



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

Licence for Food Services in High Park and Western Beaches and Development of the Joy Oil Station

Date:	October 31, 2013
To:	Government Management Committee
From:	Chief Corporate Officer, Real Estate Services General Manager, Parks, Forestry and Recreation
Wards:	Ward 13 – Parkdale-High Park
Reason for Confidential Information:	Security of the Property of the City.
Reference Number:	P:\2013\Internal Services\RE\Gm13033re (AFS #18474)

SUMMARY

505707 Ontario Limited o/a Grenadier Group (the "Grenadier Group") has License Agreements with the City to exclusively operate food and restaurant facilities in High Park and Western Beaches. The Grenadier Group submitted an unsolicited proposal to the City to extend the Licence Agreements for an additional 15 years, including \$4.5 million in additional capital investment to redevelop the Joy Oil Station and undertake capital improvements at the High Park and Western Beaches concession facilities. The current Licence Agreements expire in May 2016.

City Council directed staff to negotiate with Grenadier Group and carry out an analysis of the Grenadier Group proposal, as well as consider alternative uses for the Joy Oil Station and evaluate other opportunities to maximize the value at each licensed location.

Staff have reviewed the proposal with the assistance of a business consultant and negotiated with the Grenadier Group. The purpose of this report is to submit the proposed terms and conditions of the Licence Extension with Grenadier Group for High Park and Western Beaches for approval, and evaluate other opportunities to maximize the value at each location.

RECOMMENDATIONS

The Chief Corporate Officer and the General Manager of Parks, Forestry and Recreation recommend that:

1. City Council grant authority to enter into Licence Extension and Amending Agreements (the "Extension Agreements") between the City of Toronto (as "Licensor") and the Grenadier Group (as "Licensee") for the Licensed locations in High Park (Grenadier Restaurant and Concessions) and Western Beaches (shown at Appendix "A" of this report) , substantially on the terms and conditions as set out in Appendix "B" and in "Attachment 1 - Confidential Information" attached hereto and on such other terms and conditions as deemed appropriate by the Chief Corporate Officer or her designate, and in a form acceptable to the City Solicitor.
2. City Council grant authority to enter into a Licence Agreement (the "Joy Oil and Restaurant Licence") between the Licensor and the Licensee for the Joy Oil building and adjacent lands for the proposed Restaurant at the Western Beaches (shown at Appendix "A" of this report), substantially on the terms and conditions set out in Appendix "C" and in "Attachment 1 – Confidential Information" attached hereto and on such other terms and conditions as deemed appropriate by the Chief Corporate Officer or her designate, and in a form acceptable to the City Solicitor.
3. City Council authorize the public release of the confidential information in Confidential Attachment 1 to this report, when the Extension Agreements and the Joy Oil Licence (collectively, the "Agreements") are executed.
4. City Council authorize the General Manager, Parks Forestry and Recreation in consultation with the Chief Corporate Officer to administer and manage the Agreements including the provision of any consents, approvals, notices and notices of termination provided that the General Manager, Parks, Forestry and Recreation may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.
5. City Council authorize the City Solicitor to complete the Extension Agreements and Joy Oil and Restaurant Licence, deliver any notices, pay expenses and amend the commencement and other dates on such earlier or later date(s), or such terms and conditions, as she may, from time to time determine.

Financial Impact

The financial impact of this proposal is set out in Confidential Attachment 1 as it involves the security of the property of the City.

DECISION HISTORY

The Grenadier Group has been operating the Grenadier Restaurant in High Park since 1982 and has had vending/mobile rights in High Park and Western Beaches since 1992. At its meeting on July 22, 23 and 24, 2003, City Council extended all three (3) Licenses until May 9, 2016. The 2003 Council report, which outlines further details on the history of agreements and extensions, can be found through the following hyperlink:

<http://www.toronto.ca/legdocs/2003/agendas/council/cc030722/edp6rpt/cl005.pdf>

At its meeting on September 25, 26 and 27, 2006, City Council authorized funding of approximately \$400,000 to move the Joy Oil Station from the north side of Lakeshore Blvd. at Windermere Ave. to Sir Casimir Gzowski Park. The relocation, completed in 2007-2008, placed the Joy Oil station within the Grenadier Group's exclusive vending/license area. The Council report can be found through the following hyperlink:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/pof7rpt/cl079.pdf>

In 2010, the City was presented with an unsolicited proposal from the Grenadier Group for the reconstruction and improvement of its concessions and restaurants, incorporating the relocated Joy Oil station and extending the exclusive License in High Park and Western Beaches for an additional 15 years (commencing in 2016 and expiring in 2031).

