

**28 Bathurst Street - Official Plan and Zoning By-law Amendment
– City-Initiated – Final Report**

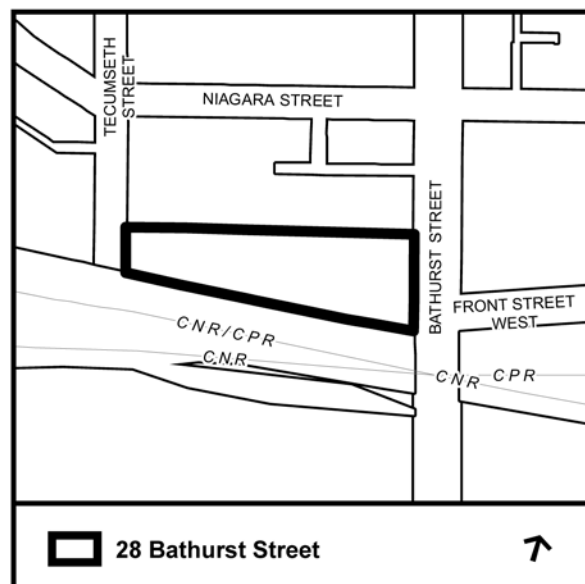
Date:	March 17, 2017
To:	Toronto and East York Community Council
From:	Chief Corporate Officer Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	17 103829 STE 19 OZ (City-Initiated)

SUMMARY

On November 15, 2016 Toronto and East York Community Council requested City Planning Staff report to Toronto and East York Community Council to initiate the process of amending the Zoning By-law and Official Plan to change the land use designation from Regeneration Areas to Parks, and the zoning to an appropriate Park zone category, at 28 Bathurst Street.

The City initially acquired 28 Bathurst Street under a Section 31 Agreement (under the *Expropriations Act*) after the City initiated expropriation proceedings in 1988 due to contamination issues and the proposed Front Street extension. The site was formerly used for industrial purposes.

Following City Council’s decision to abandon plans for the Front Street extension, the property was declared surplus with the intended manner of disposal to be a transfer to Build Toronto. Build Toronto submitted an application to develop a 19-storey mixed use tower on the site. In 2013, City Planning Staff commenced a study of the area which included 28 Bathurst Street.



The study, adopted by Council in 2014, recommended less development potential than was originally contemplated in Build Toronto's application.

This report discusses the history of the site, relevant Council Decisions, and previous and current planning direction. The report recommends that the current declaration of surplus be rescinded and recommends amendments to the Official Plan and Zoning By-laws 438-86 and 569-2013 to designate the site from 'Regeneration Areas' to 'Parks and Other Open Space Areas: Parks' and rezone the lands to an appropriate Park zone category, respectively.

RECOMMENDATIONS

The City Planning Division and Real Estate Services recommend that:

1. City Council rescind the declaration of surplus in respect of 28 Bathurst Street so that the property is not intended for transfer from City ownership to Build Toronto, and that the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto;
2. City Council amend the Official Plan, to redesignate the lands at 28 Bathurst Street from 'Regeneration Areas' to 'Parks and Other Open Space Areas: Parks', substantially in accordance with the draft Official Plan Amendment No. 377 attached as Attachment No. 4 to the report (March 17, 2017) from the Director of Community Planning, Toronto and East York District;
3. City Council amend Zoning By-law 569-2013, as amended, to zone the lands at 28 Bathurst Street to 'OR' Open Space, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the report (March 17, 2017) from the Director of Community Planning, Toronto and East York District;
4. City Council amend Zoning By-law 438-86, as amended, to rezone the lands at 28 Bathurst Street from 'I1 D3' Industrial and 'MCR' Mixed Use, to 'G' Park, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report (March 17, 2017) from the Director of Community Planning, Toronto and East York District;
5. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendments as may be required;
6. City Council authorize the City Solicitor to withhold the Bills to amend to the Zoning By-laws noted in Recommendations 3 and 4, until such time as leases for other non-residential uses on the site have expired or been terminated;

7. City Council direct the Chief Financial Officer, in consultation with the General Manager of Parks, Forestry, and Recreation and Build Toronto, to report to City Council in the 3rd quarter of 2017, regarding the manner in which Build Toronto may be reimbursed for expenses related to development costs to date; and,
8. Should City Council adopt Recommendation 2 above, City Council direct the City Solicitor to request that the Ontario Municipal Board modify the previously Council-approved Official Plan Amendment No. 273 to ensure consistency with the recommendations of this report, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with appropriate City Officials.

Financial Impact

There is no financial impact from the recommendations.

BACKGROUND AND DECISION HISTORY

Property Acquisition

The property is the residual portion of a former secondary lead smelter site acquired by the City in 1988 under a Section 31 Agreement after the City initiated expropriation proceedings due to contamination issues and to accommodate the proposed Front Street Extension. The northern portion of the original site was remediated to residential standards and is now the location of a daycare centre and residence shelter, municipally known as Nos. 34 and 38 Bathurst Street, respectively. The westerly portion of the property, designated as Parts 2 & 4 on Plan 64R-16673, has also been remediated.

