

City Council

Motion without Notice

MM45.48	ACTION			Ward: 8
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2400-2444 Yonge Street - Zoning By-law Amendment Application - On-site Parkland Dedication - by Councillor Mike Colle, seconded by Councillor James Pasternak

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

1. City Council require the Owner to complete the base park improvements and the above base park improvements to the on-site parkland dedication no later than 42 months following the issuance of the first above grade building permit for any part of the subject lands, to the satisfaction of the General Manager, Parks, Forestry, and Recreation.
2. City Council approve the acceptance of the on-site parkland dedication, subject to the Owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, save and except tieback encroachments, where such encroachment is deemed acceptable by the General Manager, Parks, Forestry and Recreation, and subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management.

Summary

On July 14, 2021, City Council accepted the settlement offer dated May 31, 2021 (CC35.18). As part of the Settlement Offer, the Owner proposed to: dedicate 1,232 square metres to the City as public parkland; convey the parkland to the City prior to the issuance of the first above grade building permit for the subject lands; bring the parkland to base park condition prior to the earlier of the registration of the first condominium within the lands and the first residential occupancy of a building within the lands; reserved the option to provide above base park improvements to the parkland in exchange for a Development Charge credit with said improvements to be completed prior to the earlier of the registration of the first condominium corporation and the first residential occupancy of the lands; use the parkland for construction staging after its conveyance to the City.

The Owner is now requesting permission to convey the parkland to the City with tiebacks installed beneath the surface of the parkland, which would constitute an encumbrance contrary to the accepted settlement offer. Tiebacks will not limit programming opportunities that can take place in the future park. The Owner is aware that they will be subject to the City's standard

conditions for accepting tiebacks in parkland, including the payment of a fee assessed by Real Estate Services.

There is currently no City Council Authority to direct Parks, Forestry and Recreation staff to accept the conveyance of the parkland encumbered by tiebacks. This authority is recommended by way of this Motion.

Parks, Forestry and Recreation is agreeable to accepting tieback encumbrances, subject to the Owner's payment of the required fee.

The Owner is also now requesting to complete all park improvements no later than 42 months following the issuance of the first above grade building permit for the subject lands. The Owner's reason for the delayed conveyance is that it requires the parkland land for construction staging purposes up to the time when they intend to register the first condominium/occupy the first rental building within the subject lands.

There is no City Council authority to allow the park improvements to be completed on this timeline. This change in the park improvements deadline is recommended by way of this Motion.

Parks, Forestry and Recreation is agreeable to have the owner design and build out the park, in consultation with Parks, Forestry and Recreation. The new park will be designed in consultation with the local community and the Ward Councillor.

Background Information (City Council)

Member Motion MM45.48