At its meeting on August 25, 26 and 27 2010, City Council did not adopt recommendations by staff to issue an RFP for the operation of the Joy Oil Station for use other than food and beverage sales until May 2016, but instead directed the Chief Corporate Officer and the General Manager of Parks, Forestry and Recreation to negotiate an extended term with the Grenadier Group, in consultation with a business consultant, and to submit the proposed terms and conditions of the proposed transaction to the Government Management Committee and Council for consideration if negotiations were successful. The Council decision can be found through the following hyperlink:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.GM33.26>

At its meeting on June 14 and 15, 2011, City Council directed the Chief Corporate Officer and the General Manager of Parks, Forestry and Recreation to also consider alternative uses for the Joy Oil Station, including other retail and/or recreation uses, and to consider other opportunities to maximize value at each licensed location. The Council decision can be found through the following hyperlink:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM4.12>

At its meeting on October 24 and 25, 2011 City Council stated its intention to designate the Joy Oil Gas Station (in its new location in Sir Casimir Gzowski Park) under Part IV, Section 29 of the Ontario Heritage Act. The Council decision can be found through the following hyperlink:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EY10.8>

ISSUE BACKGROUND

The Grenadier Group has been providing food and beverage services within High Park since 1982 and within Western Beaches since 1992, under three separate Licence Agreements administered by the General Manager, Parks, Forestry and Recreation (the "GM"). The original agreements have been extended and expire on May 9, 2016. An Official Plan amendment is required on the Extension Agreement sites due to the length of time those lands have been used commercially. The Grenadier Group will be required to undertake this process.

In 2007, the City of Toronto relocated the Joy Oil Station to a site within the Western Beaches. The building has remained unoccupied, due to the fact that the Grenadier Group has the exclusive rights until May 9, 2016 to provide food and beverage services at the Western Beaches and also due to the lack of funding available for the investment required to make the building occupiable. In light of the above, Grenadier Group submitted an unsolicited proposal that included extension of the License Agreements for a further 15 year term and more comprehensive plans to redevelop the lands surrounding the Joy Oil building and undertake capital improvements at the other concession facilities in High Park and Western Beaches.

The Proposal outlined the following capital improvements and development of new facilities:

- Construction of a new LEED-certified year-round restaurant facility with 150 licenced indoor seats, 116 seat licenced patio and 96 seat unlicenced patio in Western Beaches
- Retrofit of the Joy Oil Station as a tourist information centre, parks and recreation programming space, and snack bar
- Capital improvements to Sunnyside Pavilion including canopy structure, arch glazing, interior renovations, landscaping, renewal of front terrace, and soft enclosure of parts of the 1st and 2nd floors
- Re-construction of Concession #3 near the High Park Zoo, a 3,500 sq.ft. facility, that will include a 1,000 sq.ft. multi-purpose programming space, washrooms, upgraded picnic area and a gazebo
- Capital improvements to Grenadier Restaurant including the addition of a new patio trellis, renovation of the east patio area to include a visitor information booth and food take-out area, interior renovations, upgraded storage and washroom facilities, and landscaping
- Capital improvements to Concession #2 (All Star Café) in High Park including renovation of the outdoor terrace, landscaping, and upgrades to the picnic area.

Subsequently, City Council directed City Staff to negotiate with the Grenadier Group in consultation with a business consultant, and, if negotiations are successful, to submit the proposed terms and condition to the Government Management Committee and Council for consideration. Council further directed Staff to consider alternative uses for the Joy

Oil Station and evaluate other opportunities to maximize the value at the other licensed locations.

