

**Proposed Permanent Closure of the portion of the
Public Lane known as Stanley Terrace at the rear of
Premises Nos. 23 to 29 Stafford Street**

Date:	June 3, 2009
To:	Toronto and East York Community Council
From:	Director, Transportation Services, Toronto and East York District
Ward:	Trinity-Spadina, Ward 19
Reference Number:	TS09122te.top

SUMMARY

Transportation Services recommends that the portion of the public lane known as Stanley Terrace at the rear of Premises Nos. 23 to 29 Stafford Street be permanently closed and that jurisdiction be transferred to Parks, Forestry and Recreation for incorporation into Stanley Park.

RECOMMENDATIONS

Transportation Services recommends that Toronto City Council:

1. Permanently close the portion of the public lane shown as Part 1 on the attached Sketch No. PS-2009-066 (the "Lane"), and transfer jurisdiction of the Lane to Parks, Forestry and Recreation ("PF&R"), subject to:
 - (a) the Zoning By-law amendment (Application No. 08 172749 STE 19 OZ) pertaining to the lands comprising Premises Nos. 23 to 29 Stafford Street (the "Site") becoming final and binding and coming into full force and effect;
 - (b) execution and registration on title of a Site Plan Agreement in a form satisfactory to the City Solicitor, to secure completion of the landscaping work to be carried out on the Lane by the developer of the Site, to the satisfaction of the General Manager of PF&R;

- (c) an easement interest for the easement required by Toronto Hydro having been declared surplus in accordance with City of Toronto Municipal Code Chapter 213 and authority having been granted to convey an easement to Toronto Hydro over the closed Lane for nominal consideration; and
 - (d) compliance with the requirements of the City of Toronto Municipal Code Chapter 162.
- 2. Authorize Transportation Services staff to give notice to the public of a proposed by-law to close the Lane, in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the Toronto and East York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed draft by-law; and
- 3. Authorize Transportation Services staff to advise the public of the proposed closure of the Lane prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule “A+” activities, by posting notice of the proposed closure on the notice page of the City’s web site for at least five working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Lane will be considered;

Financial Impact

The subject closing will not result in any costs to the City as development of the Lane for parks purposes will be secured as part of the Site Plan process for the Site on the west side of Stanley Terrace.

DECISION HISTORY

The closure of the subject Lane will form an extension of a previous closure of the southerly portion of Stanley Terrace, north of Wellington Street. Specifically, City Council, at its meeting of October 26, 27 and 28, 2004 authorized City staff to permanently close the portion of Stanley Terrace at the rear of Premises Nos. 720 Wellington Street West and 17 to 21 Stafford Street with jurisdiction of the closed portion transferred to PF&R for incorporation into the abutting Stanley Park. By-law No.124-2005 was registered on June 22, 2005 as Instrument No. AT837209.

The developer of the above-noted site paid all costs associated with incorporating the closed lane lands into Stanley Park.

ISSUE BACKGROUND

Transportation Services received a request from Deputy Mayor Joe Pantalone to close the entire (remaining) portion of Stanley Terrace, north to King Street West so that it may be incorporated into the abutting Stanley Park. This closure will allow for a continuous landscaping treatment to be established along the west limit of Stanley Park. The construction of this landscape area and related costs will be undertaken by the developer of the Site and is to be secured in a Section 37 Agreement.

COMMENTS

Stanley Terrace is presently a 6.0 metre wide public laneway, which runs approximately 60 metres south of King Street West, terminating at the south limit of the rear yard at No. 23 Stafford Street.

Premises Nos. 23 to 29 Stafford Street, are being redeveloped for condominiums, with vehicular access being provided off of Stafford Street to the west.

A property located at premises Nos. 857-859 King Street West, abuts the west side of Stanley Terrace, immediately south of King Street West. This property presently has a legal single-vehicle parking space located at the rear of the property, which can only be accessed via Stanley Terrace.

If the entire (remaining) portion of Stanley Terrace were to be closed, as proposed by Deputy Mayor Pantalone, access to the subject rear yard parking would be cut off which might result in an injurious affection claim against the City.

In view of this possibility, it would be prudent to close only the portion of Stanley Terrace up to the north limit of the rear yard of premises No. 29 Stafford Street.

The following municipal services and public utilities are located within the Lane and will remain in place subject to the granting of an easement to Toronto Hydro for its facilities:

- (i) 300mm combined sewer
- (ii) Toronto Hydro – underground cable chamber and duct bank

As of the writing of this report, the easement interest to be granted to Toronto Hydro has not yet been declared surplus and authority to grant the easement, which the Chief Corporate Officer has delegated authority to approve, has not yet been obtained. However, by the date of consideration of this report by Community Council, it is anticipated that the necessary steps will have been completed and the easement interest will have been declared surplus and authority to grant the easement will have been obtained.

The Closing Process

The closing process requires two separate approvals from City Council. The first approval authorizes the closing of the Lane, while the second approval authorizes the By-law. In addition, the public has the opportunity to speak to the matter if they wish to do so at Community Council during consideration of the draft by-law.

CONTACT

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ATTACHMENT

Sketch No. PS-2009-066 dated May 27, 2009

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