

**1001 Queen Street West, Centre for Addiction and Mental Health – Proposed Amendment to Subdivision Agreement**

<b>Date:</b>	December 2, 2015
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	19 – Trinity-Spadina
<b>Reference Number:</b>	

**SUMMARY**

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The Centre for Addiction and Mental Health (“CAMH”) has requested amendments to the Subdivision Agreement for the development at 1001 Queen Street West in order to have three of the proposed park blocks in the Plan of Subdivision (Blocks 6 and 41, known as the Shaw Street Open Space, and Block 13, known as Adelaide Commons) remain in private ownership as publicly accessible landscaped open space. CAMH has also requested to add Block 39 to the publicly accessible landscaped open space lands.

The General Manager, Parks, Forestry, and Recreation and the Director of Community Planning, Toronto and East York District support the proposed amendments to the Subdivision Agreement.

The matter is urgent because the application process and construction of the next phase of the CAMH development will be delayed if the amendments are not made as soon as possible.

**RECOMMENDATIONS**

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1. City Council approve amendments to the Subdivision Agreement to:
  - (a) to require CAMH to provide publicly accessible landscaped open space on Blocks 6, 13, 39 and 41 rather than a transfer of ownership to the City as park blocks, to the satisfaction of the General Manager, Parks, Forestry, and Recreation;

## **Financial Impact**

The Recommendations will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

City Council at its meeting May 18, 19 and 20, 2004 adopted Clause 5 of Report No. 4 of the Toronto South Community Council, recommending a settlement at the Ontario Municipal Board on applications for an Official Plan Amendment, a Zoning Amendment, and a Draft Plan of Subdivision. Clause 5 can be found at the following link:

<http://www.toronto.ca/legdocs/2004/agendas/council/cc040518/ts4rpt/cl005.pdf>

Recommendation 1 of Clause 5 amended Condition (48) of the April 16, 2004 report from the Director, Community Planning, South District, amending the timing of when the northerly portion of Block 6, now Block 41, should be conveyed to the City.

City Council at its meeting on December 1, 2 and 3, 2008 adopted Item TE20.30, a progress report on the approval process and the site plan review committee, from the Acting Director, Community Planning, Toronto and East York District, dated October 17, 2008. The report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-16574.pdf>

City Council at its meeting December 1, 2 and 3, 2008 adopted Item No. CC27.2, a Report from the City Solicitor dated November 21, 2008, recommending an amendment to the Subdivision Agreement to alter the timing of the conveyance of Block 41 to the City. The conveyance was now to occur prior to the issuance of the first above-grade building permit for any new building fronting on to Queen Street West on Block 5. Any necessary restoration work required for Blocks 6 and 41 was to be completed prior to the conveyance to the City. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.CC27.2>

## **ISSUE BACKGROUND**

The Subdivision Agreement requires the transfer of Blocks 6 and 41 to the City as parkland prior to the issuance of above grade building permits for the proposed buildings on Block 5 of the CAMH development site. Block 5 forms part of the current CAMH redevelopment phase, known as Phase 1C, for which an application for Site Plan Approval is nearing completion. Blocks 6, 13 and 39 are also required to be conveyed to the City as parkland prior to the issuance above grade permits for buildings on Blocks 7 and 8, which are to be developed in future phases. CAMH has requested that Blocks 6, 13, 39 and 41 (the "Open Space Blocks") stay under the ownership of CAMH, and the Subdivision Agreement be amended to require CAMH to provide the use of the Open Space Blocks as publicly accessible landscaped open space. The Open Space Blocks contain high levels of salt around walkways and driveways that would require the removal of a significant amount of soil in order to meet the City's policy on accepting contaminated lands. If the soil is removed as part of any required restoration work the mature trees in the Open Space Blocks will be damaged or require removal.

CAMH has requested that Block 39 be added to the lands to be used as publicly accessible landscaped open space. In exchange, CAMH has requested that Block 13 no longer be transferred to the City.

## **COMMENTS**

The Phase Two Environmental Assessment conducted for Phase 1C confirmed high levels of contaminants in the soil of the Open Space Blocks, primarily in the form of Electrical Conductivity (EC) and/or Sodium Adsorption Ratio (SAR) as a result of historic and ongoing de-icing activities on sidewalks and roadways. As a result, for the lands to be conveyed to the City as parkland, soil remediation is required. The report concludes that it would be difficult to remediate impacted soils without extensive excavation and either removal of or damage to existing trees.

The General Manager, Parks, Forestry, and Recreation and the Director of Community Planning, Toronto and East York District support having the Open Space Blocks in private ownership, and having CAMH provide publicly accessible landscaped open space over the Open Space Blocks. The Amending Subdivision Agreement will contain provisions requiring CAMH to maintain the Open Space Blocks and to provide indemnification to the City.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor