

**DELEGATED APPROVAL FORM
CHIEF CORPORATE OFFICER
DIRECTOR OF REAL ESTATE SERVICES**

TRACKING NO.: 2016-070

Approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7 entitled "Delegation of Authority in Certain Real Estate Matters" adopted by City Council on May 11 and 12, 2010. City Council confirmatory By-law No. 532-2010, enacted on May 12, 2010.

Approved pursuant to the Delegated Authority contained in Executive Committee item EX33.44 entitled "Union Station Revitalization Implementation and Head Lessee Selection" adopted by City Council on August 5 and 6, 2009. City Council confirmatory By-law No. 749-2009, enacted on August 6, 2009.

| | | | |
|----------------|----------------|------------|---------------------------|
| Prepared By: | Marie Casista | Division: | Toronto Parking Authority |
| Date Prepared: | March 21, 2016 | Phone No.: | 416-393-7295 |

Purpose
To obtain authority to purchase a single family residential property located at 5 Chartwell Road in Toronto (Ward 5 Etobicoke - Lakeshore). On an interim basis, the property will remain as it currently exists to be leased until such time as it is determined the site can be redeveloped as a standalone 12-space surface parking facility that will service the short term public parking needs of The Queensway BIA neighbourhood.

Property
Legally described as PCL 24-2, SEC M616 ; Part of Lot 24, Plan M616 , Comm at a point in the eily limit of Chartwell Road being the northwesterly angle of the said Lot; thence sly along eily limit of Chartwell Road a distance of 40 feet more or less to the southwesterly angle of said Lot; thence eily along the sly limit of the said Lot a distance of 117 feet more or less to a point therein measured 14 feet wly from the southeasterly angle of the said Lot; thence nly and parallel to the eily limit of the said Lot a distance of 23 feet; thence eily and parallel to the sly limit of the said Lot 14 feet more or less to the eily limit of said Lot; thence nly along the eily limit of said Lot a distance of 17 feet more or less to the northeasterly angle thereof; thence wly along the nly limit of the said Lot 131 feet more or less to the POC.; Etobicoke, City of Toronto (PIN 07525-0261 (LT)), municipally known as 5 Chartwell Road, Etobicoke, Ontario and having a frontage of approximately 40 feet and a depth of 131 feet more or less (the "Property") (see attached Appendix 'A' – Site Location Map and Property Survey (5 Chartwell Road)).

Actions

1. Authorize the acquisition of the property known municipally 5 Chartwell Road, Toronto from the registered owners, Claudia Alvarez and Daniel Gotthelf (collectively, the "Vendor") for a purchase price of \$777,000;
2. Authorize the additional expenditure of no more than \$54,000 for any associated costs such as land transfer tax, title insurance, appraisal fees, survey, environmental studies, and legal fees;
3. The City Solicitor be authorized to complete the transaction of behalf of the City and the Toronto Parking Authority, deliver any notices, pay any expenses, and amend the closing and other dates to such earlier or later date(s), on such terms and conditions, as she may, from time to time, determine; and
4. The appropriate City and Toronto Parking Authority officials be authorized to take the actions necessary to give effect thereto.

Financial Impact

The 2016 Approved Capital Budget and 2017-2025 Approved Capital Plan includes an allocation of \$10,000,000 in funding for new carpark provisions in 2016 in order to accommodate unbudgeted property acquisitions or accelerate already planned acquisitions should opportunities arise (Project: TPA908207/CPK315 Carpark Provisions 2016).

Total estimated costs for the acquisition are \$831,000, including the purchase price of \$777,000 and associated costs of \$54,000. It is recommended that the already approved funding in the Carpark Provisions 2016 project be reallocated to fund the cost of the previously unplanned acquisition of 5 Chartwell Road. The acquisition is expected to close in March 2016.

The TPA has retained the services of an independent appraisal firm which has reported that the purchase price to be paid for the Property, being the sum of \$777,000, is reasonable and reflective of fair market value.

The operating and maintenance costs associated with this property will be offset by revenues from the building, which will be confirmed during the due diligence period. Therefore, there will be no incremental costs to TPA in 2016. Once determined, all associated costs and revenues will be reported through quarterly variance reporting and subsequently included in the TPA's 2017 Operating Budget.