COMMENTS

Staff issued an RFP for a business consultant and selected Altus Group Ltd. to carry out the analysis of the Grenadier Group Proposal and of alternative uses/opportunities to maximize the value of each licensed location.

Analysis of the Grenadier Group Development Proposal was carried out by City staff and the consultant, Altus Group, taking into account stakeholder consultation, industry benchmarks and best practices for park initiatives. Based on the analysis, the Proposal appears to be appropriate from a market and economic perspective.

The following is a summary of the main conclusions:

Term

A 15-year term extension for the existing agreements and a 17-year term for the new Joy Oil development is appropriate given the magnitude of capital investment.

Research of concession licensing within park settings in other major metropolitan areas throughout North America revealed that agreements for similar facilities vary depending on the use and magnitude of capital requirement where those projects that require high levels of capital improvements typically command longer terms, on average of 16 years.

Given the large size of the financial requirement for the proposed capital improvements, an amortization period of 15 and 17 years is appropriate to allow the operator to recover the investment and finance the project.

Marketing/Promotion and Community Programming

Critical to the success of the Grenadier Group operations will be effective programming, marketing and promotion of the services to attract new users. The Grenadier proposal outlines efforts that will be made to market and promote operations. To maximize potential revenues the City and Grenadier Group will cooperate to ensure that a strong, focused and coordinated effort is made in this area. Grenadier Group will submit for review by General Manager of Parks, Forestry and Recreation, an annual Marketing Plan.

The operator will invest \$50,000 per year over the term for social and recreational programming and community facilities and in High Park and Western Beaches, which translates into an additional \$750,000 investment to the community. The said funds shall be administered by General Manager of Parks, Forestry and Recreation.

Stakeholder Feedback

Consultations were conducted by the City's consultant with stakeholder groups in order to obtain feedback on commercial opportunities within High Park and Western Beaches as well as the terms of the Grenadier Group proposal. The stakeholders were represented by several groups, including City Councillors, the Waterfront Secretariat and the High Park Supervisor on behalf of the High Park Resource Group representing 49 interest groups. Issues for consideration pertaining to development of a new Joy Oil Restaurant and Leisure centre included: heritage impacts; parking requirements; the size of the Leisure Centre, ensuring Joy Oil Station distinctiveness in adaptive reuse and, potential marketing of the Western Waterfront as an “entertainment area by the lake”. With regards to the amenities in the two parks, poor conditions of the amenities was expressed with emphasis on maintenance and renewal of infrastructure as well as the need for wider variety of food offerings. As a result, comments from the City's Planning Division form an important consideration, which will be addressed through the applicable planning approval processes that the application will need to undergo. These would be determined when the proponent has finalized building proposal that he wishes to pursue.

Grenadier Group, as part of the proposal development process, had retained a planning and urban design consultant (Office for Urbanism) and engaged in a consultation process with City staff, the local Councillor, area residents and a broad array of stakeholders. Grenadier Group has indicated that the feedback received was generally positive and the input was incorporated into the proposal and the design concepts as well as used to shape overall vision, principles and objectives.

Planning Framework

On May 9, 2013, Planning staff consulted with the Grenadier Group to use and add onto an existing heritage designated building (former Joy Oil Gas Station building) in Sir Casimir Gzowski Park (next to the Martin Goodman Trail), to discuss existing and proposed zoning regulations that may affect the proposed multi-use eating establishment development.

Staff provided guidance regarding the Toronto Building Division's Project Review process to ascertain zoning compliance for the proposed development, as well as terms of reference for a required Heritage Impact Statement that must be evaluated to address the proposed development and use of the existing heritage designated building.

A site plan control application was identified as a requirement. The proponent was provided preliminary information regarding the site plan approval process and required studies to be submitted for evaluation. The proponent was referred to the Building Toronto Development Guide for the study terms of reference and site plan application requirements. Planning staff recommended a formal pre-application consultation meeting with the proponent's Architect, once zoning regulations were assessed and authorization to proceed with an application from the appropriate City staff was formalized.