Front Street Extension

In November 2008, City Council decided against proceeding with the Front Street extension and removed the Front Street Extension from the Official Plan.

Transfer of Lands to Build Toronto

On April 14, 2011, under the authority of DAF No. 2011-121, 28 Bathurst Street was declared surplus. The intended method of disposal was to be a transfer to Build Toronto on an "as is" basis, for nominal consideration.

On May 17, 2011, City Council adopted, with amendments, GM3.21 entitled "Transfer of Properties to Build Toronto and Declaration of Surplus – Second Quarter 2011".

By adoption of Recommendation 7, City Council granted authority to enter into an agreement to transfer the property municipally known as 28 Bathurst Street, including any agreements related thereto, to Build Toronto, substantially on the terms and conditions set out in Appendices 1 and 7 in the report (April 14, 2011) from the Chief Corporate Officer.

City Council's Decision, including supporting staff report, can be viewed here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM3.21>

Official Plan and Zoning By-law Amendment Application

On December 21, 2012, Build Toronto submitted an Official Plan and Zoning By-law amendment application (12 297477 STE 19 OZ) proposing a mixed-use development at 28 Bathurst Street consisting of three towers situated on a non-residential podium, a new east-west street connecting Bathurst Street to Tecumseth Street, and a small park space at the west end of the site.

A Preliminary Report on that application can be viewed here:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=3271753>

The application was not supported by City Planning Staff who expressed a number of concerns with the building's proposed height, density and relation to the surrounding context, including Fort York National Historic Site. Revised plans were not formally submitted to address City Planning concerns. The application is still open but has not been active for a number of years.

Official Plan Amendment 231

At its meeting on December 18, 2013, City Council approved recommendations regarding the Official Plan and Municipal Comprehensive Reviews: Amendments to the Official Plan for Economic Health and Employment Lands Policies and Designations and Recommendations for Conversion Requests and approved Official Plan Amendment 231 (OPA 231).

OPA 231 redesignated 28 Bathurst Street from *Employment Areas* to *Regeneration Areas*. OPA 231 also amended Official Plan Chapter 14 - Garrison Common North Secondary Plan, to require that an area study be undertaken to establish a framework for redevelopment for the area in advance of any residential uses being permitted at 28 Bathurst Street.

City Council's Decision, including supporting staff reports, can be viewed here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

OPA 231 was appealed to the Ontario Municipal Board in January 2014. A Decision issued on June 22, 2015 approved policy amendments to some of the lands under appeal, including 28 Bathurst Street. As a result of that Decision, the changes to the land use designation and policies applicable to the site contained in Official Plan Chapter 14 – Garrison Common North Secondary Plan, approved by City Council through OPA 231 are now in force and effect.

South Niagara Planning Strategy

In October 2013, the City Planning Division initiated the South Niagara Planning Strategy which studied the lands bordered by Bathurst Street, Strachan Avenue, Wellington Street West, and the Metrolinx rail corridor. The study was intended to develop a planning framework to assist in guiding new development and balancing city policies with neighbourhood interests in the area.

At its meeting on August 25, 2014, City Council adopted the recommendations contained in the South Niagara Planning Strategy Final Staff Report including Official Plan Amendment 273 (OPA 273). The staff report recommended redesignating 28 Bathurst Street to *Mixed Use Areas* and amending the Garrison Common North Secondary Plan to add a set of criteria for any potential redevelopment of 28 Bathurst Street. The development criteria for 28 Bathurst Street establish maximum height, floorplate, and non-residential floorspace requirements, the requirement to provide residentially compatible employment space and a mix of two and three bedroom units, and a number of other criteria.

The South Niagara Planning Strategy report also recommended that the City Planning Division, in consultation with other City Divisions, Build Toronto, and the Ward Councillor, report to Toronto and East York Community Council in 2015, assessing the appropriateness of developing a Community Improvement Plan to achieve community improvements, such as the adaptive reuse of the Wellington Destructor, the remediation of city-owned contaminated lands, parkland improvements, and other community improvements detailed in the South Niagara Planning Strategy. This work has not advanced given other planning priorities.

City Council's Decision on the South Niagara Planning Strategy can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.4>

In September 2014 OPA 273 was appealed to the Ontario Municipal Board by the owners of 2 Tecumseth Street. The appeal does not include 28 Bathurst Street, but has prevented all policy changes, including those to the land use designation at 28 Bathurst Street contained in OPA 273, from coming into force and effect. At this time, no prehearing date has been scheduled with the Ontario Municipal Board regarding OPA 273.

ISSUE BACKGROUND

Proposal

On November 15, 2016 Toronto and East York Community Council requested City Planning Staff to report to Toronto and East York Community Council to initiate the process of amending the Zoning By-law and Official Plan to change the land use designation from Regeneration Areas to Parks, and the zoning to an appropriate Park zone category, at 28 Bathurst Street.

