



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**Acquisition of Land for Parkland Purposes in King Spadina Area**

<b>Date:</b>	July 11, 2016
<b>To:</b>	City Council
<b>From:</b>	Deputy City Manager & Chief Financial Officer City Solicitor
<b>Wards:</b>	Ward 20- Trinity-Spadina
<b>Reason for Confidential Information:</b>	This report is about a proposed or pending land acquisition by the City or one of its agencies, boards and commissions.  This report contains advice or communications that are subject to solicitor-client privilege.
<b>Reference Number:</b>	P:\2016\Internal Services\RE\Cc16032re

**SUMMARY**

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This report is in response to Government Management Committee's direction to the Director, Real Estate Services to report to Council on options to acquire a potential site for parkland in the King-Spadina area. After having reviewed potential sites in that area, Staff have identified certain lands at 229 Richmond Street West, Toronto as the most suitable lands in the area to fulfill this mandate. These lands are depicted at Appendix "A" and are legally described in Schedule "B" (the "Lands"). This report sets out two possible methods to acquire the Lands: (i) by way of negotiated settlement, and (ii) by way of expropriation.

**RECOMMENDATIONS**

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The Deputy City Manager & Chief Financial Officer and the City Solicitor recommend that:

1. City Council receive this report for information;

2. City Council direct the Chief Corporate Officer to undertake an appraisal to determine the current market value of the Lands and direct the Deputy City Manager and Chief Financial Officer and the Deputy City Manager of Cluster A to report back to Government Management Committee on September 6, 2016 on the findings; and
3. City Council direct that the Confidential Attachment 1 of this report remain confidential in its entirety as it contains legal advice subject to solicitor-client privilege.

## **Financial Impact**

The current estimated cost of acquiring the Lands is set out in Confidential Attachment 1 of this report

### Acquiring the Lands by way of Negotiated Settlement

The costs to undertake a full narrative appraisal will be funded from the 2016 Council Approved Capital Budget for Parks, Forestry & Recreation Land Acquisition. The estimated initial amount for the appraisal is approximately \$25,000 and shall be taken from the 2016 Land Acquisition account found in CPR115-46-01.

Other than that and apart from staff time, there are no additional hard costs associated with acquiring the Lands by way of a negotiated agreement to purchase with the owner of the Lands.

### Acquiring the Lands by way of Expropriation

The costs to serve and publish the required Notices of Application for Approval to Expropriate, together with any costs related to attendance at the Hearing of Necessity, if any, would be funded from the 2016 Council Approved Capital Budget for Parks, Forestry & Recreation Land Acquisition. The estimated initial amount for these items is approximately \$25,000 and could be taken from the 2016 Land Acquisition account found in CPR115-46-01.

In the event of expropriation, expenditures for the market value of the Lands as well as disturbance costs (if any), interest, and land transfer tax costs, and all other associated costs stipulated under the *Expropriations Act* could also be through a future Parks, Forestry & Recreation Capital Budget for this project.

Detailed funding amounts and budget adjustments, in the event of expropriation, would be the subject of a subsequent report to Committee and Council seeking final approval for the expropriation.

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

## **DECISION HISTORY**

At its meeting on June 13, 2016, Government Management Committee adopted Councillor Cressy's motion directing the Director, Real Estate Services to report directly to the July 12, 2016 City Council meeting on options to acquire a potential site for parkland acquisition in the King-Spadina area.

A link to the direction can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM13.26>

At its meeting on July 7, 2015, City Council endorsed the King-Spadina East Precinct Built Form Study – Status Update, which expanded the boundary of the King-Spadina East Precinct Built Form Study to include the Spadina Precinct, provided an update of the work on the concurrent Heritage Conservation District, provided updated statistics on population and employment growth, and identified emerging policy directions to guide on-going work.

A link to the report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE7.62>

At its meeting on August 25, 26, 27 and 28 2014, City Council endorsed the King-Spadina East Precinct Built Form Study and Public Realm Strategy, which contained the following recommendation:

2. "City Council request the Acting General Manager, Parks, Forestry and Recreation to identify potential new parkland and proceed with on-site parkland dedications, off- site dedications and parkland acquisition in the East Precinct of King-Spadina on a priority basis."