With respect to public input, staff identified the public consultation process related to any zoning amendment or Committee of Adjustment process, as well as the opportunities for additional public consultation through the site plan process, if requested by the Ward Councillor.

Site Profile

The current facilities are deteriorating and require capital repairs and physical enhancement. As part of the proposal, significant investments will be made to City owned buildings in High Park and Western Beaches, including construction of a new restaurant, event and programming space.

The proposed year-round facilities seek to adapt and enhance the park use/space/programming while maintaining full public access to facilities and features. The construction of new facilities as well as renovation and enhancement of existing facilities will be completed in such a way as to preserve and enhance the parks natural environment, be all inclusive in design and reflect the diversity of the parks' patrons.

Joy Oil Building

The Grenadier Group shall be granted a non-exclusive use of the Joy Oil building for the purposes of an information centre and snack bar. The City shall have the right to licence out the garage and a portion of the front main area of the Joy Oil building to a non-food operator and Grenadier Group shall accommodate the selected operator in the said area.

Grenadier Group shall not utilize the garage portion of the Joy Oil building for a use other than community programming. The City shall have the right to utilize the garage portion of the Joy Oil building for uses that the City will, at its discretion, deem appropriate.

Conditions

This proposal and the terms herein are conditional upon the Grenadier Group obtaining the requisite regulatory and planning approvals. Any substantial alterations to the design elements may require renegotiation on terms to the satisfaction of Chief Corporate Officer.

Alternative Uses

Research, utilizing stakeholder consultations, and investigation of initiatives in other parks (New York, San Francisco, Houston, Burlington) were performed to determine the potential uses that could be appropriate in High Park and the Western Beaches (See Appendix "A" for plans and overview of existing and proposed facilities).

The following represent potential uses that are considered viable:

Location	Existing Uses	Potential Alternative/Additional Uses
High Park	Grenadier Restaurant	<ul style="list-style-type: none"> • Current use as a restaurant is appropriate given the opportunity and user demand that exists within the park setting. • Concerted marketing efforts, enhanced services and programming, including special events, represent potential to increase value of this location.
	Concessions	<ul style="list-style-type: none"> • Given the type of facilities, the current use as snack food concessions is appropriate and in keeping with the opportunity and user demand that exists within the park. • Wider variety of food and potential programming in the area represent potential to increase value of the concessions.
	Surrounding Lands	<ul style="list-style-type: none"> • Recreational rental and services and sports related services could be appropriate from a market and economic perspective
Western Beaches	Sunnyside Pavilion Restaurant	<ul style="list-style-type: none"> • By virtue of its building design and the pleasant vistas afforded by its frontage onto Lake Ontario and adjacent parkland, the Pavilion is capable of functioning as a destination and as such draw consumers from the local market beyond those already visiting the Western Beaches. • Potential uses include improved year-round restaurant and fast food services, seeking greater diversity and quality of product, as well as ancillary opportunities that include restaurant, banquet facility and event space. • Occasional attractions (e.g., art, craft, other exhibits) are appropriate and enhance the destination value of the location.
	Concessions	<ul style="list-style-type: none"> • Given the type of facilities, the current use as snack food concessions represents highest and best use within the park. • Wider variety of food and occasional programming/events in concert with Sunnyside Pavilion and Joy Oil Station represent potential to increase value of the concessions.
Joy Oil Station	Building	<ul style="list-style-type: none"> • Existing building has the potential to be retrofitted to accommodate uses such as an Information Centre, Small general merchandise (e.g., news stand), and recreational rental and services (i.e. seasonal cycle, kayak and other water activities).
	Surrounding Lands	<ul style="list-style-type: none"> • Location of these lands, given the pleasant vistas afforded by frontage onto Lake Ontario and adjacent parkland, is capable of functioning as a destination. • Potential uses that could be appropriate from a market and economic perspective include: restaurant-entertainment and fast food services, event space and banquet facilities, playgrounds, and sports related services and recreational rental and services (i.e. seasonal cycle, kayak and other water activities).

