on September 26 & 27, 2007 adopted a recommendation of the Scarborough Community Council, to approve, in principle, an amendment to the Zoning By-law provisions and the existing Section 37 Agreement that

apply to the subject lands with respect to the \$800,000 to be allocated for park improvements to Albert Campbell Square. An amendment to the Zoning By-law (and Section 37 Agreement) if approved, would allow up to \$100,000 of the \$800,000 allocated for park improvements to Albert Campbell Square to be directed to capital expenditures associated with the Scarborough Walk of Fame.

COMMENTS

The Scarborough Walk of Fame is a signature event of “Stand Up Scarborough”, a not-for-profit civic pride initiative founded in 2003 to focus on, and promote positive aspects of Scarborough. The Walk of Fame is designed to recognize achievement and inspire new leaders by showcasing Scarborough citizens whose accomplishments bring pride to the community. The Walk of Fame consists of a series of plaques with the inductee names permanently embedded in a walkway at the Scarborough Town Centre Mall.

The proposed amendment to the Zoning By-law, if approved, and a revision to the Section 37 Agreement, would allow up to \$100,000 of the original \$800,000, Section 37 contribution for park improvements to be applied to the Walk of Fame initiative. The allocation of these funds to the Scarborough Walk of Fame would be administered by the City’s Financial Division. It is recommended that a tripartite agreement be entered into with the owner of the Scarborough Town Centre Mall, the "Stand Up Scarborough – Walk of Fame" organization, and the City, to require that the Section 37 funds will be used for capital facilities only, namely the acquisition and installation of the plaques; the plaques remain the property of "Stand Up Scarborough – Walk of Fame" or the City; the owner of the Scarborough Town Centre Mall agrees to maintain the plaques in a clean condition and in a good state of repair; and that the owner of the Scarborough Town Centre Mall agrees to reasonable public access to the portion of the Town Centre Mall in which the plaques are to be installed.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2007~

To amend the City of Scarborough, Employment Districts Zoning By-law No. 24982, as amended, (Progress Employment District) and Zoning By-law 328-2005, With respect to lands located at 50, 60 & 70 Borough Drive & lands adjacent to Albert Campbell Square, extending to Town Centre Court.

WHEREAS Zoning By-law 328-2005 was enacted by City of Toronto Council on April 14, 2005 to establish zoning provisions for the lands and provisions for public benefits in accordance with Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in exchange for the approved increase in height and density associated with the residential use of the lands; and

WHEREAS Toronto City Council, at its meeting on September 26 & 27, 2007 adopted a recommendation of the Scarborough Community Council, to approve, in principle, an amendment to the Zoning By-law provisions that apply to the subject lands with respect to the Section 37 funds to be allocated for park improvements to Albert Campbell Square; and

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 HEREBY ENACTS as follows:

- 1. Schedule “B”, PERFORMANCE STANDARDS CHART**, is amended by deleting the text contained in Performance Standard No. 2374 and replacing it with the following new text so that Performance Standard No. 2374 now reads as follows:

“2374. Matters to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended:

- (a) The owners of the lands, at its expense and in accordance with, and subject to, the agreements referred to in Section (b) herein, shall provide the following facilities, services and matters, in exchange for the increase in density:

- (i) A financial (cash) contribution to the City of Toronto of \$1 Million, 50% of which shall be paid to the City prior to the issuance of the first Building Permit for any phase of the development and the remaining 50% prior to the issuance of any above-grade, Building Permit for any phase of the development; to be used as follows:

\$800,000 shall be for park improvements to the final park and/or Albert Campbell Square. Up to \$100,000 of the \$800,000 may be directed to capital expenditures associated with the Scarborough Walk of Fame; and

\$200,000 shall be for playground equipment for local parks and/or schools, within, or in close proximity to the Scarborough Centre.

- (b) The owners of the lands shall enter into one or more agreements with the City of Toronto, provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to in Section (a)(i), which agreement shall be registered as a first charge on title to the lands to which this By-law applies.”

