

Approved pursuant to the Delegated Authority contained in Article 2 of City of Toronto Municipal Code Chapter 213, Real Property													
Prepared By:	Myron Menezes	Division:	Corporate Real Estate Management										
Date Prepared:	May 18, 2022	Phone No.:	416-338-3586										
Purpose	To obtain authority for the City of Toronto, as owner of 838 Broadview Avenue, to enter into an amending agreement (the "Amending APS") to amend the Agreement of Purchase and Sale dated July 22, 2021 (the "APS") between the City and the owners of 840-844 Broadview Avenue (the "Developer"); and to amend the Council Decision Item PH11.9 at its meeting on December 17 and 18, 2019 to increase the number of affordable housing units in the development from 16 to 18 for inclusion in the Amending APS.												
Property	Part of 838 Broadview Avenue being Part of PIN 10395-0226 (LT) Part of Lot 45, Plan 257 Toronto, as shown on Sketch No. PS 2020-026 on Appendix "B", having an upper horizontal ceiling of 35 metres above grade (the "Property").												
Actions	<ol style="list-style-type: none"> 1. Authority be granted for the City, as owner of the Property, to enter into the Amending APS substantially on the major terms and conditions set out in Appendix "A" annexed hereto, which includes a revision to the terms set out in Appendix C of the Council Decision Item PH11.9 to increase the number of affordable housing units from 16 to 18, together with such other terms and conditions deemed appropriate by the approving authority herein, and in a form acceptable to the City Solicitor. 2. All authorities previously approved in Delegated Authority contained in Article 2 of the City of Toronto Municipal Code Chapter 213, Real Property, DAF Tracking No. 2021-205 shall continue to apply to the APS as amended by the Amending APS, including without limitation, the authority for the City, as owner of the Property, to consent to planning and development applications contemplated under the APS as amended by the Amending APS. 												
Financial Impact	<i>There are no additional financial implications resulting from this approval.</i> The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.												
Comments	<p><u>Decision History</u></p> <p>In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the Property was declared surplus on February 24, 2020 (DAF No. 2020-044) with the intended manner of disposal to be by inviting an offer to purchase the Property from the abutting property owner at 840-844 Broadview Avenue. https://www.toronto.ca/wp-content/uploads/2020/02/93ce-2020-044_838-Broadview-Av.pdf</p> <p>PH11.9 "Affordable Rental Housing Opportunity at 838 Broadview Avenue" was adopted by Council at its Meeting on December 17 and 18, 2019 approving the substantial terms of the acquisition of the Affordable Housing Units. http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.9</p> <p>PA10.4 "Property Transaction/Parking Development at Municipal Car Park 282, 838 Broadview Avenue" was adopted by the Toronto Parking Authority Board at its Meeting on November 25, 2019 approving the substantial terms of the sale of the Property and the acquisition of the Public Parking Garage. http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PA10.4</p> <p>GM10.9 "Acquisition of 838 Broadview Avenue" was adopted by Council on March 31, 2016. Future redevelopment potential was noted in the report. http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM10.9</p> <p>The authority for the APS and related ancillary transactions was approved by Delegated Authority contained in Article 2 of the City of Toronto Municipal Code Chapter 213, Real Property, DAF Tracking No. 2021-205 on July 22, 2021.</p>												
Terms	<p>Comments continued on Schedule "A"</p> <p>The following terms are proposed for amendment:</p> <p>See Appendix "A"</p>												
Property Details	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Ward:</td> <td>14 – Toronto-Danforth</td> </tr> <tr> <td>Assessment Roll No.:</td> <td>1904-07-5-490-07700</td> </tr> <tr> <td>Approximate Size:</td> <td>20.08 m x 40.44 m ± (65.88 ft x 132.68 ft ±)</td> </tr> <tr> <td>Approximate Area:</td> <td>812.04 m² ± (8,740.73 ft² ±)</td> </tr> <tr> <td>Other Information:</td> <td>Municipal Carpark 282</td> </tr> </table>			Ward:	14 – Toronto-Danforth	Assessment Roll No.:	1904-07-5-490-07700	Approximate Size:	20.08 m x 40.44 m ± (65.88 ft x 132.68 ft ±)	Approximate Area:	812.04 m ² ± (8,740.73 ft ² ±)	Other Information:	Municipal Carpark 282
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A.	City Manager has approval authority for:
1. Acquisitions:	<input checked="" type="checkbox"/> Where total compensation does not exceed \$10 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.
3. Issuance of RFPs/REOs:	Request/waive hearings of necessity delegated to less senior positions.
4. Permanent Highway Closures:	Delegated to less senior positions.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	Delegated to less senior positions.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
7. Disposals (including Leases of 21 years or more):	<input checked="" type="checkbox"/> Where total compensation does not exceed \$10 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	Delegated to less senior positions.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$10 Million. Leases/licences for periods up to 12 months at less than market value delegated to less senior positions. Leases pursuant to the Community Space Tenancy Policy delegated to a less senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million. Nominal sum easements to pre-existing utilities when closing roads delegated to less senior positions.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input checked="" type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	Delegated to less senior positions.

B. City Manager has signing authority on behalf of the City for:

- Documents required to implement matters for which this position also has delegated approval authority.