The motion to direct staff to initiate this Official Plan and Zoning By-law Amendment can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE20.81>

Site and Surrounding Area

The property known municipally as 28 Bathurst Street is located on the west side of Bathurst Street at the end of Front Street West. The property is irregular in shape, generally flat, and has an area of approximately 13,500 square metres or 3.4 acres. It has frontage on Bathurst Street and Tecumseth Street.

The site is currently occupied by a surface parking lot which is not currently accessible, as well as a shelter and day nursery. While situated on the same lot, the address of the shelter and the day nursery are 34 and 38 Bathurst Street, respectively.

Surrounding uses are as follows:

North: Existing day nursery and men's shelter are situated on the north portion of 28 Bathurst. Low rise residential units are situated further to the north. A proposed development at 109 Niagara consisting of two residential buildings. Closer to Tecumseth Street is a proposed 12 and 14 storeys development and the renovation of the interior of the heritage building on-site to include live-work and residential uses. (File No. 12 130868 STE 19 OZ)

South: The CN Rail, GO Transit railway corridor is situated immediately south of the site. The Fort York National Historic Site is situated on the south site of the railway line.

East: An approved development consisting of an 8 to 18 storey mixed-use buildings containing non-residential floor space and 1200 residential units. (File No. 11 230641 STE 20 OZ).

West: A vacant industrial building which was formerly the site of the Quality Meat Packers Abattoir is located immediately west of the site. A City of Toronto works yard is located further to the west.

Site Contamination

The subject site was historically utilized for industrial purposes, including the storage of coal gas in two large aboveground gasometers, and as a lead smelting facility (Toronto Smelting and Refining Ltd.) from approximately 1900 until the late 1980s. The east portion of the lands toward Bathurst Street is contaminated while remainder of the site was previously remediated. All remaining on-site contamination has been capped and is being monitored.

Proposed Temporary Commercial Shipping Container Development

On December 28, 2016, Tusk Global submitted a Site Plan Control application (16 269672 STE 19 SA), with the consent of Real Estate Services, proposing a temporary commercial development consisting of modified shipping containers, a surface parking area, and publicly accessible landscaped space. This application is currently under review.

The proposed Temporary Shipping Container Market Development is conditional on the City and Tusk entering into a ground lease. Real Estate Services and Tusk are currently negotiating the terms and conditions of the ground lease.

It is intended that the proposed shipping container development would occupy the site for a period of 2 to 3 years or until such time as the City converts the site to a park.

Provincial Policy Statement and Provincial Plan

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan designates the property as *Regeneration Areas*. *Regeneration Areas* are intended to provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban format through the revitalization of sites that are vacant or underutilized. The encouragement of new development in *Regeneration Areas* is also intended to drive the remediation and re-use of contaminated lands.

Garrison Common North Secondary Plan (14.1)

The subject property is within the Garrison Common North Secondary Plan area. The Secondary Plan's major objectives include:

- ensuring that new development be integrated into the established city fabric in terms of streets, blocks, uses, density patterns;

- permitting a variety of land uses and densities;
- providing community services and facilities;
- protecting industrial and communications uses; and,
- Providing of a range of housing types in terms of size, type, affordability and tenure through new development.

The subject site is contained within Site and Area Specific Policy Area 1 of the Garrison Common North Secondary Plan. Policy Area 1 contains policies to guide the future land use and development potential within the area bordered generally by Bathurst Street, Wellington Street West, Strachan Avenue and the Metrolinx rail Corridor.

With regard to 28 Bathurst Street, Policy Area 1 permits residential uses on site provided appropriate environmental remediation measures have been undertaken, that any new development is appropriately buffered from the adjacent rail corridor, and that new development is consistent with the recommendations of the South Niagara Planning Strategy. The policy also requires the provision of new employment space at 28 Bathurst Street within any new mixed use development. A park is permitted on the 28 Bathurst Street site in Policy Area 1.

Community Improvement Plans (5.2.2)

In 2014, City Planning Staff were directed to report on the appropriateness of a Community Improvement Plan for the South Niagara Planning Study Area which includes 28 Bathurst Street.

The City's Official Plan Section 5.2.2 contains policies regarding Community Improvement Plans. The intent of these plans is to promote the maintenance, rehabilitation, revitalization and/or conservation of selected lands, buildings and communities facing challenges of transition, deficiency or deterioration or for any other environmental, social or community economic development reason.

Policy 5.2.2.2 directs that Community Improvement Project Areas will be identified for areas exhibiting one or more of the following:

- physical decline in local building stock;
- conflicts between incompatible land uses or activities;
- deficient or deteriorated public infrastructure and/or amenity, including parks, open spaces, community facilities and streetscapes;
- barriers to the improvement or redevelopment of vacant or underutilized land or buildings such as contaminated soil, fragmented ownership, or financial disincentive to private investment; or
- declining social, environmental and/or economic conditions

Zoning

The subject site is subject to two different zone categories (Attachment #5), MCR T3.0 C1.0 R2.5, a mixed-use zone category, and I1 D3 an employment zone category, by City of Toronto Zoning By-law No. 438-86, as amended.

