

# TORONTO STAFF REPORT

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July 4, 2006

To: Policy and Finance Committee

From: Chief Planner and Executive Director  
Deputy City Manager and Chief Financial Officer

Subject: Improvement to the Cumberland Subway Entrance to the Bay Street Station  
(Ward 27 Rosedale)

Purpose:

To transfer \$1,000,000 in funds secured by a Section #37 agreement with respect to 86, 96 and 100 Bloor Street West (University Theatre) from a deferred revenue account to a reserve fund to be established within the Planning Act Reserve Fund. Further, to seek authority to amend the Toronto Transit Commission (TTC) 2006 Capital Budget by \$400,000 (gross) \$0 (net) funded from this new account to improve the Cumberland Street subway entrance to the Bay Subway station within the Village of Yorkville Park.

Financial Implications and Impact Statement:

The City has received \$1,000,000 from a Section #37 agreement for the development at 86, 96 and 100 Bloor Street West (University Theatre) which is within the Bloor Street Transformation District. This report is requesting that a reserve fund be created within the Planning Act Reserve Fund so that the \$1,000,000 can be transferred from a deferred revenue account to a reserve fund. As well, the report requests that the TTC 2006 Capital Budget be amended by \$400,000 (gross) \$0 (net) to improve the Cumberland Street subway entrance to the Bay Subway station within the Village of Yorkville Park.

Recommendations:

It is recommended that:

- (1) Council establish a reserve fund within the Planning Act Reserve Fund called the University Theatre Reserve Fund to hold funds secured by the Section #37 agreement for 86-100 Bloor Street West to be used to partially fund the Bloor Street Transformation Project, improve a TTC entrance in the area, fund a transportation study and provide community services and facilities in the nature of local area improvements;
- (2) Municipal Code Chapter 227 (Administration of Reserves and Reserve Funds) be amended by adding the "University Theatre Reserve Fund" to Schedule '10' – Planning Act Reserve Fund as per Appendix A;

- (3) the Toronto Transit Commission's 2006 Capital Budget be amended by increasing Account Building and Structures – Station Improvements (CTT110) by \$400,000 gross \$0 net funded from the new reserve account created in Recommendation #1 to improve the Cumberland Street subway entrance to the Bay Subway station within the Village of Yorkville Park; and
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto, and that leave be granted for the introduction of any necessary bills in Council to give effect thereto.

Background:

Section #37 Funding

On October 1 and 2, 1998, the Toronto Community Council adopted the final report dated September 1, 1998 from the Commissioner of Urban Planning and Development on an application for Official Plan and Zoning By-law amendments for a new mixed-use development for 86-100 Bloor Street West (Toronto Community Council (TCC) Report No. 11, Clause #87). Council adopted further reports on the same matter on March 2, 3 and 4, 1999 (TCC Report No. 4, Clause #1) and July 27, 28, 29 and 30, 1999 (TCC Report No. 11 Clause #16).

Among the results of these actions were that the owner entered into a Section 37 Agreement with the City which secured \$1,000,000 cash contribution which was to be used for the following services, facilities and matters:

- (a) for the construction of a replacement entrance to the Bay Subway station within the Village of Yorkville Park in the amount of \$400,000;
- (b) for other off-site local area improvements, in the amount of \$600,000 to include monies for:
  - (i) \$400,000 for Bloor Street streetscape improvements, subject to City Council support for a Bloor Street Transformation Plan, as proposed by the Bloor-Yorkville Business Improvement Area;
  - (ii) \$8,000 for a study to monitor traffic and pedestrian activity and the implementation of any traffic-related improvements in the vicinity of the site; and,
  - (iii) \$192,000 for the purpose of providing community services and facilities in the nature of local area improvements.

Comments:

Given the location of the development and the purpose for which the funds have been provided under Section #37, as noted above, it seems appropriate that the \$1,000,000 which has been received from this development and which is currently being accounted for in a deferred revenue account be transferred to an account within the Planning Act Reserve Fund. Therefore it is being recommended that such an account be established with the criteria as set out in Appendix A.

It is understood that the TTC, at the request of the City of Toronto and the Bloor-Yorkville BIA, has prepared preliminary designs, obtained a consensus on an acceptable concept to improve the station entrance and is presently obtaining project costing to ensure the work fits within the budget available. The scope includes design, construction and project management, including structural modifications necessary to replace portions of brick walls with glazing, addition of stone cladding and the addition of other improvements to better integrate the entrance into the city park.

The funds available under the Section 37 agreement are not sufficient to replace the entire subway entrance, and major components such as the roof, the doors, and the below grade portion will be retained and the balance of the structure improved.

As these improvements are not required by TTC for transit operations, and thus is not included in TTC's approved capital budget, no improvements to the station entrance can be made by TTC without an external source of funding; therefore it is being recommended that the TTC 2006 Capital Budget be amended by increasing the Buildings & Structures – Station Improvement Account (CTT110) by \$400,000 gross \$0 net to accommodate this endeavour.

Conclusions:

The City has received the \$1,000,000 it was entitled to under Section #37 of the Planning Act from the development at 86-100 Bloor Street West (University Theatre) and the TTC has been requested to proceed with improvements to the subway entrance in the Village of Yorkville Park; therefore, this report is recommending that a new reserve fund within the Planning Act Reserve Fund be created and the funds received be deposited there. As well, the report recommends that the TTC 2006 Capital Budget be amended by \$400,000 gross \$0 net to improve the Cumberland Street subway entrance to the Bay Subway station within the Village of Yorkville Park.

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List of Attachment:

Appendix A – University Theatre Reserve Fund

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## **Appendix A**

### **Terms and Conditions of the recommended University Theatre Reserve Fund Within the Planning Act Reserve Fund**

- (a) Location within the Consolidated Reserve Fund Schedule

Schedule #10 – Planning Act Reserve Fund

- (b) Statement of Purpose

To hold funds from the Section #37 agreement for 86-100 Bloor Street West to be used to partially fund the Bloor Street Transformation Project, improve a TTC entrance in the area, fund a transportation study and provide community services and facilities in the nature of local area improvements;

- (c) Service Area or Beneficiary Program

City Planning shall have primary responsibility for the account.

- (d) Initial Contribution

An amount of \$1,000,000 will be received from a development agreement from the owner under Section #37 of the Planning Act.

- (e) Contribution Policy

Not applicable

- (f) Withdrawal Policy

Funds will be withdrawn either as part of the normal capital budget process or through a specific report to Council authorizing the purpose and amount of the withdrawal.

The funds are to used as follows:

- (1) for the construction of a replacement entrance to the Bay Subway station within the Village of Yorkville Park in the amount of \$400,000;
- (2) for other off-site local area improvements, in the amount of \$600,000 plus accrued interest to include monies for:

- (a) \$400,000 for Bloor Street streetscape improvements as part of the Bloor Street Transformation Plan;
- (b) \$8,000.00 for a study to monitor traffic and pedestrian activity and the implementation of any traffic-related improvements in the vicinity of the site; and,
- (c) \$192,000.00 for the purpose of providing community services and facilities in the nature of local area improvements.

(g) Review Cycle

The need for this account will be reviewed every five years or closed when the account is depleted.