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## City Council

### Notice of Motion

MM37.29	ACTION			Ward:28
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**Authorization to Release Section 37 Funds for the Market Street Streetscape Improvement Project to the St. Lawrence Market Neighbourhood Business Improvement Area - by Councillor Pam McConnell, seconded by Councillor Kristyn Wong-Tam**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

### Recommendations

Councillor Pam McConnell, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council increase the approved 2013 Transportation Services Capital Budget by \$440,307.59 gross, \$0 net, fully funded by Section 37 funds received in the development of the lands now known as 22, 26, 38 and 42 The Esplanade and 1 and 5 Scott Street (formerly 40 The Esplanade) (source account XR3026-3700067) for local streetscape enhancement projects, in particular the Market Street Streetscape Improvement Project to the St. Lawrence Market Neighbourhood BIA.
2. City Council direct that the funding of \$440,307.59 be forwarded to the St. Lawrence Market Neighbourhood BIA upon signing by the St. Lawrence Market Neighbourhood BIA of an Undertaking governing the use of the funds and the financial reporting requirements.
3. City Council direct that approval of Recommendations 1 above be conditional on the pending implementing zoning amendment by-laws coming into force to reallocate these Section 37 contributions to local parkland creation or improvements and/or local streetscape enhancement projects, including in particular the Market Street Streetscape Improvement Project and the amending Section 37 Agreements being executed.

## **Summary**

Road alterations and a flexible boulevard on Market Street, from Front St. to Esplanade were approved by Council (Item TE12.72). This initiative has created Toronto's first 'flexible street' and is being primarily funded by the abutting property owners, Woodcliffe Properties. Market Street has been designed as a flush street with a variable sidewalk width which can move to accommodate parking in the winter and cafes in the summer. The street is a major hub for visitors and residents as it abuts the historic St. Lawrence Market and its will also be used for various special events.

The project was designed to proceed in two phases as the developer needed to proceed quickly due to its contractual obligations to its tenants (on the western portion) while the City, St. Lawrence BIA and the St. Lawrence South Market agreed to proceed with the second phase (eastern portion) as part of the Esplanade reconstruction in Fall 2013 once funding was secured through Section 37 contributions.

During construction of the first phase in April 2013, the limit of excavation expanded much further east than originally anticipated due to all of the lateral work to the new manholes, leaving only a 3m strip on the east side to be constructed as part of Phase Two. Waiting until funding was secured for the east side would mean a significant amount of new road bed would be removed and reconstructed.

It was determined that significant cost savings to the City could be achieved if work continued with the existing contractor. As Section 37 funding had not been finalized at that point, the St. Lawrence Market Neighbourhood BIA agreed to advance the funds to complete the project with the understanding that it would be reimbursed at a later point. The BIA entered into a contract with the contractor Clearway Construction Inc. and the work was completed in June 2013.

City Staff from Transportation Services reviewed and approved this process. By advancing the timeline for the second phase, costs were reduced from initial estimates of \$440,307.59.

This Motion seeks approval to allocate funding from a Section 37 fund to the St. Lawrence Market Neighbourhood BIA for the amount that was required to complete the streetscaping project.

(Submitted to City Council on July 16 and 17, 2013 as MM37.29)

## **Background Information (City Council)**

Member Motion MM37.29

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60174.pdf>