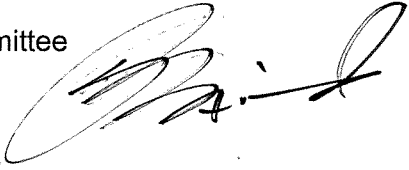


Memorandum

TO: Mayor and Members of Development Services Committee

FROM: Jim Baird, Commissioner of Development Services 

PREPARED BY: Gary Sellars, Senior Planner, West District

DATE: October 24th, 2016

RE: Developer Request to adjust the timing of fee payments
for a Draft Plan of Subdivision application
Sixteenth Land Holdings Inc.
4134 16th Avenue (York Downs Golf Club)
North side of 16th Avenue, west of Kennedy Road
Application for Draft Plan of Subdivision
File No. SU 16 179225

RECOMMENDATION:

That the Memorandum dated October 24, 2016 entitled "Developer request to adjust the timing of fee payment for a Draft Plan of Subdivision application, Sixteenth Land Holdings Inc., 4134 16th Avenue (York Downs Golf Club), North side of 16th Avenue, west of Kennedy Road, Application for Draft Plan of Subdivision" be received; and

That the proposed request to adjust the timing of the fee payment for the Draft Plan of Subdivision application by Sixteenth Land Holdings Inc. for the development of 4134 16th Avenue (York Downs Golf Club) be approved as outlined in the report; and

That the deferred fees be payable in accordance with the Fee By-law in effect when they are paid; and further,

That staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This Memorandum provides information about a request from Sixteenth Land Holdings Inc. for an adjustment to the timing of payment of the Draft Plan of Subdivision application fees, in accordance with the City's Fees for the Processing of Planning Applications - By-law 211-83, as amended (the Fee By-law). The Fee By-law gives Council the discretion to adjust the timing of the payment of fees for plans of subdivision comprising more than 1,000 units.

BACKGROUND:

Sixteenth Land Holdings Inc. is proposing to develop the 168.64 ha. (417 acres) York Downs Golf Club, which is located on the north side of 16th Avenue, west of Kennedy Road (Figures 1, 2 and 3). The proposal includes two phases: Phase 1 consists of vacant lands adjacent to Kennedy Road which are surplus to the golf course, and Phase 2 consists of the remaining lands that are the golf course (Figure 4). Phase 1 includes 332 residential units and 1.402 ha. – Medium Density Blocks. Phase 2 includes 1,428 residential units and 4.899 ha. – Medium

Density Blocks. York Downs intends to continue to operate the golf course on the Phase 2 lands for another 4 years.

Applications in support of the proposal for Draft Plan of subdivision, Official Plan and Zoning By-law amendments were submitted on October 5, 2016. Planning staff are currently reviewing these applications for completeness. The Planning Act provides that within 30 days after the applicant pays any fees, the approval authority shall notify the applicant, amongst others, that the application is complete, or not. Until the City has received the required fees, and the prescribed information and materials, and other required information and materials, the application will not be considered complete, and consideration of the application will not begin.

PROPOSAL TO ADJUST THE TIMING OF PAYMENT OF FEES:

The applicant is seeking Council approval for an adjustment to the timing of payment of Draft Plan of subdivision application fees for Phase 2 from that set out in the Fee By-law (the details of their proposal are shown in Chart 1, attached.) The request is being made on the basis that the Phase 1 development will be able to proceed subject to the timing of municipal approvals; whereas, the Phase 2 development would be delayed by the arrangement to allow the golf course to remain open and functioning for another 4 years.

