



TO: GENERAL COMMITTEE

SUBJECT: PROPOSED USE OF: POYNTZ STREET ROAD ALLOWANCE, SOUTH OF DUNLOP STREET EAST, FOR VEHICULAR ACCESS AND CITY WATERLOTS FOR FLOATING DOCKS – 185-205 DUNLOP STREET EAST

WARD: 2

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SUBMITTED BY: A. BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES

GENERAL MANAGER APPROVAL: A. BOURRIE, RPP, ACTING GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the closed portion of Poyntz Street Road Allowance, south of Dunlop Street East, legally described as Part 1, Plan 51R-29033, be declared surplus for the purpose of an Easement in favour of Northern Lights Enterprise Inc. to provide vehicular access to the proposed redevelopment of 185-205 Dunlop Street East.
2. That staff begin to administer the procedures identified in By-law 95-104, the Sale of All Real Property (for the purpose of an easement) associated with Poyntz Street Road Allowance, south of Dunlop Street East, and report back to General Committee.
3. That staff be authorized to enter into a Lease Agreement with Northern Lights Enterprise, owner of 185-205 Dunlop Street East for the use of City owned Waterlots, Water Lots 25 and 29, Plan R51-38304 for the annual installation, removal and maintenance of floating docks, to be accessible for public use, for a 5 year term, starting from the date of first installation.
4. That the City Clerk be authorized to enter into a Lease Agreement for a 5 year term, starting from the date of first installation, on the City Waterlots for the purpose of installing floating docks.

PURPOSE & BACKGROUND

Report Overview

5. The purpose of this Staff Report is to declare surplus, for the purpose of an easement, the south section of the Poyntz Street Road Allowance (Poyntz), south of Dunlop Street East, and authorize staff to begin the process of disposition in accordance with By-law 95-104 for the use of this portion of Poyntz for vehicular access to the proposed development of the lands to the east.

6. Staff are seeking approval to enter into a lease arrangement for a term of 5 years, for use of City owned waterlots to allow for privately owned and maintained floating dock(s) that will be publically accessible.

Background

7. In June 2018, conditional site plan approval was given to Northern Lights Enterprise Inc., owner of land located at 185-205 Dunlop Street East, former Lakeview Dairy site. See Appendix A, Site Plan. Vehicular access is proposed via Poyntz to the parking structure of the proposed 11 storey mixed use building with commercial uses on the ground level with residential uses above. See Appendix B, Elevation Drawings.
8. One of the conditions of site plan approval is to secure approval for an additional access to the site. The use of the City owned Poyntz, just east of Sam Cancilla Park is an option or the owner could provide alternative access from Dunlop Street East. The applicant is seeking approvals for the use of Poyntz for vehicular access.
9. The applicant has also requested approval for use of City waterlot(s). The Applicant could explore annual install/remove and maintain one or two floating docks to be utilized by the future occupants of the mixed use building together with unrestricted public use. See Appendix A, Site Plan.

ANALYSIS

10. The applicant, Northern Lights Enterprise Inc., has requested approval for the long term use of Poyntz, south of Dunlop Street East, for vehicular access to their proposed redevelopment of lands located at 185-205 Dunlop Street East. In addition, the applicant has asked to install floating docks on City owned Waterlots, south of the proposed development to allow future occupants of the building easy access to the waterfront for non-motorized recreational use. The floating docks will be publically accessible at all times.
11. In May 2002 the City finalized the North Shore Trail, Final Concept: Multi-Use Trail. An excerpt from the Final Concept is attached as Appendix C. The subject lands at 185-205 Dunlop Street East were recognized in the Concept identified as Future Development Site. The Final Concept identified the upgrading of the paved laneway (Poyntz) and the improvement of drainage through detailed design. The Final Concept also provided consideration for trail connection, planting and aesthetics as a condition of site plan approval for the proposed redevelopment lands. The applicant is proposing to upgrade this section of Poyntz which will include drainage improvements and provide a connection from Dunlop Street to the North Shore Trail. The site plan for the subject lands includes vegetation landscape planting on the south side of the development adjacent to the North Shore Trail.

Improvements to Poyntz

12. The applicant is proposing to use this section of Poyntz for vehicular access to the parking structure for the proposed redevelopment of the subject lands. The applicant has submitted detailed traffic information and design details for this section of Poyntz which has been reviewed and is acceptable to the City Traffic and Engineering Departments. No road improvements are necessary at Dunlop Street.
13. The proposal is to regrade Poyntz and manage drainage. The road surface will be paved with heating coils under the surface for winter maintenance. A sidewalk has been proposed allowing pedestrian access from Dunlop Street to the North Shore Trail. Vehicular access will also be available to Sam Cancilla Park for park maintenance. The applicant has identified that they will be responsible for costs associated with installation, long term maintenance and replacement costs.

City staff have requested a secondary redundant de-icing system be provided in the event the heating coils fail.

