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Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **TOMMY THOMPSON PARK**
Aquatic Park Sailing Club – License Agreement Renewal
City of Toronto (CFN 24403).

KEY ISSUE

Renewal of the License Agreement with the Aquatic Park Sailing Club (APSC) for use of Toronto and Region Conservation Authority (TRCA) lands located at Tommy Thompson Park (TTP), City of Toronto, for the operation of one hundred (100) swing moorings for sailing craft and for the purpose of storage racks for oars and dinghies, loading and landing docks, garbage disposal bins, toilet facilities, small shelter for equipment, clubhouse facilities, a work boat and other water maintenance facilities and a car park area.

RECOMMENDATION

WHEREAS TRCA is in receipt of a request from the APSC to renew the License Agreement for the use of TRCA lands located at TTP for the operation of one hundred (100) moorings for sailing craft and for the purpose of storage racks for oars and dinghies, loading and landing docks, garbage disposal bins, toilet facilities, small shelter for equipment, clubhouse facilities, a work boat and other water maintenance facilities and a car park area, for a term of five (5) years and seven (7) months ending on July 31, 2025, City of Toronto;

WHEREAS APSC has been in operation at this site since 1976;

AND WHEREAS extensive discussions and negotiations between TRCA and APSC have occurred to address access issues of concern to TRCA, APSC and TTP stakeholders;

THEREFORE LET IT BE RESOLVED THAT TRCA renew the License Agreement with APSC for the use of 8.9 hectares (21.992 acres), more or less, said land being Part of Water Lot Location CL 3528 in front of Marsh Lands Patented to the City of Toronto May 18, 1880;

THAT the License Agreement with APSC be subject to the following terms and conditions:

- **That the term of the License Agreement be for five (5) years and seven (7) months, expiring on July 31, 2025;**
- **That consideration be as follows:**
January 1, 2020 to December 31, 2020 the sum of \$14,647.50 plus HST,
January 1, 2021 to December 31, 2021 the sum of \$15,379.88 plus HST,
January 1, 2022 to December 31, 2022 the sum of \$16,148.87, plus HST,
January 1, 2023 to December 31, 2023 the sum of \$16,956.31 plus HST,
January 1, 2024 to December 31, 2024 the sum of \$17,804.12 plus HST, and
January 1, 2025 to July 31, 2025 the sum of \$10,858.07 plus HST.
- **That all rental payments are payable in two equal installments due on May 1 and**

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- September 1 of each year, with the exception of the last year, when the payments will be due on January 1 and May 1 respectfully;
- That the APSC shall also be responsible for the costs of using the Licensed Area including costs of gate keys, maintenance, waste removal, security, Licensee's insurance premiums and any and all realty taxes, including local improvement charges;
 - That the APSC, its members and invitees may access the Licensed Area, including the car park by (i) motor vehicle(s) operated by the APSC members; and (ii) the APSC shuttle service consisting of a golf cart designated by the APSC as the shuttle service vehicle (APSC Shuttle), subject to the terms and conditions in the License Agreement;
 - That TRCA has no liability or responsibility with respect to the APSC Shuttle;
 - That APSC shall ensure that all operators of the APSC Shuttle are active members of the APSC and are trained to respect the public who utilize the main road through TTP;
 - That restricted motor vehicle access is permitted from April 1 to November 30 of any calendar year (sailing season) during the following times:
 - a. on weekdays (Saturday, Sundays and statutory holidays excepted) at any time;
 - b. on Saturdays, Sundays and statutory holidays, before 9:00 am and after 6:00 pm;
 - c. one (1) motor vehicle may be used at any time for emergency purposes and may be stationed in the car park, including on Saturdays, Sundays and statutory holidays;
 - d. one (1) motor vehicle may be used by the operator of the APSC Shuttle and stationed in the car park on Saturdays, Sundays and statutory holidays between 9:00am and 6:00pm for the purpose of accessing the APSC Shuttle parked in the car park;
 - e. APSC Shuttle service is permitted at any time.
 - Outside of the Sailing Season, motor vehicle access is not permitted, subject to the following exceptions:
 - f. APSC is permitted to conduct security patrols of the Licensed Area using motor vehicles designated by the APSC;
 - g. Notwithstanding anything to the contrary contained herein, the APSC its members and invitees are permitted motor vehicle access to the Licensed Area during public hours on three (3) consecutive weekends during the spring ("Load In") and three (3) consecutive weekends during the fall ("Load Out") of every calendar year of the License Term and any extensions thereof for necessary preparatory work in connection with its use of the Licensed Area. The TRCA and APSC shall on an annual basis coordinate and agree by March 1, both parties acting reasonably, on the Load In and Load Out weekends. Parking during this period will be in a designated area determined by TRCA and the APSC, both acting reasonably, for security purposes;
 - h. Access by vehicle or the APSC Shuttle to and from the Licensed Area shall only be made through the main entrance gates to Tommy Thompson Park;
 - any other terms and conditions deemed appropriate by the TRCA staff and solicitor.

