

**City Council****Motion without Notice**

MM20.60	ACTION			Ward:18
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**Development Charge Exemption for Library Space to be Provided in Redevelopment at 299 Campbell Avenue - by Councillor Ana Bailão, seconded by Councillor Sarah Doucette**

*\* 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 Ana Bailão, seconded by Councillor Sarah Doucette, recommends that:

1. City Council exempt the 930 square metres to be conveyed to the City, which will be used as a Neighbourhood Library Branch, as proposed in the development proposal at 299 Campbell Avenue (Planning Application 12 236801 STE 18 OZ) from the payment of development charges at the time of building permit issuance for the development proposal.
2. City Council require the owner to post security in the amount of development charges otherwise payable for the 930 square metres of library space until such time that it is conveyed to the City.
3. City Council authorize the City Solicitor and other City staff to take necessary steps, including the execution and registration of an amending Section 37 agreement or some other agreement, to give effect to Parts 1 and 2 above.

**Summary**

At its meeting on December 9 and 10, 2015, City Council approved a rezoning application to allow a 12-storey, 47 metre high (including mechanical penthouse), mixed-use building comprised of 215 residential units (including 6 live-work units), 930 square metres of library/community facility space and 269 square metres of non-residential floor area at 299 Campbell Avenue.

As part of the rezoning, the applicant has agreed to convey to the City, as a Section 37 community benefit, freehold, 930 square metres of shell space, and one parking space, to be used by the Toronto Public Library as a new neighbourhood library branch. The value of the library space to be conveyed to the City is estimated to exceed the owner's Section 37 obligation by \$1.1 million; Council has approved reimbursing the owner for this amount through LARF.

During the negotiation of Section 37 community benefit, the matter of development charges for the space to be conveyed to the City was not discussed or considered - applicable development charges could have either formed part of the owner's contribution, or a potentially higher City contribution or reimbursement for the space.

The owner has requested a development charge exemption for the 930 square metres to be conveyed to the City. If the Toronto Public Library were to construct a new library branch on City or Library owned land, the development would not be subject to the payment of development charges. It therefore is reasonable that the owner of 299 Campbell Avenue be exempt from paying development charges on the 930 square metres of space that will be conveyed to the City for use as a neighbourhood library branch.

Because the 930 square metres of shell space will not be conveyed to the City until after the payment of development charges would be due, the City will require security from the owner in the amount of the development charges that would otherwise be payable and will only release the security upon conveyance of the 930 square metres of shell space to the City.

This Motion is urgent because the agreement required to administer the development charge exemption and related security will take significant time to draft and the agreement needs to be finalized in advance of the applicant receiving a building permit.

### **Background Information (City Council)**

Member Motion MM20.60