

50, 60 & 70 Town Centre Court & Lands Adjacent to Albert Campbell Square Extending to Town Centre Court – Official Plan & Zoning By-law Amendments – Final Report

Date:	March 17, 2008
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 38 – Scarborough Centre
Reference Number:	07 260576 ESC 38 TM

SUMMARY

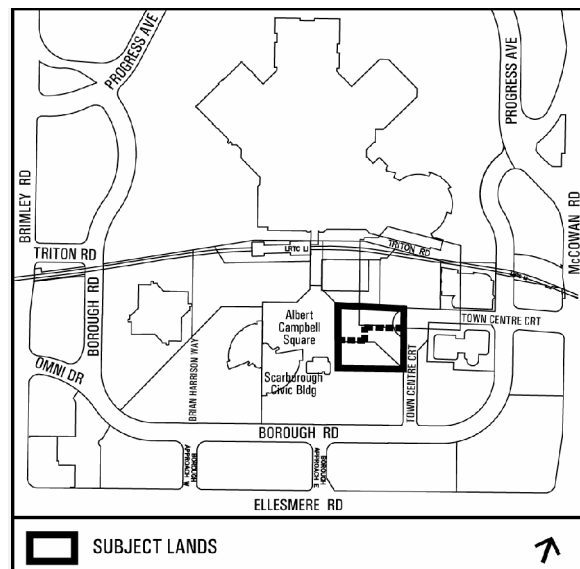
This City-initiated amendment is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report responds to a request from Council to amend the official plan and zoning by-law that apply to lands located at 50, 60 & 70 Town Centre Court and the lands adjacent to Albert Campbell Square extending to Town Centre Court. These amendments, if approved, would enable the use of existing Section 37 funds for a variety of community benefits not contemplated at the time of the original approval of the development on the subject lands and not currently permitted in the official plan or zoning by-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the official plan substantially in accordance with the draft official plan amendment attached as Attachment No. 1.



2. 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.2.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft official plan amendment and/or draft zoning by-law amendment as may be required.

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 two of the buildings, and a new, 0.4 hectare park (as an expansion of Albert Campbell Square) were approved. Phases 1 & 2 (consisting of two of the three buildings and the base-condition park) are under construction. Zoning By-law 328-2005 established development requirements and zoning provisions for the site. The zoning by-law also set out the community benefits to be provided 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. Specifically, the owner was required to provide funds totalling \$1 million to be used for park improvements (\$800,000) to the new park and/or Albert Campbell Square 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 Council at its meeting on December 11, 12 and 13, 2007, adopted the recommendations of Scarborough Community Council to amend 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 the new park and/or Albert Campbell Square. This amendment to the zoning by-law (and an amendment to the Section 37 agreement) permits up to \$100,000 of the \$800,000 allocated for park improvements to be directed to capital expenditures associated with the Scarborough Walk of Fame. Prior to the enactment of the zoning by-law, Council required 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 address a number of matters respecting: acquisition and installation of the Walk of Fame plaques; maintenance, future ownership of the plaques; and access requirements. To date, the tripartite agreement has not been executed and therefore the zoning by-law has not been enacted.

Toronto City Council, at its meeting on January 29 and 30, 2008, adopted a recommendation of the Scarborough Community Council, to initiate the process to amend the official plan and/or zoning by-law, as deemed necessary, and to revise the

Section 37 agreement that applies to the land to further amend the provisions that apply to the subject lands with respect to the Section 37 funds to be allocated for park improvements to the new park and/or Albert Campbell Square. These changes to the official plan, zoning by-law and Section 37 agreement, would allocate, from the original \$800,000 allocated for park improvements to the new park and/or Albert Campbell Square funds up to:

- \$300,000 to be used for capital expenditures associated with children's play equipment (Splash Pad) at Trudelle Street Park;
- \$200,000 to be used for the 400 McCowan Road, Toronto Community Housing Corporation (TCHC) property/McCowan Road Park/McCowan Road School area for playground equipment;
- \$100,000 to be used for the Scarborough Animal Centre for improvements such as the Dog Kennel Construction Project;
- \$80,000 to be used for parks/tree planting/playgrounds and school playground improvements in Ward 38 as approved by the local Councillor and the General Manager of Parks and Recreation; and
- \$20,000 to be used for Scarborough flags for municipal and civic purposes by the City and local City Councillors.

Up to \$100,000 of the \$800,000 allocated for park improvements to the new park and/or Albert Campbell Square to be directed to capital expenditures associated with the Scarborough Walk of Fame, will continue to be provided for, subject to the tripartite agreement noted above.

