

City Council

Motion without Notice

MM45.44	ACTION			Ward: 10
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1071 King Street West - Rezoning Application - by Councillor Joe Mihevc, seconded by Councillor Mike Layton

- * 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 Mihevc, seconded by Councillor Mike Layton, recommends that:

1. City Council amend its previous decision on Item TE16.9, adopted by City Council on July 28 and 29, 2020 by:
 - a. amending the lead paragraph of Part 4 by adding the word "stratified", before the words "parkland dedication", replacing the words "a minimum of" with the word "approximately", and deleting the words "and below", so that Part 4 will now read as follows:
 4. City Council accept, should the Local Planning Appeal Tribunal approve the proposed Zoning By-law Amendments, an on-site stratified parkland dedication that is approximately 230 square metres in area pursuant to Section 42 of the Planning Act and Chapter 415, Article III, of the Toronto Municipal Code (the “Statutory Parkland”), in the general location identified on Attachment 5 to the report (June 18, 2020) from the Director, Community Planning, Toronto and East York District, to be dedicated to the City, at no cost to the City, free and clear, above ~~and below~~ grade, of all easements, encumbrances and encroachments and in acceptable environmental condition, all to the satisfaction of the General Manager, Parks, Forestry and Recreation, in addition to the following below; and
 - b. adding the following new Part 4 c:
 - c. The owner shall compensate the City for the value differential between a fee simple parkland dedication and a strata conveyance, as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management. The value of the compensation will be determined on the day before the issuance of the first building permit and payment will be required prior to the issuance of said permit.

Summary

On July 28 and 29, 2020, City Council adopted Item TE16.9 authorizing the City Solicitor and

appropriate staff to attend at the Local Planning Appeal Tribunal, now the Ontario Land Tribunal, in support of a revised rezoning proposal for the site at 1071 King Street West. Part of the revised proposal was the provision of an on-site parkland dedication that was to be a minimum of 230 square metres in area, which was to be dedicated to the City, at no cost to the City, free and clear of all encumbrances above and below grade.

In an Interim Order dated February 1, 2021, following a settlement hearing on January 22, 2021, the Tribunal approved the Zoning By-law amendments dealing with the revised rezoning proposal in principle, and withheld its Final Order pending confirmation that a number of conditions had been fulfilled.

In working on finalizing this rezoning the City has learned that due to the site's proximity to train tracks, Metrolinx will be erecting a crash barrier by the site and building some infrastructure which will have the result of encumbering the on-site parkland dedication the City is supposed to receive. As a result, this Motion is brought forward to authorize the change from an on-site parkland dedication to an on-site stratified parkland dedication, and a change from a minimum of 230 square metres to approximately 230 square metres as the crash wall will have the effect of slightly decreasing the size of the parkland. As a result of this change, the owner will have to compensate the City for the value differential between the fee simple parkland dedication and the strata conveyance of parkland.

This Motion is urgent as the City is trying to secure the Section 37 benefits that form part of the settlement of this appealed file prior to the introduction of the community charges by-law. The Tribunal must issue a Final Order for the zoning to be in effect in order for the City to secure the Section 37 benefits.

Background Information (City Council)

Member Motion MM45.44

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-227511.pdf>