

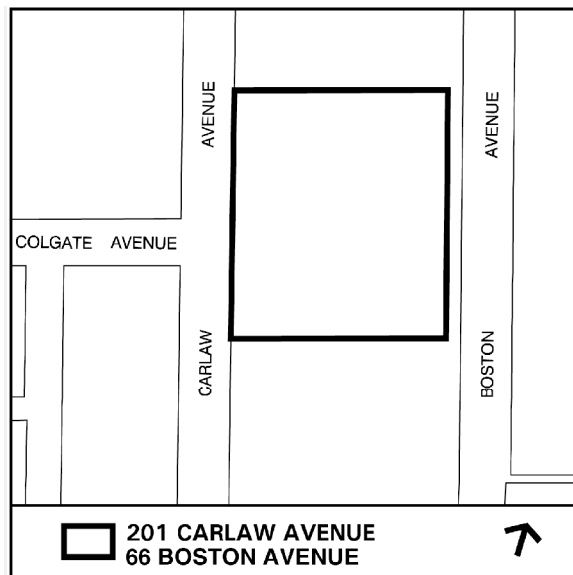
201 Carlaw Avenue and 66 Boston Avenue – Zoning Amendment Application – Final Report

Date:	May 26, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	14-156132 STE 30 OZ

SUMMARY

At the May 6, 7 and 8, 2014 meeting Toronto City Council requested staff to bring forward amendment to site specific By-law No. 706-2006 respecting 201 Carlaw Avenue and 66 Boston Avenue to reallocate the funds previously secured for local park improvements towards the Outdoor Learning Commons at Morse Street Public School and towards the Outdoor Learning Commons at Roden / Equinox Public School. In addition, any of the funds previously allocated towards specific projects that had not been spent, including accrued interest, were to be reallocated to alternative community benefits including: local park improvements; streetscape improvements; community facility improvement; public art; community gardens; pedestrian and cycling facilities; and heritage related improvements. Council directed that in the reallocation, consideration be given to current community needs and to co-ordination of these community benefits with funds that have been secured through other Section 37 Agreements which affect the local area. Staff were also to co-ordinate amendments to the applicable Section 37 Agreement with the current owner of the subject lands.

This report recommends approval of a Zoning By-law Amendment providing for the reallocation as described above.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Site Specific Zoning By-law 705-2006, for the lands known as 201 Carlaw Avenue and 66 Boston Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to the report (May 26, 2014) from the Director, Community Planning, Toronto and East York District.
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 introduction of Bills to Council, City Council require the owner to enter into an agreement pursuant to Section 37 of the *Planning Act* to amend the Section 37 Agreement dated August 3, 2006 between the City and the original owner of the property as contemplated in the report (May 26, 2014) from the Director, Community Planning, Toronto and East York District.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of July 25, 26 and 27, 2006, City Council approved a development to increase the number of live/work units at 201 Carlaw Avenue and 66 Boston Avenue under file no. 05 178415 STE 30 OZ. This approval required the property owner to enter into a Section 37 Agreement with the City to provide a contribution of \$300,000 to be used for various identified community improvements including \$75,000 for local parks in Ward 30. The funds were received by the City and the Section 37 Agreement entered into on August 3, 2006 (the "Section 37 Agreement"). The original \$75,000 intended for park improvements has to date accrued \$2,246.87 in interest for a total sum of \$77,246.87.

At its meeting December 1, 2, and 3, 2008 Toronto City Council directed amendment to the Section 37 Agreement to provide for reallocation of monies for capital facilities at Matty Eckler Community Centre from basketball court resurfacing to improvements to the dance studio. The owner entered into an unregistered Amending Agreement on March 19, 2009. No amendment to By-law 705-2006 was required.

At its May 6, 7 and 8, 2014 meeting Toronto City Council requested staff to bring forward a zoning by-law amendment to reallocate the monies originally secured for park improvements in Ward 30, together with accrued interest, as follows:

- \$45,000 towards the Outdoor Learning Commons at Morse Street Public School;
and
- \$32,246 towards the Outdoor Learning Commons at Roden/Equinox Public School.

In addition, any funds previously allocated towards specific projects that had not been spent were to be reallocated towards additional community benefits including: local park improvements; streetscape improvements; community facility improvements; public art; community gardens; pedestrian and cycling facilities; and heritage related improvements. Staff were also requested to consider the appropriate reallocation of the unspent Section 37 funds in a manner that would reflect current community needs and to co-ordinate these benefits with other Section 37 Agreements.