The lands zoned MCR T3.0 C1.0 R2.5 affect the lands from the Bathurst Street frontage to 30.5 metres west into the site and permit a mix of residential, commercial and park uses. The zoning allows for a total site density of 3.0 times the lot area, of which, a maximum of 1.0 times the lot area may be used for non-residential uses, while a maximum of 2.5 times the lot area may be used for residential uses. The maximum building height on this portion of the subject property is 36.0 metres.

Excepting the lands noted above, the remaining western portion of the subject lands zoned are zoned I1 D3, which permits employment uses such as, warehousing, workshops and studio type uses, as well as some community retail and service uses. The I1 D3 zone permits a public park. The maximum building height on this portion of the subject property is 18.0 metres.

City-wide Zoning By-law 569-2013 does not apply to the site.

Community Consultation

A Community Consultation meeting was held at 222 Niagara Street – Niagara Street Junior Public School - on January 26, 2017. Councillor Layton and approximately 30 area residents were in attendance. Comments made during the meeting were generally supportive of rezoning the site as a park. Concerns were raised regarding the contamination of the site and the presence of a persistent odor at the southeast corner of the site. Those in attendance were interested in the manner in which the park may be designed.

DISCUSSION AND COMMENTS

Parks, Forestry and Recreation Staff have advised of their intent to develop this city-owned site as a park. The following discusses the necessary amendments to the Official Plan and Zoning By-laws to affirm the use of the site as a Park. All appropriate agencies and City divisions, including Parks Forestry and Recreation, and Build Toronto, were consulted in the drafting of this report and recommendations to Council.

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS), 2014, provides policy direction on matters of provincial interest related to land use planning and development. City Council's planning decisions are required to be consistent with the PPS.

Policy 1.1.1 of the PPS directs that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns that include parks and open spaces.

Policy 1.5 of the PPS directs land use planning decisions which promote healthy, active communities planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities,

parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.

Policy 4.7 recognizes the Official Plan as the most important vehicle for implementation of the PPS.

The proposed Official Plan and Zoning By-law amendment is consistent with the relevant policies of the Provincial Policy Statement. The proposed amendments secure the provision of public park space, providing additional opportunity for publicly accessible open space and recreation uses, as part of an efficient land-use mix within an identified park land priority area.

Growth Plan for the Greater Golden Horseshoe (2006)

The Growth Plan for the Greater Golden Horseshoe (the ‘Growth Plan’) provides a framework for managing growth in the Greater Golden Horseshoe. The subject site is an Intensification Area as defined by the Growth Plan. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Section 2.2.2.1 of the Growth Plan directs that population and employment growth will be accommodated by encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, and high quality public open space.

Section 4.2.1 of the Growth Plan directs municipalities to develop a system of publicly accessible parkland, open space and trails including urban open space systems within built-up areas.

The Growth Plan definition of “complete communities” includes the provision of public open spaces.

The proposed Official Plan and Zoning By-law amendment implements the Growth Plans direction that municipalities plan complete communities. The proposed park is situated near the West Toronto Rail Path, the potential Rail Deck Park, and the north/south network of park spaces including Stanley Park, Fort York National Historic Site and the future Ordnance Park and enhances the areas planned urban open space system. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan - Land Use

The subject site is designated *Regeneration Areas* in Map 18 – Land Use in the Official Plan. City Council, through OPA 273 has directed that the lands be redesignated as *Mixed Use Areas*. OPA 273 is under appeal so the in force Official Plan designation is *Regeneration Areas*.

The City's Official Plan encourages the expansion of the parks and open space system as part of the development of complete communities, especially in areas underserved by parkland. This site is surrounded by areas which are experiencing significant residential and employment development activity and are underserved by parkland. As there are limited opportunities to deliver new park space in this growing community, and the site is constrained in ways which limit development opportunities, City Planning Staff support the use of the site as park and recreation space, in accordance with the objectives of the Official Plan.

As City Planning supports the site's use as a future park space and given that the mixed use development is not proceeding, it is also recommended that the *Parks and Open Space Areas: Parks* land use designation, which exclusively permits parks and recreation uses, is the appropriate land use designation this site.

Garrison Common North Secondary Plan

The subject property is within the Garrison Common North Secondary Plan area. The major objectives of the Secondary Plan include enhancing the public open space system and, providing both visual and physical connections to Fort York and the waterfront. The proposed park space is consistent with the major objectives of the Garrison Common North Secondary Plan.

OPA 273 - South Niagara Planning Strategy - Policies

Adopted by City council on August 25, 2014, the South Niagara Planning Strategy and Official Plan Amendment 273 (OPA 273) provides a framework for the development of the subject site and area to the east, building on and amending the policies in the Garrison Common North Secondary Plan.

OPA 273 generally directs the enhancement and expansion of area park spaces and multi-modal connections within the study area. Connections between the existing rights-of-way, the expanded Stanley Park, the Fort York Pedestrian and Cycling Bridge, and the West Toronto Rail Path to the west are encouraged by the study.