The Fee By-law requires that a base fee and 40% of fees required for plans of subdivision (based on unit counts and land areas for medium density blocks) be paid by the applicant upon submission of their application and that the remaining 60% be paid upon execution of the subdivision agreement. The applicant is proposing to pay the required base fee and 40% for Phase 1 upon submission of the Draft Plan of Subdivision application in accordance with the Fee By-law but only the base fee and 20% for Phase 2 upon submission; with the remaining 80% (20% deferred fee for Phase 2 plus remaining 60%) to be paid with the execution of the subdivision agreement. If approved, staff recommend that the 20% deferred fee be payable at the rate in effect at the time it is paid, not at today's rate. The total application fee paid with the applications submission for Draft Plan of Subdivision for Phases 1 and 2 would be \$902,202.00, compared to \$1,358,031.20 if the applicant were required to pay the application fee in accordance with the Fee By-law. The 20% deferred fee (\$455,829.00 based on today's Fee By-law) for Phase 2 would be paid at the subdivision agreement execution stage (see Chart 1 attached). It is recommended that the \$455,829 portion of the fee be recalculated and payable at the Fee By-law rate in effect at the time that the fees are paid.

The fees for the associated Official Plan and Zoning By-law amendment applications will be paid in full.

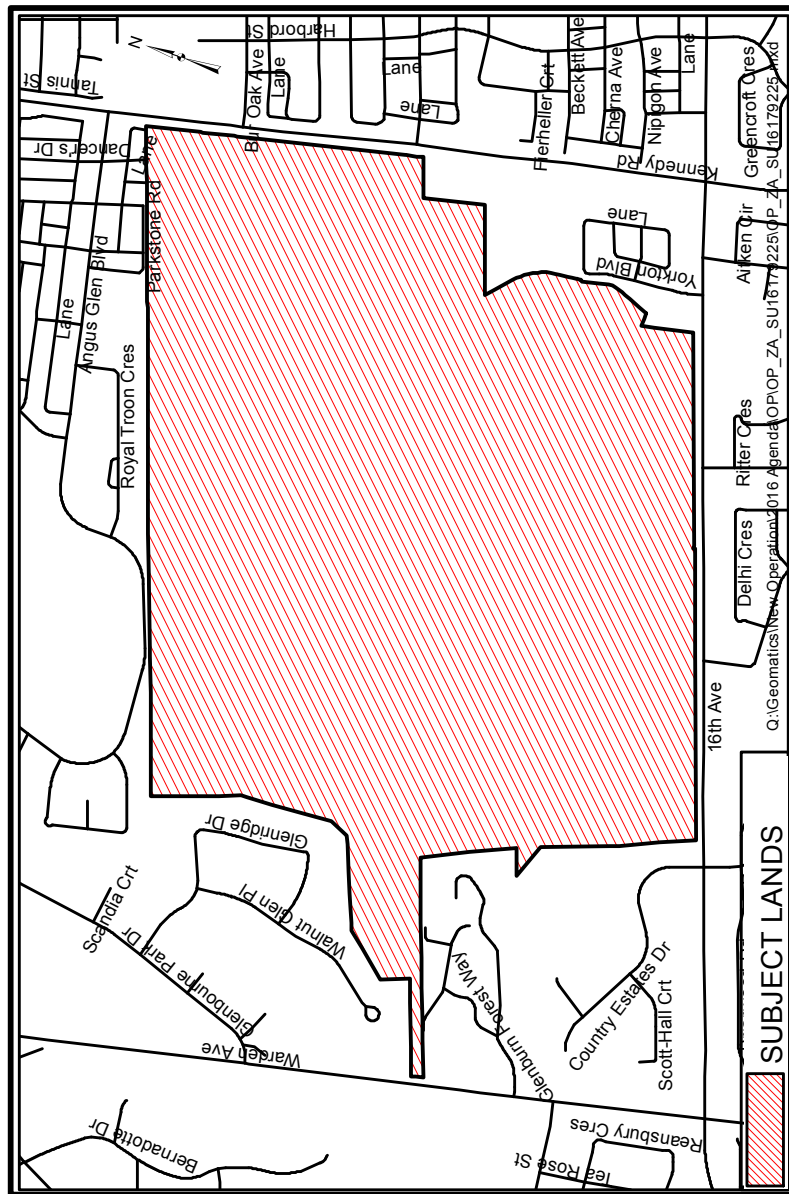
COMMENTS:

Given the proposed timing and phasing for development, staff is supportive of the request to adjust the timing of payment of draft plan of subdivision application fees in accordance with the Fee By-law.