The link to Motions MM51.40 and MM51.41 which outline Councils direction are as follows:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM51.40>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM51.41>

COMMENTS

Staff have reviewed the records in connection with the collection of the Section 37 funds associated with the development at 201 Carlaw Avenue and 66 Boston Avenue. Staff confirm that the funds originally allocated for park improvements have not been spent and are available. As of the time of writing this report \$90,000 of the Section 37 monies otherwise provided for in By-law 705-2006 and reflected in the Section 37 Agreement, as amended, have been spent leaving a sum of \$210,000 plus accrued interest unspent.

A Community Consultation Meeting was held on May 12, 2014 at which the proposed reallocation of Section 37 funds was discussed. No issues were raised.

Notice for the statutory public meeting to be held at Toronto and East York Community Council on June 17, 2014 has been provided in accordance with the *Planning Act*.

In accordance with City Council's request and subsequent consultation with the Ward Councillor, this report recommends that City Council amend Zoning By-law 705- 2006 for the property known as 201 Carlaw Avenue and 66 Boston Avenue to reallocate those funds originally allocated towards specified park improvements, together with accrued interest, toward the Outdoor Learning Commons at Morse Street Public School (\$45,000) and the Outdoor Learning Commons at Roden/Equinox Public School (\$32,246) provided arrangements satisfactory to the General Manager, Parks, Forestry and Recreation can be made with the School Board for public access.

In addition, this report recommends that any funds previously allocated towards specific projects in By-law No. 705-2006, together with accrued interest, that had not been spend or otherwise reallocated, were to be reallocated to a range of public realm improvements including: local park improvements; streetscape improvements; community facility improvements; public art; community gardens; pedestrian and cycling facilities; and heritage related improvements. The zoning amendments contemplate that this will be done at the discretion of the Chief Planner and Executive Director in consultation with

the Ward Councillor. Decisions will be made after consideration of current community needs and efforts will be made to co-ordinate expenditures with funds secured for specific community needs through Section 37 Agreements relating to other properties as contemplated in the Council direction.

Planning staff are completing a planning study for the Dundas/Carlaw area, with a final report targeted to the August agenda of Toronto and East York Community Council. The study addresses a number of potential public realm improvements and will be a useful tool to determine the specific reallocation of Section 37 contributions in the Dundas/Carlaw area.

A draft Zoning By-law Amendment is included as Attachment 1 to this report. This report also recommends that the bills to introduce the amendment not be introduced until such time as the current owner of the lands has entered into an amendment to the Section 37 Agreement to the satisfaction of the City Solicitor. Given that this is a City initiated amendment to By-law No. 705-2006 to direct original funds toward current community needs, although it is necessary to ensure an amending agreement is entered into with the current condominium corporation, it is not proposed that the amending agreement will be registered on title as is the usual course, as the owner's obligation to the City has already been satisfied.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

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CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2014

**To amend Zoning By-law No. 705-2006
With respect to the lands municipally known as
201 Carlaw Avenue and 66 Boston Avenue**

Whereas authority is given to the Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

Whereas the 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*; and

Whereas the Section 37 provisions that are set out in Zoning By-law No. 705-2006 pursuant to Section 37 of the *Planning Act*, are proposed to be amended;

The Council of the City of Toronto enacts:

1. Section 4.(a)(i)(e) of Zoning By-law No. 705-2006 is deleted in its entirety and replaced with the following:

"4.(a)(i)(e) a cash contribution in the amount of \$75,000.00, together with any accrued interest from the date of payment, be allocated at the discretion of the Chief Planner toward improvements at the Outdoor Learning Commons at Morse Street Public School and the Outdoor Learning Commons at Roden/Equinox Public School, provided arrangements satisfactory to the General Manager, Parks, Forestry and Recreation are made with the School Boards for public access; "
2. A new Section 4.(d) is added to By-law No. 705-2006 immediately follow Section 4.(c) as follows:

"4.(d) in the event that the cash contributions referred to in Section 4.(a) of this By-law, including any accrued interest since the date of payment, have not been otherwise reallocated or used for the intended purpose within 5 years of the date this By-law came into full force and effect, or in the case of Section 4.(a)(i)(e) where arrangements for public access are not able to be made with the School Board, the monies may be redirected at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, toward local park improvements, streetscape improvements, community facility

improvements, public art, community gardens, pedestrian and cycling facilities, heritage related improvements and other public realm improvements in the vicinity of the *lot*."

Enacted and Passed this ~ day of ~, 2014.

Francis Nunziata
Speaker

Ulli S Watkiss,
City Clerk

(Seal of the City)