

City Council

Motion without Notice

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| MM45.50 | ACTION | | | Ward: 13 |
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Authorization to Release Section 37 Funds for Construction of Public Realm Improvements to Temperance Street between Yonge Street and Bay Street and Cloud Gardens Park - by Councillor Robin Buxton Potts, seconded by Councillor Joe Mihevc

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate*

Recommendations

Councillor Robin Buxton Potts, seconded by Councillor Joe Mihevc, recommends that:

1. City Council amend the Council approved Transportation Services 2022-2031 Capital Budget and Plan in the amount of \$1,892,000 for the Neighbourhood Improvements Program (CTP422-03) fully funded by Section 37 (Planning Act Reserve Fund) community benefits collected from the following developments to transfer funds to BAC Surface Inc. for construction and related costs to implement streetscape improvements on Temperance Street from Yonge Street to Bay Street:

a. \$1,068,597 from Section 37 funds obtained from the development at 102 -118 Peter Street and 350-354 Adelaide Street West (Source Account: XR3026- 3701023)

b. \$95,851 from Section 37 funds obtained from the development at 73 Richmond Street West (Source Account: XR3026-3700544).

c. \$727,552 from Section 37 funds obtained from the development at 60 Shuter Street and 187 and 189 Church Street - (Source Account: XR3026- 3700961).

2. City Council amend the Council approved Parks, Forestry and Recreation 2022-2031 Capital and Plan to create a new capital sub-project known as Cloud Gardens Park Improvements in the Park Development project, with a project cost of \$373,000 and cash flow commitments in 2023, fully funded by Section 37 and Section 45 (Planning Act Reserve Fund) community benefits collected from the following developments, to transfer funds to BAC Surface Inc. for construction and related costs to implement improvements to Cloud Gardens Park:

a. \$93,245 from Section 37 funds obtained from the development at 73 Richmond Street West (Source Account: XR3026-3700544); and

b. \$279,755 from Section 45 funds obtained from the development at 85 Richmond Street West (Source Account: XR3028-4500213).

3. City Council authorize the City of Toronto to enter into, and the General Manager, Transportation Services and the General Manager, Parks, Forestry and Recreation to execute on behalf of the City, any necessary agreements with BAC Surface Inc. for construction and related costs to implement streetscape improvements on Temperance Street from Yonge Street to Bay Street and improvements to Cloud Gardens Park, on terms and conditions deemed necessary and appropriate by the General Manager, Transportation Services, the General Manager, Parks, Forestry and Recreation and the City Solicitor, and in accordance with City policies applicable to capital projects.

4. City Council authorize the General Manager, Transportation Services to transfer up to \$1,892,000 from the Council approved Transportation Services 2022-2031 Capital Budget and Plan from the Neighbourhood Improvements Program (CTP422-03) project to BAC Surface Inc. to fund the City's agreed cash portion for the construction and related costs to implement streetscape improvements on Temperance Street from Yonge Street to Bay Street, subject to BAC Surface Inc. entering into the necessary agreements with the City.

5. City Council authorize the General Manager, Parks, Forestry and Recreation to transfer up to \$373,000 from the Parks, Forestry and Recreation's Approved 2022-2031 Capital Budget and Plan from the Cloud Gardens Park Improvements sub-project to BAC Surface Inc. to fund the City's agreed cash portion for the construction and related costs to implement improvements to Cloud Gardens Park, subject to BAC Surface Inc. entering into the necessary agreements with the City.

Summary

At its meeting on May 23, 24 and 25, 2006 City Council adopted as amended Report 4, Clause 7, from Toronto and East York Community Council to amend Zoning By-law No. 998-88 (as amended by By-law No. 74-93 and by By-law No. 1994-0605) of the former City of Toronto, to permit, among other things, the development of the Bay Adelaide North tower at 40 Temperance Street as a 33-storey office building with a 10-storey podium. The site is bounded by Richmond Street West to the north, Cloud Gardens Park to the east, Temperance Street to the south, and existing commercial uses (353-359 Bay Street) to the west.

In lieu of making a Public Realm Improvements Contribution the owner (BAC Surface Inc.) entered into a Section 45(9) Agreement with the City to design and construct improvements to Cloud Garden Park and Temperance Street in addition to its Site Plan Approval obligations. The total cost of these additional improvements not to exceed an amount equal to the Public Realm Improvements Contribution and the amount of the Cloud Gardens Reinstatement Estimate.

The Owner's consultants and City staff worked collaboratively to prepare and finalize the design. Due to cost escalations greater than estimated in 2019 (pre-COVID) as a result of inflation, supply chain impacts and labour shortages the tender prices for the works are ~\$2.265 million (net of Harmonized Sales Tax recoveries and fees) above the Owner's obligation. Supply chain issues have not all been resolved and some modifications to the design may be required.

This Motion requests authority from Council to amend both Transportation Services and Parks, Forestry and Recreation's 2022-2031 Council Approved Capital Budgets and Plans for projects to implement construction and related costs associated with streetscape improvements on Temperance Street from Yonge Street to Bay Street and improvements to Cloud Gardens Park, fully funded by Section 37 and 45 (Planning Act Reserve Fund) community benefits that have

been received and are eligible for these purposes. Authority is also required to enter into the necessary Agreements with the owner (BAC Surface Inc.) and to transfer funds to complete the work on behalf of the City.

This Motion is urgent as the construction prices remain valid to the end of June, 2022 and costs are expected to increase after that date.

Background Information (City Council)

Member Motion MM45.50