14. It is proposed that the City retain ownership of this section of Poyntz but enter into an Easement agreement with the applicant for use of the roadway. This section of Poyntz was previously closed. The roadway is substandard in design and width for a public right of way. The roadway forms part of Sam Cancilla Park and is designated and zoned Open Space. Official Plan Open Space and Waterfront policies encourage the continued public ownership of waterfront lands.
15. It is therefore proposed to enter into an easement with the applicant for the improvement of this section of Poyntz, but to maintain public ownership should the City require access for other purposes in the future.
16. City Bylaw 95-104, Procedures for the Sale of Real Property defines real property to include easements. The procedures require that Council deem the property surplus and then begin the procedure is for disposal which include public notification, the undertaking of an appraisal to determine value and a report back to General Committee and Council for approval.

Use of City owned Waterlots for the Installation of Floating Docks

17. The City owns waterlots adjacent to and south of the proposed development. The applicant is proposing to install, remove and maintain floating docks on the City waterlots to allow the future occupants of the development access to the water to put in paddleboats, kayaks, etc. There will be no motorized docking permitted. The floating docks are similar to the floating dock at South Shore Centre. Planning staff are recommending approval of the floating docks as they will be accessible to the general public at all times.
18. Official Plan Open Space and Waterfront policies encourage interconnected open space systems and encourage private landowners to provide open space and amenity areas for public use as part of a linked open space network. The policies encourage the provision of a full range of equitable distribution of recreation areas, facilities and activities. While the primary users of the floating docks are anticipated to be the occupants of the development, public access for sitting, swimming etc. will be provided on the north shore through these new docks in an area where public access to the water is made difficult given the rock/stone shoreline.
19. Official Plan Waterfront policy Section 4.6.2.5 (b) promotes "the development of the waterfront lands along Kempenfelt Bay and Little Lake as a continuous major public open space system. No City owned land will be disposed of or leased in these areas and Council will endeavour to acquire privately owned lands." Parks Operation staff have expressed concerns related to accessibility, liability and enforcement of public nuisance matters. It was also felt that there would be minimum benefit to the general public because the majority of use would be the occupants of the proposed building.
20. For the reasons above, Planning staff are proposing to enter into a temporary lease arrangement to allow a "pilot project" for the installation of the floating docks. Should the use of the floating docks be unsuccessful or unacceptable to either the City or the future Condominium Corporation, the lease could be terminated at the end of the pilot project. The Condominium Corporation will be responsible for spring installation, fall removal, overall maintenance and storage of the docks and will assume all liability. The dock(s) will be anchored to the shoreline and will include a ramp to allow for accessibility onto the dock(s). Should the pilot project be successful, the pilot program could be extended subject to Council approval.

ENVIRONMENTAL MATTERS

21. The redesign and construction of Poyntz will require approval and the issuance of a permit from the Lake Simcoe Region Conservation Authority as it is within a regulated area. In addition, the anchoring of the floating docks at the shoreline will require a permit from the LSRCA. Staff from the LSRCA have been involved in the review of the site plan and are aware of the proposal for the reconstruction of Poyntz and the floating dock proposal.
22. The reconstruction of Poyntz will improve current conditions related to grading and drainage in the detailed design of the roadway.

ALTERNATIVES

23. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could not approve the Poyntz right of way improvements and not allow vehicular access via Poyntz to the proposed development at 185-205 Dunlop Street East.

This alternative is not recommended as the right of way improvements will be beneficial to the City for providing a linkage from Dunlop Street to the North Shore Trail, where all costs associated with design, construction, maintenance and replacement will be paid for by the developer at no cost to the City.

Alternative #2

General Committee could not approve the short term, 5 year lease of City Waterlots for the provision of floating docks accessible to the general public or allow only one floating dock to be installed.

Although this alternative is available, however, the floating docks or one floating dock would provide public benefit, promote a linked open space system, would be paid for and maintained by the Condominium Corporation and where the lease could be terminated if the floating dock(s) Lease Agreement is not successful.

FINANCIAL

24. The City By-law Number 95-104 establishes the procedures for the sale of real property. Real Property as defined in the By-law includes easements and right of ways. The process of declaring land surplus, in this case for an easement over Poyntz, will require the preparation of an appraisal to determine value. In addition, all costs associated with the reconstruction of Poyntz, including survey and legal work, will be at the cost of the applicant. Long term maintenance and replacement of this section of Poyntz will be at the cost of the applicant.
25. The use of the City waterlots for the purpose of installing floating docks is proposed by way of the City leasing the waterlots. This also will require the preparation of an appraisal to determine value. The proposal for a 5 year term from the date of first installation will allow both the City and the then Condominium Corporation to determine the success of the venture. Upon completion of the 5 year term, the City can either extend or terminate the lease. The installation, removal and maintenance of the floating docks will be at the cost of the Condominium Corporation.

