

## City Council

### Motion without Notice

MM11.42	ACTION			Ward: 12
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**Amending Item 2022.CC39.14 - 1913-1951 Yonge Street, 17-21 Millwood Road, and 22 Davisville Avenue - Section 37 Benefits - by Councillor Josh Matlow, seconded by Councillor Alejandra Bravo**

*\* 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 Josh Matlow, seconded by Councillor Alejandra Bravo, recommends that:

1. City Council amend its previous decision on Item 2022.CC39.14 by amending the confidential instructions to staff, made public on February 11, 2022, as follows:

a. adding the word “or” to the end of Part 5.a.ii.;

b. adding the following new Part 5.a.iii:

iii. The conveyance of the three properties at 60, 62, and 64 Soudan Avenue to the City for parkland purposes on or before September 30, 2025, with the demolition of the houses on these three properties at the Applicant’s expense, with all the required environmental assessments on these three properties conducted at the Applicant’s expense, and with the conveyances of these three properties in base park conditions, all to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning, the General Manager, Parks, Forestry and Recreation, and the Executive Director, Corporate Real Estate Management;

c. amending the last clause of Part 5 by deleting “with the election between the community benefits described in Parts 5.a.i. and 5.a.ii. above, to be made by the City Solicitor. in consultation with the Ward Councillor, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the Senior Manager, Heritage Planning” and replacing it with the following:

“with the election between the community benefits described in Parts 5.a.i, 5.a.ii, and 5.a.iii being made in favour of the community benefits described in Part 5.a.iii above”; and

d. deleting the following from Part 7:

Text to be deleted

City Council approve the use of the over-dedication credit of 185.5 square metres of off-site parkland (the "Over-Dedication Credit"), which is related to the off-site parkland dedication of the properties municipally known as 70, 72, 74, 76 Soudan Avenue for the rezoning approval for the property municipally known as 55-65 Broadway Avenue and that was secured in Section 4 of the Section 37 Agreement dated September 5, 2019 between Times 5565 Inc. and the City (Instrument No. AT5232244) (the "55-65 Broadway Section 37 Agreement"), with such Over-Dedication Credit to be applied to the Applicant's parkland dedication requirements pursuant to Section 42 of the Planning Act for the proposed redevelopment of the Site, which is located within the boundaries of the Yonge Eglinton Secondary Plan; City Council requires that any parkland dedication remaining after the application of the Over-Dedication Credit shall be satisfied by the Applicant through payment of cash-in-lieu or off-site parkland dedication, to the satisfaction of the General Manager, Parks, Forestry and Recreation; and City Council requires, pursuant to section 4.3 of the 55-65 Broadway Section 37 Agreement, that as a condition of the application of the Over-Dedication Credit the Applicant must complete the following prior to any final approval of the Applicant's Zoning By-law Amendment for the Site, all the satisfaction of the City Solicitor:

And replacing it with the following text:

City Council approve the use of the over-dedication credit of 185.5 square metres of off-site parkland (the "Over-Dedication Credit"), which is related to the off-site parkland dedication of the properties municipally known as 70, 72, 74, 76 Soudan Avenue for the rezoning approval for the property municipally known as 55-65 Broadway Avenue and that was secured in Section 4 of the Section 37 Agreement dated September 5, 2019 between Times 5565 Inc. and the City (Instrument No. AT5232244) (the "55-65 Broadway Section 37 Agreement"), with such Over-Dedication Credit to be applied to the Applicant's parkland dedication requirements pursuant to Section 42 of the Planning Act for the proposed redevelopment of the Site, which is located within the boundaries of the Yonge Eglinton Secondary Plan; City Council requires that any parkland dedication remaining after the application of the Over-Dedication Credit shall be satisfied by the Applicant through the off-site parkland dedication of 66 and 68 Soudan Avenue to the City on or before September 30, 2025, to the satisfaction of the General Manager, Parks, Forestry and Recreation; and City Council requires, pursuant to Section 4.3 of the 55-65 Broadway Section 37 Agreement, that as a condition of the application of the Over-Dedication Credit the Applicant must complete the following prior to any final approval of the Applicant's Zoning By-law Amendment for the Site, all the satisfaction of the City Solicitor:

## **Summary**

On February 2 and 3, 2022, City Council adopted Item CC39.14 authorizing the City Solicitor and appropriate staff to attend at Ontario Land Tribunal in support of settlement offer for the rezoning of the site at 1913-1951 Yonge Street, 17-21 Millwood Road, and 22 Davisville Avenue. In addition to accepting the "with prejudice" settlement offer, City Council accepted the "without prejudice" supplementary Section 37 offer for the site and authorized the Chief Planner and Executive Director, City Planning and the City Solicitor to secure the following community benefits in the Section 37 Agreement:

- i. an indexed cash contribution of ten million dollars (\$10,000,000.00) to be paid by the Applicant prior to the issuance of the first above-grade building permit for the proposed development, to be allocated for local area improvements in the vicinity of the Site, to the

satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; or

ii. the transfer by the Applicant to the City, at no cost to the City, of the property municipally known as 1909 Yonge Street and 2A Davisville Avenue, with such transfer to be on terms and conditions acceptable to the City Solicitor, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the Senior Manager, Heritage Planning, in consultation with the Ward Councillor

The City Solicitor and appropriate staff attended at the Ontario Land Tribunal settlement hearing. The Ontario Land Tribunal issued its Final Order effective August 12, 2022, which approved a zoning by-law amendment that reflects the settlement. A Section 37 Agreement has not yet been registered on title to the site.

There have been ongoing discussions between the Applicant and the City about the Section 37 community benefit, and recently an agreement has been reaching with respect to another option for this benefit. The Applicant will convey the three properties at 60, 62, and 64 Soudan Avenue to the City on or before September 30, 2025 for parkland purposes. The Applicant will: 1) demolish the houses on these three properties, at their own expense, 2) conduct the required environmental assessments on these three properties, at their own expense, to the City's satisfaction, and 3) convey these three properties in base park conditions, at their own expense. The Applicant will also convey the two properties at 66 and 68 Soudan Avenue to the City on or before September 30, 2025 for parkland purposes in fulfillment of its parkland dedication requirement.

This Motion is urgent as the City must finalize the Section 37 Agreement and registered it on title in order for the Applicant to pull a building permit and move forward with the development of this site.

### **Background Information (City Council)**

Member Motion MM11.42