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

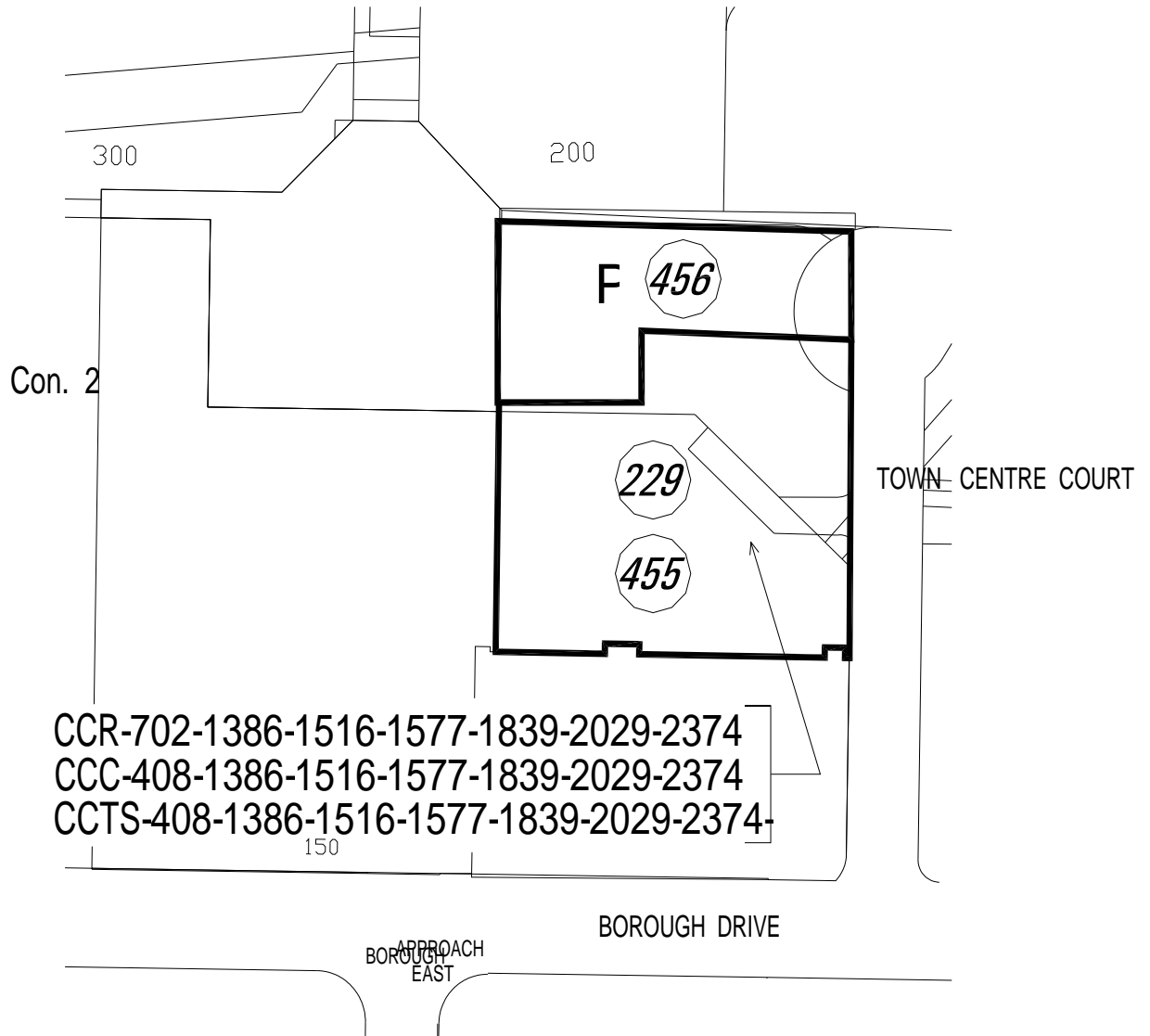
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 23



TORONTO Urban Development Services
Zoning By-Law Amendment

Town Centre Court

File # 07 260576 ESC 38 TM

 Area Affected By This By-Law

Progress Employment District Bylaw
Not to Scale
11/08/07
