

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Meeting #2/19, Friday, February 22, 2019

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: TORONTO ZOO
Update on discussions relating to the tripartite agreement on the Toronto Zoo property and the Parks Canada process for determining the ultimate location of an orientation and education facility for the Rouge National Urban Park

KEY ISSUE

Update on discussions with the Toronto Zoo, City of Toronto and Parks Canada relating to the tripartite agreement and the Parks Canada process for determining the ultimate location of an orientation and education facility for the Rouge National Urban Park in the City of Toronto.

RECOMMENDATION

THAT this staff report regarding an update on discussion with the Toronto Zoo, City of Toronto and Parks Canada relating to the tripartite agreement and other Zoo related matters be received.

THAT staff be directed to continue working with the Toronto Zoo, City of Toronto and Parks Canada to finalize the tripartite agreement taking into account the updated Parks Canada position on the Toronto 'Gateway' and Learning and Welcome Facility and to report back for any required direction to enter into a lease with the Toronto Zoo for another more suitable site for browse purposes.

BACKGROUND

At Authority Meeting #5/18, held on June 22, 2018, amended Resolution #A86/18 was approved as follows:

WHEREAS Toronto and Region Conservation Authority (TRCA) is the owner of certain lands containing 182 hectares (449 acres), more or less and being Part of Lots 4, 5, 6, 7, 8 and Part of Road Allowance between Lots 6 and 7, Concession 3, Part of Lots 5 and 6 Concession 4, City of Toronto (TRCA Lands);

AND WHEREAS the TRCA Lands have been turned over to the City of Toronto for management, in accordance with the terms of an agreement dated June 14, 1961;

AND WHEREAS City of Toronto and TRCA entered into a tripartite agreement with the Board of Management of the Toronto Zoo (Board) dated April 28, 1978 for use of TRCA Lands as part the Toronto Zoo;

AND WHEREAS TRCA is in receipt of a request from City of Toronto Council and the Toronto Zoo Board to update the tripartite agreement and the boundaries of the Toronto Zoo;

AND WHEREAS any TRCA land not included in the boundary to the Toronto Zoo will be transferred to Parks Canada (PC) for Rouge National Urban Park (RNUP) purposes;

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AND WHEREAS there is interest in ensuring that any transfer of lands for Toronto Zoo or RNUP purposes be subject to certain conditions to ensure best management practices of ecological integrity and restoration opportunities;

THEREFORE, LET IT BE RESOLVED THAT TRCA enter into an updated tripartite agreement with City of Toronto and the Toronto Zoo Board for the use of the TRCA Lands for Zoo purposes subject to the following amendments:

- 1. Removal of the Finch Meander from the lands to be added to the tripartite agreement subject to Parks Canada entering into a lease with the Toronto Zoo for the Finch Meander area south of Old Finch Avenue;*
- 2. Removal of the browse garden use from the lands being added to the tripartite agreement north of Finch Avenue with the understanding that the Zoo and PC shall work together in partnership toward an agreement for a new browse location;*
- 3. Any development proposed on the lands north of Finch Avenue be restricted to the areas highlighted in blue on Attachment 2 with the access to the conservation breeding facility highlighted in red on Attachment 2 and be subject to City of Toronto approval processes;*
- 4. That the tripartite agreement be amended so that the clause relating to TRCA and PC staff being allowed access to the lands north of Finch Avenue as required in order to undertake environmental monitoring and restoration activities also apply to lands on the east side of Meadowvale Road;*
- 5. That a clause be added to the tripartite agreement to ensure that Valley Halla is restored and maintained in a condition that protects the heritage value of the buildings subject to Toronto Zoo Board approval;*
- 6. That a clause be added to the tripartite agreement that the parties may agree to amend the boundary at a future date to accommodate the outcome of the PC lead process for determining the ultimate location of an orientation and education facility;*
- 7. That a clause be added to the tripartite agreement to ensure cooperation on requests to PC and other bodies to support the restoration and maintenance of built heritage assets in the RNUP including but not limited to Valley Halla and the Pearse House;*
- 8. That the Zoo work with PC and community groups to provide periodic access to Valley Halla allowing small groups the opportunity observe the rich historical architecture and craftsmanship subject to Toronto Zoo Board approval, and report back in two years on progress of implementation*

THAT TRCA urge Parks Canada, the City of Toronto and the Toronto Zoo to develop, as soon as possible, a long-term fencing and security agreement to protect the Zoo and implement improvements as required;

THAT Parks Canada be requested to remove informal trails in Area #1 and develop a trail system in that area on the table lands only;

THAT Parks Canada be requested to grant an easement over the mono – rail line to the Zoo at a minimal cost and that, if the Zoo decides to reinstitute the service, that TRCA's approval be required;

THAT Parks Canada be requested to remove informal trails in Area #2;

