

**City Council****Notice of Motion**

MM51.9	ACTION			Ward:29
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**Reallocation of Section 37 Funds, 1048 Broadview Avenue, for Capital Improvements to Charles Sauriol Parkette - by Councillor Mary Fragedakis, seconded by Deputy Mayor Norman Kelly**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Mary Fragedakis, seconded by Deputy Mayor Norman Kelly, recommends that:

1. City Council request the Director, Community Planning, Toronto and East York District, to bring forward a zoning by-law amendment to the Toronto and East York Community Council pertaining to 1048 Broadview Avenue, to amend the Section 37 provisions of By-law 1069-2005 to authorize the additional purpose of capital improvements to local parks with respect to any of the funds previously secured for a variety of purposes.
2. City Council direct that a community meeting be held in the affected area and that notice for the statutory public meeting under the Planning Act be given according to the regulations under the Planning Act.
3. City Council request the City Solicitor to prepare an amending Section 37 agreement to secure the amended Section 37 community benefits resulting from Recommendations 1 and 2, above, and that the amending agreement be executed prior to introduction of the Bill in Council.

**Summary**

In the development approved in 2005 at 1042-1048 Broadview Avenue, the City secured \$300,000 in Section 37 funds for a variety of purposes, including \$65,000 for upgrades to the bicycle trail and sidewalk along Pottery Road, \$2,000 for improvements to Charles Sauriol Parkette, \$78,000 for improvements to outdoor amenities, sports or playground facilities at two local schools, \$100,000 for an extension of the Don Valley Woodland Trail, \$25,000 for redevelopment of the former trailhead feature at the Pottery Road access to the Don Valley Woodland Trail, \$5,000 for interpretive signage at Todmorden Mills Wildflower Preserve, and \$25,000 for control measures for invasive plant species. All funds have been received, plus accrued interest, and \$212,180 has been spent, leaving a balance of \$100,028.91.

The remaining balances are no longer needed for the original purposes. The City upgraded the bicycle trail and sidewalk along Pottery Road in years past without using the Section 37 funds, so the almost \$70,000 on hand for that purpose, together with the smaller balances for other purposes that are also not now needed, can be reallocated.

The condominium at 1048 Broadview Avenue is occupied and registered, so the Condominium Board is now the other party to the Section 37 agreement, rather than the original developer. The Board has approved in principle of spending the available funds on a redevelopment of Charles Sauriol Parkette located at 4 Hillside Drive. In order to provide a degree of flexibility in the Section 37 provisions, this Motion recommends that the Section 37 provisions of the site-specific zoning by-law be amended to specify that any of the secured funds may also be used for capital improvements to local parks. A Community Consultation Meeting will form part of the rezoning process. The available funds have already been included in the approved 2014 Capital Budget for Parks, Forestry and Recreation for upgrades to Charles Sauriol Parkette, but the uses to which the funds may be put must be expanded in the zoning by-law and an amending Section 37 agreement before they can be spent.

(Submitted to City Council on May 6 and 7, 2014 as MM51.9)

### **Background Information (City Council)**

Member Motion MM51.9