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

Comments
Refer to Page 4

Terms

Vendor's Name: Claudia Alvarez and Daniel Gotthelf
 Purchase Price: \$777,000
 Due Diligence Date: March 16, 2016, extended to March 25, 2016 (and requisitions)
 Closing Date: March 30, 2016

| | | |
|-------------------------|-----------------------------|--|
| Property Details | Ward: | 5 – Etobicoke - Lakeshore |
| | Assessment Roll No.: | 1919015790001000000 |
| | Approximate Size: | 12.19 m x 39.93 m ± (40.00 ft x 131.00 ft ±) |
| | Approximate Area: | 486.81 m ² ± (5,240.0 ft ² ±) |
| | Other Information: | Future site redevelopment will accommodate an 12-space surface carpark |

| A. | Director of Real Estate Services has approval authority for: | Chief Corporate Officer has approval authority for: |
|---|---|--|
| <p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOIs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to ABCDs:</p> <p>6. Limiting Distance Agreements:</p> <p>7. Disposals (Including Leases of 21 years or more):</p> <p>8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</p> <p>10. Leases/Licences (City as Tenant/Licensee):</p> <p>11. Easements (City as Grantor):</p> <p>12. Easements (City as Grantee):</p> <p>13. Revisions to Council Decisions In Real Estate Matters:</p> <p>14. Miscellaneous:</p> | <p><input checked="" type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million;</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$500,000).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p><input type="checkbox"/> (b) Releases/Discharges;</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments;</p> <p><input type="checkbox"/> (d) Enforcements/Terminations;</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions;</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease;</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications;</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.</p> | <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to ABCDs.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million;</p> <p><input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$1 Million).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p><input type="checkbox"/> (b) Releases/Discharges;</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments;</p> <p><input type="checkbox"/> (d) Enforcements/Terminations;</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions;</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease;</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications;</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.</p> |




B. Chief Corporate Officer and Director of Real Estate Services each has signing authority on behalf of the City for:

- 1. Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- 2. Expropriation Applications and Notices following Council approval of expropriation.
- 3. Documents required to implement the delegated approval exercised by him.

Chief Corporate Officer also has approval authority for:

- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

| Consultation with Councillor(s) | | | | | | | | | | | | | | | | | |
|---------------------------------|--|-------|---|--------|--|---------------|---------------------------------|-------|---------------|--|-------|--|--------|--|------|--|-------|
| Councillor: | Justin Di Ciano | | | | | Councillor: | | | | | | | | | | | |
| Contact Name: | | | | | | Contact Name: | | | | | | | | | | | |
| Contacted by: | X | Phone | X | E-Mail | | Memo | | Other | Contacted by: | | Phone | | E-mail | | Memo | | Other |
| Comments: | Supports the proposed property acquisition | | | | | Comments: | | | | | | | | | | | |
| Consultation with ABCDs | | | | | | | | | | | | | | | | | |
| Division: | | | | | | Division: | Financial Planning | | | | | | | | | | |
| Contact Name: | | | | | | Contact Name: | Maria Djergovic | | | | | | | | | | |
| Comments: | | | | | | Comments: | Comments have been incorporated | | | | | | | | | | |
| Legal Division Contact | | | | | | | | | | | | | | | | | |
| Contact Name: | Michele Desimone | | | | | | | | | | | | | | | | |

| DAF Tracking No.: 2016-070 | Date | Signature |
|---|---|---|
| Recommended by: President Toronto Parking Authority Lorne Persiko Tim Park, Manager A&E | MAR 21/16. 23 rd MARCH 2016 |  |
| <input type="checkbox"/> Recommended by: Director of Real Estate Services | | |
| <input checked="" type="checkbox"/> Approved by: Joe Casali | Mar 23/16 | X  |
| <input type="checkbox"/> Approved by: Chief Corporate Officer Josie Scioli | | X  |

General Conditions ("GC")

- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases.
- (b) Where approving power has been delegated to staff, the Chief Corporate Officer, in consultation with the applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be returned to the relevant Committee and Council for consideration and determination.
- (c) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (d) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget [or funding is available from alternative sources].
- (e) Property interests are to be based on appraised value, and no interest shall be granted at less than market value unless otherwise specifically authorized.
- (f) Authority to approve transactions at less than market value is subject to statutory anti-bonusing provisions.
- (g) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, potential arbitration awards, loss claims, etc, but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made to bring the property into compliance with applicable MOE or other requirements such that it will be fit for its intended municipal purpose.
- (i) Authority to initiate the permanent road closure process in A.4 is conditional upon confirmation by the GM of Transportation Services that it is feasible to permanently close the highway.
- (j) Disposal authorities in A.7 are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in A.8, may be authorized based on the delegated Approving Authority for Disposals in A.7.
- (l) Approving Authority with respect to land located in the Designated Waterfront Area is conditional upon the approval of the Director, Waterfront Secretariat.
- (m) Authority to approve an exchange of land in A.8 is conditional upon confirmation by the Chief Planner and Executive Director, and the GM of Parks, Forestry & Recreation, that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.
- (n) Approving Authority in leasing matters (A.9 and A.10) is limited to periods (including options/renewals) of less than twenty-one (21) years.
- (o) Total compensation in leasing matters where the City is landlord (A.9) includes the value of tenant improvements if factored into tenant's rental payments.
- (p) Total compensation in leasing matters where the City is the tenant (A.10) includes the value of any tenant improvements to be paid by the City.
- (q) Where options/renewals are included in leases, if the renewal rent is to be determined at a date later than the original approval date, total compensation is to be calculated as though all options are exercised, estimating the renewal rent based on the highest rent payable in the first term of the lease.
- (r) Total compensation in leasing matters where the City is landlord (A.9) or tenant (A.10) is to be calculated from the date of approval pursuant to this delegation (ie. first allowing for the expiry of any prior approvals, whether by Council or a delegated authority).
- (s) Approving Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (t) Approving Authority includes authority for amendments within the parameters of the delegated Approving Authority, the cumulative total of which may not exceed the delegated financial limit.
- (u) Where proposed additional amounts in A.13 exceed 10 per cent of the original decision, even if otherwise in compliance with all other conditions, then approving authority is transferred upwards to the next more senior level of approving authority having the relevant overall financial limit.
- (v) Approving Authority includes authority for all documents necessary to implement the authority, on terms and conditions satisfactory to the Approving Authority, in consultation with the relevant operating Division(s).
- (w) Staff positions referred to in this delegation include successors from time to time.
- (x) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (y) Delegated signing authorities in B are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (z) This delegation does not affect sales, acquisitions and leases over which the Affordable Housing Committee has responsibility.
- (aa) Authority to use land acquired by the City for parking purposes by the Toronto Parking Authority is conditional upon Council enacting a by-law designating such use.

Comments

Site Location and Particulars

The Subject Property, located a short distance east of the major intersection of The Queensway and Islington Avenue, is the first property north of The Queensway and on the east side of Chartwell Road, a two-way local roadway (see attached *Appendix 'A' - Site Location Map*). The property benefits from good access to the Gardiner Expressway to the south and public transit with bus service available along The Queensway and Islington Avenue; the latter providing access to the TTC Islington subway station on the Bloor-Danforth subway line further to the north.

Located within a busy commercial / residential neighbourhood known as The Queensway BIA neighbourhood (see attached *Appendix 'B' - Aerial Image of Neighbourhood*). The immediate neighbourhood is considered to be a regeneration area characterized by service commercial uses within a mature residential community. The commercial uses which front The Queensway are considered to be aging and provide high future redevelopment potential. It is anticipated that the immediate neighbourhood will continue to become an active and highly desirable corridor from a parking demand standpoint.

The site measures approximately 40.0 feet (12.19 meters) by 131.0 feet (39.93 meters) or 5,240.0 square feet (486.81 square meters) more or less (see attached *Addendum 'A' - Property Survey (5 Chartwell Road)*).

The property has been modified and is improved as a detached residential property with a two-storey addition and an attached single car garage at the rear (see attached *Appendix 'B' - Photos of Subject Property*). The property has approximately 2,000 sq. ft. of living space on the main and upper floor offering three bedrooms and 3 bathrooms. A separate side entrance provides access to a 900 sq. ft. finished lower level containing a separate kitchen and recreation room.

