

City Council**Notice of Motion**

MM32.18	ACTION			Ward:11
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Release of Section 37 Funds for Splash Pad Design in Viella Tarragona Park and Related Public Art Competition and to Re-allocate Section 37 Funds, 30 Weston Road - by Councillor Frances Nunziata, seconded by Councillor Vincent Crisanti

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Frances Nunziata, seconded by Councillor Vincent Crisanti, recommends that:

1. City Council increase the approved 2013 Capital Budget for Economic Development and Culture by \$30,000.00 gross, \$0 net, fully funded by Section 37 funds obtained in the development at 30 Weston Road, (source account: XR3026-3700452) to carry out in 2013 a public art competition for a 2014 public art installation related to the splash pad.
2. City Council direct the Director, Community Planning, Etobicoke-York District, to forward a preliminary report to the Etobicoke York Community Council regarding a City-initiated amendment to site-specific zoning By-law 1203-2009, pertaining to 30 Weston Road, to amend the Section 37 provisions as follows:
 - a. to allow up to \$325,000.00 of the \$783,494.94, including accrued interest, secured and obtained for public art, to also be used for capital improvements to parks and recreation facilities in Ward 11; and
 - b. to allow the \$350,000.00 plus indexing and accrued interest, secured and obtained for improvements to local parks and recreation facilities with priority consideration given to Viella Tarragona Park, including a water play area, to be used also for capital improvements to parks and recreation facilities in Ward 11.
3. City Council request the City Solicitor to prepare an amending Section 37 agreement, at the appropriate time in the rezoning process, to secure the amended Section 37 community benefits resulting from Recommendation 2, above.

Summary

The rezoning for the development at 30 Weston Road was approved through By-law 1203-

2009 on December 4, 2009. The Section 37 community benefits secured included: a \$350,000.00 cash contribution (indexed) for improvements to local parks and recreation facilities, with priority consideration given to improvements to Viella Terragona Park, including a water play area; and a public art contribution of 1 percent of gross construction costs of the shell building. The developer chose the cash contribution option for the public art and paid \$779,500.00 to the City. With indexing of the parks improvements contribution and accrued interest on both contributions, the respective current balances available are \$355,007.81 for the parks/recreation improvements and \$783,494.94 for public arts.

The plan, determined through consultation with the local community, is to provide a splash pad in Viella Terragona Park and a public art work associated with the splash pad but not integrated. A splash pad in Viella Terragona Park is estimated by Parks, Forestry and Recreation staff to cost \$550,000.00, and is scheduled to be constructed in 2014. The public art installation is estimated to cost \$250,000.00 including an estimated \$30,000.00 for the related public art competition. The splash pad design and the public art competition will be carried out in 2013, with the construction and public art installation occurring in 2014. Another \$150,000.00 is intended to be used for park improvements in Ward 11 but is not being budgeted at this time. Recommendation 1 budgets the \$30,000.00 in Section 37 funds necessary to carry out the public art competition in 2013. Parks, Forestry and Recreation Division has scheduled the design work for 2013 and no budgeting of Section 37 funds is required for that purpose.

It will thus be necessary to reallocate up to \$375,000.00 of the public art funds to also address park improvements in Ward 11 so that the cost of the splash pad can be fully covered, with a small contingency, and also allow for \$150,000.00 to be used at a later date in other parks in Ward 11. By making this amount usable for both parks improvement and public art purposes, the exact amount needed for the splash pad and other park improvements can be made available. A rezoning and amending Section 37 agreement are necessary to reallocate the Section 37 funds, and the Recommendations initiate the rezoning process and authorize the amending agreement. The budgeting of funds for the 2013 public art competition is not dependent upon the reallocation as sufficient funds are already allocated through the Section 37 agreement for public art.

(Submitted to City Council on April 3 and 4, 2013 as MM32.18)

Background Information (City Council)

Member Motion MM32.18