Agenda – Council – September 22, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 8, 2022

Item No. 4 Proposed Lease Amendment for 700/710 Assiniboine Park Drive – Toba Centre for Children & Youth Inc. (Charleswood-Tuxedo-Westwood Ward)

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That, subject to the approval of two-thirds of all Council members (pursuant to subsection 205(2) of The City of Winnipeg Charter), an amendment to the Lease Agreement with Toba Centre for Children and Youth Inc. to include the land identified as "Leased Area: 440m2 (4,736f2) on Misc. Plan No. 15601/5 (attached hereto as Schedule A), be approved.

2. That the City enter into, execute and deliver a Lease Amendment Agreement with Toba Centre for Children & Youth Inc. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement Recommendation 1.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Pursuant to Section 205(2) of The City of Winnipeg Charter, disposal of land owned or acquired by the City for park or cemetery purposes requires approval by two-thirds of all Members of Council.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 8, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 8, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Proposed Lease Amendment for 700/710 Assiniboine Park Drive – Toba Centre for Children & Youth Inc.

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	M. Jack

EXECUTIVE SUMMARY

On July 22, 2021, Council approved the Terms and Conditions of a Lease Agreement with Toba Centre for Children & Youth Inc. ("Toba") to improve and occupy the southern portion of the building located at 700 Assiniboine Park Drive. Subsequently, the civic address identifying Toba's Leased Area was changed to 710 Assiniboine Park Drive.

The Public Service entered into a Short-Term Use Agreement (STUA) with Toba in June 2022 for the purpose of developing and maintaining a tranquil outdoor space which Toba has named a "healing garden". The healing garden is intended to form part of Toba's service delivery program for its child advocacy work.

As the term of the STUA is a maximum of 1-year less one day, and the garden is intended to be permanent, the Public Service recommends incorporating the healing garden into the Lease Agreement for the duration of the lease. Consistent with the existing agreement, Toba will be responsible for all costs related to the healing garden.

The Ward Councillor has been advised of the proposed amendment.

RECOMMENDATIONS

1. That, subject to the approval of two-thirds of all Council members (pursuant to subsection 205(2) of The City of Winnipeg Charter), an amendment to the Lease Agreement with Toba Centre for Children and Youth Inc. to include the land identified as "Leased Area: 440m^2 (4,736f^2) on Misc. Plan No. 15601/5 (attached hereto as Schedule A), be approved.

2. That the City enter into, execute and deliver a Lease Amendment Agreement with Toba Centre for Children & Youth Inc. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement Recommendation 1.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The Leased Area is considered park land as it lies within the boundaries of Assiniboine Park. In accordance with subsection 205(2) of The City of Winnipeg Charter, all dispositions of property used or acquired for park or cemetery purposes require approval of at least two-thirds of all members of Council. A lease term in excess of five years is considered to be a disposition of property.

IMPLICATIONS OF THE RECOMMENDATIONS

The current Lease Agreement is for an initial term of twenty (20) years with a further option to renew for Ten (10) years at market rent. If the recommendations of this report are approved, the healing garden will be subject to the terms and conditions of the Lease Agreement.

The lease cannot be terminated during the initial term unless Toba is in default of its obligations. If the renewal option is exercised, the lease may be terminated with one year's notice.

Toba will be responsible for all costs associated with the improvements, operation and maintenance of the healing garden. There will be no expenses incurred by the City as a result of the proposed amendment.

HISTORY/DISCUSSION

The City owns the building located at 700 Assiniboine Park Drive within Assiniboine Park. The building was excluded from the Assiniboine Park Conservancy Management Agreement and is partially occupied by the Winnipeg Police Service and Winnipeg Fire Paramedic Service.

Toba Centre for Children & Youth Inc. (Toba) is a non-profit organization created in 2013 that is Manitoba's only child advocacy centre. Their mandate is focused on providing a safe, neutral, family-friendly setting to conduct child abuse investigations/interviews with children and youth.

On July 22, 2021, Council approved the Terms and Conditions for a Lease Agreement with Toba to improve and occupy the southern portion of the building located at 700 Assiniboine Park Drive. The civic address for Toba's leased area was subsequently changed to 710 Assiniboine Park Drive.

In June, 2022, the Public Service entered into a Short-Term Use Agreement with Toba to transform a portion of the outdoor area adjoining the leased premises as a tranquil green space, which Toba has named a "healing garden". As the term of the STUA is a maximum of 1-year less one day, and the garden is intended to be permanent, the Public Service recommends incorporating the healing garden into the Lease Agreement for the duration of the lease.

The lease amendment request was circulated to applicable City departments for consideration and no objections were received.

In accordance with the Real Estate Transaction Management Framework, the Public Service completed an appraisal to determine the opportunity cost of the healing garden space. The appraisal indicated a market rent of $10,000-$13,000 per annum. The highest and best use of the appraisal determined the site should be used for parks or green space.

As per the terms of the Lease Agreement, Toba is responsible for all costs associated with the improvements, operation and maintenance of the Leased Area. Toba will provide drawings to the Public Service for the construction of the proposed garden which will be subject to the City's approval. There will be no expenses incurred by the City as a result of the proposed amendment.

