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August 11, 2014

Chair Vincent Crisanti and Members
EtobicokeYork Community Council
399 The West Mall
Toronto, ON
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RE: EY 35.5 Final Report - 1193 The Queensway and 7, 11, 13, 15, 17, 19, 21, 23, 25, 29, 33, 35 and Part of 45 Zorra Street - Official Plan Amendment and Zoning By-law Amendment Application

Dear Chair Crisanti and Members:

I am writing to you to express my concerns about Recommendation 5.a) contained within the Final Report from City Planning Staff. This recommendation outlines the nature and value of the Section 37 Agreement for community benefits to be secured as part of the development approval of this application. I am requesting that you consider striking out Recommendation 5.a) and replacing it with amendments to the Section 37 Agreement as outlined in my Attachment No. 1. I have spoken at length with Councillor James Maloney to explain to him the background of this issue and I have shared with him my recommendations in advance.

I am in concurrence with the balance of the recommendations in the report and I support the approval of the project. The application which was submitted for an Official Plan Amendment and Zoning By-law Amendment has been thoroughly reviewed by staff, has been the subject of two community meetings, and the applicant has made numerous changes to reflect the concerns raised by the community, the City's Design Review Panel, and City staff from various divisions.

Over the course of close to a year I, as the former Councillor for the area, worked closely with City Planning staff and the applicant to ensure the proposal was modified to reduce its impact, achieve better architectural design, and provide the maximum enhancement of "The Queensway Avenue". My focus was very much on improving the

public realm, and creating a walkable and connected community that will contribute to the revitalization of The Queensway.

From the outset the local community expressed concerns about the scale of the project and its lack of contribution to the amenities of the area. Significant improvements were made in reducing the height and mass of the project. The City was also able to secure a substantial new park which will be enhanced well above base park standards. This involved the applicant purchasing additional lands to add to the park, and remediating contaminated sites of former automotive uses.

The other aspect of providing amenity to the community was securing the provision of community space in the base of the proposed building in order to create a new local community centre. There is currently no City-owned community facility along the 2.5 kilometre stretch of the mixed-use section of The Queensway. The need to create a space which could offer community, recreational, daycare, library, arts or other local space has been a request of the residents of the area for some time.

The verbal agreement of the applicant to provide such space had been secured at least six months ago. City Planning staff were aware of this. City Planning staff were also aware of public support for such community space on the site as referenced in the second last paragraph on page 13 of the Final Report. City Planning staff did not at any time express to me their objection to securing such space on site through the Section 37 Agreement.

The Section 37 Agreement proposed by staff does not include the provision of community space on site, it predetermines how the funds secured would be disbursed without community consultation or allowing a future Councillor to participate in the decision making process. The proposed agreement also lacks flexibility and introduces delays into the ability of a future Councillor and community to direct the funds as they might best serve the local community.

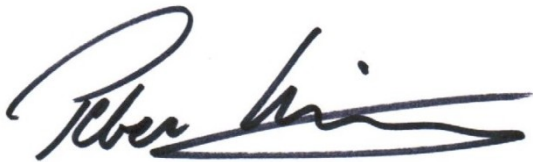
The value of the benefit set in this Section 37 agreement at \$1,250,000 is consistent with other projects in Etobicoke, and is in addition to the previously secured \$400,000 received from this project. Therefore the total value of the community benefit is not in question simply how it will be allocated. Also a parkland overdedication is occurring on site which is a tangible benefit to the community.

The attached recommendation from me is to strike out Recommendation 5.a) and replace it with provisions of the Section 37 Agreement that would;

- secure approximately 3,000 square feet of community space on site to be owned by the City of Toronto**
- provide a further allowance by the developer to the City for improvements to the space**
- provide the City with the ability at its sole discretion, with consultation of the future local Councillor, to opt out of accepting the space and secure a cash contribution that could be allocated to a much wider range of potential community benefits and sooner than the Staff recommendations**

Over the past decade the revitalization of The Queensway has begun to take shape. A number of high quality mixed use developments have been built, a BIA has been established, and many new businesses have opened. This proposal will add to the positive momentum of achieving the goals outlined in the City's 2003 Queensway Avenue Study. However to fully realize those goals the area needs to secure the benefit of new community facilities. The Section 37 Agreement as proposed by staff will not achieve that and it needs to be changed.

Yours truly,

A handwritten signature in black ink, appearing to read "Peter Milczyn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter Milczyn

/attachment

ATTACHMENT NO. 1

That Community Council adopt the Recommendations from the Staff Report of July 24, (together with the Supplementary Report of July 31, 2014) subject to deleting Recommendation 5(a) and replacing it with a new Recommendation 5(a) as follows:

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i) The provision of approximately 275.0 square metres of community space within the development which will be a grade-related unit with access from a public street within the Condominium and subject to the rules and regulations of the Condominium Corporation and normal obligations of condominium ownership including insurance, taxes and common expenses. The ownership of the said unit shall be assigned to the City of Toronto. The space may be used for any combination of community meeting space, recreation programmes, daycare, library, or arts related community uses and not for medical or related treatment programs by the City, and the condominium rules must allow for such issues in the specified unit and allow for the reasonably unfettered public use of the said unit.
 - ii) The Condominium rules will allow for signage on the exterior face of the building in proximity to the above unit for the purpose of identifying the community space. The signage must conform to the provisions of the City of Toronto Sign By-law.
 - iii) An allowance of \$220 per square metre will be provided by the developer to the City of Toronto for interior finishes or improvements for the above stated unit. The above noted allowance is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the day the payment is made.
 - iv) Prior to the issuance of the first above-grade building permit the City at its sole discretion may opt to forego acquiring the community space referenced in clause i), and the owner shall then provide a cash contribution to the City in the amount of \$1,250,000 to be allocated to capital improvements that will benefit the community in the vicinity of the project such as, but not limited to, non-profit licensed daycare facilities, community centres, recreation facilities, library, arts related community space, local streetscape improvements, shopthequeensway.com BIA capital projects, or public parks in the area excluding the public park to be developed on the larger development block, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

- v) The above noted cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the day the payment is made.