

City-Initiated Zoning By-law Amendment - 515 Markham Road - Re-allocating Section 37 funds within Ward 24 - Decision Report - Approval

Date: December 17, 2024

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 24 - Scarborough-Guildwood

Planning Application Number: 24 246933 ESC 24 OZ

SUMMARY

This report recommends City Council approve a City-Initiated Zoning By-law Amendment which proposes revisions to the Woburn Community By-law 9510, as amended by Site Specific Zoning By-law 22913, in order to reallocate unspent Section 37 funds. The in-force zoning and associated Section 37 agreement, approved in 1990, does not include a reallocation clause for unspent monies. No new development is contemplated on the subject property.

It is proposed to amend the Section 37 provision of By-law 22913 to allow for the potential reallocation of unspent Section 37 funds. The proposed amendment would allow the unspent monies secured in the amount of \$213,747.92 and currently allocated towards streetscape improvements, be reallocated towards other purposes such as or for general park improvements, including a splashpad within the Ward.

The amendment to the site-specific zoning by-law listed above intends to include what is now a standard reallocation authority as found in other site-specific zoning by-laws enacted after 2013. Namely, the proposed amendment would authorize reallocation of unspent funds at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

RECOMMENDATIONS

The Director, Community Planning, Scarborough recommends that:

1. City Council amend site specific Zoning By-law 22913, for the lands at 515 Markham Road substantially in accordance with the draft Zoning By-law Amendment included as Attachment 2 to this report.

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. City Council authorize City officials to take such action as is necessary to implement the recommendations above, including execution of necessary agreements as required.

FINANCIAL IMPACT

The Development Review Division confirms that there are no financial implications resulting from the recommendations included in this Report in the current budget year or in future years.

DECISION HISTORY

At its meeting on October 5, 6 and 7, 2016 (Item 2016.MM21.7), Council directed the Director, Community Planning, Scarborough District, to bring forward Zoning By-law amendments pertaining to 515-523 Markham Road, in order to amend the Section 37 provisions. This is intended to authorize additional capital improvements to be eligible for support through the funds previously secured through the 1990 development approval. This would unlock the unspent funds as they are no longer needed for the original purposes.

The member motion included direction for Community Planning to consult with other affected Divisions and program staff, to consider the allocation of uncommitted funds pertaining to the Section 37 provisions for additional community benefits in the vicinity of the Scarborough City Centre, including:

- Local park improvements
- Local playgrounds;
- Local Toronto Community Housing Playgrounds; and
- Community Gardens.

The intent of the motion was for staff to recommend any amendments to the By-law so that the By-law would reflect current community needs. The motion included direction for staff to host a community meeting.

The decision of Council can be found here: [Agenda Item History - 2016.MM21.7](#)

At its meeting on April 26, 2017 (Item 2017.MM28.37), Council amended its decision on Item MM21.7 by replacing the words "Scarborough City Centre" in Part 2 with the words "the portion of the Woburn Community located in Ward 43". The decision of Council can be found here: [Agenda Item History - 2017.MM28.37](#)

THE SITE

The subject property is located in Scarborough Guildwood at the intersection of Markham Road and Stevenwood Road. The subject site is 10,057 square metres in area and is currently developed with a 9 storey mixed use building, soft landscaping and surface parking. The zoning for the subject property, permitting the 9 storey mixed use development, was approved by the Former City of Scarborough Council on March 26, 1990.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members had an opportunity to view the oral submissions made at the statutory public meeting held by the Scarborough Community Council for this application, as these submissions were broadcast live over the internet and recorded for review.

COMMUNITY CONSULTATION

A community consultation meeting is scheduled to be held on a virtual platform prior to the Community Council meeting in early January 2025. The consultation meeting is intended to take place prior to the application for amendment being considered at Scarborough Community Council on January 14, 2025.

COMMENTS

Provincial Land-Use Policies

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. Staff has reviewed the draft Zoning By-law amendments for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). In the opinion of Staff, the proposal is consistent with the PPS and conforms with the Growth Plan.

Community Benefits

The original Section 37 funds that were secured in exchange for increased height and density on the subject lands secured the following:

- \$125,000 towards the City's costs of designing, construction, equipping and operating (if necessary), access facilities for the handicapped at the Cedarbrae District Library;
- \$150,000 to be used by the City, at its sole discretion, towards the cost of Streetscape Improvements to Markham Road and other roads within the Woburn Community.

The allocation of unused Section 37 funds and their intended use is summarized in Attachment 3. All funds have been received and a portion of the funds from the development related to the accessibility improvements to Cedarbrae Library have been spent. Currently, there remain outstanding balances which have accrued interest in the Section 37 Planning Act Reserve Fund. The total amount of unused funds for this item is a total of \$213,747.92 including accrued interest. As per the amending by-law, these funds are intended to be utilized for streetscape improvements to Markham Road.

The remaining balance may no longer be needed for the original purposes. There are various local capital improvement projects that need additional funding or are currently unfunded within the Ward, but could be completed utilizing the residual balances sitting unused from a decades old Section 37 agreement.

There may be a number of reasons why Section 37 funds are not used for the intended purposes to which they are originally allocated. In some cases, the intended purpose was achieved without requiring the allocated funds. In other cases, the original purpose did not proceed, or was not practical or appropriate with the passage of time. Given the age of the site-specific by-law amendment and agreement, it could be that an eligible project within the narrow scope defined by these instruments could not be identified and, as such, the funds sat in the Reserve Fund unspent. Broadening the potential improvements to which the unspent funds could be allocated would allow for the community to realize the benefit generated by the approved development at 515 Markham Road. It is proposed that the funds be used for general park improvements, including a splashpad, within the local ward governed by the associated By-law.

