

**319 Carlaw 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:	14-156181 STE 30 OZ

SUMMARY

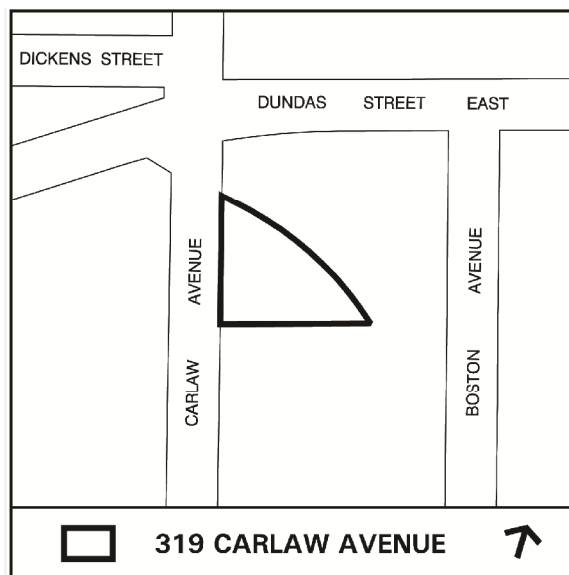
At its May 6, 7 and 8, 2014 meeting, Toronto City Council requested staff to bring forward an amendment to By-law No. 413-2009(OMB) respecting 319 Carlaw Avenue to reallocate part of the funds previously secured for park bench beautification towards the Outdoor Learning Commons at Roden/ Equinox Public School. In addition, consideration was to be given to reallocation of the funds previously allocated toward specific projects that had not been spent, together with accrued interest, toward current community needs and to co-ordinate 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 of Section 37 funds as contemplated by Council.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Site Specific Zoning By-law 413-2009 (OMB), for the lands known as 319 Carlaw



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 January 26, 2009 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

On February 18, 2009 the Ontario Municipal Board approved an 11-storey mixed-use development with 125 live-work units that was processed under City of Toronto file no. 07 264464 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 towards various community improvements including \$20,000 for park bench beautification. The funds were received by the City and the Section 37 Agreement entered into on January 26, 2009 (the "Section 37 Agreement"). The original \$20,000 for park bench beautification has to date accrued \$464.70 in interest for a total sum of \$20,464.70.

At the May 6, 7 and 8, 2014 meeting Toronto City Council requested staff to bring forward a zoning by-law amendment to reallocate \$12,754 of the Section 37 funds previously secured for parkbench beautification toward the Outdoor Learning Commons at Roden/Equinox Public School.

Staff was also requested to consider the reallocation of the Section 37 funds previously allocated toward specific projects that had not been spent, or otherwise reallocated, and including any accrued interest, to reflect current community needs and to co-ordination of these benefits with other Section 37 Agreements.

The link to Motion MM51.40 is as follows:

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

COMMENTS

Staff have reviewed the records in connection with the collection of the Section 37 funds associated with the development at 319 Carlaw Avenue. Staff confirm that the funds originally allocated for park bench beautification have not been spent and are available. Further, at the time of writing this report, none of the Section 37 monies otherwise

provided for in By-law No. 413-2009 (OMB) and reflected in the Section 37 Agreement have been spent leaving a sum of \$300,000, 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 413-2009 (OMB) for the property known as 319 Carlaw Avenue to reallocate \$12,754 of the funds originally allocated toward park beautification toward the Outdoor Learning Commons at Roden/Equinox Public School provided public access arrangements satisfactory to the General Manager, Parks, Forestry and Recreation can be made with the School Board.

In addition this report recommends that any funds previously allocated toward specific projects by By-law 413-2009 (OMB) that have not been spent or otherwise reallocated, together with accrued interest, 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 draft by-law also permits allocation of funds proposed for the Outdoor Learning Commons at Roden/Equinox Public School to public realm improvements in the event that a satisfactory arrangements for public access is not achieved.

Planning staff are completing a planning study for the Dundas/Carlaw area, with a final report targeted to the August meeting 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 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 bill 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. 413-2009 to redirect original funds toward current community needs, although it is necessary to ensure an amendment 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

Derrick Wong, Planner
Tel. No. (416) 392-0776
Fax No. (416) 392-1330
E-mail: dwong3@toronto.ca

SIGNATURE

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

(P:\2014\Cluster B\pln\TEYCC\14822813053.doc) - smc

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2014

**To amend Zoning By-law No. 413-2009 (OMB)
With respect to the lands municipally known as
319 Carlaw 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. 413-2009 (OMB) are proposed to be amended;

The Council of the City of Toronto enacts:

1. Section 3.(d) of Zoning By-law No. 413-2009 (OMB) is deleted in its entirety and replaced with the following:

"3.(d) a cash contribution in the amount of \$20,000 be allocated as follows:

- i. \$7,246 for Park bench beautification in the area of the site; and
- ii. \$12,754 for improvements at 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 Board for public access."

2. A new paragraph is inserted into Section 3 immediately following the sentence "All such payments to be paid to the City prior to the issuance of the first above-grade building permit" as follows:

"In the event that the cash contributions referred to in Sections 3.(a) to (i) 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 3 years of the date this By-law came into full force and effect, or, in the case of Section 3.(d)(ii), 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 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.

Frances Nunziata,
Speaker

Ulli S. Watkiss
City Clerk

(Seal of the City)