

City Council

Motion without Notice

MM19.35	ACTION			Ward: 11
----------------	--------	--	--	----------

Construction Management Agreement for the creation of Chimney Swift Replacement Habitat in Budd Sugarman Park - 906 Yonge Street and 25 McMurrich Street - by Councillor Dianne Saxe, seconded by Councillor Amber Morley

** 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 Amber Morley, recommends that:

1. City Council authorize the General Manager, Parks, Forestry and Recreation to enter into and execute on behalf of the City a Construction Management Agreement with 906 Yonge Street Development Inc. for the construction of two Chimney Swift habitats within Budd Sugarman Park, on terms and conditions deemed necessary and appropriate by the General Manager, Parks, Forestry and Recreation, the Chief Planner and Executive Director, City Planning, and in a form satisfactory to the City Solicitor, and in accordance with City policies applicable to capital projects.

2. City Council authorize the General Manager, Parks, Forestry and Recreation to enter into and execute on behalf of the City any other ancillary agreements necessary to complete construction of the Chimney Swift habitats, on terms and conditions satisfactory to the General Manager, Parks, Forestry and Recreation, the Chief Planner and Executive Director, City Planning and in a form satisfactory to the City Solicitor.

Summary

In a decision dated January 30, 2024, the Ontario Land Tribunal approved an application to amend the zoning by-law at 906 Yonge Street and 25 McMurrich Street. As part of the approved development at 906 Yonge Street and 25 McMurrich Street, an existing chimney on the property is proposed to be removed. In 2023, the applicant approached City staff and the Councillor’s office to inform them that the chimney contained evidence of Chimney Swifts, a species identified on the Species at Risk in Ontario list. Under the provincial Endangered Species Act, 2007, anyone requesting to damage or destroy the habitat of an endangered species must construct replacement habitat before the existing habitat is impacted.

In this instance, staff and the local Councillor agreed to allow replacement habitat to be constructed in a nearby City park, Budd Sugarman Park, provided the developer replace the chimney habitat at a ratio of 2 to 1 and agree to any terms and conditions deemed necessary and

appropriate by City staff. A construction Management Agreement is required between the City and the builder to allow the chimneys to be constructed in Budd Sugarman Park.

At its meeting on February 6, 2024, City Council directed City staff to review and report on applicable policies concerning the use of City property to create replacement habitat for the purposes of the Endangered Species Act, 2007. A report is anticipated in the third quarter of 2024.

Background Information (City Council)

Member Motion MM19.35