

City Council**Motion without Notice**

MM9.54	ACTION			Ward: 6
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**9 Tippet Road Land Conveyance Relief - Site Plan Control Application
- by Councillor James Pasternak, seconded by Councillor Mike Colle**

** 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 James Pasternak, seconded by Councillor Mike Colle, recommends that:

City Council adopt the recommendations in the attached report (July 15, 2019) from the Chief Planner and Executive Director, City Planning, amended to read as follows:

1. City Council approve, in principle, the conditions set out in Attachment 3 to the report (July 15, 2019) from the Chief Planner and Executive Director, City Planning, for the proposed mixed-use development at 9 Tippet Road, subject to removing all of the conditions related to the transfer of the future road and corner rounding from A – PRE-APPROVAL CONDITIONS, and placing them in B - POST APPROVAL CONDITIONS, and adding the requirement that the conveyance of the future public road and the corner rounding be completed prior to condominium registration, and adding the following two new conditions to A – PRE-APPROVAL CONDITIONS:

1. Provide adequate securities, in the form of a Letter of Credit or certified cheque, to be submitted to the City by the Owner, to cover the estimated future cost of bringing the future 9.25 metre public road and the 6.1 metre corner rounding lands into compliance with the City's policy to remediate contaminated land, to the satisfaction of the General Manager, Transportation Services.

2. Submit a cost estimate from the Owner's environmental consultant, which is to be peer reviewed at the Owner's expense within fifteen (15) days of submission of the cost estimate by the Owner failing which the cost estimate shall be deemed to be acceptable, confirming the cost of remediating the contaminated future road conveyance and corner rounding in order to determine an appropriate amount for the securities required under Condition 1, above.

2. City Council delegate back to the Chief Planner or his designate the authority to issue final Site Plan Approval.

Summary

In 2015, with the support of the City, the Ontario Municipal Board approved By-law 381-2016 to permit the redevelopment of the lands known municipally as 9 Tippet Road (the “Site”). This project will include a minimum of 25 units of affordable housing.

As part of the development approval for the Site, the Owner agreed to convey to the City at no cost a 9.25 metre wide portion of a future public road on the south side of the Site, the associated portion of the cul-de-sac, the associated 6.1 metre corner rounding, and any appurtenant rights-of-way in fee simple (the “Conveyances”). The future public road will not be constructed for some time because additional lands are required from the lands to the south, which are currently owned by the Toronto District School Board. In the interim, these lands will be landscaped by the Owner and maintained by the future condominium corporation until these lands are needed for the future public road.

At its meeting on February 10, 2015, City Council adopted the “Policy for Accepting Potentially Contaminated Lands to be conveyed to the City under the Planning Act, January 2015” (the “Policy”). Table 1 of the Policy requires conveyances for road widening purposes to occur prior to Final Site Plan Approval. Only City Council has the authority to amend or provide relief from the provisions of the Policy.

City staff are in the process of finalizing the pre-approval conditions for inclusion in the Notice of Approval Conditions for the Site. In accordance with the Policy, the draft Notice of Approval Conditions would contain a pre-approval condition requiring the Conveyances to occur prior to Final Site Plan Approval.

However, the Conveyances cannot occur prior to Final Site Plan Approval because remediation of the lands that are the subject of the Conveyances will not be completed until long after an above grade building permit has issued. To require remediation of these lands and the Conveyances to occur before site plan approval would result in significant delays to construction and delivery of the 25 affordable housing units.

To avoid any delay in construction, and the completion of the 25 affordable housing units, it is appropriate to require the Conveyances as a post approval condition and to occur prior to condominium registration. There are no impacts to the road network because the future public road cannot be constructed until additional lands are secured by the City from adjacent landowners.

This matter is urgent because the Owner is proceeding with construction and requires site plan approval to enable the timely issuance of building permits and delivery of the affordable housing units.

Background Information (City Council)

Member Motion MM9.54

(July 15, 2019) Report from the Chief Planner and Executive Director, City Planning on 9 Tippet Road - Site Plan Control Application - Final Report
(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-136093.pdf>)

