



STAFF REPORT ACTION REQUIRED with Confidential Attachment

1 Carlton Street – College Station

Date:	March 26, 2015
To:	TTC Board
From:	Chief Executive Officer
Reason for Confidential Information:	This report is about a proposed or pending acquisition or disposition of land for municipal or local board purposes.

Summary

TTC staff has been working with City Real Estate and City Legal Services Divisions since July 2013 to acquire the land interests for the existing southeast entrance to College Station, located at 1 Carlton Street, through the privately owned property located at 1-5 Carlton Street and 439-441 Yonge Street. This report outlines the history of the entrance, and alternatives explored by staff to maintain an entrance at this location. The report recommends the next steps in the acquisition of the land interests at 1 Carlton Street.

Recommendations

It is recommended that the Board:

1. Approve the recommendations as set out in the Confidential Attachment; and
2. Authorize the public release of the confidential information contained in the Confidential Attachment once there has been a final determination of the compensation payable to the owner by the arbitration, appeal or settlement to the satisfaction of the City Solicitor.

Financial Summary

This report has no current financial impact as this board report seeks approval to take further steps to acquire the necessary property interests. Future financial impact will be an unbudgeted expense under the 2015-2024 Capital Budget Section 3.9 Fire Ventilation Upgrades. Further details are set out in the Confidential Attachment.

The Fire Ventilation Upgrade project improves the existing subway ventilation system to provide sufficient ventilation capacity to protect persons in the event of a major subway system fire. This project also provides a second means of egress from station platforms to exterior at stations with inadequate egress capacity. The Council Approved 2015-2024 Capital Budget for the Fire Ventilation Upgrade project includes funding of \$153.6 million from 2015-2019. An additional \$132.1 million for this project is currently unfunded from 2019-2024 (total required funding of \$285.7 million over the 10-year plan as approved by the Board on February 2, 2015).

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

Decision History

Refer to City of Toronto, Land Use Committee meeting held April 13, 1989
“Development Review Application 388160 for 437-441 Yonge Street to construct a mixed-use 19 storey building with 259 residential condominium units (Ward 6)”
Decision: Approved

Refer to TTC Board Meeting, held May 23, 1989
“Lee Development Corporation – Subway Connection at College Street”
Decision: Deferred

Refer to TTC Board Meeting No. 1555, held June 6, 1989
“Lee Development Corporation – Subway Connection at College Street”
Decision: Approved

Note that the above noted reports are not available electronically, however are available upon request as hard copies.

Issue Background

The original southeast pedestrian entrance to College Station was located on the south side of Carlton Street east of Yonge Street within the municipal right-of-way. This entrance was constructed as part of the original College Subway station, which opened in 1954, and consisted of a typical open stairway entrance with a flight of stairs and concrete parapet wall.

In 1989, the Lee Corporation was granted approval by the City of Toronto Land Use Committee for the construction of a 19-storey residential development on the southeast corner of Yonge Street and Carlton Street, municipally known as 437-441 Yonge Street. This development incorporated a new open stairway entrance to College Station occupying a total area of 523sq.ft (48.6m²) (the “Entrance Connection”). This new entrance was built into the building envelope at the ground floor and first underground level of the development, however it did not contain a direct connection into the building.

The original open stairway entrance was closed up and backfilled by the developer. The Entrance Connection was approved by the TTC Board at its meeting of June 6, 1989.

Following Board approval the TTC entered into an Entrance Connection Agreement on September 18, 1990 and an Easement Agreement on May 18, 1993 with the Lee Corporation for the Entrance Connection. Both agreements were for limited terms of 21 years less a day. The limited timeframe for the agreements was an effort at the time to avoid severing the property containing the Entrance Connection. Both agreements have now expired.

On April 19, 2012, TTC staff received a letter indicating that the registered owner of the property intended to remodel the portion of the property occupied by the Entrance Connection and requested TTC to determine whether or not the entrance was still required for TTC purposes. Following receipt of this letter staff examined the possible impacts of closing the subject entrance to College Station. It has been determined that the closure of the existing entrance would have the following impacts:

1. The emergency egress time at College Station will increase, which is unacceptable from a fire safety perspective;
2. The air pressure piston effect will increase within the station; and
3. The number of access points to the station will decrease by one, which will negatively impact customer service.

Following the determination of the negative impacts to College Station, staff informed the owner that the TTC would still require the current entrance connection in its existing configuration. On May 15, 2012, the owner requested that TTC enter into a 10 year lease agreement for the occupation of the space. Staff's response to the owners request reiterated the position that TTC is not obligated to pay rent for the Entrance Connection, as the original agreements never contemplated this requirement. On July 19, 2013, TTC staff were advised by the owner that the original agreements, and obligations of such, were never assigned to the new owner and that the easement over the property is expired and unenforceable.

Further negotiations are required with the property owner in order to reach an agreement with respect to the property interests for this Entrance Connection.

Accessibility/Equity Matters

There are currently three entrances to College Station. They are located on the southwest, northeast and the southeast corners of the intersection of Yonge Street and College/Carlton Streets. Closing the southeast entrance without providing an alternative access would negatively impact customer service. The subject entrance is not accessible nor does College Station contain an accessible path from the street to the subway platform level. College Station will be made accessible in future as part of the TTC Easier Access Project.

Comments

Staff has explored the possible reinstatement of the original open stairway entrance within the municipal boulevard which was replaced by the subject Entrance Connection. The preliminary order of magnitude estimate to do this work, without accounting for any permitting fees, is outlined in the Confidential Attachment. Staff does not recommend reinstating the open stairway because experience has shown that these stairways incur significant maintenance costs, are susceptible to damage, and they negatively impact customer and transit service during inclement weather events.

In October 2013, staff engaged City Real Estate Services to carry out an appraisal of the subject lands on TTC's behalf, for the acquisition of the stratified fee interest in the entrance connection. City Real Estate Services have recommended compensation for the stratified fee interest in the Entrance Connection as outlined in the Confidential Attachment. Staff proposes the continuation of negotiations with the owner in order to reach a settlement with respect to the purchase of this property interest.

Following the outcome of negotiations, a subsequent report will be submitted to the Board for consideration and will include the resulting financial impact. Information will be provided regarding the mechanism to fund the unbudgeted cost within the 2015-2024 Capital Budget.

The acquisition of the property interests to ensure maintaining the existing entrance connection is supported by TTC staff as it represents the best solution to this matter. Maintaining the existing entrance at this location alleviates any potential detriment to the emergency egress capacity and air pressure requirements of College Station and ensures no negative impact on TTC customers.

Contact

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Attachments

Confidential Attachment