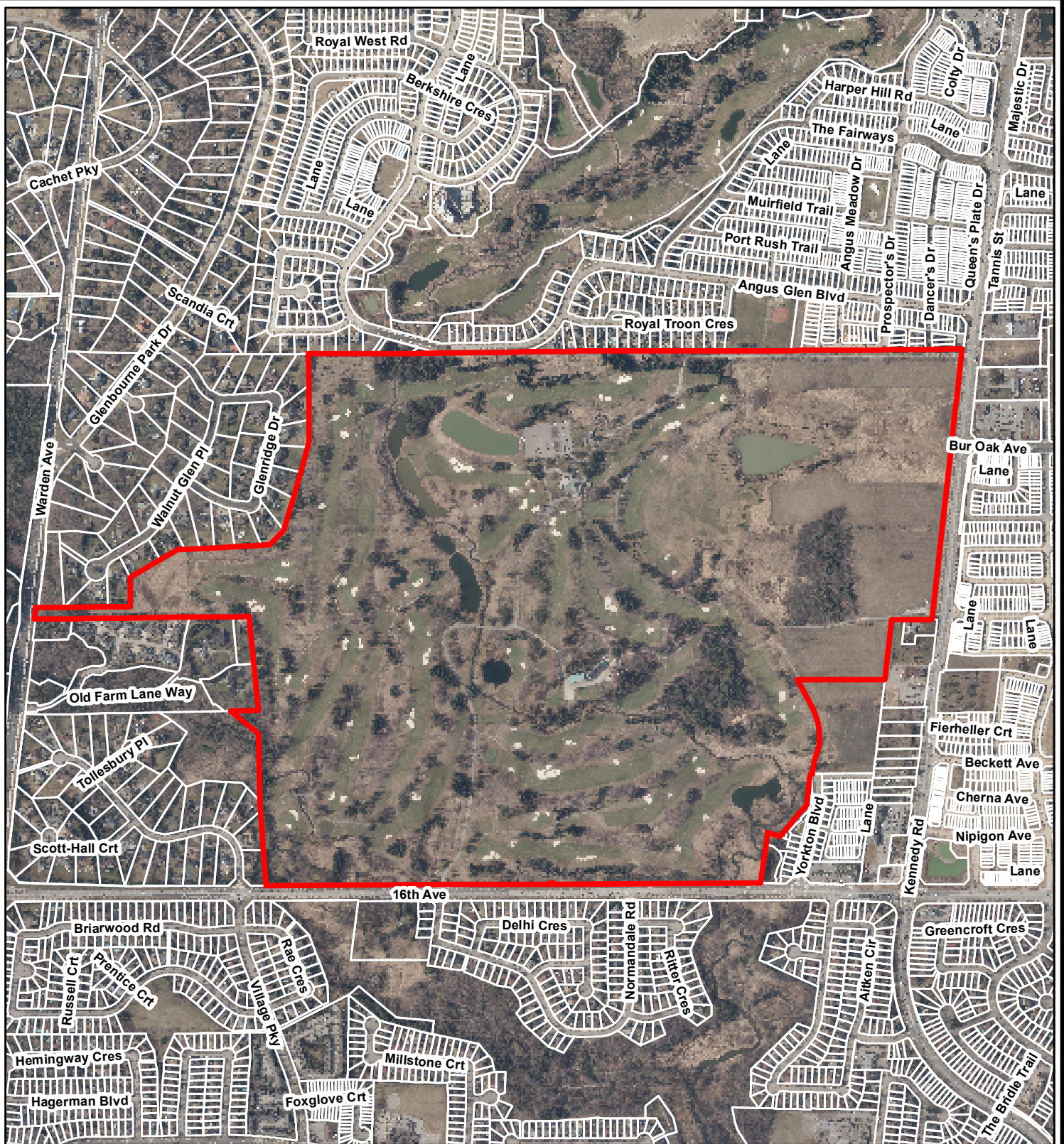
ATTACHMENTS:

- Figure 1 – Location Map
- Figure 2 – Area Context/Zoning
- Figure 3 – Air Photo
- Figure 4 – Concept Plan (Phasing)

Chart 1 - Sixteenth Land Holdings Inc. fee payment proposal







AIR PHOTO

APPLICANT: SIXTEENTH LAND HOLDINGS INC
(YORK DOWNS GOLF COURSE)
4134 16TH AVENUE

FILE No. OP_ZA_SU. 16179225 (GS)

 SUBJECT LANDS

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DATE: 15/09/2016



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: GS

FIGURE No. 3

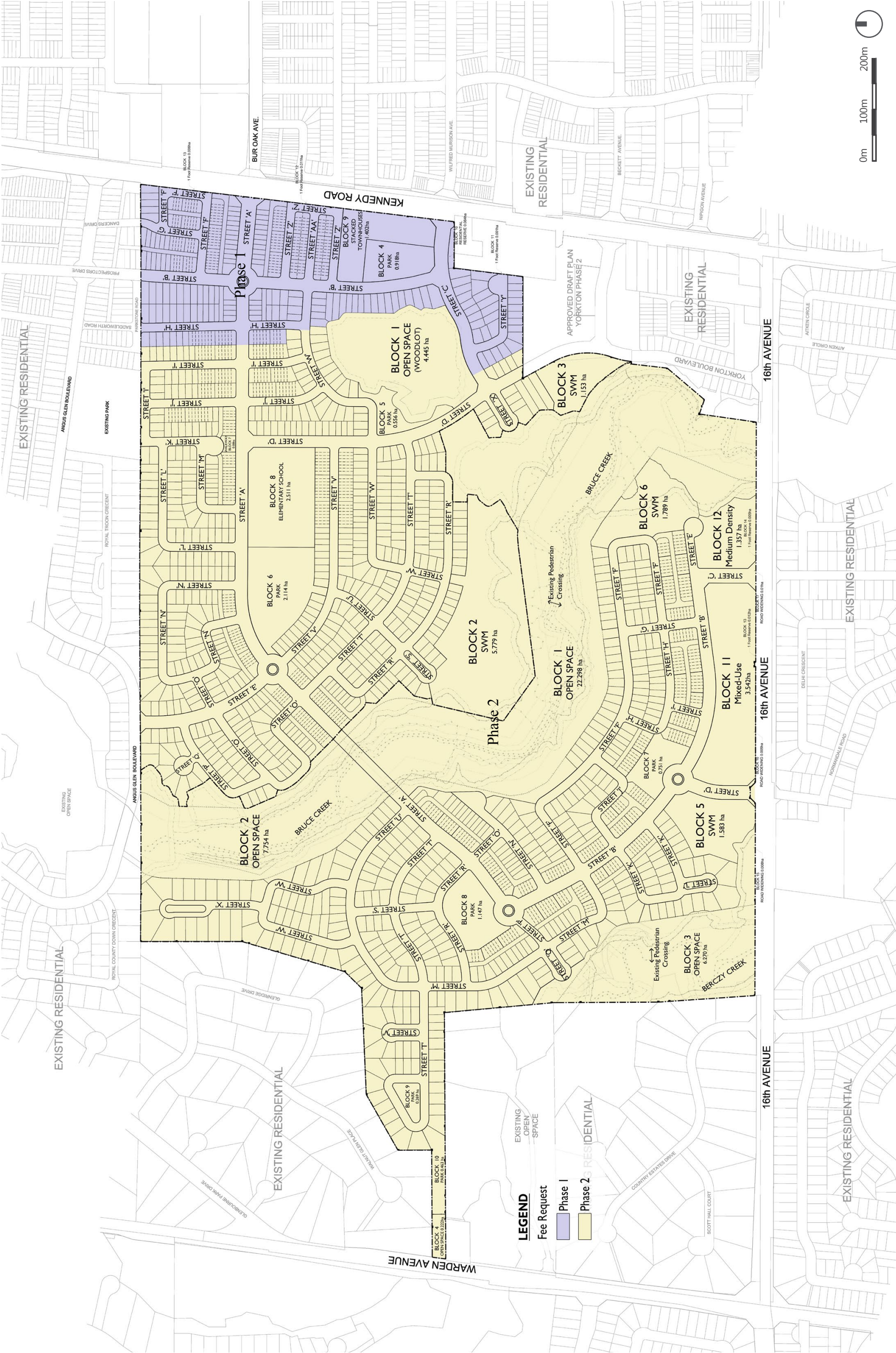


Figure 4

Chart 1

YORK DOWNS DEVELOPMENT APPLICATION FEES - PHASE 2 UNITS @ 20% OF APPLICATION FEE

Base Application Fees		
Official Plan Amendment - Major	\$	45,210.00
Zoning By-law Amendment - Major	\$	31,750.00
Plan of Subdivision Base Fee (\$24,340 x 2)	\$	48,680.00
Total Base Application Fees	\$	125,640.00
Study Review Fees		
Community Design Plan	\$	41,340.00
Transportation Impact Study	\$	21,600.00
MESP	\$	21,600.00
Noise Study	\$	21,600.00
Total Study Review Fees	\$	106,140.00
Plan of Subdivision Unit & Area Fees		
Unit Fee		
Phase 1 - 332 Units - Unit Fee \$1,270/Unit		
Planning Unit Fee @ \$1,270 unit X 332 units	\$	421,640.00
Urban Design Unit Fee @ \$240/Unit x 332 Units	\$	79,680.00
Total Phase 1 Unit Fees	\$	501,320.00
Phase 2 - 1,428 Units - Unit Fee \$1,270/Unit		