THAT staff ensure that there are no fences on the outer perimeter of Area #3;

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THAT TRCA staff, the Toronto Zoo and Parks Canada be requested to investigate security fencing and monitoring options for the immediate Valley Halla property and report back to the Authority as soon as possible;

THAT the City of Toronto be requested to transfer its lands along Meadowvale Road south of the Zoo to Parks Canada;

THAT the City of Toronto be encouraged to apply for an infrastructure grant for Valley Halla to restore the building in a reasonable timeframe;

THAT staff report back annually on the state of the tripartite agreement;

THAT staff report back to a future Executive Committee meeting within the next year on the status of the tripartite agreement and the PC lead process for determining the ultimate location of an orientation and education facility;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the tripartite agreement, including obtaining any necessary approvals and the signing and execution of documents.

Tripartite Agreement – Update

The resolution from the Authority was circulated to the City of Toronto and the Zoo for review and comment. Attached is a copy of City of Toronto and the Zoo's joint response (Attachment 1). Both the City of Toronto and the Zoo supported the amendments proposed by TRCA, subject to a number of conditions identified in the letter. The following is an update on discussions related to these conditions:

- 1.1 Finch Meander (Area 2): The Zoo and PC are currently working on the terms and conditions of a lease. This is an outstanding matter that requires further negotiation.
- 1.2 Browse: A site has been located in another location that is satisfactory to both the Zoo and PC. The Toronto Zoo has agreed to the removal of the browse site from Zoo leased lands north of Finch Avenue effective immediately. TRCA staff are also working with the Zoo and Parks Canada on the alternative browse site to achieve lease wording that is acceptable to all parties.
- 1.3 Development north of Finch (Area 3): The tripartite agreement has been amended to restrict development north of Finch Avenue.
- 1.4 Written notice: The tripartite agreement has been amended to provide access to the lands north of Finch (Area 3) and east of Meadowvale (Area 4 & Area 8) subject to providing the Zoo with 48 hours written notice.
- 1.5 Protection of the Heritage Value of Valley Halla (Area 8): The tripartite agreement has been amended to include a condition that the Zoo manage historically significant buildings, structures and facilities in a manner that protects and promotes heritage value and to actively facilitate appropriate levels of community access.
- 1.6 Future amendment to the Tripartite Agreement: A clause has been added to the tripartite agreement allowing for future amendments to the boundary following final determination of the location of the proposed RNUP orientation and education facility. On February 5, 2019 TRCA received a letter from Trevor Swerdfager Senior Vice President of Operations of PC pertaining to the Toronto 'Gateway' Learning and Welcome Facility. The letter from PC (attachment 3) states that PC would like to move ahead with pursuing a location on the east side of Meadowvale Road in the vicinity of Toronto Zoo parking lot 3 on the lands north of the Beare Road Sanitary Landfill road.

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TRCA staff will be working with PC, City of Toronto and Toronto Zoo staff to define their land requirements for the Gateway Learning and Welcome Facility. This effort will take into account Toronto Zoo and City of Toronto operational needs and the potential negative financial and operational impacts to the existing Zoo operations and facilities arising from the location of the facility in this area currently leased to the Toronto Zoo. TRCA will also be reviewing the proposed design of the PC facility to determine opportunities for the implementation of restoration, accessibility improvements and sustainability measures. TRCA staff are also interested in working with PC to determine if TRCA programming including education, training and outreach could be incorporated into the design and operations of the future Gateway, Learning and Welcome Facility.

TRCA is working with stakeholders to ensure a timely update of the tripartite agreement to facilitate timely transfer of TRCA lands to PC for the RNUP at the earliest opportunity in 2019. TRCA, the City of Toronto, and Toronto Zoo are currently working through title issues including encumbrances requiring resolution to achieve the timely transfer of lands to PC.

Valley Halla Security

As a result of numerous discussions about security for Valley Halla and surrounding lands, the Zoo and their Security & Safety staff agreed to take the lead on completing an assessment of security measures that may be required in the vicinity of the Valley Halla buildings. The option of fencing the area was assessed and deemed to be ineffective and too costly. Additional security measures have been examined and accepted by the Zoo. These improvements include signage, lighting, as well as other additional confidential security measures.

NEXT STEPS

TRCA Staff will continue to work with all parties to facilitate the timely transfer of lands to PC for the RNUP currently subject to the tripartite agreement taking into account the issues outlined in this report.

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Date: January 4, 2019

Attachments: 3

Attachment 1: City of Toronto and Toronto Zoo response to the Board of Directors resolution #A86/18

Attachment 2: Toronto Zoo Land Transfer Study Map

Attachment 3: Letter to John MacKenzie, CEO, TRCA, from Trevor Swerdfager, Senior Vice President Operations, Parks Canada, dated February 5, 2019, re. Rouge National Urban Park and Tripartite Agreement.