A link to the 2014 report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.92>

## **ISSUE BACKGROUND**

The King-Spadina East Precinct is located within the King Spadina Secondary Plan area as illustrated in Appendix "C". The Secondary Plan includes three precincts: the East Precinct, the Spadina Precinct and the West Precinct. The East Precinct is generally bounded by Richmond Street to the north, Simcoe Street to the east, Front Street to the south and Spadina Avenue to the west.

Over the past ten years, the area has undergone massive change in the form of residential and employment growth. At the same time, very little parkland has been acquired to keep pace with this growth.

Together with City Planning, Parks Forestry and Recreation has identified the Lands as a potential park site. The Lands are located in an area of the East Precinct that has added no new parks except for a 130m<sup>2</sup> parkette at the South East corner of Widmer and Adelaide. The Lands have an approximate area of 2,635m<sup>2</sup> ± (28,363 sq ft ±) and currently functions as a commercial parking lot.

The Lands meet the principles in the Official Plan for acquiring parkland, as they are visible and accessible from adjacent streets, are of a useable shape and size and have appropriate topography. The acquisition of the Lands align with the Council-approved recommendation in the King-Spadina East Precinct Built Form Study and Public Realm Strategy. It also aligns with the design objectives of the John Street Cultural Corridor, which is a plan to revitalize John Street so it can become a central pedestrian urban street which provides a link to the waterfront.

The owners of the Lands were approached by City staff to determine their willingness to sell the Lands. While they did not indicate that they were unwilling to do so, they advised that their valuation of the Lands vastly exceeded the valuation undertaken by City staff. This makes the acquisition of the Lands by way of negotiated settlement highly unlikely.

## **COMMENTS**

In April 1996 (former) Toronto City Council approved Part II Official Plan and Zoning By-law amendments in King-Spadina and King-Parliament districts to encourage reinvestment and regeneration in these historic manufacturing districts directly east and west of the downtown core. The major objective of the King-Spadina Plan was to encourage reinvestment in the area which was suffering an economic decline.

Historically, this area had few parks due to its manufacturing past. However, the need for more parks has grown as the area has undergone massive change.

While there are not very many potential parkland sites in the East Precinct, City Planning and Parks, Forestry and Recreation undertook a review of those that could be considered viable identifying four potential sites in the King Spadina East Precinct. These potential sites were reviewed based on their size, configuration, location, shadowing impacts and they had not been redeveloped. The sites that were studied as part of this review, and the reasons why they have been eliminated as viable candidates, are listed in the Confidential Attachment.

Together with City Planning, Parks Forestry and Recreation has identified the Lands as a potential park site. The Lands have an approximate area of 2,635m<sup>2</sup> ± (28,363 sq ft ±) and currently function as a commercial parking lot. The Lands are deemed to be the most desirable undeveloped or under-developed lands in the East Precinct as they are visible and accessible from adjacent streets, are of a useable shape and size and have appropriate

topography. It is anticipated that this proposed park site will also be programmed and well-used.

### Growth and Change:

King Spadina is an area of the City that has experienced monumental growth since the adoption of new Secondary Plan policies in April 1996. The Secondary Plan area population grew from 945 people in 1996 to an estimated 19,000 people in 2016. Based on active and completed development applications, the area population is estimated to increase to a potential of over 50,000 people. The majority of the new residents would be located east of Spadina Avenue resulting in 68% or 36,500 people residing east of Spadina. Population projections are based on active or completed planning projects calculated at 1.6 residents per unit.

Employment has also grown in the Secondary Plan Area from 24,000 employees in 2001 to 33,400 employees in 2015; based on active and completed planning projects, it is estimated to increase to over 50,000 employees. Fifty percent of the jobs are estimated to be located in the East Precinct (25,000 jobs), 10% are estimated to be located in the Spadina Precinct (5,000 jobs), and 40% are estimated to be located in the West Precinct (20,000 jobs) Employment estimates are based on proposed non-residential gross floor area in active and completed planning projects within the last 5 years calculated at 1 employee per 20-23m<sup>2</sup> of office use, and all other non-residential uses at 1 employee per 30-50m<sup>2</sup>.

