

REVISED



Member Motion

City Council

Notice of Motion

MM38.27	ACTION			Ward: 17
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Reallocation of Section 37 Funds from 2450 Victoria Park Avenue for the Expansion of Pleasant View Library - by Councillor Shelley Carroll, seconded by Councillor Paul Ainslie

** Notice of this Motion has been given.
* This Motion is subject to referral to the Planning and Housing Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Shelley Carroll, seconded by Councillor Paul Ainslie, recommends that:

1. City Council amend its decision on Item CC23.2, headed "2450 Victoria Park Avenue - Zoning By-law Amendment Application - Request for Directions", by:

a. amending Part 7.a. to read as follows:

"7. City Council authorize the City Solicitor to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

a. the community benefits offered in the Settlement Offer and recommended to be secured in the Section 37 Agreement are as follows:

i. a cash contribution of two million five hundred thousand (\$2,500,000.00) dollars to be paid by the owner prior to the issuance of the first above-grade building permit for any building on the Property and to be used towards public art, streetscape improvements, affordable housing and/or multi-purpose community agency space at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

ii. a cash contribution of five hundred thousand (\$500,000.00) dollars to be paid by the owner prior to the issuance of Notice of Approval Conditions to the Site Plan Control Application and to be used towards Pleasant View Library at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

iii. the cash contributions referred to in Part 7.a.i. and 7.a.ii. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the

Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, calculated from the date of the Agreement to the date of payment;

iv. in the event the cash contributions referred to in Part 7.a.i. and 7.a.ii. above has not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands; and

v. the provision of a non-profit licensed 62 space child care centre to be located within the Property, on the ground floor of Building "D" with the precise location, capacity and related matters to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Children Services, and such child care centre shall generally be in accordance with the following:

A. shall be of a resulting gross floor area of approximately 929 square metres with an accompanying outdoor play area of 279 square metres and be constructed, finished, furnished and equipped by the owner;

B. shall be designed to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Children's Services;

C. will accommodate children of all ages, including infants, toddlers and preschoolers, generally in accordance with the City of Toronto's Child Care Development Guidelines;

D. the minimum capacity and size of the Child Care Facility may be reduced at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Children's Services; and

E. the details of the lease term and other matters as described in this City Council decision, such as phasing, timing, location, obligations and any such matters to implement the Child Care Centre, in respect of the non-profit licensed child care centre community benefit will be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines (2016), including a provision of one hundred and eighty thousand (\$180,000.00) dollars for start-up operating costs and equipment costs and one hundred and fifty thousand (\$150,000.00) dollars for a replacement reserve fund; and

b. amending Part 7.b.iv. to read as follows:

"iv. the minimum of 6,203 square metres of non-residential gross floor area, representing a minimum of 80 percent of the existing non-residential gross floor area on the Property, with the non-residential gross floor area to be provided to prior to or

concurrent with the provision of residential gross floor area for the Property; for greater clarity, the implementing Zoning By-law would allow the childcare in Part 7.a.v. above, to form part of the replacement non-residential gross floor area;".

Summary

On October 30, 2017, the applicant submitted a Zoning By-law Amendment Application for the lands municipally known as 2450 Victoria Park Avenue. The Zoning By-law Amendment Application proposed to redevelop the lands with a total of four mixed use buildings ranging in height from 11 to 44 storeys. A new 2,915 square metre onsite public park and two new east-west private roads were also proposed as part of the application. The existing seven-storey (7,755 square metres) office building on the lands was also proposed to be demolished.

On March 23, 2018, the applicant appealed their proposal to the Local Planning Appeal Tribunal due to Council's failure to make a decision within the statutory timeframe.

Over the course of two years, settlement discussions between the applicant and respective Parties took place resulting in a consensus on built form, density, parking ratio, and site organization. A settlement was reached between the City, Owners and Armenian Community Centre. On August 27, 2020, a virtual settlement hearing took place with the Local Planning Appeal Tribunal. The revised submission now proposes four mixed use buildings ranging in height from 11 to 28 storeys. The current plans also include a 2,850 square metre onsite public park, as well as a new public east-west road. The Local Planning Appeal Tribunal decision was issued on November 25, 2020 and included several pre-conditions to be fulfilled prior to the issuance of the Local Planning Appeal Tribunal's final order. The applicant is currently working on fulfilling these pre-conditions, and have also submitted associated Site Plan Control and Draft Plan of Subdivision applications.

City Council authorized the City Solicitor to enter into an Agreement pursuant to Section 37 of the Planning Act, which would accept and secure community benefits as part of the settlement offer. One of the community benefits include a cash contribution of three million (\$3,000,000.00) dollars to be used towards public art, streetscape improvements, affordable housing and/or multi-purpose community agency space.

The purpose of this Motion is for City Council to reallocate five hundred thousand (\$500,000) dollars of the three million (\$3,000,000) dollars originally to be used towards public art, streetscape improvements, affordable housing and/or multi-purpose community agency space, to go towards upgrades and expansion of Pleasant View Library.

Background Information (City Council)

Member Motion MM38.27