OPA 273 allows a mixed use redevelopment of the site 28 Bathurst Street. Built form policies direct that the development of the site may contain a tower of up to 20 storeys with a floorplate limited to 750 square metres and a mid-rise building component. The proposed development by Build Toronto does not meet the requirements of OPA 273 and has not been amended to meet these requirements.

City Planning staff have been advised by Build Toronto that due to environmental remediation requirements, a development that conforms with the policies of OPA 273 would not be financially viable and is not proceeding.

As the development criteria contained OPA 273 represent the maximum scale of a development supportable by City Planning, it appears that the site contamination presents a barrier to a supportable mixed-use redevelopment given other municipal priorities.

OPA 273 - South Niagara Planning Strategy – Appeal Status

In September 2014, OPA 273 was appealed to the Ontario Municipal Board by the owners of 2 Tecumseth Street. The appeal does not include 28 Bathurst Street, but has prevented all of OPA 273 from coming into force and effect.

Should City Council adopt recommended amendments to redesignate 28 Bathurst Street as Parks and Other Open Spaces: Parks, City Planning Staff recommend that at such time as OPA 273 is before the Ontario Municipal Board, the City Solicitor to request that the Board modify OPA 273 to ensure consistency with the recommendations of this report.

Parks and Open Spaces

The City of Toronto Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this report are in the South Niagara Neighbourhood which contains 0.80 to 1.56 hectares of local parkland per 1,000 people - the middle quintile of current provision of parkland. The site is in a parkland acquisition priority area.

The property is situated immediately west of the Downtown. Downtown Toronto has 121 parks covering 100 hectares (247 acres) or approximately 6 percent of the land area excluding the Toronto Islands. With a current population of 250,000, Downtown Toronto has one of the lowest percentiles for parkland provision per capita in the city.

In order to increase this to Toronto's median provision rate of 0.78 ha (1.9 acres) of parkland per 1,000 residents for the estimated 2041 population of 475,000, the City would need to acquire an additional 256 ha (633 acres) of new parkland. This is equivalent to 1.5 times the size of High Park.

Should Council direct that the site be designated as a park and transfer operational management of the land to Parks Forestry and Recreation to develop the land as a park, this new park space will assist in addressing the limited amount of park space accessible to residents living in the surrounding area, including the west side of Downtown.

Parkland Acquisition & Development

It is increasingly difficult to acquire land for new parks, especially near the Downtown. The interdivisional staff report regarding Rail Deck Park, which was before City Council at their October 5th, 2016 meeting, contained the following analysis of difficulties of parkland acquisition within the Downtown:

“There are two interrelated challenges for future parkland acquisition in Downtown Toronto: (i) the increasingly limited space available for new park development and (ii) the high cost for acquiring and, as necessary, remediating Downtown properties.

Over the past ten years, the City has secured 21 new or expanded parks in Downtown neighbourhoods or the equivalent of 19.6 hectares (48.4 acres) through parkland and cash-in-lieu dedications. These dedications are made in accordance with City policies under Section 42 of the Planning Act, 1990.

All of the larger parks acquired since 2005 have been secured through master planned communities such as Corktown Common in the Canary District, as part of the Waterfront redevelopment or through revitalization initiatives such as Regent Park. The majority of future development in the Downtown area will not be master planned communities and will occur in small infill sites, limiting the ability to secure larger parks through parkland dedication.

The City frequently negotiates cash-in-lieu payments for Downtown developments to acquire and develop parkland elsewhere in the Downtown area and the rest of the city. As a result of the increased density in the Downtown area and a highly competitive real estate market, the cost of Downtown land acquisition is exceptionally high when compared to other areas of Toronto. The current cost of land is approximately \$30 to \$60 million per acre in the Downtown area. This is in addition to potential costs for site remediation, demolition, site servicing and parkland development. Development in the Downtown area often occurs on former industrial and commercial (i.e., "brownfield") sites requiring remediation work to treat hazardous contaminants.”

Contamination and Park Space

The contamination of the lands is not a barrier to the development of the site as a public park. Typically lands that are contaminated and purchased for park purposes are remediated through a risk assessment approach, which can involve a clean cap and future site management measures. A number of new parks in the City are risk assessed.

Improving Open Space Connectivity

The lands at 28 Bathurst Street are located in a strategically significant location relative to a number of city initiatives related to pedestrian and cycling connections and park expansion.

As noted above, the South Niagara Planning Strategy and OPA 273 contemplate an east-west connection from Bathurst Street to Strachan Avenue via a new multi-use path. This path could connect the lands east of Bathurst Street to the future expanded Stanley Park south of Wellington Street West, the Fort York Pedestrian and Cycling Bridge, now under construction, and the West Toronto Rail Path, which is currently planned to end at Strachan Avenue and Duoro Street via the Environmental Assessment currently underway.

