

Permanent Closure of the Portion of the Public Lane at the Rear of 27-37 Yorkville Avenue and abutting 26 Cumberland Street

Date: August 28, 2019
To: Toronto and East York Community Council
From: Director, Transportation Planning and Capital Program,
Transportation Services
Wards: Ward 11 – University-Rosedale

SUMMARY

Transportation Services recommends that the portion of the public lane at the rear of 27-37 Yorkville Avenue and abutting 26 Cumberland Street be permanently closed for incorporation into the redevelopment of the site as a mixed use project.

The portion of the public lane to be closed will be replaced with a new north-south public lane on the east side of 26 Cumberland Street. The new lane outlet will be constructed to City standards and conveyed to the City by the owners of the abutting land, at no cost to the City.

In accordance with the Section 37 Agreement between the City and the owners, the parties have agreed that a portion of the public lane to be closed will be incorporated into the development site and the remaining portions of the closed public lane will be used to enhance the development and the adjacent areas. In accordance with the Section 37 Agreement, the owners will re-convey stratified portions of the public lane to the City, for nominal consideration, for public park purposes and for incorporation into the Toronto Parking Authority parking garage which will form part of the overall development.

RECOMMENDATIONS

Transportation Services recommends that:

1. City Council authorize the permanent closure of the portion of the public lane at the rear of 27-37 Yorkville Avenue and abutting 26 Cumberland Street, shown as Parts 1, 2 and 3 on Sketch No. PS-2016-044 (the "Lane") and Parts 5, 6 and 18 on Reference Plan 66R-30438, upon construction, conveyance and dedication of a new public lane, shown as Part 4 on Sketch No. PS-2016-044 (the "New Lane Outlet"), attached to the report dated, from the Director, Transportation Planning and Capital Program, Transportation Services.

2. City Council enact a by-law substantially in the form of the draft by-law attached as Appendix "A" to the report dated August 28, 2019, from the Director, Transportation Planning and Capital Program, Transportation Services.

FINANCIAL IMPACT

The closing of the Lane will not result in any costs to the City as the Applicant is responsible for all costs associated with the closing of the Lane and the construction of a new public Lane.

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

DECISION HISTORY

In accordance with the City's Real Estate Disposal By-law No. 814-2007 (City of Toronto Municipal Code Chapter 213), the Lane was declared surplus on November 1, 2016 by DAF No. 2016-232, conditional upon City Council approving the permanent closure of the Lane, with the intended manner of disposal by way of a sale of the Lane to the owners of the abutting lands at 37 Yorkville Avenue (the "Applicant"), with the New Lane Outlet to be constructed and provided by the Applicant at its cost, abutting the east side of 26 Cumberland Street.

By DAF No. 2017-268, dated October 30, 2017, the Deputy City Manager, Internal Corporate Services authorized the General Manager, Transportation Services, 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 and the Municipal Class Environmental Assessment for Schedule "A+" activities. Also by DAF No. 2017-268, the Deputy City Manager, Internal Corporate Services authorized the sale of the Lane and the construction and conveyance of the New Lane Outlet.

COMMENTS

Transportation Services has reviewed the feasibility of closing the Lane and has determined that the Lane can be permanently closed upon conveyance to the City of the New Lane Outlet once it has been constructed by the Applicant, at its cost.

The Lane contains an active 300 mm diameter combined sewer. Any adjustment, whether removal or relocation of this sewer will be determined during site plan review. Any costs associated with any required adjustments will be the responsibility of the Applicant.

In addition, Enbridge Gas will require an easement for protection of its NPS 2 SC IP gas mains that are located within the north/south portion of the Lane. If necessary, the Applicant will be responsible for all costs associated with the removal or relocation of the gas mains.

The closing process requires approval from City Council. The draft by-law is Appendix to this report and specify the conditions that must be satisfied before the by-laws come into effect. The public has the opportunity to speak to the matter at the same time this report is considered by the Toronto and East York Community Council meeting if they wish to do so.

The requirements for the Municipal Class Environmental Assessment for Schedule "A+" activities will be met during the posting of the public notice on the notices 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 Highway will be considered.

CONTACT

Lukasz Pawlowski, Manager
Transportation Development Planning & Review
Toronto East York and Scarborough Districts
Phone: 416-392-7713; Fax: 416-392-1920
E-mail: Lukasz.Pawlowski@toronto.ca

SIGNATURE

Ashley Curtis, Director
Transportation Planning and Capital Program
Transportation Services

ATTACHMENTS

Attachment 1 – Appendix "A" – Draft By-law
Attachment 2 – Sketch No. PS-2016-044, dated March 22, 2016
Attachment 3 – Reference Plan 66R-30438

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Attachment -1: APPENDIX "A"

Authority: Toronto and East York Community Council Item TE___, as adopted by City of Toronto Council on October 2, 3, 2019.