LINKAGE TO 2018–2022 STRATEGIC PLAN

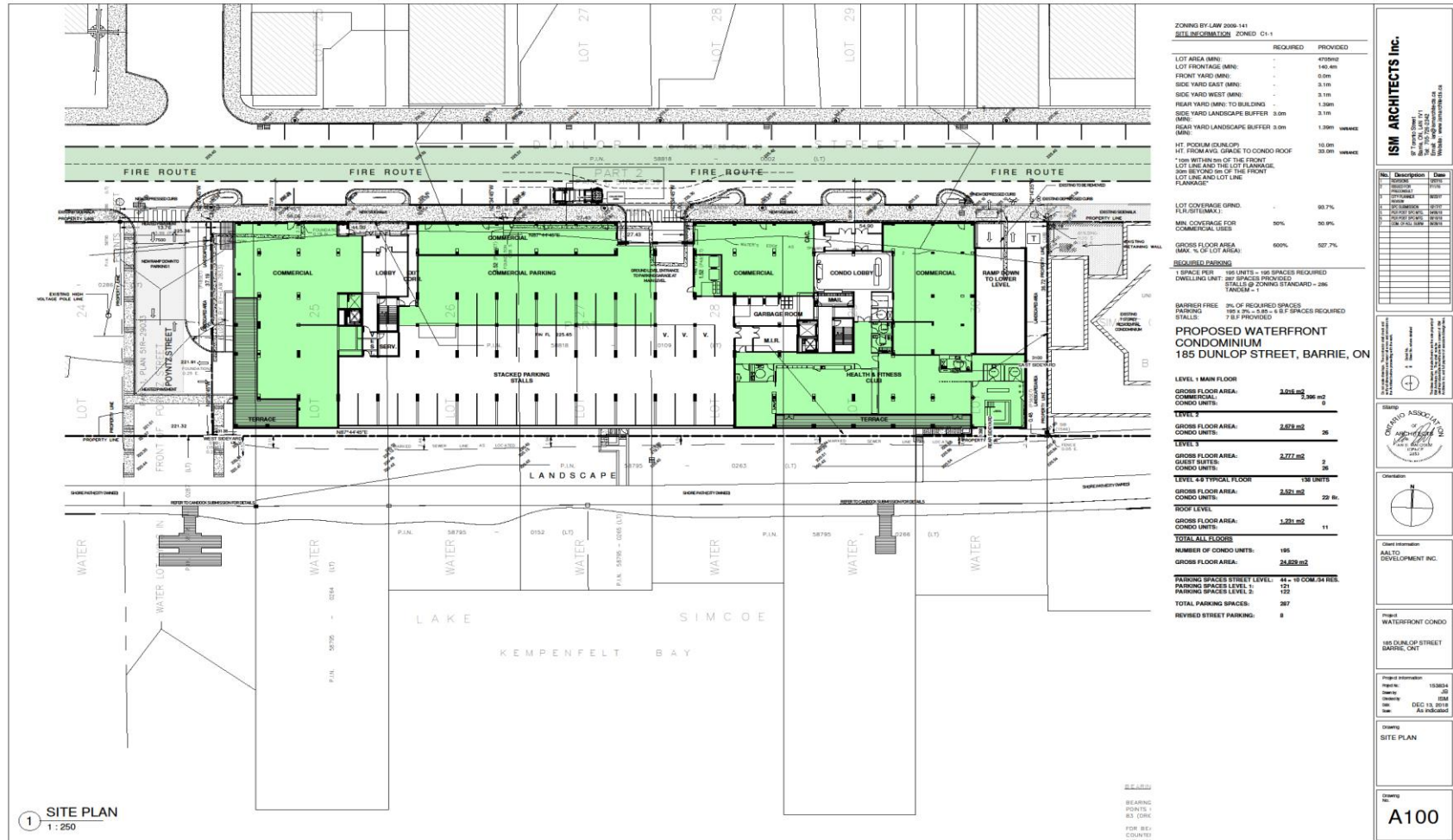
26. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:
- ☒ Fostering a Safe and Healthy City
 - ☒ Building Strong Neighbourhoods
 - ☒ Offering Innovative & Citizen Driven Services
27. The private sector proposal to improve Poyntz will facilitate improved access from Dunlop Street to the waterfront and the applicant will upgrade the City laneway. The proposal for long term road maintenance by the Condominium Corporation is also beneficial to the City from a year round maintenance and upkeep perspective.
28. The private sector proposal to install the floating docks will provide public access to the water promoting public recreation along the North Shore Trail at no cost to the City.

Attachments

Appendix A – Site Plan
Appendix B – Elevation Drawings
Appendix C - North Shore Trail, Final Concept: Multi-Use Trail (Excerpt)

APPENDIX "A"

Site Plan



Appendix "B"

Elevation Drawings





Appendix "C"

North Shore Trail, Final Concept: Multi-Use Trail (Excerpt)