### Parkland Provision

One of the methods that the City uses to assess "parks sufficiency" is Local Parkland Assessment Cells ("LPAC"s) which is a measure of hectares of "local" parkland per 1000 people. LPAC information is included in the Official Plan Map 8b.

The current local parkland provision rate of the King-Spadina East Precinct is 0 to 0.42 ha per 1,000 population, which is the lowest quintile of the five levels of measured LPACs.

The most recent parkland parcel acquired by the City in the King-Spadina East Precinct was a 130m<sup>2</sup> parkette obtained through parkland dedication at the corner of Widmer and Adelaide. Other than this parkette, no other parkland has been added to this precinct in the last 10 years despite the population and employment growth that has occurred during that time.

The more the population grows, the lower the provision rate becomes, and the more urgent it becomes to acquire parkland before potential park sites become development sites.

### Supply of Parkland and Public Open Space in the King-Spadina East Precinct

The nearest park and public open spaces surrounding the Lands are the following:

- Widmer and Adelaide, a small 130m<sup>2</sup> parkette which has few programming opportunities due to its small size (220m walking distance from the Lands)
- David Pecaut Square, an intensely programmed open space used for local markets, and many city-wide events (350m walking distance from the Lands)
- Clarence Square, a park with mature trees, walkways, seating areas and a large dogs off leash area (750m walking distance from the Lands)
- Simcoe Park, containing seating, a memorial monument and public art pieces (650m walking distance from the Lands)
- St. Patrick's Square, a small parkette containing seating (300m walking distance from the Lands)
- Grange Park, a well-used park with many visitors due to its proximity and relationship with the Art Gallery of Ontario. Grange Park is currently undergoing a revitalization (350m walking distance from the Lands)

With the park at Widmer and Adelaide being too small to program, and with Clarence Square, David Pecaut Square, Simcoe Park, and Grange Park programmed and/or well-used, there is a need to acquire more parkland for the residents and workers of the King-Spadina East Precinct area.

The August 2014 report from the Director, Community Planning, Toronto and East York District identifies a number of opportunities for new private open space and parkland. Appendix "D" and Appendix "E" to this report show the potential location of the new spaces and walking distances to parkland within the East Precinct of King Spadina. The Lands referred to in this report are included in that mapping. Appendix "D" clearly illustrates the lack of parkland in the northern portion of the East Precinct between King Street West and Queen Street West. The Lands are located in this area and it is anticipated that this proposed park site will be programmed and well-used.

#### John Street Cultural Corridor

The Lands are located east of the John Street Cultural Corridor. The John Street Cultural Corridor Improvements was approved by Council in March 2012. A link to the staff report can be found here:

<http://www.toronto.ca/legdocs/mmis/2012/pw/bgrd/backgroundfile-44944.pdf>

The corridor itself extends south along John Street from Stephanie Street to Front Street. The area of influence is much larger, from Dundas Street to Lake Ontario, between Peter Street to Simcoe Street. The primary goal of the John Street Cultural Corridor Plan is to revitalize John Street so it can become a central pedestrian urban street which provides a link to the waterfront. It aims to do this by widening the sidewalk and enhancing the

pedestrian realm. The addition of this potential park site proximate to John Street is in line with the following design objectives of the 2012 Environmental Assessment Study for the John Street Cultural Corridor:

- *Enable expanded areas for outdoor spill-out activities associated with existing and future adjacent uses and cultural institutions.*
- *Enable adequate space with sufficient flexibility to host festivals and events in a seamless and integrated manner.*

The addition of a park at the Lands, adjacent to the corridor provides an excellent opportunity to host festivals and events in conjunction with the rich concentration of cultural sector needs/initiatives in this area. This new park will enhance the corridor and provide parks and open space amenities for the surrounding high density neighborhood.

### Health Research

According to a systemic literature review by Toronto Public Health and EcoHealth Ontario, current evidence indicates an association between experience of, or exposure to, green space and the following positive health outcomes:

- Reduced all-cause mortality
- Reduced obesity
- Reduced cardio-vascular disease
- Improved birth outcomes
- Reduced mental illness, including depression and anxiety

Improving access to green spaces provides an opportunity to improve the health of Toronto residents.