Since 2013, all site-specific Zoning By-laws that had the former Section 37 density bonusing provisions contained instructions to allow for the reallocation of funds if they are not used within three years. As more than three years have elapsed from the enactment of the site specific Zoning By-law, it is proposed that this reallocation authority be included in the amended site-specific Zoning By-law, so that unspent funds could be reallocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community.

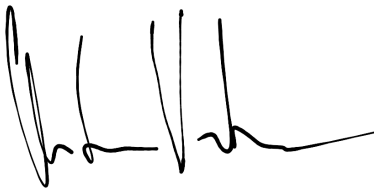
Conclusion

The reallocation instructions recommended within this report would allow unspent funds from this past development to be reallocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor. Inserting this reallocation clause would broaden the group of potential capital improvements to which the secured, but unspent funds, could be applied to, provided that the purpose is identified in the Official Plan and will benefit the community. Staff recommend that Council support approval of the zoning by-law amendment.

CONTACT

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SIGNATURE



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ATTACHMENTS

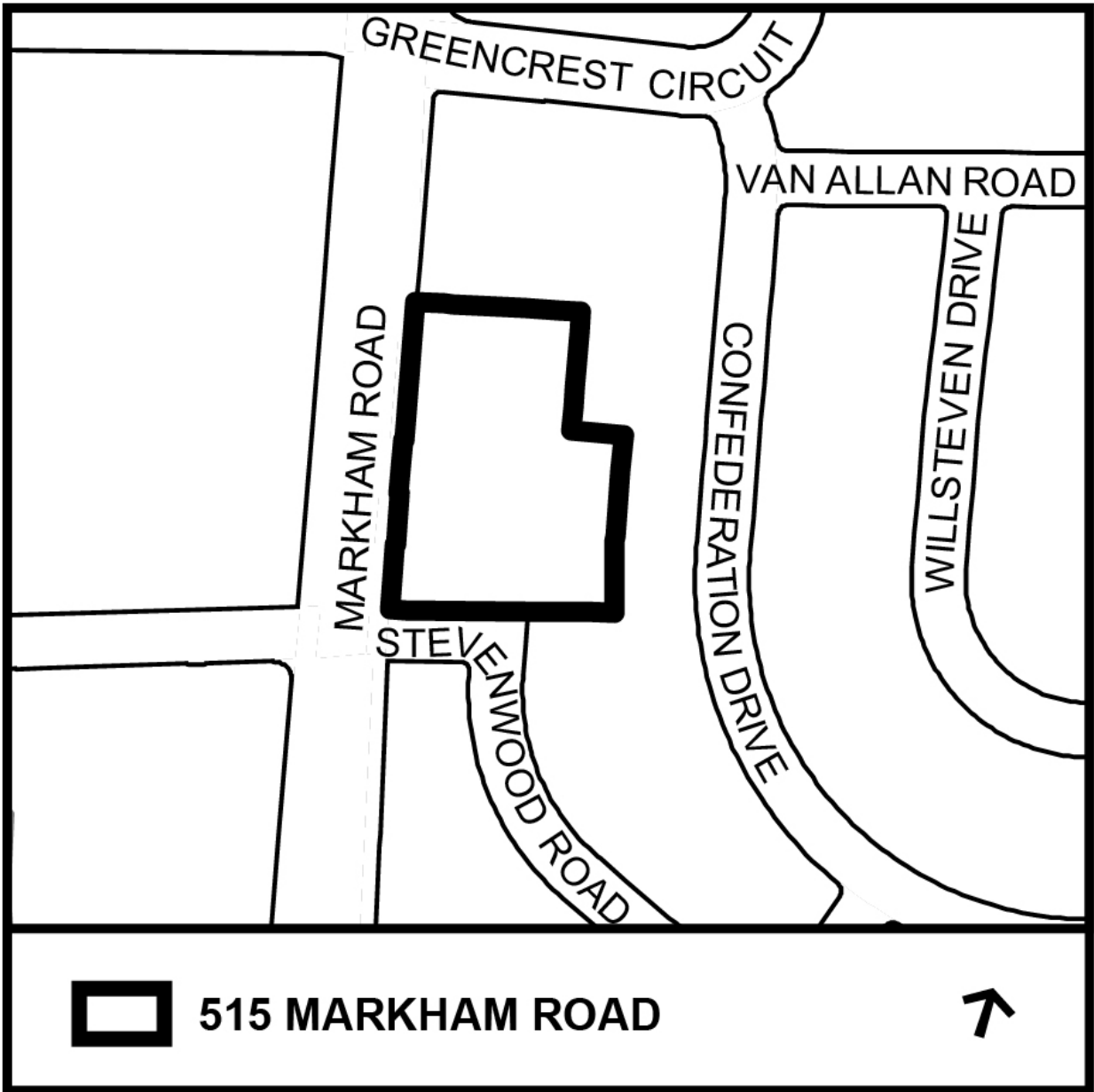
City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Draft Zoning By-law Amendment amending By-law 22913

Attachment 3: Unspent Funds Summary

Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment amending By-law 22913
(Attached separately as a PDF)

Attachment 3: Unspent Funds Summary

Section	Provision	Secured (1990)	Remaining (2024)	By-law number and year
4.(a)(i)	Handicapped retrofitting projects at the Cedarbrae District Library	\$125,000	\$0	22913 1990
4.(a)(ii)	Streetscape improvements on Marham Road and other Metro and local roads	\$150,000	\$213,747.92	