Potential for Redevelopment

The Subject Property lies within an area for future mixed-use residential and commercial development. Under the current City of Toronto Official Plan, the site is identified as being located within the *Designated Avenues Area* for urban structures and within a *Mixed Use Area* under the Land Use Plan designation. *Designated Avenues Areas* are areas defined as "important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents", according to Section 2.2.3 of the Official Plan. The Subject Property falls under the former Etobicoke Zoning By-Law, and as such is zoned *Limited Commercial (CL)*. The existing zoning supports the existing uses at the property and any future redevelopment of the site in terms of a standalone municipal surface parking facility.

TPA staff have adopted a strategic plan that is focused on future land plays along the *Avenues* within the City and as such anticipates that within the next few years, the existing neighbourhood will begin to transition. The timing of the anticipated transition however remains somewhat speculative. With any transformation within the existing neighbourhood, it is expected that both residential and commercial activity and by extension thereof parking usage will continue to intensify over the medium term.

The property will remain as it currently exists, to be leased until such time as it is determined the site can be redeveloped. A conversion to a surface parking lot will result in a surface parking facility capable of accommodating approximately 12 surface spaces to be operated as a 'Pay and Display' type of operation and enabled with Mobile Pay (see attached *Appendix 'C' - Proposed Carpark Development Plan*).

Due Diligence Process

A complete Phase 1 and Phase 2 Environmental Site Assessment as well as a Designated Substance Survey and Geotechnical Investigation were completed for the Subject Property and based on the findings, the subsurface soil and groundwater conditions at the site meet the Ministry of the Environment requirements for the existing residential use.

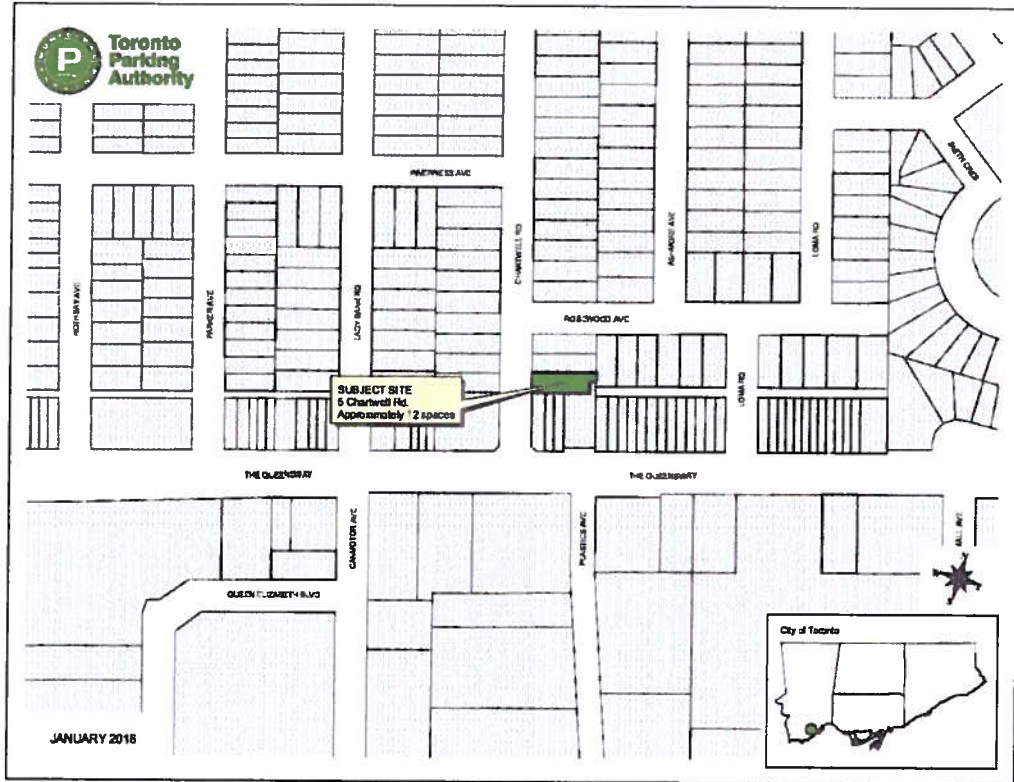
TPA staff informed the local area Councillor, Justin Di Ciano of the pending property acquisition and he is supportive. He understands the importance of the TPA's mandate to add public parking in order to support local businesses and agrees that there is a need to expand the neighbourhood inventory of public parking to support nearby businesses.

