

Tuesday, March 9, 2010

To: Chair and Members of Toronto East York Community Council

Re: TE 32.5 9: Hanna Avenue – Establishment of a Public Lane System

Recommendations:

- 1) That Recommendation 2 read: City Staff are directed to acquire the lands being conveyed by the owner of 5 Hanna Avenue as per the attached Schedule 1 in an 'as is, where is' condition prior to the final Site Plan Approval being registered with a foundation permit to be released by the City of Toronto Building's Department prior to such final Site Plan Approval being registered for the approved development of 5 Hanna Avenue, waiving the requirement for environmental remediation of those portions of the property that are not being excavated (which excavated lands are illustrated on Schedule 2 attached hereto).

Furthermore, the owner of 5 Hanna Avenue will be granted the necessary easements/encroachments above and below such conveyed lands as illustrated on Schedule 3 attached hereto until such time as the individual easements/encroachments are deemed unnecessary or irrelevant as a result of the conveyed lands being declared public roadways, with the above-grade easement pertaining to the balcony encroachment being permitted. During the construction of the building at 5 Hanna Avenue, a temporary laneway of approximately 5.59 metres as illustrated on Schedule 4 attached hereto will be provided by the owner of 5 Hanna Avenue, which temporary laneway will be bound by an appropriate protective barrier along the north boundary and the existing concrete curb being maintained along the south boundary.

The owner of 5 Hanna Avenue will be allowed to construct the approved building's caisson wall within the northern most 1.0 metre of the 6.0 metre access easement to be conveyed to the City of Toronto as illustrated on Schedule 4 attached hereto, which portion of land to be conveyed to the City above the caisson wall will be conveyed above-grade only to a depth of 4" below the existing typography.

Upon completion of the construction of the approved building at 5 Hanna Avenue, the owner will convey to the City of Toronto the full 6.0 metre access easement lands, with a modest reorientation as illustrated in Schedule 5 attached hereto connecting Hanna Avenue to the driveway of 9 Hanna Avenue, which lands will be paved with asphalt, which paved lands will be graded to drain all water into the existing catch basins and which access easement lands are not to be constructed to the City's public lane standards (as illustrated on Schedule 6 attached hereto).

Upon conveyance of the access easement lands to the City of Toronto, the owner of 5 Hanna Avenue will maintain ownership of the lands illustrated on Schedule 7 attached hereto, which lands are to be used for 18 surface parking stalls and should an easement be required from the City of Toronto for access to these parking stalls, such access will be granted. Finally, the owner of 5 Hanna Avenue will install private lighting on its lands and/or building which will provide a degree of illumination of the 6.0 metre access easement lands.

2) The City of Toronto will provide the owner of 5 Hanna Avenue with tie-back and crane swing rights along 9 Hanna Avenue which are illustrated on Schedule 3 attached hereto, which agreements shall be forwarded to the applicant for execution prior to April 15, 2010 in accordance with the City's 'usual' terms and conditions.

3) The City of Toronto Buildings Department shall be directed to issue an excavation permit to the owner of 5 Hanna Avenue immediately, prior to the execution of the Section 45(9) Agreement.

4) The City of Toronto Legal Department shall issue the final form of Section 45(9) Agreement to the owner of 5 Hanna Avenue by no later than March 31, 2010.

5) Consideration of the owner of 5 Hanna Avenue's conveying additional lands as illustrated on Schedule 1 attached hereto, as referenced in Revised Recommendation 2 above, the City shall support an application by the owner of 5 Hanna Avenue to reduce the visitor parking requirement to 6 visitor parking spaces, which visitor parking spaces are illustrated on Schedule 8 (attached).

Discussion:

Toronto and East York Community Council, at its meeting of March 9, 2010, will consider a report recommending City Staff's continued negotiations with the necessary property owners for the acquisition of the lands and the extinguishing of certain property interests required to create a public lane system to the east and west of the Toronto Police Services facility located at 9 Hanna Avenue.

One of the area properties is located at 5 Hanna Avenue, which property received approval in 2005 by City Council to construct a 6-storey (double height) live-work condominium. In 2008, the owner of the property 5 Hanna Avenue received approval for additional variances from the Committee of Adjustment subject to a number of conditions of which one condition was the owner to enter into a Section 45(9) Agreement to secure the conveyance of lands required for the local laneway system and construction of these lands to the City of Toronto public lane standards.

The owner of the property 5 Hanna Avenue has undergone continued negotiations with City Staff and Toronto Police Services to resolve the conditions of the Section 45(9) Agreement in a manner which satisfy all parties.

Sincerely,

Joe Pantalone
Deputy Mayor
City of Toronto