

City Council

Notice of Motion

MM22.29	ACTION			Ward: 11
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**1-11 Bloor Street West, 768-784 Yonge Street and 760-762 Yonge Street
- Amendment to Section 37 Agreement to Delay Conveyance of Off-site
Parkland Dedication - by Councillor Mike Layton, seconded by
Councillor Kristyn Wong-Tam**

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Mike Layton, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council require the owner of the lands municipally known as 14 Dundonald Street to register in priority a Section 118 Restriction pursuant to the Land Titles Act against title to said parcel of land prohibiting the transfer or charge of 14 Dundonald Street without the prior written consent of the General Manager, Parks, Forestry and Recreation, to the satisfaction of the City Solicitor, prior to the City entering into an amendment to the registered Section 37 Agreement for 1 and 11 Bloor Street West and 768, 774-776, 778 and 780-784 Yonge Street on the terms described in Recommendation 2 below.

2. City Council require the owner of the lands at 1 and 11 Bloor Street West and 768, 774-776, 778 and 780-784 Yonge Street and the owner of the lands 14 Dundonald Street to enter into and register, in priority, against title to the respective lands an amended and restated Section 37 Agreement, to the satisfaction of the City Solicitor, in accordance with the following terms:

a. prior to the issuance of the first above-grade building permit for the lands at 1 and 11 Bloor Street West and 768, 774-776, 778 and 780-784 Yonge Street, the owner of said lands shall provide the City with irrevocable standby Letters of Credit;

i. in the amount of the monetary value of 14 Dundonald Street, as determined in accordance with the registered Section 37 Agreement, to guarantee the conveyance of the fee simple interest 14 Dundonald Street to the City; and

ii. in the amount of 120 percent of the cost of improvements to 14 Dundonald Street as set out in Recommendation 2.b. below, to the satisfaction of the General Manager, Parks, Forestry and Recreation;

b. immediately following the owner of the lands at 1 and 11 Bloor Street West and 768,

774-776, 778 and 780-784 Yonge Street filing a Record of Site Condition in accordance with all applicable Ministry of Environment, Conservation and Parks requirements in respect of the lands known as 14 Dundonald Street and satisfying the City's third party peer review of all environmental requirements for 14 Dundonald Street, to the satisfaction of the General Manager, Parks, Forestry and Recreation, but in any event no later than the earlier of:

- i. the registration of a condominium for all or a part of the lands at 1 and 11 Bloor Street West and 768, 774-776, 778 and 780-784 Yonge Street;
- ii. the first occupancy of all or a part of the lands at 1 and 11 Bloor Street West and 768, 774-776, 778 and 780-784 Yonge Street; and
- iii. October 29, 2020, unless otherwise permitted in writing by and at the sole discretion of the General Manager, Parks, Forestry and Recreation to be a later date,

the owner of the 14 Dundonald Street shall convey the fee simple interest in 14 Dundonald Street to the City in base park condition, as defined by the registered Section 37 Agreement, with further improvements to include the following: evergreen plantings (trees and/or shrubs) along the boundary of the off-site park and the lands municipally known as 16 Dundonald Street; 3 hose bibs; and unit pavers matching the same pattern for James Canning Park at a 2.1 metre width and a 10.973 metres metre length in replacement of a standard sidewalk on Dundonald Street which requires replacement, all to the satisfaction of the General Manager, Parks, Forestry and Recreation.

3. City Council authorize and direct the City Solicitor to prepare such amendments to the registered Section 37 Agreement and take such steps as may be required in sole discretion and to the satisfaction of the City Solicitor in order to implement Recommendation 2 above.

4. City Council direct the City Solicitor, after the owner of 1 and 11 Bloor Street West and 768, 774-776, 778 and 780-784 Yonge Street and the owner of 14 Dundonald Street enter into the amended and restated Section 37 Agreement with the City, to support a request of the Local Planning Appeal Tribunal by the owner of 1 and 11 Bloor Street West and 768, 774-776, 778 and 780-784 Yonge Street to:

- a. amend Schedule A, Section 37 Provisions of the Local Planning Appeal Tribunal 's order issued on February 18, 2020 as further revised by its order issued on February 26, 2020 in accordance with this Motion; and
- b. order that the proposed changes to the Local Planning Appeal Tribunal 's order in accordance with the recommendations of this Motion are minor and technical in nature, and, pursuant to subsection 34(7) of the Planning Act, no further public notice is required in respect of the proposed amendments.

5. City Council authorize the City Solicitor to delete the Section 118 Restriction from title to the lands known as 14 Dundonald Street following the registration of the conveyance of said lands from the owner to the City.

6. City Council authorize the City Solicitor to delete the Section 37 Agreement registered as Instrument AT5373895 on February 26, 2020 from title to the lands known as 1 and 11 Bloor Street West and 768, 774-776, 778 and 780-784 Yonge Street following the issuance of the

further revised Local Planning Appeal Tribunal Order in accordance with Recommendation 4 above.

Summary

The Local Planning Appeal Tribunal issued orders amending Zoning By-law 438-86 and Zoning By-law 569-2013 on February 18, 2020, as further revised by a technical revision on February 26, 2020, to permit the development of a 82-storey mixed-use building on the development site located at 1-11 Bloor Street West, 768-784 Yonge Street and 760-762 Yonge Street following City Council's adoption of a settlement offer made by the owner on July 12, 2016 (Item TE17.10).

Prior to the issuance of the Local Planning Appeal Tribunal Order, a Section 37 Agreement was entered into between the owner and the City and was registered against title.

The Local Planning Appeal Tribunal Order and the Agreement require the owner to convey to the City the fee simple interest in lands municipally known as 14 Dundonald Street for the purpose of an off-site park prior to the issuance of the first above-grade building permit for the development site in order to partially satisfy the owner's parkland dedication obligations for the development. Prior to registering the conveyance, the owner must complete a third-party peer review of environmental site assessment reports for 14 Dundonald Street to the satisfaction of the City. The owner is also required by legislation to file a Record of Site Condition for this property prior to the registration of the conveyance.

The owner is in a position to proceed with above-grade construction of the development on the development site but has not yet satisfied the third-party peer review and Record of Site Condition requirements for 14 Dundonald Street. This Motion proposes to direct the City Solicitor to request the Local Planning Appeal Tribunal to revise the Local Planning Appeal Tribunal Order and to undertake the necessary amendments to the Agreement so that an above-grade building permit can be issued to the owner of the development site prior to the conveyance of 14 Dundonald Street to the City.

This Motion proposes to secure the future conveyance of 14 Dundonald Street, along with enhanced base park improvements to those lands, following the completion of the third-party peer review process and the filing of a Record of Site Condition but in any event no later than the earlier of subsequent potential development approvals for the development, occupancy of the development, and the date proposed by the Motion.

The future conveyance of the off-site park is proposed to be secured by way of an amendment to and restatement of the registered Section 37 Agreement to be registered against title to the development site and the off-site park, the registration of a Section 118 Restriction in favour of the City against title to the off-site park pursuant to the Land Titles Act, and the provision of letters of credit by the owner to the City to financially secure the value of 14 Dundonald Street as future public parkland.

Background Information (City Council)

Member Motion MM22.29