Decision History

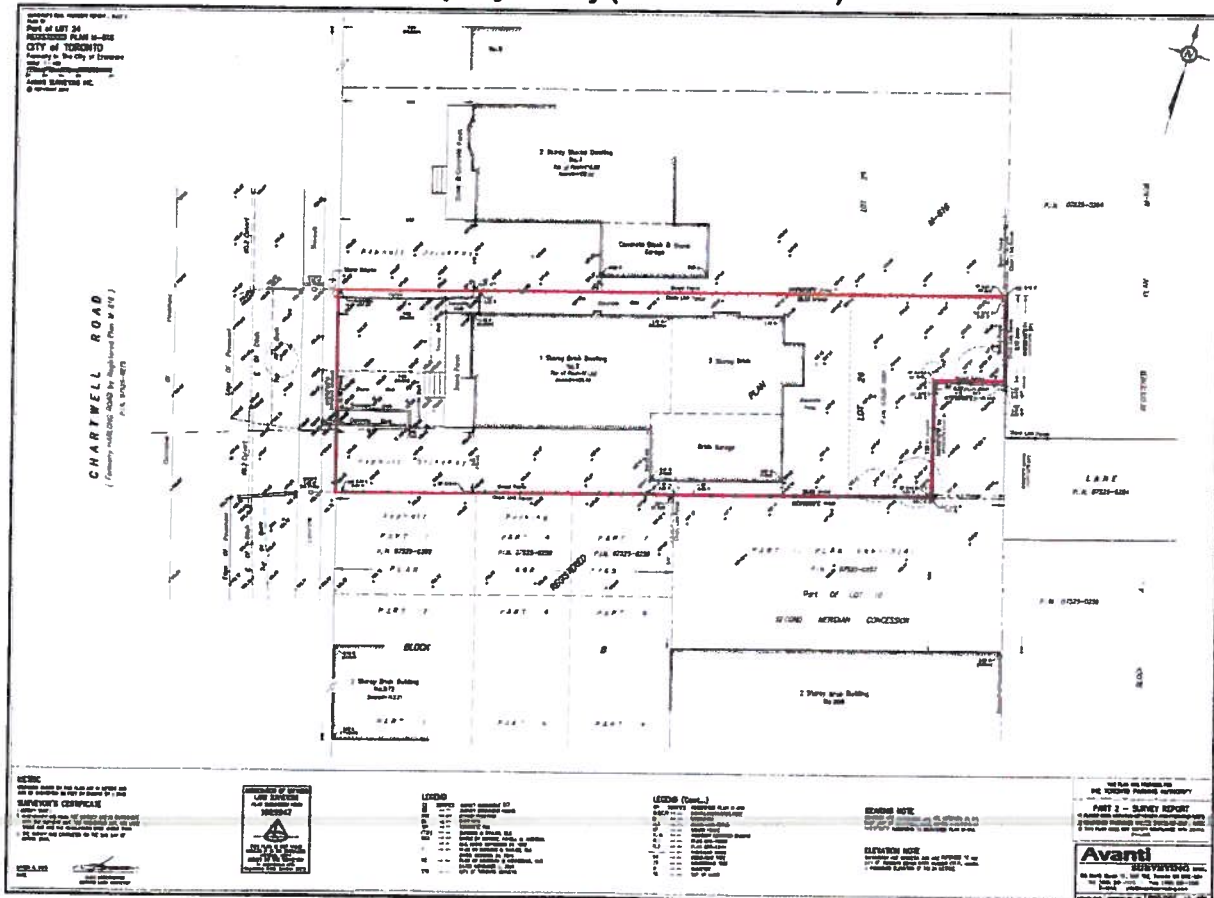
TPA staff submitted an offer to purchase 5 Chartwell Road and it was accepted on January 14, 2016.

At its meeting of January 21, 2016 the TPA Board of Directors approved a Purchase and Sale Agreement with the Vendor for the acquisition of 5 Chartwell Road (*TPA Board Minute No.: 16-009*).

