



**STAFF REPORT  
ACTION REQUIRED**

**Development Charge Credits for the Construction of a portion of Legion Road**

<b>Date:</b>	June 13, 2014
<b>To:</b>	Executive Committee
<b>From:</b>	General Manager, Transportation Services
<b>Wards:</b>	Ward 6 – Etobicoke Lakeshore
<b>Reference Number:</b>	P:\2014\Cluster B\TRA\TIM\ex14001tim.docx

**SUMMARY**

---

The purpose of this report is to seek City Council authority to provide development charge credits to Empire (Beyond the Sea) Ltd. ("Empire") related to their construction of the section of Legion Road adjacent to their site located at 2242 and 2246 Lake Shore Boulevard West. Empire constructed this section of Legion Road in accordance with the vertical profile reflected in the Legion Road Extension Class EA Environmental Study Report (ESR). As a result, Empire incurred construction costs that they would not have otherwise been responsible for. On this basis, City staff have concluded that Empire is eligible for a development charge credit (refund) for a portion of their construction costs for the section of Legion Road abutting their site.

Funds for the credit are available in the City's Development Charge Reserve Fund.

**RECOMMENDATIONS**

---

**The General Manager, Transportation Services, recommends that:**

1. City Council authorize a development charge credit in the amount of \$463,035.30 to Empire (Beyond the Sea) Ltd. for the eligible road works related to the reconstruction of Legion Road adjacent to their site located at 2242 and 2246 Lake Shore Boulevard West subject to Empire (Beyond the Sea) Ltd. executing a Release in a form satisfactory to the City Solicitor.

## **Financial Impact**

Adoption of the recommendation of this report will result in the City providing a development charge credit to Empire. In accordance with City policy, a development charge credit is the lesser of the cost to the owner of providing an eligible service and the relevant service component of the development charges payable or paid. The roads component of development charges paid for the development at 2242 and 2246 Lake Shore Boulevard West amounted to \$587,035.30. This sum represents the maximum development charge credit amount that is available to Empire. Of this amount, a road-related development charge credit of \$124,000.00 has already been provided to Empire pursuant to a 2003 Council decision and therefore, the maximum remaining credit available to Empire for its construction of the Legion Road Extension is \$463,035.30. Funds for the credit are available in the City's Development Charge Reserve Fund.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **ISSUE BACKGROUND**

Legion Road is a local dead-end road that extends approximately 300 metres northerly from Lake Shore Boulevard West, west of the Humber River, as shown on the plan in Attachment 1. It currently provides access to/from the existing developments in the area including the Empire condominium development at 2242 and 2246 Lake Shore Boulevard West.

Legion Road is planned to be extended northerly, with a grade separation at the CNR rail corridor, to connect with the local roads to the north and the Gardiner Expressway eastbound off-ramp to Park Lawn Road. With this extension, grade separation and direct connection with the Gardiner Expressway, Legion Road will function more as a regional facility in the future, compared to how it currently functions. The Environmental Study Report for this Legion Road Extension has been approved by the Ministry of the Environment.

In 2003, City Council approved development charge credits totaling approximately \$179,000 for the reconstruction of Legion Road by Gemini Urban Design (Lakeshore) Ltd. ("Gemini") as part of their development at 2264 Lake Shore Boulevard West. Of this amount, \$124,000 was linked to the development at 2242 and 2246 Lake Shore Boulevard West. Empire provided a cash contribution of \$124,000 towards the reconstruction cost incurred by Gemini, and has received a development charge credit of an equal amount. In accordance with its Site Plan Agreement for the present site, Empire is seeking development charge credits in relation to further road works completed at this site at an estimated cost of \$1.5 million.

## COMMENTS

The above-noted Environmental Study Report (ESR) includes the design of Legion Road in its ultimate configuration when it is extended northerly to connect with the Gardiner Expressway off-ramp. Section 5.7.2.3 of the ESR identifies the preferred alternative as a roadway with a minimum of two lanes, with sidewalks and bike lanes on both sides. The section of Legion Road constructed by Empire abutting their development is a 3-lane cross-section: one northbound lane, one southbound lane and a southbound left turn lane. There are no bike lanes and, adjacent to the Empire development, there is a sidewalk only on the east side. However, Empire constructed Legion Road in accordance with the vertical profile and elevation reflected in the ESR.

Empire, by constructing Legion Road at the elevation reflected in the ESR for the future extension, incurred additional costs that the City would have been responsible for as part of the construction of the Legion Road Extension. Therefore, it is the opinion of City staff that both Empire and the City have benefited from the construction of Legion Road in its present configuration and that Empire is entitled to a DC credit (refund) for a portion of the construction costs they incurred that, otherwise, the City would have been responsible for.

## CONTACTS

John Mende, Director,  
Transportation Infrastructure Management  
Tel. No. (416) 392-5348  
E-mail: [jmende@toronto.ca](mailto:jmende@toronto.ca)

Joseph Condarcuri, Manager  
Transportation Infrastructure Management  
Tel. No. (416) 392-3964  
E-mail: [jcondarc@toronto.ca](mailto:jcondarc@toronto.ca)

## SIGNATURE

---

Stephen Buckley  
General Manager, Transportation Services

## ATTACHMENTS

Attachment 1 – Legion Road Location Plan

Attachment 1  
Legion Road Location Plan

