

Clause embodied in Report No. 6 of the Economic Development and Parks Committee, as adopted by the Council of the City of Toronto at its meeting held on July 22, 23 and 24, 2003.

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**Proposed Lease Agreement
Between the City of Toronto and
1440110 Ontario Limited (Ward 11 York South-Weston)**

(City Council on July 22, 23 and 24, 2003, adopted the following recommendations:

“It is recommended that:

- (a) Council adopt the report dated July 22, 2003, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:*

‘It is recommended that:

- (1) pursuant to the condition of approval associated with the Committee of Adjustment decision dated June 26, 2001, and to fulfil the community space requirement, the developer of 2088 Lawrence Avenue West will submit to the City of Toronto the amount of \$36,000.00, prior to issuance of building permit;*
- (2) \$36,000.00 be directed to the improvements of Memorial Park on Little Avenue, Ward 11;*
- (3) staff of the Parks and Recreation Division meet with residents in the vicinity of Memorial Park to establish priorities for the park improvements;*
- (4) the developer agrees that, where possible, any river rock found during excavation of the site will be donated to the City of Toronto for local park improvements;*
- (5) the developer will ensure that the following retail store business will not be permitted to own or lease the storefront units at 2088 Lawrence Avenue. They include: video store, massage parlour, tattoo shop, adult video and product store, and escort service;*

- (6) *funds to be deposited into a deferred revenue account in 2003 that will allow disbursements of funds in the 2004 Operating Budget; and*
- (7) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’; and*
- (b) *the City Clerk be authorized to conduct a poll of the residents of Little Avenue to determine support for designating Little Avenue, between Lawrence Avenue East and Weston Road, a one-way street running in a north-easterly direction and be requested to submit a report thereon to the Humber York Community Council for its meeting scheduled to be held on September 9, 2003.”)*

The Economic Development and Parks Committee reports having forwarded the report (June 11, 2003) from the Commissioner of Economic Development, Culture and Tourism, to Council without recommendation.

The Economic Development and Parks Committee reports, for the information of Council, having requested the Commissioner of Economic Development, Culture and Tourism, in consultation with Councillor Frances Nunziata, Ward 11 York South-Weston, to schedule a public meeting to present the two options available respecting the proposed lease agreement and report thereon directly to City Council for its meeting of July 22, 2003.

The Economic Development and Parks Committee submits the report (June 11, 2003) from the Commissioner of Economic Development, Culture and Tourism:

Purpose:

To authorize the approval for the City to enter into a Lease Agreement for the use of ground floor finished space within 2088 Lawrence Avenue West provided by the owner of the property, 1440110 Ontario Ltd.

Financial Implications and Impact Statement :

The proposed Community Space is being provided at no cost to the City, as a condition required by the Committee of Adjustment, West District, to grant the requested variances. All construction, utility and maintenance costs for the proposed facility will be fully borne by 1440110 Ontario Ltd., the Landlord, for the duration of the term. There are no utility or maintenance costs that the City will incur and there are no capital costs anticipated. The agreement will be for a ten year term with a ten year renewal term.

There will be no staff costs, as current staff will be re-deployed to this location when occupancy is taken in 2004. All new programming costs will be offset by new revenue from programs resulting in expenditure and revenue adjustments but no net budget increase in 2004. Other minor related costs such as telephone will be absorbed in the current operating budget.

The Community Space must be finished to the satisfaction of the Commissioner of Economic Development, Culture and Tourism prior to occupancy so the City will be accepting a finished facility that will require no capital or renovation expenses.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) a lease agreement with 1440110 Ontario Ltd. for the provision and maintenance of approximately 142 square metres of finished ground floor space at 2088 Lawrence Avenue West, be approved in accordance with terms and conditions acceptable to the Commissioner of Economic Development, Culture and Tourism, and in a form and content acceptable to the City Solicitor; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

In early 2001, 1440110 Ontario Ltd. submitted an application to construct an 11-storey commercial/residential building at 2088 Lawrence Avenue West. This application went to the Committee of Adjustment, West District, in June 2001, for consideration of minor variances.

Prior to this meeting, the local Councillor held a number of community meetings over a three-month period in which the area residents, the applicant, City staff and the Councillor's office discussed the application in order that it could be presented with the support of all concerned.

Consequently, the application was given the overwhelming support of the community, subject to several City staff conditions and to the following condition, which the Landlord had agreed to:

That the owner enter into an agreement with the City of Toronto to the satisfaction of the Economic Development, Culture and Tourism Department and the City Solicitor for the provision of approximately 142 square metres of finished ground floor area within the front of the building for the City, public and/or community use and to include as necessary terms and conditions for the following matters:

- (a) custodial maintenance for the allocated space;
- (b) the rental of the space at a nominal or zero dollar rental/lease fee, inclusive of utility, services and maintenance costs;
- (c) the allocation and signage of a minimum number of surface parking spaces for the allocated space;

- (d) the term of the agreement is to be for Ten years with an option of another Ten years; and
- (e) any other provisions deemed necessary by City staff.