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

BACKGROUND

Aquatic Park Sailing Club (APSC) was established in 1976 on Peninsula D and Embayment C at Tommy Thompson Park (TTP), during the initial planning phase for a public park on the Leslie Street Spit landform. The Leslie Street Spit has divided ownership with approximately half the lands owned by TRCA (officially Tommy Thompson Park) and the remaining lands owned by the Province of Ontario and leased to PortsToronto (formerly Toronto Harbour Commissioners and Toronto Port Authority) for lakefilling operations. The Revised Tommy Thompson Park Master Plan and Environmental Assessment (hereafter Master Plan) was approved in 1995 and includes provisions for APSC.

APSC is located approximately 2 km from the park entrance and occupies an area of land and water totaling approximately 8.9 ha (Attachment 1). TRCA has held a License Agreement with the APSC since interim management of the park began in 1985. The APSC is permitted a maximum of 100 mooring balls and the APSC allows three (3) memberships per mooring ball. Club facilities include a clubhouse, dinghy compound, oar shed, mechanical shed and two washrooms. The Club is off-grid and uses a generator and solar power. The TTP Master Plan includes provisions for the APSC with clear access stipulations. The Master Plan states:

- “At present, the Aquatic Park Sailing Club (APSC) with 100 swing moorings is located at Tommy Thompson Park in Embayment C with temporary facilities on land at the eastern end of the Embayment. The Plan maintains this sailing club in Embayment C along with a land base area consistent with the environmental integrity of the site. The APSC land base includes approximately 1 ha area for limited emergency vehicle and van shuttle parking, storage building area, and clubhouse.”
- “The concept for access to Tommy Thompson Park can be summarized as follows. No private vehicle access beyond the vehicle access control point at the base of the park, subject to the exceptions on vehicular access outlined below:
 - Maintain the existing roadway along the neck and out the endikement to the lighthouse area for use by park service vehicles, emergency vehicles, and construction vehicles to maintain the shoreline, and potentially a park transportation service. The park transportation is subject to the approval of Metropolitan Toronto.
 - Maintain an access road from the environmental education/shelter/washroom facility to APSC for emergency vehicles, and APSC shuttle van. The current restricted private vehicle access arrangements for APSC will remain in effect until the park is officially opened and operated by Metropolitan Toronto, which is assumed to be after completion of the lake filling and resolution of the remaining property ownership. These current arrangements for APSC include 1) private vehicles access on specific weekends to accommodate haul out and launch dates; 2) private vehicle access before and after public hours (Saturday, Sunday and Holidays); and 3) private vehicle access Monday through Friday while the site is operated by the Toronto Harbour Commissioners for the lake filling and construction activities.”