Uses for the Joy Oil building are limited due to its size, design and lack of servicing. With the exception of the proposed new Restaurant and Leisure Centre in Western Beaches and the Educational Concession Facility in High Park, non-food related alternative uses are considered less attractive in terms of income maximization, but are appropriate as supplementary uses, which both complement the primary uses and enhance the attractiveness and economic benefit of the area. Concerted marketing efforts, enhanced services and programming, including occasional events, represent potential to increase value of all locations.

The proposed transaction includes greater collaboration between Parks, Forestry and Recreation and Grenadier Group to enhance and promote High Park and Western Beaches locations.

Construction

All construction will be carried out at the Grenadier Group's sole expense, in accordance with all applicable statutes, by-laws, policies and contractual requirements of the City including but not limited to the City's Fair Wage Policy and the Labour Trades Contractual Obligations in the Construction Industry. A list of all contractors will be submitted to the City for review for Fair Wage and union compliance.

Summary

For the High Park and Western Beaches area, including the concessions, Sunnyside Pavilion and the proposed new Western Waterfront Restaurant & Leisure Centre complex, Staff consider the Proposal appropriate from a market and economic perspective.

The Grenadier Group's proposal for incorporation of a retrofitted Joy Station into a tourist information centre and year-round restaurant is consistent with Council directive and the Western Waterfront Master Plan.

The required improvements to the existing facilities are anticipated to have positive impact on the business volumes that will be realized by the business operations by virtue of enhanced attractiveness to the consumer.

CONTACT

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SIGNATURE

Josie Scioli,
Chief Corporate Officer

Jim Hart
General Manager, Parks Forestry &
Recreation

ATTACHMENTS

Attachment 1 – Confidential Information

Appendix "A" – Existing and Proposed Facilities

Appendix "B" – Major Terms and Conditions of the Extension Agreements

Appendix "C" – Major Terms and Conditions of the Joy Oil Licence

Appendix "A"
Existing and Proposed Facilities



High Park Facilities

Grenadier Restaurant is a full-service restaurant (not licensed for alcoholic beverages) located within High Park. The building is divided into two sections with the front entrance portion used as a cafeteria-style restaurant and the back portion of the building used as a full-service restaurant. The building is estimated to be approximately 65 years old and includes a partial basement. There are two outdoor patios, with tables and chairs, servicing the property located on the west and east sides of the building.



Grenadier Restaurant – main entrance



Grenadier Restaurant – outdoor patio 1



Grenadier Restaurant – outdoor patio 2



Grenadier Restaurant – dining area

Concession 1 (Black Oak Café) is the main snack concession within High Park and is located on West Road, a short distance south of Bloor Street. The concession is immediately west of West Road. The Licence for Food Services in High Park and Western Beaches and Development of the Joy Oil Station

building is approximately 25 years old and features a walk-up counter that is covered by a roof overhang for patrons to order snack foods. Surrounding the building is a concrete patio with tables and chairs.



Black Oak Café



Black Oak Café – order area

Concession 2 (All Star Café) is a secondary snack concession within High Park and is located on Colborne Lodge Drive, across from the sports fields and swimming pool in the central portion of the Park. The building is approximately 40 years old and features a walk-up counter for patrons to order snack foods.



