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## City Council

### Motion without Notice

MM6.30	ACTION			Ward:20
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**Amendment to TE34.13 - Zoning Amendment Application 489 - 499 King Street West - by Councillor Joe Cressy, seconded by Councillor Kristyn Wong-Tam**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

### Recommendations

Councillor Joe Cressy, seconded by Kristyn Wong-Tam, recommends that:

1. City Council amend Item TE34.14 by deleting Part 3 f. and adding the following new Part 4.x.:

4.x. Prior to the first occupancy of any unit in the building the owner shall convey to the City a public pedestrian easement for the life of the building for access to the publicly accessible open space at the rear of the property to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

2. City Council determine that, pursuant to Section 34(17) of the Planning Act, no further notice is to be given in respect of the changes to Zoning By-law.

### Summary

At its meeting on August 25, 26, 27 and 28, 2014, City Council adopted Item TE34.13 approving the Zoning Amendment application for 489-499 King Street West. City Council's decision required the conveyance of a public pedestrian easement for access to the publicly accessible open space at the rear of the property prior to the enactment of the By-law. The applicant has requested that the conveyance be made prior to first occupancy of any of the proposed retail or office units in the proposed 12 storey building.

The reason for the change in timing of the conveyance is that the access easement will not be used by the public until such time as the building is constructed and occupied. It is not

appropriate for public access until the construction is completed. The obligation to provide the access easement will be contained in the Section 37 Agreement along with insurance, liability and other provisions to the satisfaction of the Chief Planner and Executive Director, City Planning. Planning Staff support the change in the timing of the conveyance and the proposed amendment to the August 2014 Council decision.

The Motion is deemed urgent as the amendment to the timing of the conveyance is required for the enactment of the Zoning By-law Amendment.

**Background Information (City Council)**

Member Motion MM6.30