APPENDIX 'A' Site Location Map



Property Survey (5 Chartwell Road)



APPENDIX 'B'
Aerial Image of Neighbourhood

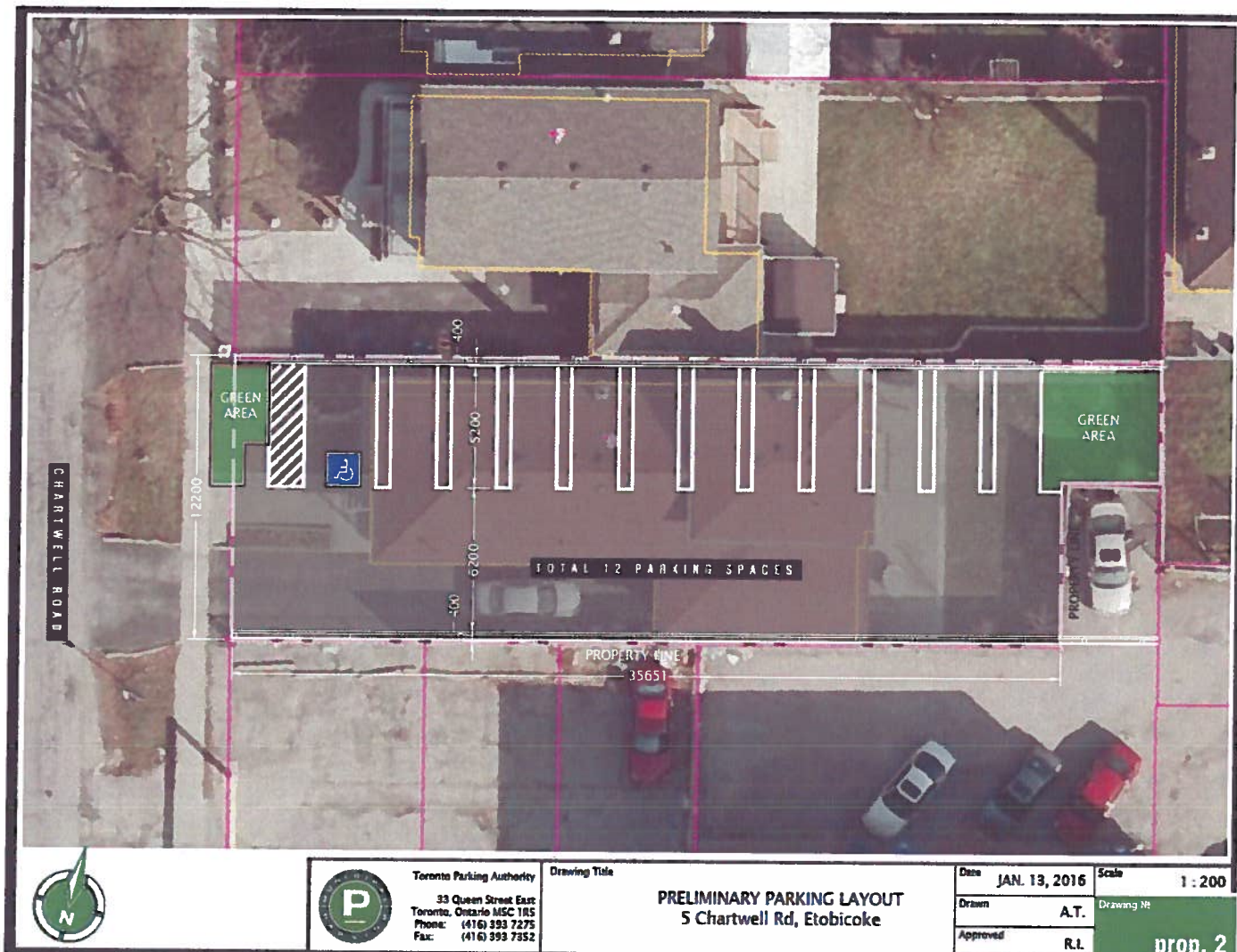


Photos of Subject Property



APPENDIX 'C'

Proposed Carpark Development Plan



Toronto Parking Authority
 33 Queen Street East
 Toronto, Ontario M5C 1R5
 Phone: (416) 393 7275
 Fax: (416) 393 7352

Drawing Title

PRELIMINARY PARKING LAYOUT
 5 Chartwell Rd, Etobicoke

Date JAN. 13, 2016

Scale 1 : 200

Drawn A.T.

Drawing No

Approved R.L.

prop. 2