

## **874-878 Yonge Street and 3-11 Scollard Street- Request for Instructions**

**Date:** June 27, 2017

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 27 – Toronto Centre-Rosedale

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege.

### **SUMMARY**

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On October 5, 6, and 7, 2016, City Council adopted Item No. TE18.13, thereby refusing the application for Zoning By-law and Official Plan Amendments at 874-878 Yonge Street and 3-11 Scollard Street and authorizing the City Solicitor to appear before the Ontario Municipal Board in support of City Council's decision. The Council decision also stated that in the event that any development arising out of the application is approved, that an on-site parkland dedication be required to be conveyed to the City pursuant to Section 42 of the *Planning Act*.

Parks, Forestry & Recreation issued revised comments following a resubmission from the applicant dated November 28, 2016.

A hearing has been scheduled for January 29, 2017. The City Solicitor requires further direction.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1; and
2. City Council authorize the public release of the recommendation contained in Confidential Attachment 1, if adopted by City Council, with the remainder of the Confidential Attachment to remain confidential as it contains information that is subject to solicitor-client privilege.

## FINANCIAL IMPACT

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There is no financial impact arising from the adoption of the confidential recommendation.

## DECISION HISTORY

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On October 5, 6, and 17, 2016, City Council adopted Item No. TE18.13, thereby refusing the application for Zoning By-law and Official Plan Amendments at 874-878 Yonge Street and 3-11 Scollard Street for and authorizing the City Solicitor to appear before the Ontario Municipal Board in support of City Council's decision. The Council decision also stated that in the event that any development arising out of the application is approved, that an on-site parkland dedication be required to be conveyed to the City pursuant to Section 42 of the *Planning Act*. Council's decision can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.13>

Parks, Forestry & Recreation (PF&R) issued revised comments dated June 6, 2017 (See Public Attachment 1) following a resubmission from the applicant, with plans dated November 28, 2016. PF&R's original comments stated that if a development were to be approved on the subject property, that an on-site parkland dedication should be required. The revised comments state that PF&R would require a cash-in-lieu of parkland dedication in order for the owner to satisfy section 42 of the *Planning Act*.

The Directions Report from the Chief Planner dated August 12, 2016, that recommended that Council require an on-site parkland dedication, was based on the original PF&R comments. Under the current Council authority, City staff have been directed to compel an on-site parkland dedication.

## **COMMENTS**

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The City Solicitor is requesting further instructions.

## **CONTACT**

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Abbie Moscovich, Solicitor, Tel. No. 416-392-6905, Fax No. 416-397-5624, E-mail:  
Abbie.Moscovich@toronto.ca

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Public Attachment 1 - Revised Comments from Parks, Forestry & Recreation dated  
June 6, 2017

Confidential Attachment 1 - Confidential Report from the City Solicitor

## Attachment 1 - Revised Comments from Parks, Forestry & Recreation dated June 6, 2017



**Parks, Forestry & Recreation**  
**Janie Romoff**, General Manager

**Planning, Design & Development**  
**South District**  
24<sup>th</sup> Floor, Metro Hall  
Toronto, ON M5V 3C6

### Memorandum

**Marika Franko**  
Parks Planner  
T: (416) 392-3390  
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e: [marika.franko@toronto.ca](mailto:marika.franko@toronto.ca)

June 6, 2017

**To:** Gregg Lintern, Director, Community Planning, South District  
Attention: Oren Tamir

**From:** Rosanne Clement, Project Manager, Development Applications Unit

**Subject: Revised Comments - 874-878 Yonge St. & 3-11 Scollard St.**  
Official Plan and Zoning By-law Application  
16 173154 STE 27 OZ & 16 173156 STE 27 SA  
Yonge & Scollard Developments Inc  
Ward - 27 Toronto Centre-Rosedale

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#### Application Description

The revised plans prepared by KPMB Architects (dated by the Architect 11/28/16), have been reviewed and it is advised that the comments submitted by the Development Applications Unit of the Parks, Forestry and Recreation Division on 08/04/2016, have been revised as follows.

#### Proposal for Dedication of Parkland

Parks, Forestry and Recreation (PF&R) will require the Owner to satisfy the parkland requirement through a cash-in-lieu of parkland dedication as an on-site dedication is too small to provide any utility as a park. There are existing parks in close proximity to the development site such as Town Hall Park to the north and Frank Stollery Parkette to the south.

On the revised plans submitted on March 23, 2017, there is a perceived open space with an architectural element that projects over the area, next to the laneway in the location that is denoted in the Yorkville – East of Bay Planning Framework. However, this perceived open space would be impacted by the required vehicular access into the building in addition to trucks for garbage pickup. There is also an existing gas meter installation immediately south of the site behind the retaining/garage wall of the adjacent building. Therefore, there is currently no possible way to create a physical connection from Frank Stollery Parkette to Town Hall Park as envisioned on the Planning Framework.

In addition, the perceived open space may be secured as a Privately Owned Publicly-Accessible Space as it would not be adequate parkland due to the space being encumbered by easements required for the underground parking garage and loadings areas, and due to the impediment of the existing gas installation next to it to the south.

For information, the applicant should contact Marika Franko, Parks Planner, at 416-392-3390 or [marika.franko@toronto.ca](mailto:marika.franko@toronto.ca).

A handwritten signature in black ink that reads "Marika Franko". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

*for* Rosanne Clement  
Project Manager, Development Applications Unit

cc: Councillor Wong-Tam - Ward 27