Pre-Condition to Approval

Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property

Consultation with Councillor(s)

Councillor:	Paula Fletcher	Councillor:	
Contact Name:	Paula Fletcher	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>	Contacted by:	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No objections (May 18, 2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Toronto Parking Authority	Division:	Financial Planning
Contact Name:	Jeff Dea	Contact Name:	Ciro Tarantino
Comments:	No objections (May 18, 2022)	Comments:	Comments incorporated (May 18, 2022)

Legal Services Division Contact

Contact Name:	Kathleen Kennedy (comments incorporated May 18, 2022)
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DAF Tracking No.: 2022- 119	Date	Signature
Recommended by: Manager, Real Estate Services, Ronald Ro	May 27, 2022	Signed by Ronald Ro
Recommended by: Director, Real Estate Services, Alison Folosea	May 31, 2022	Signed by Alison Folosea
<input checked="" type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management Patrick Matozzo	May 31, 2022	Signed by Patrick Matozzo
<input checked="" type="checkbox"/> Recommended by: Deputy City Manager, Corporate Services Josie Scioli	May 31, 2022	Signed by Josie Scioli
<input checked="" type="checkbox"/> Approved by: City Manager Chris Murray	May 31, 2022	Signed by Chris Murray

Schedule "A"

Comments Continued

After entering into the APS and discussions with City Planning in connection with the rezoning submission for the Project, the Developer has proposed a 9 storey mixed-use residential/commercial building (being an increase from the original 8 storey proposal under the APS). The increased height will require an amendment to the original ceiling height of the Property from 30 metres to 35 metres. Further the increase in density will require that the restriction originally set at 75,000 sq feet in the APS be increased to 80,000 square feet. The Affordable Housing Units are still proposed to be contained within all of the 2nd floor of the development, but the configurations are changing such that there will be an increase from 16 to 18 units.

There is no change to the Purchase Price for the sale of the Property. The Purchase Price will be automatically adjusted depending on the final approved zoning for the Project, as originally agreed. There is no change in the overall price for the City acquisition of the Affordable Housing units as already approved by Council Decision PH11.9. Authority to exempt the two additional affordable housing units from the payment of development charges and planning fees, as well as from taxes for municipal and school purposes will be sought through the report being submitted to TEYCC with respect to the rezoning application.

City staff in Corporate Real Estate Management, Create TO, Housing Secretariat, Toronto Parking Authority, in consultation with City Planning and City Legal recommend the amendments to the APS in support of the Project.

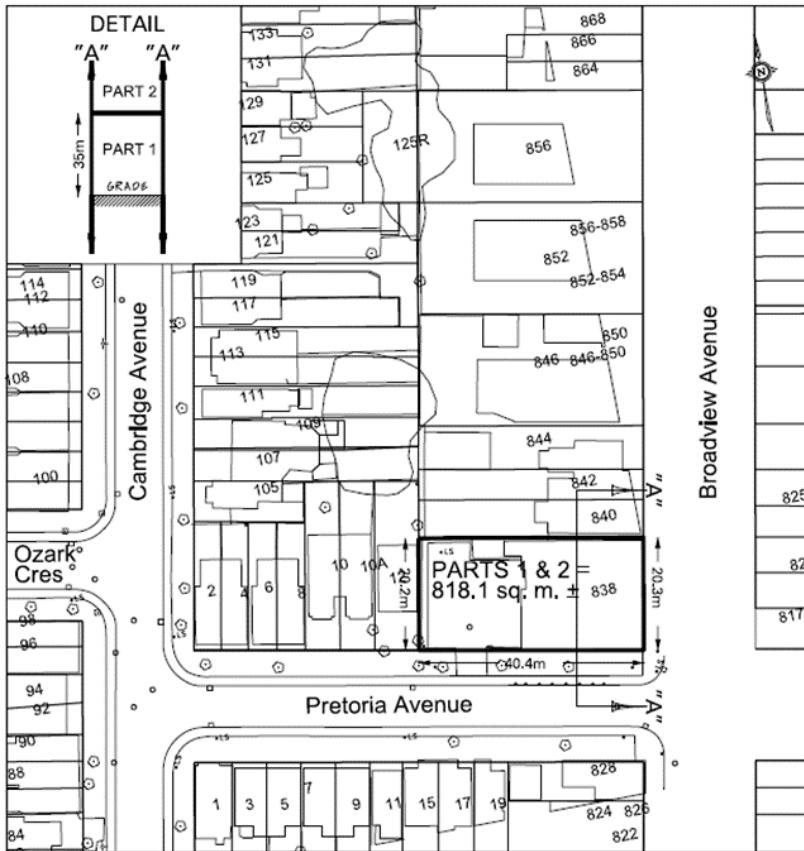
Appendix "A"

Major Terms and Conditions for Amending APS

Property	The Property to be conveyed to the Developer will have an upper limit of 35 metres as shown on Sketch PS2020-26 Amended, attached as Schedule "B".
Project/Development	The Project/Development will be a 9 storey mixed-use residential/commercial development with an underground garage including a public parking garage.
Affordable Housing	The Project will include Affordable Housing under a separate contract with the City pursuant to the major terms set out in the Council Decision 11.9 except that the total number of units will be increased from 16 to 18 affordable housing units with no change in the overall acquisition price previously approved under the said Council Decision.
S119 Restrictive Covenants Agreements	<p>The gross floor area of the Project shall not exceed 80,000 square feet without the City's prior written consent first having been obtained, which may be withheld in the City's sole and absolute discretion.</p> <p>The ceiling height for the Project (including the Developer's lands) will be 35 metres. This restriction will continue until the Project is substantially completed.</p>

Appendix "B"

Location Map & Sketch



Toronto
Engineering & Construction Services
Infrastructure Services
Lands & Property Services

NOTE: THIS SKETCH HAS BEEN COMPILED FROM OFFICE RECORDS, MEASUREMENTS ARE APPROXIMATE

CHECK BY ANA MICHALEK
PREPARED BY DWAYNE PITT

WARD 14 - TORONTO-DANFORTH
DATE: JULY 07, 2020

PROPERTY INFORMATION SHEET
SKETCH SHOWING
CITY OWNED LAND AT
NO. 838 BROADVIEW AVENUE (PARTS 1 AND 2)

SKETCH No. PS-2020-026