Community Improvement Plan

In 2014, City Council directed City Planning staff to report to Toronto and East York Community Council in 2015, assessing the appropriateness of developing a Community Improvement Plan (CIP) within the South Niagara Study Area, bounded by Bathurst Street, Wellington Street West, Strachan Avenue, and the Metrolinx rail corridor, to achieve community improvements, such as the adaptive reuse of the Wellington Destructor, the remediation of city-owned contaminated lands, parkland improvements, and other community improvements detailed in the South Niagara Strategy.

The intent of directing staff to explore a CIP through the South Niagara Planning Strategy was to assess whether a CIP was an appropriate tool to help fund improvement to park space, community space and allow remediation of contaminated lands to advance the objectives of the South Niagara Planning Strategy.

Official Plan policy 5.2.2.2 also directs that a CIP may be considered in areas with deficient or deteriorated public infrastructure and/or amenity, including parks, open spaces, community facilities and streetscapes. It was identified through the South Niagara Planning Strategy that the subject area is in need of additional community facilities and services. The recommendations of the South Niagara Planning Strategy suggest that staff explore the reuse and refurbishment of the Wellington Destructor and explore opportunities to establish a cultural / community facility within and around the existing building. The Official Plan identifies the study area as a parkland priority area and recommends expansion of community facilities and services.

In the opinion of the City Planning Division, the CIP should be designed to support the enhancement and expansion of community facilities and amenities in the South Niagara Neighbourhood area, such as expanded park space and the adaptive reuse of the Wellington Destructor, as opposed to offsetting the cost of remediating 28 Bathurst Street to allow a financially viable mixed-use redevelopment.

It is recommended that City Planning Staff complete their review of the appropriateness of applying a CIP to the study area and report to Toronto and East York Community Council in 2017 and that the report have specific regard for the manner in which the CIP could facilitate:

- adaptive reuse of the Wellington Destructor located at 677 Wellington Street West;
- improvement of the lands at 28 Bathurst Street and other City-owned lands as park space;
- improvements to area community facilities and services

Build Toronto Development Application

The Official Plan and Zoning By-law amendment applications submitted by Build Toronto in 2012, discussed earlier in this report, are currently open.

Should City Council approve amendments to the Official Plan and Zoning By-law, as recommended in this report, Build Toronto's application will be closed. City staff acknowledge the considerable costs incurred by Build Toronto respecting the application, specifically the costs related to completing the necessary environmental studies, which may have value in planning the future park space. It is recommended that the Chief Financial Officer, in consultation with the General Manager of Parks, Forestry, and Recreation and Build Toronto, report to Council regarding the manner in which Build Toronto may be credited for expenses related to the environmental studies and other development costs to date.

Proposed Temporary Commercial Shipping Container Development

City Planning staff support, in principle, the proposed temporary shipping container development, submitted for review in January 2017, as an interim use at 28 Bathurst Street until such time as it is developed as a park or other use. The use is permitted by the existing zoning on site.

The proposed temporary shipping container development is intended to be on site for a period of 2 to 3 years, depending on the terms and conditions of a ground lease between Tusk and the City, currently under negotiation. As the proposal has been designed to comply with the current Zoning By-law permissions, City Planning Staff recommend that the zoning on site remain as-is, for the short term, so as to accommodate the proposed temporary use, until such time as the lease expires or is terminated. At this time City Planning Staff will bring forward bills to rezone the site in accordance with the recommendations of this report.

As the proposed Official Plan amendments being proposed do not have any impact on the proposed temporary use, City Planning Staff recommends that these amendments be brought forward for consideration by City Council at the earliest opportunity.

Summary of Proposed Official Plan Amendments

The proposed Official Plan Amendment No. 377 (Attachment 4) redesignates the south portion of 28 Bathurst Street from *Regeneration Areas* to *Parks and Other Open Space Areas: Parks*. The northern portion of the site, where the daycare and shelter are currently situated, will remain as currently designated.

Summary of Proposed Zoning By-law Amendments

The proposed amendments to By-law No. 438-86, as amended (Attachment 5) rezones the lands south of the existing day nursery and shelter at 28 Bathurst Street, shown on the schedule appended to the Draft By-law amendment, from 'I1 D3' Industrial and 'MCR' Mixed Use, to 'G' Park.

The proposed amendments to By-law No. 569-2013 as amended (Attachment 6) adds the lands south of the existing day nursery and shelter, shown on the schedule appended to the Draft By-law amendment, to By-law 569-2013 and zones them 'OR' – Open Space Recreation Zone.

By-law 569-2013 contains a number of Open Space zone categories, but most parks in the urban context generally fall within one of two Open Space zone categories: 'O' and 'OR'. The 'OR' zone permits a range of recreational and park uses, as well as art gallery, community centre, day nursery, entertainment place of assembly, fire hall, library, museum, police station, and transportation uses, as well as restaurant, personal service shop, and retail store uses provided uses occupy less than 500 square metres of floor area. Most parks in the vicinity of 28 Bathurst Street site are zoned 'OR', including nearby Stanley Park, St. Andrew's Playground, and Massey Harris Park. In contrast, the 'O' zone is less permissive, allowing only park, public utility, and transportation uses as well as education, recreation and energy generation uses, subject to conditions. Victoria Memorial Square is the only nearby park zoned 'O' by By-law 569-2013.