High neighbourhood green space density that includes tree coverage of at least one third of total land area provide the most cooling effects and air quality improvements. The King-Spadina East Precinct is in the second lowest range of tree canopy cover (19-29%). Acquiring more parkland in this area would provide more opportunities to increase the tree coverage area.

The link to the Toronto Public Health report can be found here:

<http://www.toronto.ca/legdocs/mmis/2015/hl/bgrd/backgroundfile-83420.pdf>

The acquisition of the Lands would add parkland in an area of the City severely lacking in greenspace. This is an area of the City that in the past ten years has been undergoing massive residential and employment growth with no new parkland added, except for a small 130m<sup>2</sup> parkette.

The Lands meet the principles in the Official Plan for suitable parkland, align with the Council approved recommendation in the King-Spadina East Precinct Built Form Study and Public Realm Strategy, and align with the design objectives of the John Street

Cultural corridor. Two methods of acquiring this property are available to the City of Toronto Council if they direct staff to do so.

The Lands are centrally located to provide close access to a largest number of residents, have frontage on two streets and potentially could connect directly to Queen Street West through the Bell Media lands to the north. This large site presents the best opportunity for parks programming, has the least shadowing and appears to be the last remaining property available in the area for the City to provide new parkland for the burgeoning population.

#### Acquiring a New Parkland Site

The Director, Real Estate Services was tasked by GMC with providing options for the acquisition of land in the King-Spadina area to be used for parkland. Outside the Planning regime, there are two typical ways to acquire lands: either by way of (i) entering into a negotiated settlement to purchase a property, or (ii) acquiring it by expropriation. Because the East Precinct has so few potential parkland sites, the Lands were deemed to be the most well-suited to meet the GMC requirement.

#### Acquiring the Lands by way of Negotiated Settlement

As noted above, the owners of the Lands indicated that their valuation of the Lands far exceeded the City's estimate. As such, acquiring the Lands through negotiated settlement is an improbable scenario.

## Acquiring the Lands by way of Expropriation

The Lands could be acquired by way of expropriation if Council so directs. Expropriating the lands would require compliance with the *Expropriations Act* and would require compensating the owner for various matters and considering other consequences, as set out in Confidential Attachment 1 of this report

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### **SIGNATURE**

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Roberto Rossini  
Deputy City Manager & Chief Financial Officer

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Brian Haley  
Interim City Solicitor