The Public Service recommends approval of the proposed healing garden addition to the Lease Agreement. The Lease Amendment Agreement is expected to be completed prior to the end of 2022.
The Ward Councillor has been advised of the proposed Amendment with Toba.

FINANCIAL IMPACT

Financial Impact Statement

Date: August 2, 2022

Project Name:

Proposed Lease Amendment for 700/710 Assiniboine Park Drive – Toba Centre for Children & Youth Inc.

COMMENTS:

There are no direct financial implications associated with this report.

C. Turman, for

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:
Legal Services (as to legal issues)
Risk Management (as to insurance requirements)
Assets and Project Management Department - Municipal Accommodations

OURWINNIPEG POLICY ALIGNMENT

Goal 4 Good Health and Well-Being

Objective 1. Enable access to basic needs for good physical and mental health.
Objective 2. Support positive health outcomes through the built and natural environments.

Policy 4.11 Equitable Service Access. Prioritize equitable access to recreation and parks systems, services, and infrastructure, in order to: enable active living; connect people and nature; create supportive environments; build community capacity; and achieve desired health outcomes, with a focus on children and youth.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic opportunity #3 – Community Climate Resiliency

Key Directions

- Increase and Preserve Tree Canopy
- Preserve and Manage Parks and Natural Areas to Support Climate Change Mitigation

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

The information and recommendations presented in this report align with and advance the Winnipeg Poverty Reduction Strategy (2021 – 2031) as follows:

They align with the following Goals and Objectives:

Goal 4: Community Well-Being Supports for those in Greatest Need are Increased

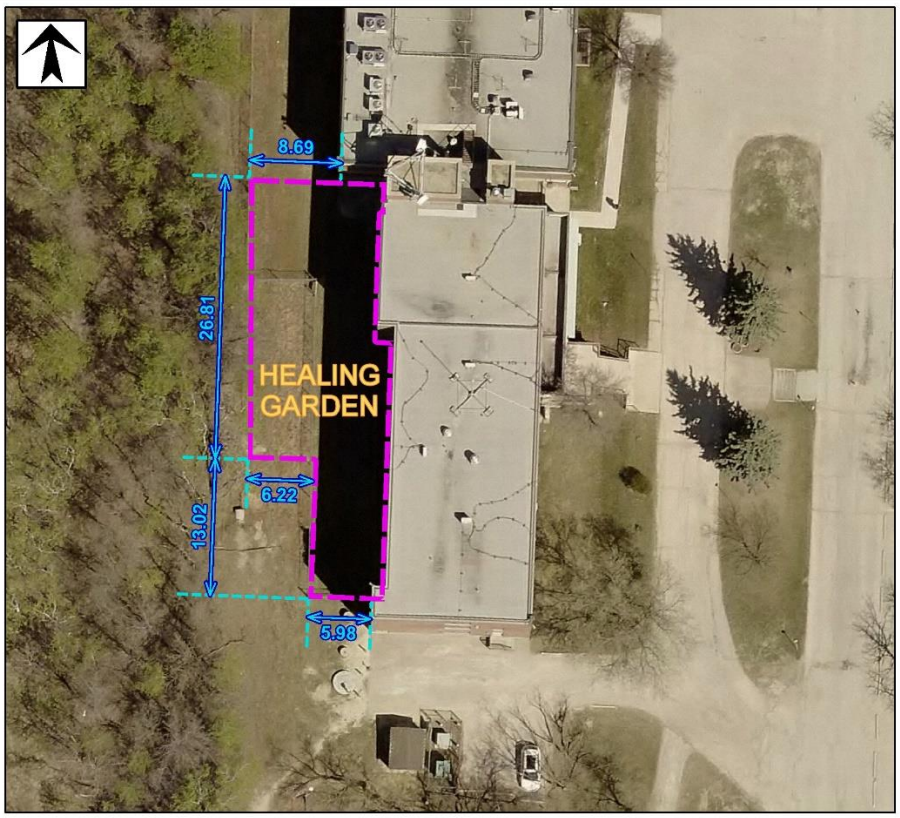
The actions that flow from this goal contribute to closing health gaps experienced by people living in poverty and improving overall community well-being. This includes harm reduction measures, providing services that include wrap-around well-being supports. The City can play a role as a leader in community health and well-being, crucial to addressing and reducing poverty in Winnipeg.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Bridget Peterson, Property Administrator

Date: August 5, 2022
File No: 18/2
Attachments:
Schedule A – Misc. Plan 15601/5

SCHEDULE A



SITE LOCATION
of 700 ASSINIBOINE PARK DRIVE



LEASED AREA: 440 m² (4,736 ft²)

Date: 2022-MAY-06
Updated: 2022-AUG-03
District: ASBA
File: 18/2
Scale: NTS
Requested by: BP
Drawn by: IP
Reference Dwg No.:
21-074 LEASE AGREEMENT AREAS.pdf

NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.

AERIAL
(2021)
METRIC

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES

MISC. PLAN NO. 15601/5