It was the unanimous decision of the Committee of Adjustment, West District, to grant the requested variances subject to certain conditions, including the above.

Comments:

With limited resources and limited capital funds, it is not unusual to look for alternative sources for projects that will enhance the Department's services. The acceptance of this space allows the City to provide new recreation space to the community at no capital expense to the Department.

This space would add a much needed recreation facility for the residents of the area. Expanding opportunities for drop-in and organized programming would benefit the entire community. Parks and Recreation staff as well as local residents and the local Councillor support this endeavour.

The terms and conditions shall be subject to the approval of the Economic Development and Parks Committee and City Council. The term is to be for ten years, with a renewal term of ten years, for a license fee of \$2.00 per year. The landlord, 1440110 Ontario Ltd., will also be responsible for all utilities, renovations and ongoing maintenance at its own expense.

Conclusions:

The proposed new agreement will provide a new recreation facility to the City and is beneficial and essential to the community. For the enrichment of the community and the enrichment of the City as a whole, it is reasonable to enter into an agreement with 1440110 Ontario Ltd.

Contact Name:

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Concurrence with financial impact statement provided by:

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Councillor Frances Nunziata, Ward 11 York South-Weston, appeared before the Economic Development and Parks Committee in connection with the foregoing matter.

(City Council at its meeting on July 22, 23 and 24, 2003, had before it, during consideration of the foregoing Clause, the following report (July 22, 2003) from the Commissioner of Economic Development, Culture and Tourism:

Purpose:

To report directly to City Council as requested by the Economic Development and Parks Committee at its July 7, 2003 meeting on the results of the public meeting, which presented options related to the developer of 2088 Lawrence Avenue West's contribution to the City of Toronto.

Financial Implications and Impact Statement:

That the amount of \$36,000.00 be received from the developer 1440110 Ontario Limited and directed for park improvements at Memorial Park on Little Avenue, Weston, Ward 11. The \$36,000.00 received will be included in the 2004 Operating Budget gross expenditure of \$36,000.00, net expenditure zero. No additional costs are anticipated.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) pursuant to the condition of approval associated with the Committee of Adjustment decision dated June 26, 2001, and to fulfil the community space requirement, the developer of 2088 Lawrence Avenue West will submit to the City of Toronto the amount of \$36,000.00 prior to issuance of building permit;*
- (2) \$36,000.00 be directed to the improvements of Memorial Park on Little Avenue, Ward 11;*
- (3) staff of the Parks and Recreation Division meet with residents in the vicinity of Memorial Park to establish priorities for the park improvements;*
- (4) the developer agrees that, where possible, any river rock found during excavation of the site will be donated to the City of Toronto for local park improvements;*
- (5) the developer will ensure that the following retail store business will not be permitted to own or lease the storefront units at 2088 Lawrence Avenue. They include: video store, massage parlour, tattoo shop, adult video and product store, and escort service;*
- (6) funds to be deposited into a deferred revenue account in 2003 that will allow disbursements of funds in the 2004 operating budget; and*

- (7) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.*

Background:

A staff report was submitted to the Economic Development and Parks Committee meeting on July 7, 2003 to authorize the approval for the City to enter into a Lease Agreement for 2088 Lawrence Avenue West.

The Economic Development and Parks Committee requested that the Commissioner of Economic Development Culture and Tourism, in consultation with the area Councillor, schedule a public meeting to present the two options available respecting the proposed lease agreement and report thereon directly to City Council for its meeting of July 22, 2003.

The two options were to direct the Commissioner of Economic Development, Culture and Tourism to enter into an agreement to secure approximately 142 sq. feet of community space to be managed by Parks and Recreation Division staff, or that the developer make a financial donation to the City prior to receiving a building permit, in the amount of \$36,000.00 to be directed to park improvements in Memorial Park, Little Avenue, Ward 11.

Comments:

The meeting was held on July 16, 2003 with area residents to discuss the two options available for the development of 2088 Lawrence Avenue West.

The residents at the meeting agreed to direct the \$36,000.00 for improvements to Memorial Park, which is located in the immediate vicinity. This amount is based on the formula of \$250.00 per unit, plus an additional financial adjustment. A committee will be established to prioritize the park improvement option.

Residents expressed concerns over the type of retail stores that would be owned or leased in the five (5) commercial units on the ground floor. It was agreed that the condominium agreement with the tenants, would identify certain retail opportunities that would not be permitted.

The developer also offered, if at hand, to donate any rock that is excavated appropriate for park improvements.

Conclusions:

The recommendations from the community consultation, recommends that the amount of \$36,000.00 be received from the developer of 2088 Lawrence Avenue West, 1440110 Ontario Limited, and that it be dedicated to park improvements in Memorial Park, Little Avenue, Ward 11.

Parks and Recreation Division staff will meet with the residents to develop a priority list of improvements for the park and work with the Project Manager to receive any rock donation deemed valuable.

Contact:

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