The current arrangements described in the Master Plan are for interim management, where public access was only permitted on weekends and holidays from 9:00 am to 6:00 pm. The Master Plan did not contemplate prolonged lakefilling operations, a delay in land transfer, or

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phased park opening. PortsToronto ceased daily lakefilling activities in 2016 and no longer has a continuous presence on site during business hours, however lakefilling operations may resume at any time. Coinciding with the discontinuance of PortsToronto activities, in 2016 TTP was officially opened to the public on weekday evenings (4:00 to 9:00 pm), and TRCA requested that APSC prepare to reduce private vehicle access during this public access period. However, according to the Master Plan and EA Conditions of Approval, “any change to the private vehicle access policy” would be considered a major modification to the plan and would require an amendment to the EA. Negotiations between TRCA staff, APSC members and legal counsel representing the APSC facilitated at times by the local Councillor took place in 2018-2020 and has resulted in a mutual arrangement being reached as to the terms and conditions of the License Agreement that addresses access to TTP by the APSC and its members as follows:

- the APSC, its members and invitees may access the Licensed Area, including the car park by (i) motor vehicle(s) operated by the APSC members; and (ii) the APSC shuttle service consisting of a golf cart designated by the APSC as the shuttle service vehicle (APSC Shuttle), subject to the terms and conditions in the License Agreement;
- TRCA has no liability or responsibility with respect to the APSC Shuttle;
- APSC shall ensure that all operators of the APSC Shuttle are active members of the APSC and are trained to respect the public who utilize the main road through TTP;
- restricted motor vehicle access is permitted from April 1 to November 30 of any calendar year (sailing season) during the following times:
 - a. on weekdays (Saturday, Sundays and statutory holidays excepted) at any time;
 - b. on Saturdays, Sundays and statutory holidays, before 9:00 am and after 6:00 pm
 - c. one (1) motor vehicle may be used at any time for emergency purposes and may be stationed in the car park, including on Saturdays, Sundays and statutory holidays;
 - d. one (1) motor vehicle may be used by the operator of the APSC Shuttle and stationed in the car park on Saturdays, Sundays and statutory holidays between 9:00am and 6:00pm for the purpose of accessing the APSC Shuttle parked in the car park;
 - e. APSC Shuttle service is permitted at any time.
- Outside of the Sailing Season, motor vehicle access is not permitted, subject to the following exceptions:
 - a. APSC is permitted to conduct security patrols of the Licensed Area using motor vehicles designated by the APSC;
 - b. Notwithstanding anything to the contrary contained herein, the APSC, its members and invitees are permitted motor vehicle access to the Licensed Area during public hours on three (3) consecutive weekends during the spring (“Load In”) and three (3) consecutive weekends during the fall (“Load Out”) of every calendar year of the License Term and any extensions thereof for necessary preparatory work in connection with its use of the Licensed Area. TRCA and APSC shall on an annual basis coordinate and agree by March 1st both parties acting reasonably, on the Load In and Load Out weekends. Parking during this period will be in a designated area determined by TRCA and the APSC, both acting reasonably, for security purposes;
 - c. Access by vehicle or the APSC Shuttle to and from the Licensed Area shall only be made through the main entrance gates to Tommy Thompson Park.

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RATIONALE

The Tommy Thompson Park Master Plan has been approved and includes the APSC. With additional shoreline work contemplated and lake filling required it is uncertain as to when the site can be in a condition for it to be transferred in its entirety to the TRCA or City of Toronto. This period of time required for works, due diligence and property transfers will likely exceed five years. A 5-year license will allow the APSC to forecast their budget and fee schedule more effectively. A 5-year term will also allow TRCA to forecast revenue for TTP and reduce the administration cost associated with negotiating and executing the licence on an annual basis.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 3 – Rethink greenspace to maximize its value

Strategy 5 – Foster sustainable citizenship

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

Revenue generated from this license will be used to offset costs for TRCA in managing TTP.

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Date: May 4, 2020

Attachments: 1

Attachment 1: Sketch of Licensed Area