

**City Council****Notice of Motion**

MM5.24	ACTION			Ward: 10
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**Authorization to Release Section 37 Funds from the Development at 200 Queens Quay West to the Bentway Conservancy for the Waterfront Reconnect Project to be constructed under the Gardiner Expressway at Lower Simcoe Street - by Councillor Ausma Malik, seconded by Councillor Paula Fletcher**

*\* 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 Ausma Malik, seconded by Councillor Paula Fletcher, recommends that:

1. City Council increase the 2023 City Council Approved Operating Budget for Non-Program by \$92,179.93 gross, \$0 net, (Cost Centre: NP2161) on a one-time basis, fully funded by Section 37 community benefits obtained from the development of the lands municipally known in the year 2021 as 200, 208 and 218 Queens Quay West, and 8 York Street and 228 and 230 Queens Quay West (Source Account: 220096), for the purpose provided for in the enabling by-law of forwarding funds to the Bentway Conservancy for improvements under the Gardiner Expressway at Lower Simcoe Street as part of the Bentway Waterfront Reconnect project.
2. City Council approve forwarding the Section 37 funding in the amount of \$92,179.93 to the Bentway Conservancy, subject to the organization signing an Undertaking governing the use of the funds and the financial reporting requirements.

**Summary**

This Motion seeks Council's authorization to release \$92,179.93 in Section 37 monies to the Bentway Conservancy for the Waterfront Reconnect Project to be constructed under the Gardiner Expressway at Lower Simcoe Street.

At its meeting on July 19, 20, 21, and 22, 2022, City Council approved a Zoning By-law amendment application for a new mixed-use development at 200 Queen Quay West. The Council approval required that, as a part of the Section 37 contribution the owner make a cash contribution in the amount of \$90,000.00 toward the Bentway Waterfront Reconnect project for improvements under the Gardiner Expressway at Lower Simcoe Street, to be paid at such time as the Zoning By-law amendment comes into full force and effect, and that such amount be indexed upwardly in accordance the Statistics Canada Construction Price Index, calculated from the date of the passing of the Zoning By-law Amendment to the date the payment is made. The Zoning By-law amendment is now in full force and effect and the City has received a Section 37 payment of \$92,179.93 from the owner.

The Bentway Conservancy is a registered not-for-profit charity whose objective is to plan, create and program new accessible and animated public spaces in areas underneath the Gardiner Expressway, so that these spaces become an integral part of the larger downtown public realm. As a not-for-profit organization providing community services and serving local residents, the Bentway Conservancy is eligible for Section 37 funds, provided they are for capital improvements.

The Waterfront Reconnect project is a collaboration between the Bentway Conservancy, the City of Toronto, the Waterfront Business Improvement Area and the Toronto Downtown West Business Improvement Area. The project includes creative installations that re-imagine the experience of pedestrians and cyclists at two intersections under the Gardiner Expressway at York Street and Lower Simcoe Street. These installations are intended to address safety, reinforce a sense of arrival, and transition and transform the space into an opportunity for enhanced connectivity between the central city and the waterfront.

The Waterfront Reconnect project to be installed at Lower Simcoe Street is called Pixel Story. The scope of work include painting the bents and girders of the Gardiner as well as various scales of pixels including walls with movable pixels, that display a range of stories from the historic shoreline to the daily experiences of residents and visitors about the waterfront and the attractions on both sides of the Gardiner. The Bentway Conservancy plans the Pixel Story installation to begin in early April of 2023 to be completed by the end of May 2023.

Section 37 funds have been both secured and received by the City from the development at 200 Queens Quay West specifically for the Bentway Conservancy to fund capital improvements for the Pixel Story Waterfront Reconnect Project to be constructed under the Gardiner Expressway at Lower Simcoe Street.

City Planning staff advise that the proposed purpose of the funds as set out in the recommendations of this Motion are in accordance with Council approved guidelines and protocols.

Prior to receiving the funds, the Bentway Conservancy will be required to sign an Undertaking governing the use of the funds and the financial reporting requirements.

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

Member Motion MM5.24