COMMENTS

Policy 5.1.1.1, Height and/or Density Incentives of the Toronto Official Plan states that Zoning By-laws may be enacted to permit more height and/or density for a use than is otherwise permitted in return for the provision of community benefits "in the form of capital facilities." Policy 5.1.1.1 also states that the provision of community benefits "must bear a reasonable planning relationship to the development including, at a minimum, having an appropriate geographic relationship to the development and addressing planning issues associated with the development." In addition, Policy 5.1.1.6 states that Section 37 cash contributions should be made "toward specific capital facilities". The community benefits (park improvements to the new park and/or Albert Campbell Square) that would have resulted from the Section 37 funds received in association with the original approval of the development of the subject lands were specific capital facilities having a reasonable planning relationship to the development.

The reallocation of these Section 37 funds (if approved by Council) would establish a broad range of community benefits that are substantially different from the community benefits contemplated by Council in its original approval of the development on the lands. Further, many of the proposed benefits do not appear to have a planning relationship to the development (no appropriate geographic relationship or do not address planning issues associated with the development), and/or may not be capital facilities. A site-specific amendment to the Official Plan is therefore necessary to permit the use of

Section 37 funds for such purposes. An amendment to the Zoning By-law and an amendment to the existing Section 37 Agreement that apply to the lands are also necessary to reallocate the Section 37 funds for the proposed community benefits noted above. The owner has indicated support for the amendments.

To give effect to these Council-directed amendments, a draft Official Plan Amendment is attached as Attachment No.1 and a draft Zoning By-law is attached as Attachment No.2.

The Scarborough Centre Secondary Plan, approved by Council in December, 2005, was subject to a site specific appeal filed by one of the area owners. The Secondary Plan was considered and approved by the Ontario Municipal Board (OMB) on February 20, 2008, with an OMB Order expected to be issued soon. In the event the OMB issues its Order prior to Council enacting the proposed OPA, the proposed site specific policy will be shifted from Chapter 7 of the Official Plan (Site and Area Specific Policies) to Chapter 6 which contains all secondary plans together with site specific policies affecting lands within the secondary plans.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Draft Official Plan Amendment
Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Draft Official Plan Amendment

AMENDMENT NO.48 TO THE OFFICIAL PLAN

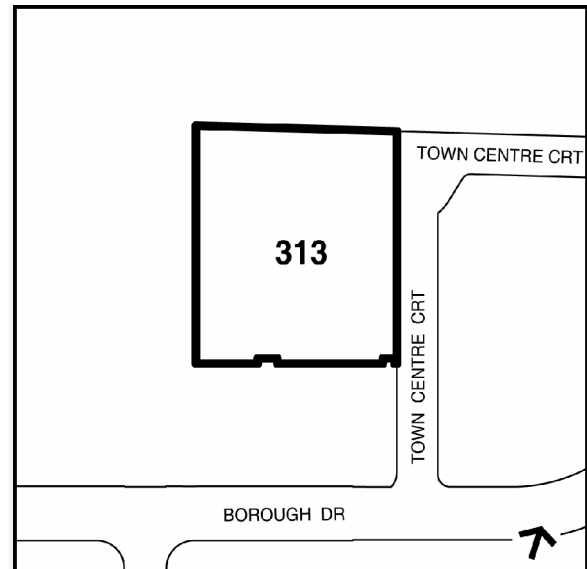
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 313 for the lands at 50, 60 & 70 Town Centre Court and lands adjacent to Albert Campbell Square extending to Town Centre Court, as follows:

313. Lands at 50, 60 & 70 Town Centre Court and lands adjacent to Albert Campbell Square extending to Town Centre Court

A Zoning By-law, pursuant to Section 37 of the Planning Act, may be enacted to permit the following community benefits:

- Up to \$300,000 to be used for capital expenditures associated with children's play equipment (Splash Pad) at Trudelle Street Park;
- Up to \$200,000 to be used for the 400 McCowan Road, Toronto Community Housing Corporation (TCHC) property / McCowan Road Park/McCowan Road School area for playground equipment;
- Up to \$100,000 to be used for the Scarborough Animal Centre for improvements such as the Dog Kennel Construction Project;
- Up to \$80,000 to be used for parks/tree planting / playgrounds and school playground improvements in Ward 38 as approved by the local Councillor and the General Manager of Parks and Recreation; and
- Up to \$20,000 to be used for Scarborough flags for municipal and civic purposes by the City and local City Councillors.



2. Chapter 7, Map 30, Site and Area Specific Policies, is modified by adding the lands at lands at 50, 60 & 70 Town Centre Court and lands adjacent to Albert Campbell Square extending to Town Centre Court, as shown on the map above, as Site and Area Specific Policy No. 313.

