

City Council

Motion without Notice

MM17.21	ACTION			Ward: All
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Amending Items 2020.TE16.9 and 2022.MM45.44 - 1071 King Street West - Rezoning Application - by Deputy Mayor Ausma Malik, 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

Deputy Mayor Ausma Malik, seconded by Councillor Alejandra Bravo, recommends that:

1. City Council amend its previous decision on Item TE16.9, adopted by City Council on July 28 and 29, 2020, and modified by MM45.44, adopted by City Council on June 15 and 16, 2022, by:

a. amending the lead paragraph of Part 4 by removing the words “should the Local Planning Appeal Tribunal approve the proposed Zoning By-law Amendments”, by removing the word "stratified" before the words "parkland dedication", and by adding in the words “and below” before the words “grade”, 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 (except as noted below) 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. by replacing Part 4 c so that it now reads:

~~e. 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.~~

c. the owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and such an encumbrance will be 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 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 Order dated August 12, 2022, the Tribunal approved the final zoning by-law amendment.

On June 15 and 16, 2022, City Council adopted MM45.44 authorizing the change from an on-site unencumbered 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 Metrolinx was planning on building a crass wall and associated infrastructure which would impact the park. As a result of this change, MM45.44 directed the owner to compensate the City for the value differential between the fee simple parkland dedication and the strata conveyance of parkland.

Due to further changes, the owner is now able to offer the on-site parkland dedication unencumbered, as originally proposed. This motion accepts a conveyance of unencumbered parkland, and also removes the directive for the owner to compensate the City as there is no longer a value differential for the parkland. The motion also allows for the possible encumbrance of tiebacks, and the standard provision that should they be allowed, the City will be compensated.

This motion is urgent as the City and applicant are finalizing the Section 37 Agreement, which must happen before the owner is able to pull building permits and commence construction on this site.

Background Information (City Council)

Member Motion MM17.21