CITY OF TORONTO

Bill

BY-LAW -2019

To permanently close part of the public lane at the Rear of 27-37 Yorkville Avenue and abutting 26 Cumberland Street.

Whereas it is recommended that part of the public lane at the Rear of 27-37 Yorkville Avenue and abutting 26 Cumberland Street be permanently closed as public lane; and

Whereas notice of the proposed by-law to permanently close parts of the said public lane was posted on the notices page of the City's web site in accordance with the requirements of City of Toronto Municipal Code, Chapter 162 and the Toronto and East York Community Council heard any person who wished to speak to the matter at its meeting held on September 16, 2019;

The Council of the City of Toronto enacts:

1. Part of the public lane at the Rear of 27-37 Yorkville Avenue and abutting 26 Cumberland Street, legally described as follows, is hereby permanently closed as public lane:

PART OF PIN 21197-0323 (LT)

Part of lane, dedicated by by-law 20326, and part of Lot 21, dedicated as public lane by by-law 20683, Instrument EM57810, amended by by-law 313-70, and designated as Parts 5, 6 and 18 on Plan 66R-30438, City of Toronto

2. Section 1 of this By-law does not come into effect until such time a new north-south public lane abutting the east side of 26 Cumberland Street, is dedicated as a public lane.

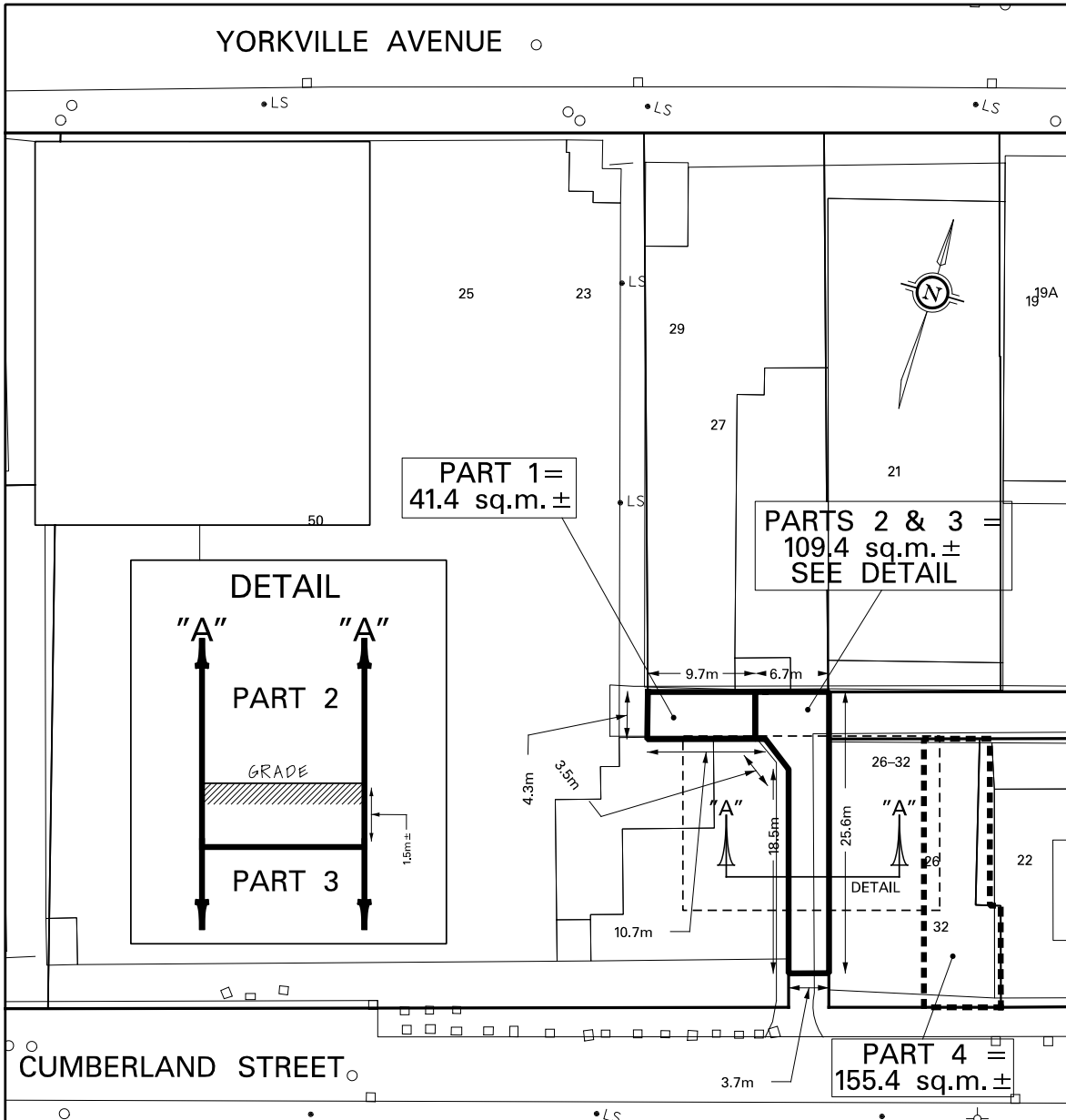
Enacted and passed on _____, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Attachment 2 – Sketch No. PS-2016-044