City Planning is proposing that the site be zoned as 'OR' as the nature of the park design may present opportunities for introduction of community facilities and other uses contemplated in this zone. Bills will not be brought forward to rezone the site until such time as leases for the temporary shipping container development, or other temporary use, have expired or been terminated, likely two or three years from the date of this report.

Conclusion

In summary, Toronto and East York Community Council has requested that City Planning staff report on designating the 28 Bathurst Street site as a Park. The current Official Plan land use designation and zoning by-laws applicable to the site allow a park. Parks, Forestry, and Recreation staff has advised of their interest to develop the site as a park. While the property was, at one time, considered a potential development site by the City and Build Toronto, development proposals have not advanced for a variety of reasons. If developed as a park, the site helps address the shortfall of park provision in the west area of Downtown. Provided that the value of previous environmental work by Build Toronto is acknowledged, Build Toronto has advised of no objection to the site being developed as a park. Amending the Official Plan and Zoning By-law to a Park land use category and zone, respectively, affirms the City's intent that this site will be used a park in the long term.

The site is located in a parkland priority area, near areas which are all experiencing significant growth, part of an expanding urban open space network, and is contaminated to a degree which greatly limits the potential for redevelopment. The cost of parkland acquisition in and around the Downtown is continuing to rise, and the rate of parkland provision per capita is diminishing as new development occurs. This site represents both a financially and locationally attractive site for the City to provide new park space in a parkland priority area.

City Planning Staff support the use of this site as a public park, recommend approval of the City-initiated Official Plan and Zoning By-law Amendment applications.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

Josie Scioli
Chief Corporate Officer

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ATTACHMENTS

Attachment 1: Official Plan Map 18 Excerpt

Attachment 2: Zoning By-law Excerpt (438-86)

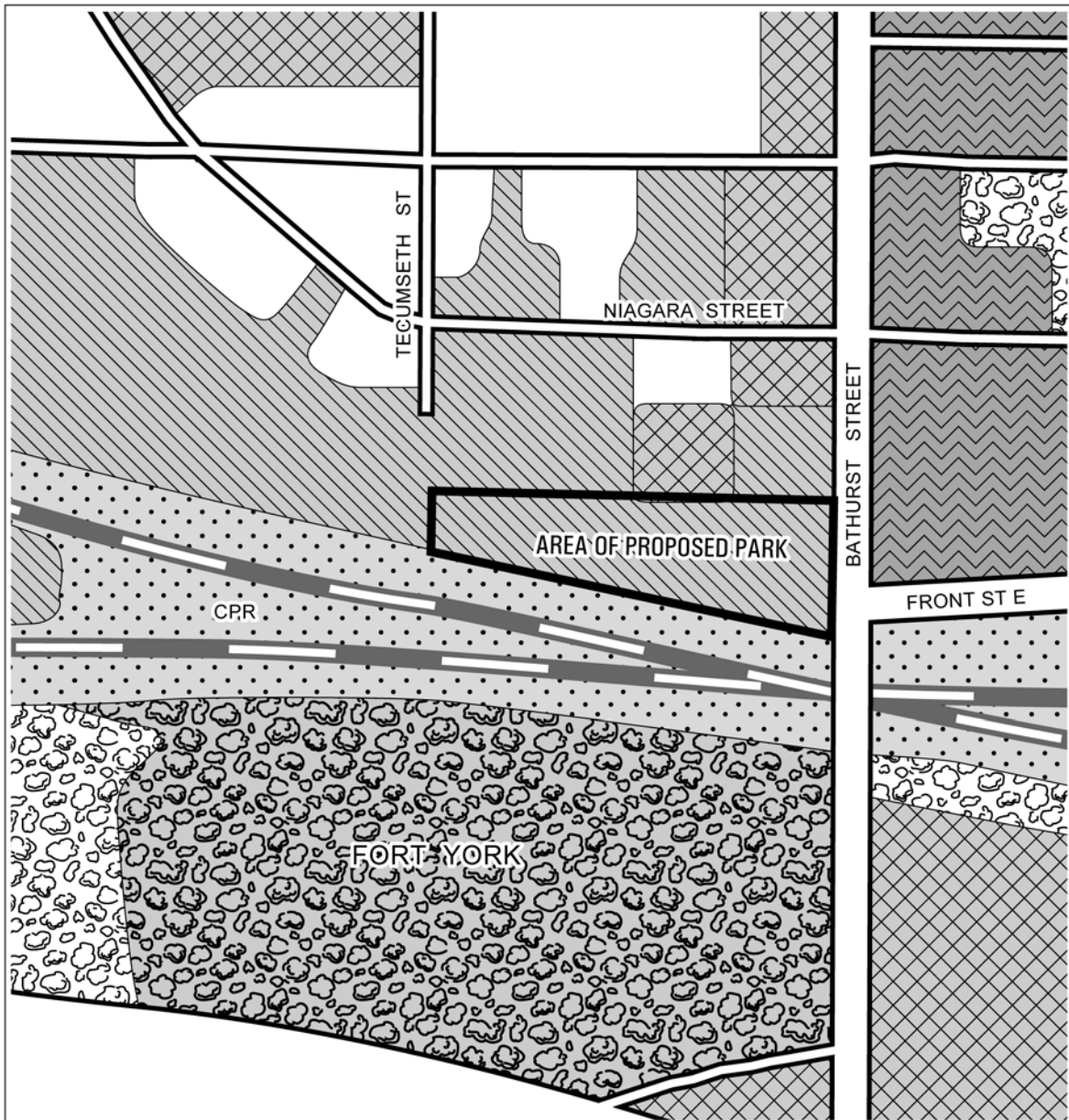
Attachment 3: Zoning By-law Excerpt (569-2013)