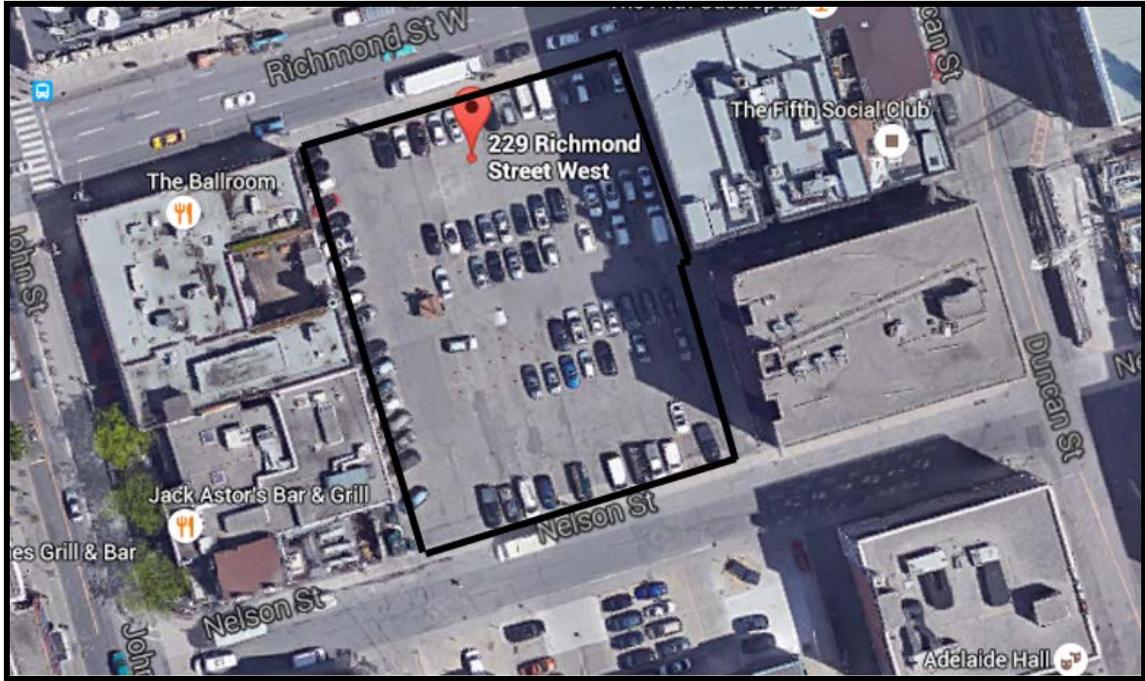
### **ATTACHMENTS**

Appendix "A" - Location Map  
Appendix "B" - Legal description  
Appendix "C" – King-Spadina Secondary Plan Area [with the East Precinct shaded]  
Appendix "D" – Proximate Parks and Open Spaces  
Appendix "E" – Potential Network