NOTE:
THIS SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS. MEASUREMENTS
ARE APPROXIMATE

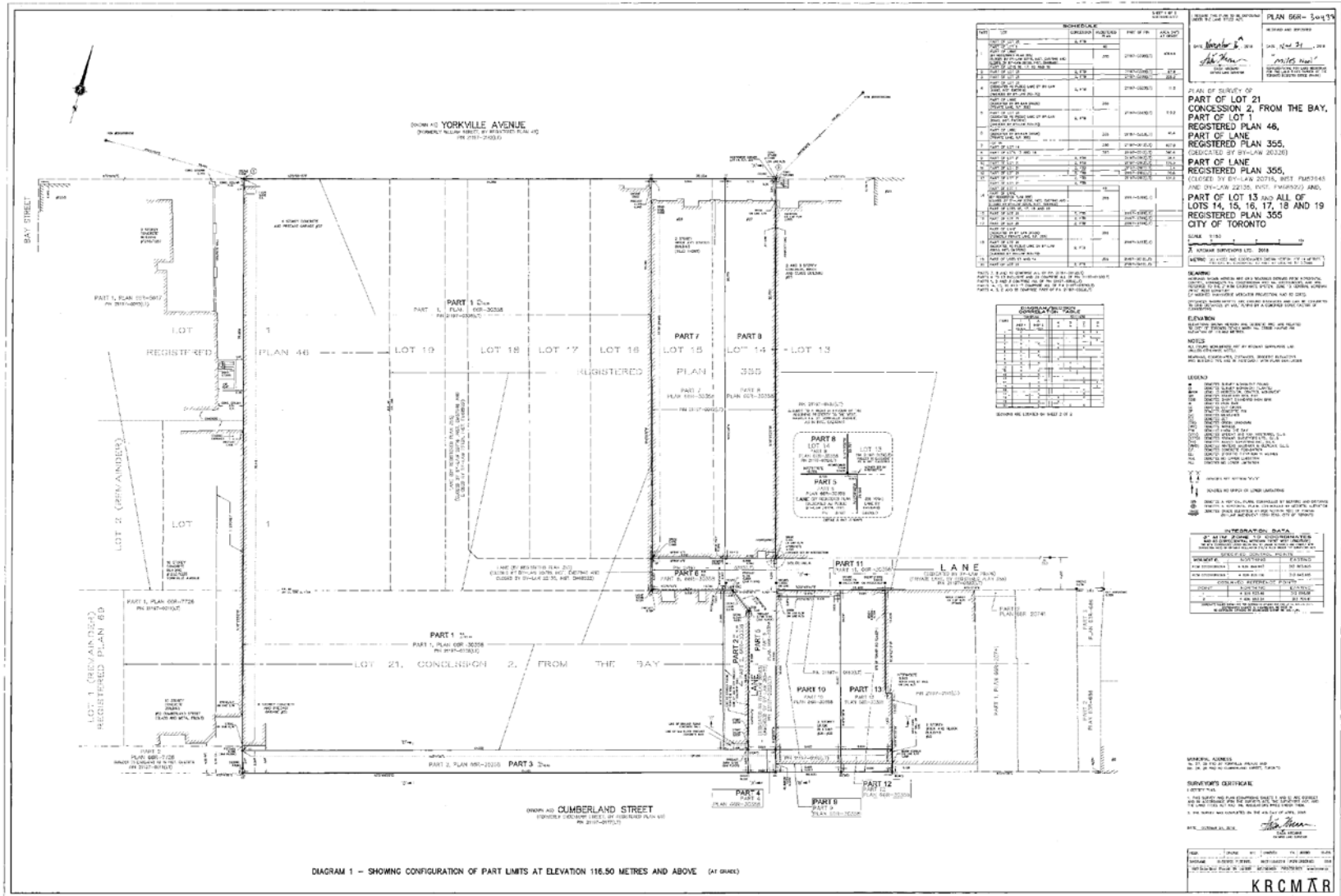
CHECK BY JOHN HOUSE
PREPARED BY: DWAYNE PITT

PROPERTY INFORMATION SHEET
CITY OWNED LAND
SKETCH SHOWING A PORTION OF THE PUBLIC LANE
ABUTTING AT 27-37 YORKVILLE AVENUE & 26-32,
50 CUMBERLAND STREET

WARD 27 – TORONTO CENTRE-ROSEDALE
DATE: MARCH 22, 2016

SKETCH No. PS-2016-044

Attachment 3: Reference Plan 66R-30438



Permanently close the portion of public lane at the rear of 27-37 Yorkville Avenue