All Star Café



View of swimming pool from All Star Café

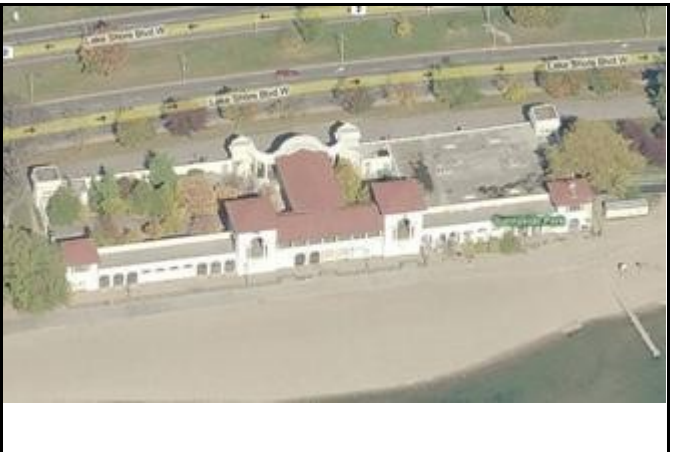
Western Beaches Facilities

Sunnyside Pavilion is a limited-service licensed restaurant located directly on the boardwalk within Sunnyside Park along the Western Beaches. The building is designated as being historically significant and was originally constructed in the early 1900s. According to information provided by the City, the building comprises 27,660 square feet of gross floor area and is divided into a number of sections including a restaurant and an interior courtyard. The portion of the facility under license to Grenadier Group comprises the central portion of the ground floor level (excluding the eastern and westernmost wings of the building along with the second floor). The upper level is not enclosed and currently unused. The main patio is located on the south side of the building and fronts the boardwalk and beach. The ground floor space licensed by Grenadier Group is under the roof (excluding outdoor patio) and is not fully enclosed



**Sunnyside Pavilion – south side of building
looking west along boardwalk**

**Sunnyside Pavilion – south side of building
looking east along boardwalk**



Sunnyside Pavilion – indoor seating area

Sunnyside Pavilion – aerial view of facility

Pizza Pizza Concession is a fast-food snack concession located adjacent and west of Sunnyside Pavilion with frontage on Lake Shore Boulevard West. The concession features good visibility from the road and reasonable visibility from the beachfront to the south. The building is approximately 40 years old and features a walk-up counter for patrons to order snack foods.



Pizza Pizza Concession – looking southwest



**Pizza Pizza Concession – looking east
(Sunnyside Pavilion in background)**

Royal Burger Concession is a fast-food snack concession located along Lake Shore Boulevard West adjacent to and west of the Joy Oil Station within Sir Casimir Gzowski Park. The concession is a one-storey structure with a walk-up ordering window for patrons to order snack foods.



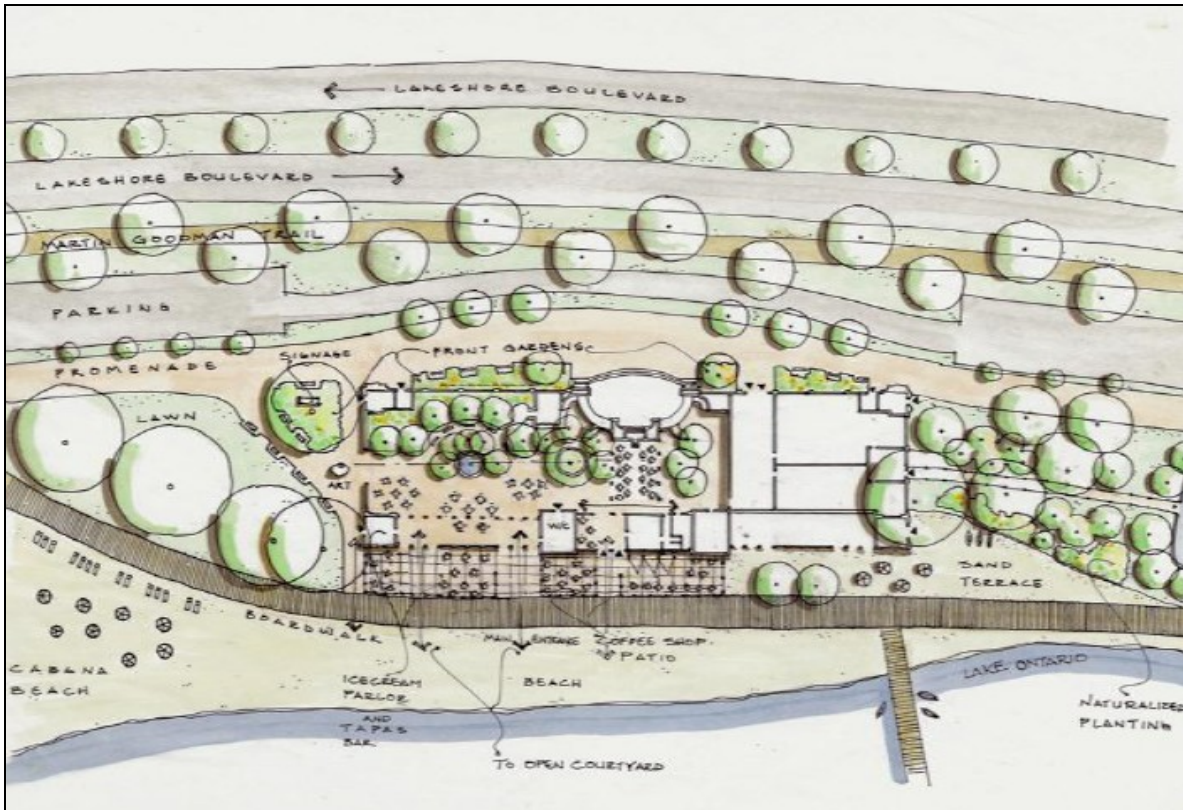
Royal Burger Concession – looking southwest