Planning Unit Fee @ \$1,270 unit x 1,428 units	\$	1,813,560.00
Urban Design Unit Fee @ \$240 unit x 1,428 units	\$	342,720.00
Total Phase 2 Unit Fees	\$	2,156,280.00
Land Area Fee		
Phase 1 Planning & Urban Design Land Area Fee @ \$12,540/ha.		
Medium Density Block - 1.402 ha. X \$12,540/ha - Planning	\$	17,581.00
Medium Density Block - 1.402 ha. X \$12,540/ha - Urban Design	\$	17,581.00
Total Phase 1 Planning & Urban Design Land Area Fee	\$	35,162.00
Phase 2 Planning & Urban Design Land Area Fee @ \$12,540/ha. X 2		
Medium Density Block 1.357 ha. X \$12,540/ha. - Planning	\$	17,017.00
Medium Density Block 1.357 ha. X \$12,540/ha. - Urban Design	\$	17,017.00
Mixed Use Block - 3.542 ha. X \$12,540/ha. - Planning	\$	44,416.00
Mixed Use Block - 3.542 ha. X \$12,540/ha. - Urban Design	\$	44,416.00
Total Phase 2 Planning & Urban Design Land Area Fee	\$	122,866.00
Total Unit & Land Area Fee Phase 1	\$	536,482.00
Total Unit & Land Area Fee Phase 2	\$	2,279,146.00
Phase 1 Unit & Land Area Fee @ 40% of application fees	\$	214,592.80
Phase 2 Unit & Land Area Fee @ 20% of application fees	\$	455,829.20
Total Application Fees - Base/Study/Unit/Area		
Total	\$	125,640.00
Study Review Fees	\$	106,140.00
Phase 1 Unit & Area Fees - 40%	\$	214,592.80
Phase 2 Unit & Area Fees - 20%	\$	455,829.20
Total Application Fees	\$	902,202.00