Attachment 1 – Confidential Information

**Appendix "A"**  
**Location Map**

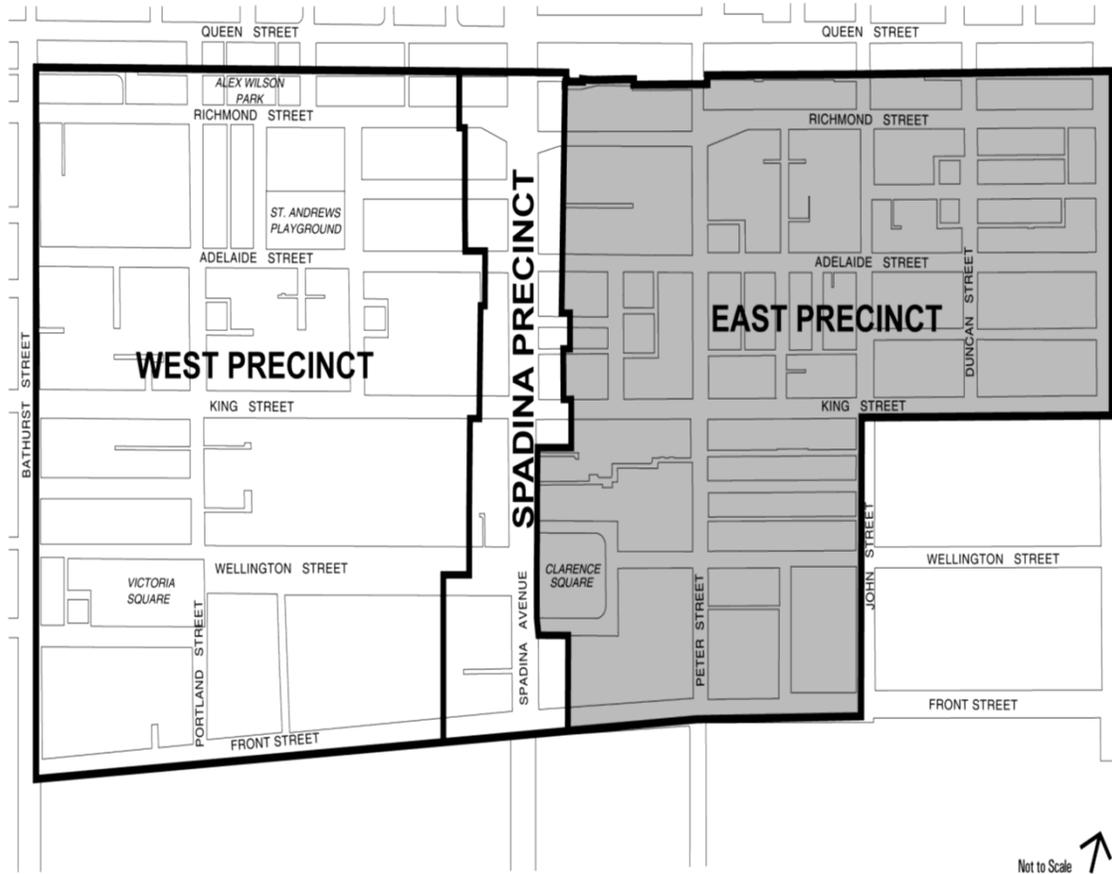




**Appendix "B"**  
**Legal Description**

<b>Municipal Address</b>	<b>Legal Description</b>
229 Richmond Street West, Toronto	Lots 6 and 7 of Plan D78, Toronto; Part of Lot F Plan D5, Toronto; Part of Lots 5 and 8 Plan D78 Toronto; Part of Lane Plan D78 Toronto closed by Plan D149 as in Instrument No. CA150187, City of Toronto being all of PIN 21411-0087 (LT).

**Appendix "C"**  
**King-Spadina Secondary Plan Area with the East Precinct shaded**

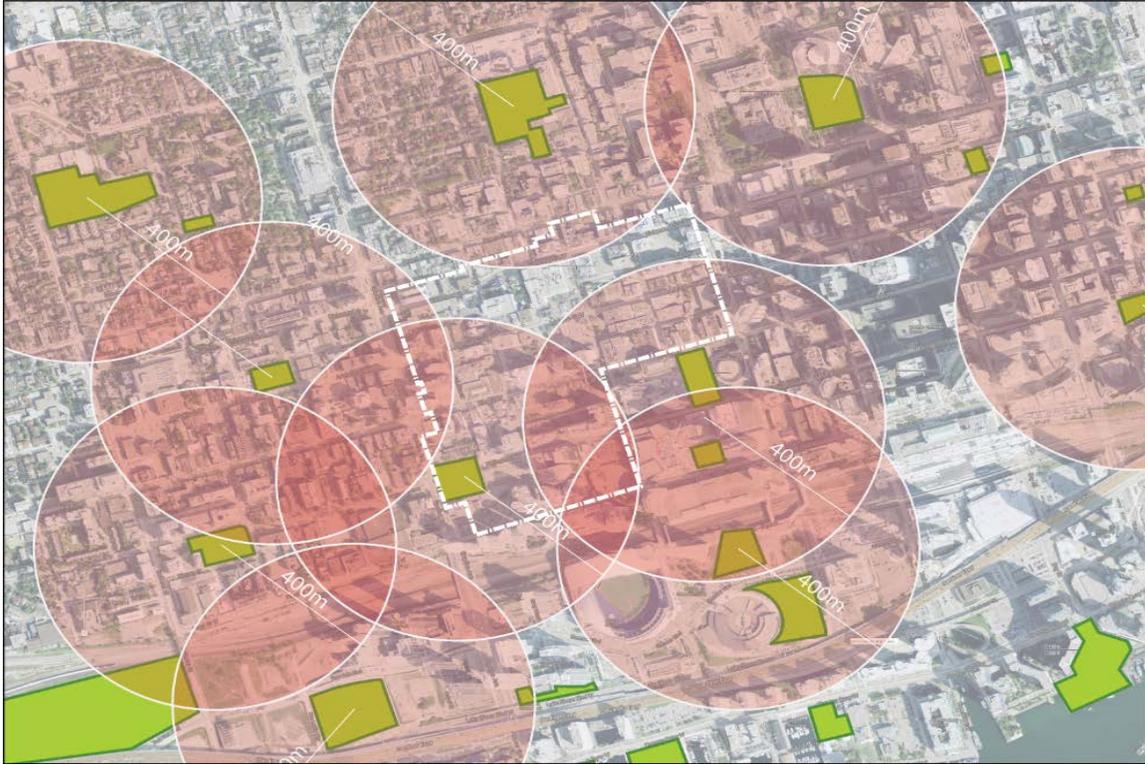


King-Spadina East Precinct Study Area

 Study Area Boundary

## Appendix "D"

### Parks and Open Spaces in close proximity of the study area (King and Spadina East precinct) within a 5 minute (400m) walking distance



## Appendix "E" Potential Network

