STAFF REPORT
ACTION REQUIRED

1042-1048 Broadview Avenue – Zoning Amendment Application – Final Report

Date: July 8, 2014

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 29 – Toronto-Danforth

Reference Number: 14-163195 STE 29 OZ

SUMMARY

At the May 6, 7 and 8, 2014 meeting Toronto City Council directed staff to bring forward an amendment to site specific Zoning By-law No. 1069-2005 in order to authorize reallocation of unused section 37 funds previously secured for various specified purposes as part of the development at 1042-1048 Broadview Avenue. Council directed that the unused funds, including accrued interest, should be applied towards capital improvements to local parks, specifically Charles Sauriol Parkette located in Ward 29. Staff were also authorized to co-ordinate amendments to the applicable Section 37 Agreement registered on title to the subject lands.

This report recommends approval of the 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 1069-2005, for the lands known as 1042-1048 Broadview Avenue, substantially in accordance with the draft Zoning By-law.
Amendment attached as Attachment 1 to the report (July 8, 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 December 6, 2005, between the City and the original owner of the property as contemplated in the report dated (July 8, 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 December 5, 2005, City Council approved a 22-storey building comprising 186 residential units, a one-storey mechanical penthouse/amenity space with 4 live-work units at-grade on the property at 1042-1048 Broadview Avenue under file no. 04 133889 STE 29 OZ. This approval required the property owner to enter into a Section 37 Agreement with the City to provide a contribution of $300,000 for various specified purposes which included, $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 of the funds were received and have accrued interest in the amount of $12,208.72. Of the original funds, $212,180 has been spent to date leaving a balance of $100,028.91 including interest, available for reallocation.

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 unused funds, together with accrued interest, towards capital improvements to the Charles Sauriol Parkette. The web link to Motion MM51.9 which outlines Councils direction can be found at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM51.9

COMMENTS
Staff have reviewed the records in connection with the disbursement of the Section 37 funds associated with the development at 1042-1048 Broadview Avenue. Staff confirm that approximately one third of the funds originally allocated have been spent. The original amount of $2,000.00 allocated to improve the Charles Sauriol Parkette remains available. The City upgraded the bicycle trail and sidewalk along Pottery Road without using the Section 37 funds, as such $65,000.00, which was originally earmarked for that
purpose, as well as other small balances for other purposes are no longer needed and can be reallocated.

The building at 1042-1048 Broadview Avenue is occupied and a plan of condominium was registered. As such, the applicable Toronto Standard Condominium Corporation is now the appropriate party to enter the amending section 37 Agreement, instead of the original developer. The Condominium Board has approved in principle that the surplus funds should be spent on redeveloping the Charles Sauriol Parkette located at 4 Hillside Drive.

A Community Consultation Meeting was held on June 19, 2014, to discuss the reallocation of Section 37 funds. No issues were raised.

Notice for the statutory public meeting to be held at Toronto and East York Community Council on August 12, 2014 has been provided in accordance with the Planning Act.

A draft Zoning By-law Amendment is included as Attachment 1 to this report authorizing the contemplated reallocation. This report also recommends that the bills for the amendment should not be introduced until the condominium corporation has entered into an amendment to the Section 37 Agreement to the satisfaction of the City Solicitor. Since this is a City-initiated amendment to Zoning By-law No. 1069-2005, to redirect unused section 37 funds toward current community needs, an amending agreement which is registered on title as is the usual course is not proposed, given that all the financial obligations of the property owner have been satisfied.

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SIGNATURE

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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. 1069-2005, being a By-law to amendment By-law No. 6752, as amended, of the former Borough of East York with respect to the lands municipally known as 1042-1048 Broadview 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. 1069-2005 are proposed to be amended;

The Council of the City of Toronto enacts:

1. Sections 6(a) (i) and (ii) of Zoning By-law No. 1069-2005 are deleted in their entirety and replaced with the following:

"6(a) (i) a cash contribution in the amount of $67,000.00 to be allocated towards capital improvements to the Charles Sauriol Parkette;"

2. Sections 6(a) (iii) to (vii) of Zoning By-law No. 1069-2005 are renumbered as Sections 6(a)(ii) to (vi), respectively;

3. Section 6 (b) of Zoning By-law No. 1069-2005 is deleted in its entirety and replaced with the following:

"6 (b) where the cash contributions referred to in Section 6(a) above have not been used for the intended purpose within 3 years of this By-law first coming into full force and effect, the cash contributions, including accrued interest, may be redirected at the sole discretion of the General Manager Parks, Forestry and Recreation in consultation with the Ward Councillor, toward capital improvements to the Charles Sauriol Parkette and other local parks."
Enacted and passed this ~ day of ~, 2014.

Frances Nunziata, Speaker

Ulli S. Watkiss, City Clerk

(Seal of the City)