

Approved pursuant to the Delegated Authority contained in Government Management Committee Item GM6.18 entitled "Policy with Respect to the Sale/Disposition of Land" adopted as amended by City Council on July 16, 17, 18 and 19, 2007. By-law No. 814-2007, enacted on July 19, 2007.

<b>Prepared By:</b>	Kathie Capizzano	<b>Division:</b>	Real Estate Services
<b>Date Prepared:</b>	November 1, 2016	<b>Phone No.:</b>	2-4825
<b>Purpose:</b>	To declare surplus vacant lands located on the south side of Queens Quay East, adjacent to Sugar Beach and described as Blocks 1 & 2 Plan 66M-2476.		
<b>Property:</b>	Blocks 1 & 2 Plan 66M-2476 shown on Schedule "A" (the "Property")		
<b>Actions:</b>	<ol style="list-style-type: none"> <li>1. The Property be declared surplus with the intended manner of disposal to be by way of a long term ground lease or a fee simple sale to Menkes, subject to the Toronto Hydro Easement, currently located on Sugar Beach, being released and a new easement for the Toronto Hydro works be granted by Menkes under the development of the Property,</li> <li>2. Notice be published in a newspaper in circulation in the area of the Highway.</li> <li>3. All steps necessary to comply with the City's real estate disposal process, as set out in Chapter 213 of the City of Toronto Municipal Code, be taken.</li> </ol>		
<b>Financial Impact:</b>	<p>There are no financial implications resulting from this approval</p> <p>The Deputy City Manager &amp; Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>		
<b>Background:</b>	<p>In September 2005, Council approved a report entitled "Implementation of a New Governance Structure for Toronto Waterfront Renewal." The report confirmed that effective control of public lands in the waterfront was to be provided to the Toronto Waterfront Revitalization Corporation (now WT) on an incremental basis, following approval of detailed business and implementation plans. The report also directed that a Memorandum of Understanding (MOU) be developed between government partners and their respective agencies to, amongst other matters, designate WT as the revitalization lead subject to certain conditions.</p> <p>The East Bayfront Precinct Plan was endorsed by City Council on December 7, 2005 as a basis for informing future environmental assessments, development application decisions, regulatory documents and guidelines, and contribution agreements with the government partners and Waterfront Toronto. The vision for the East Bayfront (EBF), with its proximity to the downtown financial district, recognized the importance of a mixed use community with a target 25% employment use. The foot of Jarvis Street was identified as a site for a significant employment node.</p> <p>In July 2006, Council approved WT's Business and Implementation Plan for EBF. Components of the Business and Implementation Plan were a financial model, employment strategy, cultural and animation strategy, ground floor retail strategy and project schedules. Key tenets of the plan were: to achieve an aggressive employment target of 8,000 jobs; and to attract high value employment opportunities.</p> <p>Toronto's waterfront has been identified as a prime area within the City to advance the City's leadership in the technology sector. Accordingly, an important public policy objective in EBF is to create a complete, sustainable, mixed-use community with high value jobs. The 25% employment use objective for EBF was established at the time of Council approval of the East Bayfront Precinct Plan (2005) and East Bayfront Business and Implementation Plan (2006).</p> <p>Since the precinct planning stage, WT and the City have reserved the subject site for an innovative employment use intended to showcase leading edge approaches to providing employment space.</p>		

**Comments:**

In 2013, WT initiated a competitive proposal call process to select a proponent that would lease the land for 99 years from the City and build an office development based on this innovation concept. The RFP also allowed proponents to submit an alternative bid for a fee-simple purchase of the lands, however, Council is under no obligation to accept a fee simple purchase. This process culminated in the selection of Menkes as WT's pre-development partner.

Negotiations are ongoing with Menkes for a 99 year Ground Lease, however, they have the right through the RFP process to also submit an Offer to Purchase the lands.

Once terms of either a Ground Lease or a Fee Simple purchase have been reached with Menkes, the Deputy City Manager, Cluster B, will submit a report to Council through the Executive Committee.

Accordingly, it is appropriate that the Property be declared surplus. The Property Management Committee has reviewed this matter and concurs.

**Property Details:**

<b>Ward:</b>	28 – Toronto Centre-Rosedale
<b>Assessment Roll No.:</b>	
<b>Approximate Size:</b>	
<b>Approximate Area:</b>	Block 1 – 1, 264 m2    Block 2 – 3,313 m2
<b>Other Information:</b>	

Yes  No    Lands are located within the Green Space System or the Parks & Open Space Areas of the Official Plan.

**Pre-Conditions to Approval:**

- (1) **Highways** - The GM of Transportation Services has concurred in the Highway being declared surplus conditional upon City Council approving the permanent closure of the Highway.
- (2) **Lands located within the Green Space System and the Parks & Open Space Areas of the Official Plan** - The Chief Planner & Executive Director and the GM of Parks, Forestry & Recreation have confirmed that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.

**Chief Corporate Officer has approval authority for:**

- A (1)** declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the Government Management Committee (§ 213-6).
  - Councillor does not require the declaration of surplus or the intended manner or process by which the sale of the land will be carried out to be determined by Council.
- (2)** determining the method of giving notice to the public, following consultation with the local Councillor (§ 213-7)
  - Councillor has been consulted regarding method of giving notice to the public.
- (3)** exempting sales to the following public bodies from the requirement for an appraisal, provided that the local Councillor (or if the land abuts other wards, the local Councillors) does not require the determination to be made by Council (§ 213-4):
  - (a) a municipality
  - (b) a local board, including a school board and a conservation authority
  - (c) the Crown in right of Ontario or Canada and their agencies
  - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (3)(a)-(c) applies.]**
- (4)** exempting the sale of land in the following classes from the requirement for an appraisal and/or for notice to the public, provided that the local Councillor(s) (if the land abuts other wards) does not require the determination to be made by Council (§ 213-5):
  - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
  - (b) closed highways if sold to an owner of land abutting the closed highways
  - (c) land formerly used for railway lines if sold to an owner of land abutting the former railway land
  - (d) land does not have direct access to a highway if sold to the owner of land abutting that land
  - (e) land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
  - (f) easements
  - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (4)(a)-(f) applies.]**
  - n/a Councillor(s) agrees with exemption from notice to the public. **[Revise box to an x if any of (4)(a)-(f) applies.]**
- (5)** revising the intended manner of sale
- (6)** rescinding the declaration of surplus authority

Title	Date	Recommended/ Approved
Manager	Nov 3, 2016	Brian Varner
Director	Nov 7, 2016	Joe Casali
Chief Corporate Officer	Nov 9, 2016	Josie Scioli
<b>Return to:</b>		
<b>DAF Tracking No.: 2016-247</b>		

Consultation with Councillor(s):						
Councillor:	Pam McConnell					
Contact Name:						
Contacted by	Phone	<input checked="" type="checkbox"/>	E-mail		Memo	Other
Comments:	conkurs					
<hr/>						
Councillor:						
Contact Name:						
Contacted by	Phone		E-mail		Memo	Other
Comments:						

Consultation with other Division(s):			
Division:	Waterfront Secretariat	Division:	Financial Planning
Contact Name:	Jayne Naiman	Contact Name:	Filisha Mohamed
Comments:	conkurs	Comments:	conkurs
Real Estate Law Contact:	Kathleen Kennedy	Date:	October 19, 2016

# APPENDIX "A"

