

City Council

Notice of Motion

MM20.5	ACTION			Ward: 8
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Re-Opening and Amending Item 2024.CC18.7 - 34-70 Montgomery Avenue - Parkland Dedication Update - by Councillor Mike Colle, seconded by Councillor Josh Matlow

** Notice of this Motion has been given.*

** This Motion is subject to a re-opening of Item 2024.CC18.7. A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

Recommendations

Councillor Mike Colle, seconded by Councillor Josh Matlow, recommends that:

1. City Council amend its previous decision on Item 2024.CC18.7 by deleting Part 4 of the instructions to staff:

Part to be deleted:

4. City Council direct the General Manager, Parks Forestry and Recreation to accept a payment in lieu of on-site parkland dedication in satisfaction of the applicant's required parkland contribution pursuant to Section 42 of the Planning Act, with the appraisal of the cash-in-lieu to be determined under the direction of the Executive Director, Corporate Real Estate Management and the payment to be made prior to the issuance of the first above-ground building permit for the development.

and adopting instead the following new Part 4:

4. City Council authorize the General Manager, Parks, Forestry and Recreation to work with the Owner to make best efforts to identify a suitable off-site parkland dedication to be conveyed to the City to the satisfaction of the General Manager, Parks, Forestry and Recreation.

a. if the Owner acquires an off-site parkland dedication satisfactory to the General Manager, Parks, Forestry and Recreation, the parkland dedication is to be conveyed according to the following conditions, with any remaining balance pursuant to Section 42 of the Planning Act to be provided as a cash-in-lieu payment to the City:

i. the off-site parkland dedication shall be conveyed to the City prior to the issuance of the first above-grade building permit, subject to the conveyance being free and clear, above and below-grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition and in base park

condition, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;

ii. for the purposes of determining whether any remaining cash-in-lieu is payable:

1. the total value of the off-site parkland dedication would include the purchase, real estate commissions of up to five percent, land transfer tax, and typical closing adjustments incurred, to the satisfaction of the General Manager, Parks, Forestry and Recreation; and

2. the total value of the off-site parkland dedication based on the items outlined above are subject to indexing based on the Construction Price Index between the date the parkland is conveyed to the City and the issuance of the first Above-Grade Building Permit for the development.

b. City Council approve that should the parkland dedication requirement not be able to be satisfied through a suitable off-site parkland dedication, the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu, with payment to be made prior to the issuance of the first above-ground building permit for the land to be developed.

c. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation; the development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

Summary

At its meeting on May 22, 2024, City Council adopted the confidential instructions in Item 2024.CC18.7, the Request for Directions Report (May 7, 2024) from the City Solicitor, and accepted a without prejudice settlement offer for the appeal to the Ontario Land Tribunal regarding Official Plan and Zoning By-law amendments and Site Plan approval for the lands located at 34-70 Montgomery Avenue. The Confidential Instructions did not contain the correct recommendations from Parks, Forestry and Recreation regarding the satisfaction of the parkland dedication requirement pursuant to Section 42 of the Planning Act.

Parks, Forestry and Recreation staff are seeking City Council authority to replace Part 4 in Item 2024.CC18.7 with the correct recommendations for an off-site parkland dedication. The direction for an off-site parkland dedication is consistent with the Parks, Forestry and Recreation staff's memo dated January 4, 2023, as referenced in the applicant's settlement letter.

The pursuit of an off-site dedication of parkland will support the significant ongoing work in the Yonge-Eglinton neighbourhood to expand existing the public open space network. This matter is urgent because opportunities to acquire off-site parkland are limited and time sensitive. City Council authority is necessary to facilitate the off-site acquisition of a property, should an opportunity arise.

Requires Re-opening

Item 2024.CC18.7 (May 22 and 23, 2024 City Council Meeting)

Background Information (City Council)

Member Motion MM20.5

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-247759.pdf>)