

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Friday, May 14, 2021 Meeting

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **REQUEST FOR LIMITING DISTANCE AGREEMENT FOR TORONTO AND REGION CONSERVATION AUTHORITY-OWNED LAND**
156 Marine Parade Drive, City of Toronto, Lake Ontario Waterfront (CFN 63120)

KEY ISSUE

Receipt of a request from Kingbird Developments Inc., to enter into a Limiting Distance Agreement for Toronto and Region Conservation Authority-owned lands located on the north side of Marine Parade Drive and east of Park Lawn Road municipally known as 156 Marine Parade Drive, in the City of Toronto, Lake Ontario Waterfront.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT Toronto and Region Conservation Authority (TRCA) enter into a Limiting Distance Agreement with Kingbird Developments Inc. relating to TRCA owned land containing a total of 0.005 hectares (0.013 acres), more or less, of vacant land, described as Part 1 and 2, draft plan submitted by R-PE Surveying Ltd., City of Toronto;

THAT consideration of Seventy-Five Thousand Dollars (\$75,000) be paid to TRCA by Kingbird Developments Inc. for the Limiting Distance Agreement;

THAT the Limiting Distance Agreement be executed at the earliest possible date and all reasonable expenses incurred incidental to the execution of the agreement are to be paid by Kingbird Developments Inc.;

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

BACKGROUND

Kingbird Developments Inc. has formally requested that TRCA and the City of Toronto enter into a Limiting Distance Agreement that is required for the construction of a residential condominium building adjacent to TRCA-owned lands. To allow a substantial amount of glass on the side of the proposed building, the City of Toronto requires that the abutting landowner agree not to construct a building within a certain distance of the property line.

Limiting Distance Agreements are executed by the owners of the property requiring the agreement, the owner of the land impacted by the proposed limiting distance area and by the City of Toronto as regulator under the Ontario Building Code.

City of Toronto Legal and Parks, Forestry and Recreation staff have been consulted and are in agreement with the proposed Limiting Distance Agreement.

Item 8.4

The current zoning on the larger parcel of TRCA land is zoned Open Space and prohibits any form of buildings or structures with the exception of passive, recreational-type development such as pathways and trails.

The subject lands are encumbered by a sub-surface easement related to an underground parking garage that serves the condominium building to the north, (Phantom Developments). There are additional easements that serve an emergency stairwell associated with parking garage on the east side of the parcel, the Limiting Distance Agreement lands partially encompass this structure.

The subject property was acquired for the Revised Project for the Etobicoke Motel Strip Waterfront Park (March 1993).

Attachment 1 is a sketch illustrating the location of the subject lands and the portion of the lands subject to the Limiting Distance Agreement. **Attachment 2** is an orthophoto illustrating the location of the subject lands and the portion of the lands subject to the Limiting Distance Agreement.

RATIONALE

The entire parcel of land has been allocated for a park through an agreement with the City of Toronto, the condominium developer to the north (Phantom Developments), and TRCA rendering them sterilized for all intents and purposes. The City of Toronto is a partner agency and the Limiting Distance Agreement will not result in any detrimental impact on the subject TRCA land nor the current or intended use of the property.

The building restrictions on the approximately 53 square meter strip of TRCA land will ensure that normal park operation, paths, trails, etc., are guaranteed without restriction. The agreement does not restrict City of Toronto or TRCA staff from exercising their normal planning review and commenting responsibilities. The agreement will be revoked or terminated upon receipt of written notice from the City of Toronto that the new construction has been removed or no longer exists.

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 7 – Build partnerships and new business models

FINANCIAL DETAILS

Kingbird Developments Inc. has agreed to assume all legal, survey and other costs involved in completing this transaction.

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Date: April 21, 2021

Attachments: 2

Attachment 1: Site Plan

Attachment 2: Orthophoto