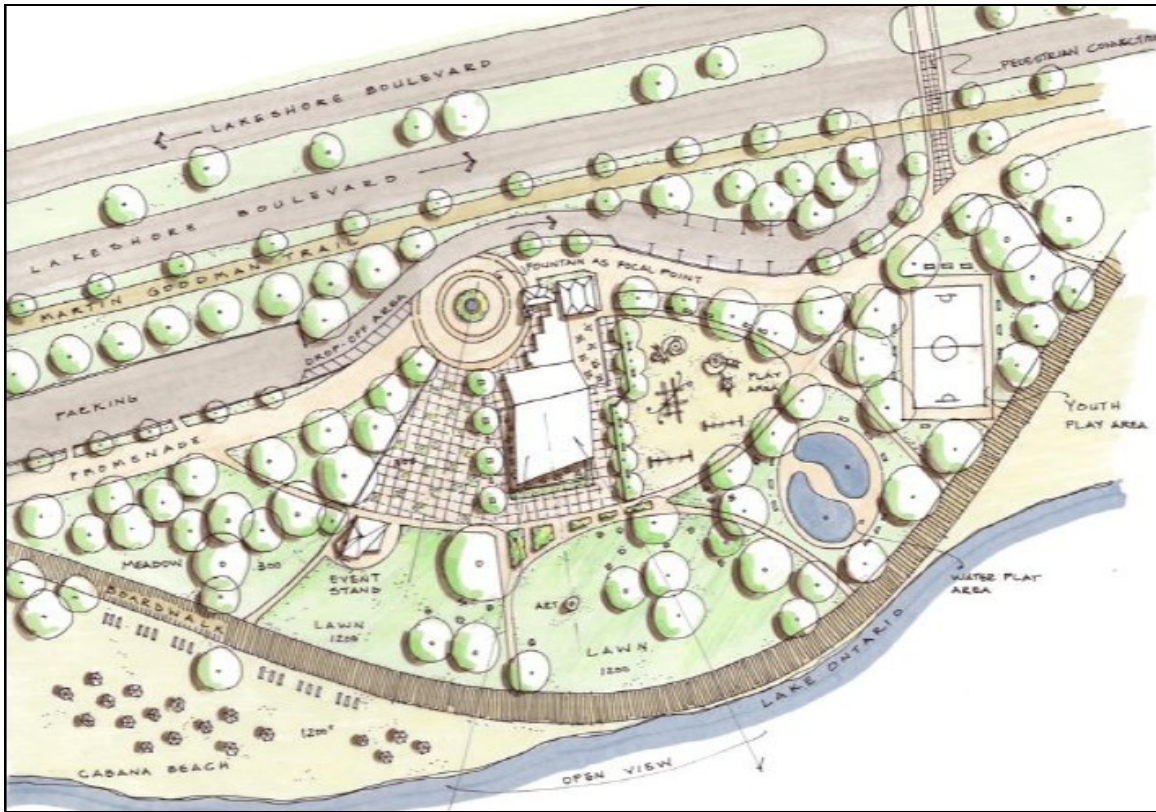
Royal Burger Concession – looking northeast

