



STAFF REPORT ACTION REQUIRED

Temporary Closure of Public Laneway - Rear of 501 Adelaide Street East and 288 King Street East (Convenience Address 286 King Street East)

Date:	May 14, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale - Ward 28
Reference Number:	Te07031te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed a request from the representative of the owner of 501 Adelaide Street East and 288 King Street East referred to as 286 King Street East (convenience address) to temporarily close the public lane at the rear of their properties to accommodate a construction staging area. This is to facilitate the demolition of 286 King Street East and the construction of a new affordable housing project on the lands including the portion of the public laneway that is requested to be temporarily closed. The process of formally closing and selling the subject laneway has been previously approved by Council, however, due to statutory requirements, it will not be feasible to complete the requisite steps for several months including enactment of a by-law. The process has been further delayed because of an error on the legal description of the lane that will necessitate a republishing of the Notice of Sale in the newspaper. Accordingly, the requested temporary closure will enable work on the site to progress. This report is being submitted in conjunction with a report from the Chief Corporate Officer with respect to the sale of a portion of the public lane abutting 501 Adelaide Street East and 286 King Street East.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council approve the following actions:

1. close the laneway abutting 501 Adelaide Street East and 288 King Street East, as shown on Appendix 'A' of this report, to vehicular traffic for a period of six months commencing June 1, 2007 and ending December 1, 2007;
2. restore and revert the laneway to its pre construction traffic operation in the event that the sale of the portion of the laneway abutting 501 Adelaide Street East and 288 King Street East is not complete by December 1, 2007;
3. waive the monthly rental fee for the area of public right of way enclosed to accommodate the development of 501 Adelaide Street East and 288 King Street East; and
4. the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that might be required.

Financial Impact:

Under the applicable provisions of Chapter 313 of the former City of Toronto Municipal Code, occupancy of the public highway lands is subject to fees in the amount of \$378.97 (2007) per month. Total revenues for the period of June 1, 2007 to December 1, 2007, the time which the lands are likely to remain as public highway prior to the enactment of a closing by-law, are estimated to be \$2,273.82 including GST. The proposed development of affordable rental apartments at 501 Adelaide Street East meets Council's exception policies for non-profit housing and it is exempt from planning fees, building permit fees, municipal development charges and parkland dedication requirements that would otherwise apply, therefore it may be appropriate to waive the fees associated with the occupation of the public right of way.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial implications should Toronto and East York Community Council decide to waive the requisite fees.

ISSUE BACKGROUND

City Council, at its meeting of September 25, 26 and 27, 2006, in considering an application by Mr. Lewis Poplak, on behalf of Context (King Adelaide) Inc. ("Context"), the owner of 286 King Street East and 501 Adelaide Street East, for the closing and selling of the lane to the rear of the properties, declared the lands surplus and initiated the formal closing process (Clause No. 110 of Toronto and East York Community Council Report No. 7).

Due to the statutory requirements and given the error in the legal description of the lane that requires the Notice of Sale to be republished in the newspaper, the formal closing of the lane through enactment of a by-law cannot be completed in time for the project to proceed.

In order for the project to proceed in the interim, Transportation Services has received a request to temporarily close the lane to accommodate a construction staging area.

COMMENTS

Transportation services has now received an application from Mr. Peter Venetas, Context Construction Inc. requesting permission to temporarily close the lane to facilitate the demolition of 286 King Street East and construction of the affordable housing project of which will include the lane until the permanent road closing is granted. Mr. Venetas further points out that as this is a Toronto Community Housing project, delivery of this project from Context Construction Limited to the TCHC within the limited timelines to meet their construction schedule is paramount.

Applicable regulation

City of Toronto Municipal Code Chapter 937-2 grants authority to staff to issue full or partial closure of public right of way for periods up to 30 days in connection with private construction. In considering that this proposed temporary closure is to be in effect for approximately 6 months, Toronto and East York Community Council's approval of the intended lane closure is required.

Reasons for approval

Transportation Services has reviewed the applicant's proposal and has determined that it will not impact negatively upon the public right of way. Currently, Context Developments owns the land on either side of the public lane with the exception of a small portion of land at the terminus of the lane adjacent to 284 King Street East. It does not appear that the owners of 284 King Street East use the lane to access their property and have a private driveway servicing their property off King Street East. A notice of the proposed temporary closure of the lane has been sent to the owners of 284 King Street East. Of note, Rogers Cable and Bell Canada have plant within the lane to be closed and Context is currently in negotiations with the utility companies to have their plant relocated. As a condition of approval, Context will be required to provide written documentation that the utility companies have agreed to relocate their plant from the lane that is to be closed.

A copy of a sketch denoting the proposed lane closure together with neighbouring properties is shown on Appendix 'A'. Photos showing the laneway rear of 286 King Street East and 501 Adelaide Street East are shown on Appendix 'B'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - plan denoting the laneway rear of 286 King Street East and 501 Adelaide Street East

Appendix 'B' - photos showing the rear lane to be closed and sold

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