

3. **Motion – Councillor G. Gower for J. Leiper – Somerset Square temporary encroachment fee allocation for public realm improvements**
- Motion – G. Gower, Conseiller (pour J. Leiper) – Place Somerset : allocation de droits d’empiètement temporaire pour apporter des améliorations au domaine public**

**Committee recommendation(s)**

That Council approve:

1. That all temporary construction encroachment fees collected in association with the development, estimated to be approximately \$550,000, be directed to a deferred revenue account, to fund the design and implementation of enhanced public realm improvements in and around Somerset Square; and
2. That once sufficient revenue from temporary construction encroachment fees, and other funds has been received to commence the project, a new internal account will be set up for the design and implementation of enhanced public realm improvements in and around Somerset Square with funding from the temporary construction encroachment fees to be limited to expenditures on lands within the right-of-way; and
3. That at the conclusion of these works any residual temporary construction encroachment revenue in the internal order be returned to Planning, Real Estate and Economic Development Department general revenues.

**Recommandation du Comité**

Que le Conseil approuve:

1. Tous les droits d’empiètement temporaire perçus pour des travaux d’aménagement, estimés à environ 550 000 \$, soient transférés dans un compte de produits comptabilisés d’avance, afin de financer la conception et la mise en oeuvre d’améliorations du domaine public à l’intérieur et aux alentours de la place Somerset; et
2. Qu’une fois les recettes générées par les droits d’empiètement

temporaire et les autres fonds auront été reçues en quantité suffisante pour entamer le projet, on ouvrira un nouveau compte interne pour la conception et la mise en oeuvre d'améliorations du domaine public à l'intérieur et aux alentours de la place Somerset, les fonds issus des droits d'empiètement temporaire devant être réservés aux dépenses relatives aux terrains situés à l'intérieur de l'emprise; et

3. Qu'à l'issue de ces travaux, les recettes résiduelles provenant des droits d'empiètement temporaires rattachées à la commande interne soient versées au compte des recettes générales de la Direction générale de la planification, de l'immobilier et du développement économique.

Documentation/Documentation

1. Report from the Committee Coordinator dated 28 March 2024 (ACS2024-OCC-CCS-0039).  
Rapport de la coordonnatrice du comité, daté le 28 mars 2024 (ACS2024-OCC-CCS-0039).
2. Extract of draft Minutes, Transportation Committee, May 23, 2024  
Extrait de l'ébauche du procès-verbal du Comité des transports, le 23 mai 2024

Extract of Draft Minutes 12  
Transportation Committee  
23 May 2024

Extrait de l'ébauche du  
procès-verbal 12  
Comité des transports  
Le 23 mai 2024

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Motion – Councillor G. Gower for J. Leiper – Somerset Square temporary encroachment fee allocation for public realm improvements

File No.: ACS2024-OCC-CCS-0039

Note: The Gower/Leiper Motion of which Notice was previously given at the 28 March 2024, Transportation Committee meeting was replaced with the following revised motion pursuant to Subsection 59(5) of the Procedure By-law.

**WHEREAS a portion of the Wellington Street West right of way between Garland Street and Hilda Street fronts on the existing Somerset Square Park; and**

**WHEREAS the Site Plan Control approval for the properties located at 961-979 Wellington Street West and 26-40 Armstrong Street indicate in a landscape plan that the Wellington Street West right of way between Hilda and Garland is to be regraded and repaved at the developer's own cost, along with other improvements per an approved landscape plan for the site; and**

**WHEREAS the owners of the properties are subject to the fees outlined in Encroachment By-law 2003-446, in order to stage construction equipment in the Wellington Street ROW for the duration of construction; and**

**WHEREAS the subject fees are estimated to result in up to \$550,000 of operational revenue; and**

**WHEREAS the Wellington Street West Community Design Plan design vision, objectives, and policies underscore the protection and uniqueness of Somerset Square Park as a public space in the community; and**

**WHEREAS, in accordance with Minutes of Settlement signed on October 20, 2022 in respect of OPA 264 and Zoning By-law 2021-341 for s 26, 36 and 40 Armstrong Street and 961, 967, 969, 973 and 979 Wellington Street West, City staff agreed to recommend that the \$250,000 being provided by the developer in funds pursuant**

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to the former Planning Act, s. 37, be redirected towards the improvement of Somerset Square through a Section 37 agreement; and

WHEREAS a subsequent Council approval will be required to confirm the redirection of the Section 37 funds.

WHEREAS subsequent to the approval of the planning application it has been determined that the interaction of the streetscaping in front of the development and Somerset Square should be reviewed more holistically to determine in consultation with the community and the Business Improvement Association if there is a greater place- making opportunity; and

WHEREAS this additional design work and any potential project implementation costs is an unfunded proposition; and

WHEREAS the estimated \$550,000 of operational revenue may be considered for reallocation to fund improvements to the right-of-way subject to Council approval;

THEREFORE BE IT RESOLVED that all temporary construction encroachment fees collected in association with the development, estimated to be approximately \$550,000, be directed to a deferred revenue account, to fund the design and implementation of enhanced public realm improvements in and around Somerset Square; and

THEREFORE BE IT FURTHER RESOLVED that once sufficient revenue from temporary construction encroachment fees, and other funds has been received to commence the project, a new internal account will be set up for the design and implementation of enhanced public realm improvements in and around Somerset Square with funding from the temporary construction encroachment fees to be limited to expenditures on lands within the right-of-way; and

THEREFORE BE IT FURTHER RESOLVED that at the conclusion of these works any residual temporary construction encroachment revenue in the internal order be returned to Planning, Real Estate and Economic Development Department general revenues.

Carried