

City Council

Motion without Notice

MM18.28	ACTION			Ward: 11
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Tie-Back Encumbrances - 11-25 Yorkville Avenue and 16-18 Cumberland Street - by Councillor Dianne Saxe, seconded by Councillor Jennifer McKelvie

** 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 Dianne Saxe, seconded by Councillor Jennifer McKelvie, recommends that:

1. City Council approve the acceptance of on-site parkland dedication, as previously authorized in City Council Decision Item 2019.TE7.13 adopted on June 25, 2019 for the lands municipally known as 11-25 Yorkville Avenue and 16-18 Cumberland Street, subject to the owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition; 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 proper destressing of the tiebacks, provision of a plan that illustrates the location of the tiebacks, and 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

At its meeting on July 16, 2019, City Council approved Item 2019.TE7.13 to amend the Official Plan and Zoning By-law for the lands at 11-25 Yorkville Avenue and 16-18 Cumberland Street (the "Lands"). The application proposed a mixed-use development on the Lands, including: 62-storey tower on Yorkville Avenue; a 3-storey commercial building on Cumberland Street; 674 dwelling units, including 81 rental replacement units; a 248 square metre Privately Owned Publicly-Accessible Space (POPS); and a 455 square metre parkland dedication. The City Council approval did not include authority to allow tie-back encumbrances within the park.

It has come to the attention of staff that tie-backs were installed within the lands to be conveyed as parkland. The existing tie-back encumbrances within the park are acceptable to staff, provided the owner fulfills the City's standard tie-back conditions including but not limited to, destressing the tie-backs prior to parkland conveyance and providing a 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.

This motion is urgent because the developer the parkland dedication is ready to be conveyed to the City. Council authority for the encumbrance is required prior to the parkland being conveyed.

Background Information (City Council)

Member Motion MM18.28