

City Council

Motion without Notice

MM9.38	ACTION			Ward:20
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Authorization to Release Section 37 Funds and to enter into a Shared Use Agreement for Community Improvements to create Privately Owned Publicly Accessible Open Space on Central Technical School lands at 693 Bathurst Street - by Councillor Joe Cressy, seconded by Councillor Mike Layton

** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.
* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.
* This Motion has been deemed urgent by the Chair.*

Recommendations

Councillor Joe Cressy, seconded by Councillor Mike Layton, recommends that:

1. City Council adopt the following recommendations contained in the attached report (September 25, 2015) from the City Solicitor and the Chief Planner and Executive Director, City Planning:
 1. City Council increase the approved 2015 Operating Budget for Non-Program by \$462,762.21 gross, \$0 net, fully funded by Section 37 funds received from the development at 783 Bathurst Street (Source Account: XR3026-3700497) for public realm improvements at Central Technical School located at 693 Bathurst Street that include landscaping improvements abutting the northeast corner of Bathurst and Harbord Streets to create a form of Privately Owned Publicly Accessible Open Space (POPS), removing and replacing a chain link fence with a new iron fence along the Bathurst Street frontage to be located to the east of the trees lining Bathurst Street as well as removing and replacing a chain link fence with a new iron fence along a portion of the Harbord Street frontage (collectively referred to as the "Public Realm Improvements").
 2. City Council authorize the Director, Community Planning, Toronto and East York District, to negotiate and enter into a Shared Use Agreement with the Toronto District School Board ("TDSB") and Raizenne Inc. for the Public Realm Improvements referred to in Recommendation No. 1, in consultation with the Ward Councillor and to the satisfaction of the City Solicitor, including the following requirements:
 - a. Raizenne Inc. shall construct the Public Realm Improvements in accordance

with the City's construction standards and with detailed plans and cost estimates approved by the Director, Community Planning, Toronto and East York District;

b. Raizenne Inc. shall comply with all relevant City policies as applicable, including the City's Fair Wage Policy, the Labour Trades Construction Obligations in the Construction Industry Policy, and the Declaration of Compliance with Anti-Harassment/Discrimination Legislation Policy in constructing the Public Realm Improvements;

c. The \$462,762.21 shall be forwarded to Raizenne Inc. directly, in accordance with an agreed to payment schedule approved by the Director, Community Planning, Toronto and East York District;

d. Any cost overruns shall be the responsibility of Raizenne Inc., and not of the City or TDSB. In the event that the costs of the Public Realm Improvements are less than \$462,762.21, Raizenne Inc. will be required to return any unspent Section 37 funds that it has received to the City upon completion of the project as it relates to these improvements;

e. The Shared Use Agreement shall also:

- Address ongoing maintenance obligations in respect of the Public Realm Improvements;
- Set out financial reporting requirements; and
- Secure community access for a minimum of twenty (20) years;

all on terms and conditions satisfactory to the Director, Community Planning, Toronto and East York District and in a form to the satisfaction of the City Solicitor.

3. City Council authorize and direct City Officials to take such action as is necessary to implement the foregoing.

Summary

The proposed new sports facility at Central Technical School was the subject of a lengthy Ontario Municipal Board-assisted mediation, involving a number of parties. The Council endorsed settlement included the requirement for certain public realm improvements to the school lands to create an accessible green space and streetscape improvements along Bathurst Street and Harbord Street adjacent to the new facility. While negotiations have been ongoing, the sports field at Central Technical School has been closed to students. The approval of these funds will aid in moving the project forward and ensuring the field is open for use as soon as possible. These funds will also deliver a much needed new open space for use by the wider community.

To implement the settlement, authority is required from City Council in order to release Section 37 funds available from development in the area to Raizenne Inc. to undertake these public realm improvements. Authority is also required to enter into a Shared Use Agreement to secure appropriate public access.

Background Information (City Council)

Member Motion MM9.38

(September 25, 2015) Report from the City Solicitor and the Chief Planner and Executive Director, City Planning on Authorization to Release Section 37 Funds, from 783 Bathurst Street, and to Enter into a Shared Use Agreement for Community Improvements to create Privately Owned Publicly Accessible Open Space on Central Technical School lands at 693 Bathurst Street abutting Bathurst and Harbord Streets

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84251.pdf>)