Proposed Improvements

Sunnyside Pavilion



Joy Oil Station and Proposed Restaurant & Leisure Centre



Grenadier Restaurant



Appendix "B"

Major Terms and Conditions of the Extension Agreements

Licensee	505707 Ontario Limited o/a Grenadier Group
Licensor	City of Toronto
Subject Properties	<p>Outlined in Appendix "A" to this report, including:</p> <p>(i) Sites in the Western Beaches:</p> <ul style="list-style-type: none"> • Sunnyside Pavilion • 2 existing concession stands (to be demolished by the Licensee) <p>(ii) Sites in High Park:</p> <ul style="list-style-type: none"> • Grenadier Restaurant • 3 concession stands (1 new, 2 existing)
Licence Fee	See Attachment 1 – Confidential Information.
Taxes	Licensee shall pay all taxes, including any HST and real property taxes if applicable, rates, duties, levies, assessments and impositions whatsoever, whether municipal, parliamentary or otherwise levied, charged or assessed upon the Subject Properties or the business carried on at the Subject Properties.
Term	January 1, 2016 – May 9, 2031
Termination	City may terminate due to Licensor's material breach of the Extension Agreements. No other option to terminate.
Use	Foods services business, at sit down and take-away locations. For sites in the Western Beaches, the provision of alcohol is also permitted.
"AS-IS"	The Licensee accepts the subject properties on an "as-is, where is" basis, and the City gives no warranty with respect to the subject properties.
Operation, Maintenance and Utilities	<p>The Licensee shall undertake, at its own expense, the operation of all facilities under the licence agreements, including:</p> <ul style="list-style-type: none"> - utilities; - taxes; - maintenance; and - capital repairs. <p>The City shall be responsible for 20% of the cost of the water bill in connection with the Grenadier Restaurant in High Park.</p>
Insurance	Maintain (i) comprehensive general liability insurance in an amount satisfactory to the City, and (ii) any other insurance required by the City.
Indemnity/Release	Licensee to release and indemnify the City from claims arising from the Licence.
Official Plan Amendment	The Extension Agreements are conditional upon an Official Plan Amendment. The Licensee shall be responsible, at its cost, to undertake Official Plan Amendments required for the Subject Properties prior to the commencement of the Term.

Appendix "C"

Major Terms and Conditions of the Joy Oil Licence

Licensee	505707 Ontario Limited o/a Grenadier Group
Licensor	City of Toronto
Subject Property	Joy Oil Station and adjacent lands generally to the south consisting of an area of approximately 1.5 acres, with the gross floor area of the building to be approximately 8,000 square feet – See Appendix "A" of this report
Licence Fee	See Attachment 1 – Confidential Information
Taxes	Licensee shall pay all taxes, including any HST and real property taxes if applicable, rates, duties, levies, assessments and impositions whatsoever, whether municipal, parliamentary or otherwise levied, charged or assessed upon the Subject Property or the business carried on at the Subject Property.
Term	January 1, 2014 – May 9, 2031
Termination	City may terminate due to Licensor's material breach of the Joy Oil Licence. No other option to terminate.
Use	Year-round restaurant facility where the provision of alcohol is permitted.
"As-Is"	The Licensee accepts the subject property on an "as-is, where is" basis, and the City gives no warranty with respect to the subject property.
Operation, Maintenance and Utilities	The Licensee shall undertake, at its own expense, the operation of the subject property, including: <ul style="list-style-type: none"> - utilities; - taxes; - maintenance; and - capital repairs.
Insurance	Maintain (i) comprehensive general liability insurance in an amount satisfactory to the City, and (ii) any other insurance required by the City.
Indemnity/Release	Licensee to release and indemnify the City from claims arising from the licence.
Official Plan Amendment	The Licensee may, at its cost, undertake and Official Plan Amendment concurrently with the Official Plan Amendment for the Extension Agreements, if permitted.