Attachment 2: Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2008~

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 Town Centre Court & 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 January 29 and 30, 2008 adopted a recommendation of the Scarborough Community Council, to initiate the process to amend the Official Plan and/or Zoning By-law, as deemed necessary, to amend the 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*;

- 1. Schedule “B”, PERFORMANCE STANDARDS CHART**, is amended by inserting the following text into item (a)(i) of Performance Standard No. 2374 immediately following the words “Albert Campbell Square”:

“Up to \$300,000 to be used for to capital expenditures associated with children’s play equipment (Splash Pad) at Trudelle Street Park;

Up to \$200,000 to be used for the 400 McCowan Road, Toronto Community Housing Corporation (TCHC) property/McCowan Road Park/McCowan Road School area for playground equipment;

Up to \$100,000 to be used for the Scarborough Animal Centre for improvements such as the Dog Kennel Construction Project;

Up to \$80,000 to be used for parks/tree planting/playgrounds and school playground improvements in Ward 38 as approved by the local Councillor and the General Manager of Parks and Recreation; and

Up to \$20,000 to be used for Scarborough flags for municipal and civic purposes by the City and local City Councillors.”

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

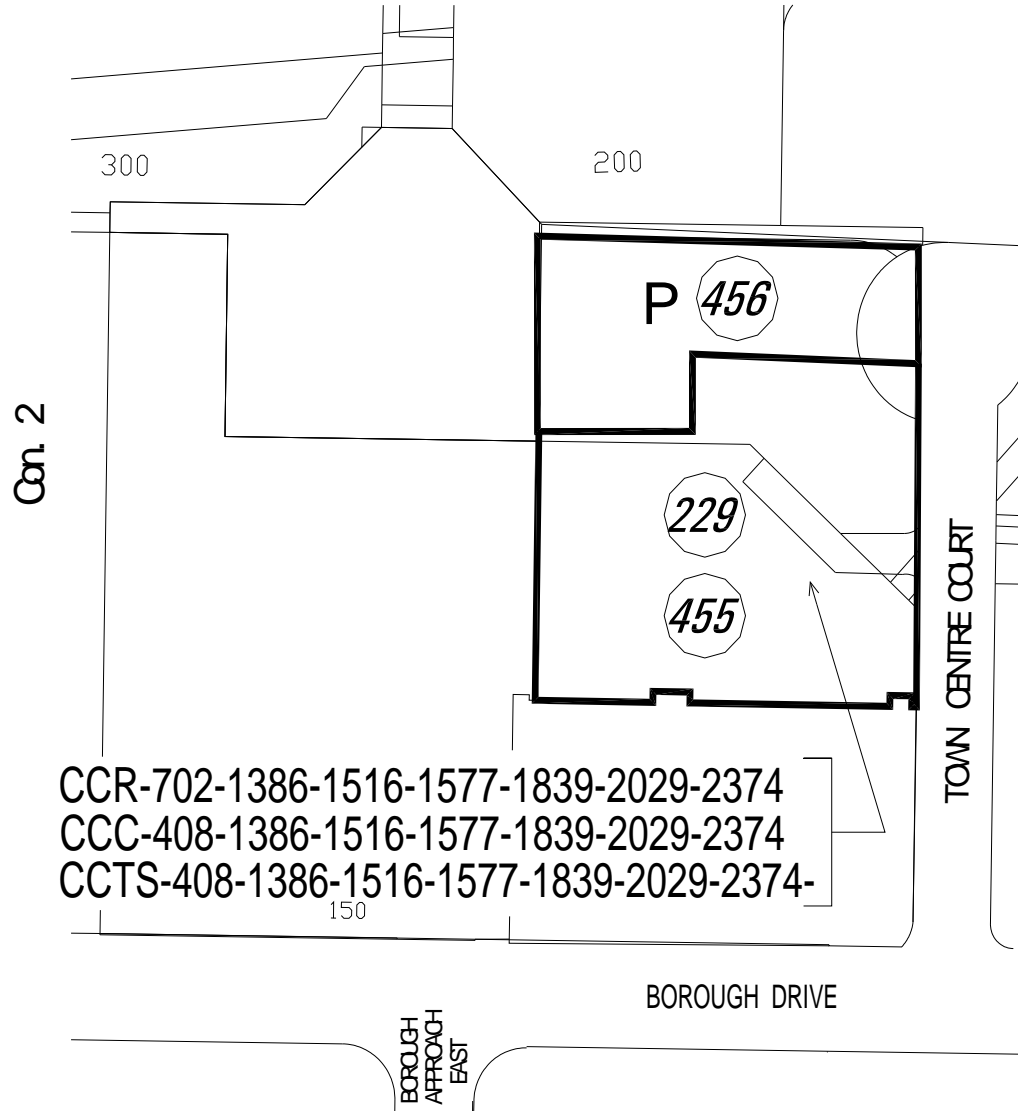
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 23



Zoning By-Law Amendment

Town Centre Court

File # 04-160357_OZ



Area Affected By This By-Law

Progress Employment District Bylaw
Not to Scale
1/11/05