Attachment 4: Draft Official Plan Amendment

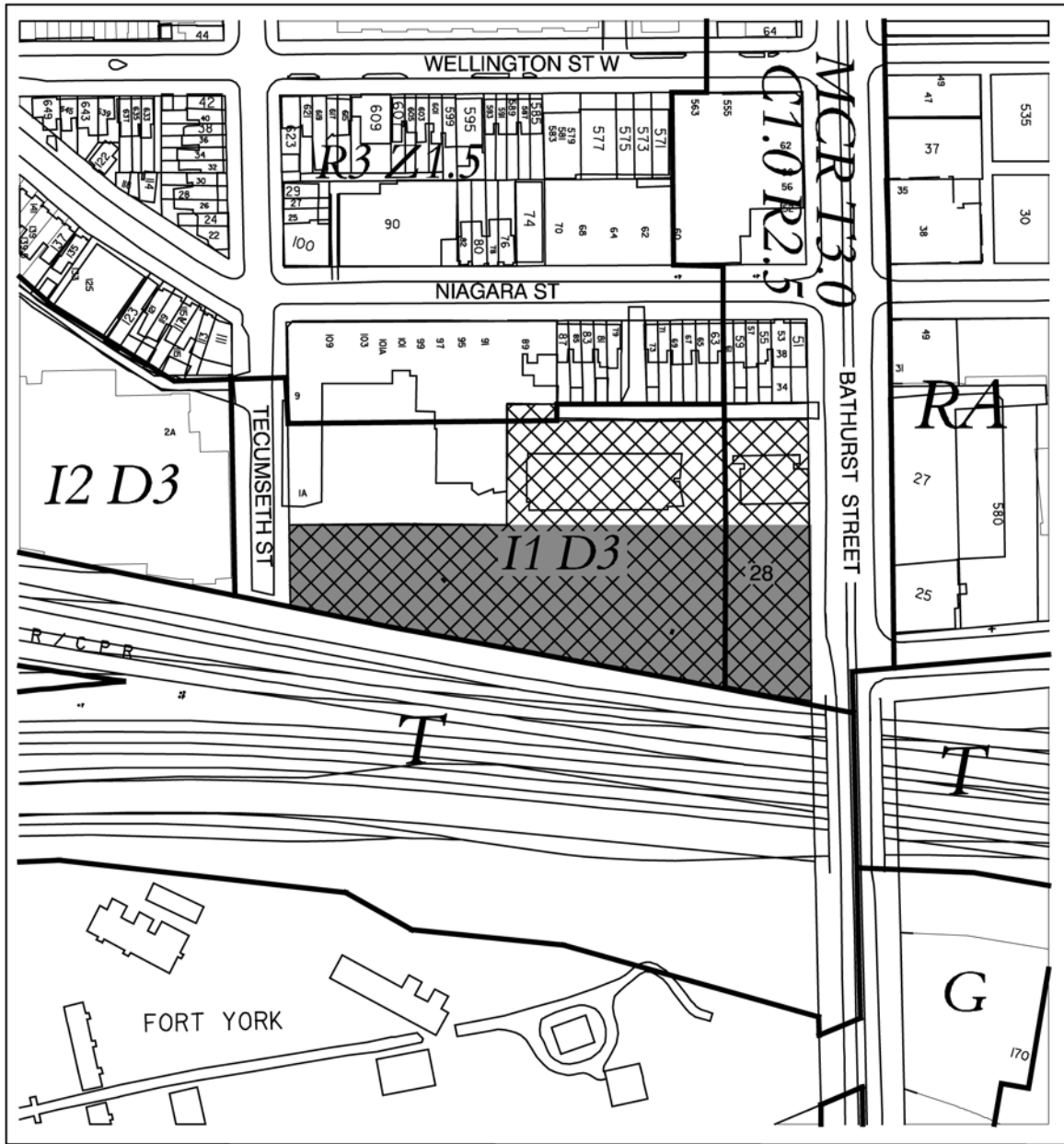
Attachment 5: Draft Zoning By-law Amendment (438-86)

Attachment 6: Draft Zoning By-law Amendment (569-2013)

Attachment 1: Official Plan Map 18 Excerpt




Attachment 2: Zoning By-law Excerpt (438-86)



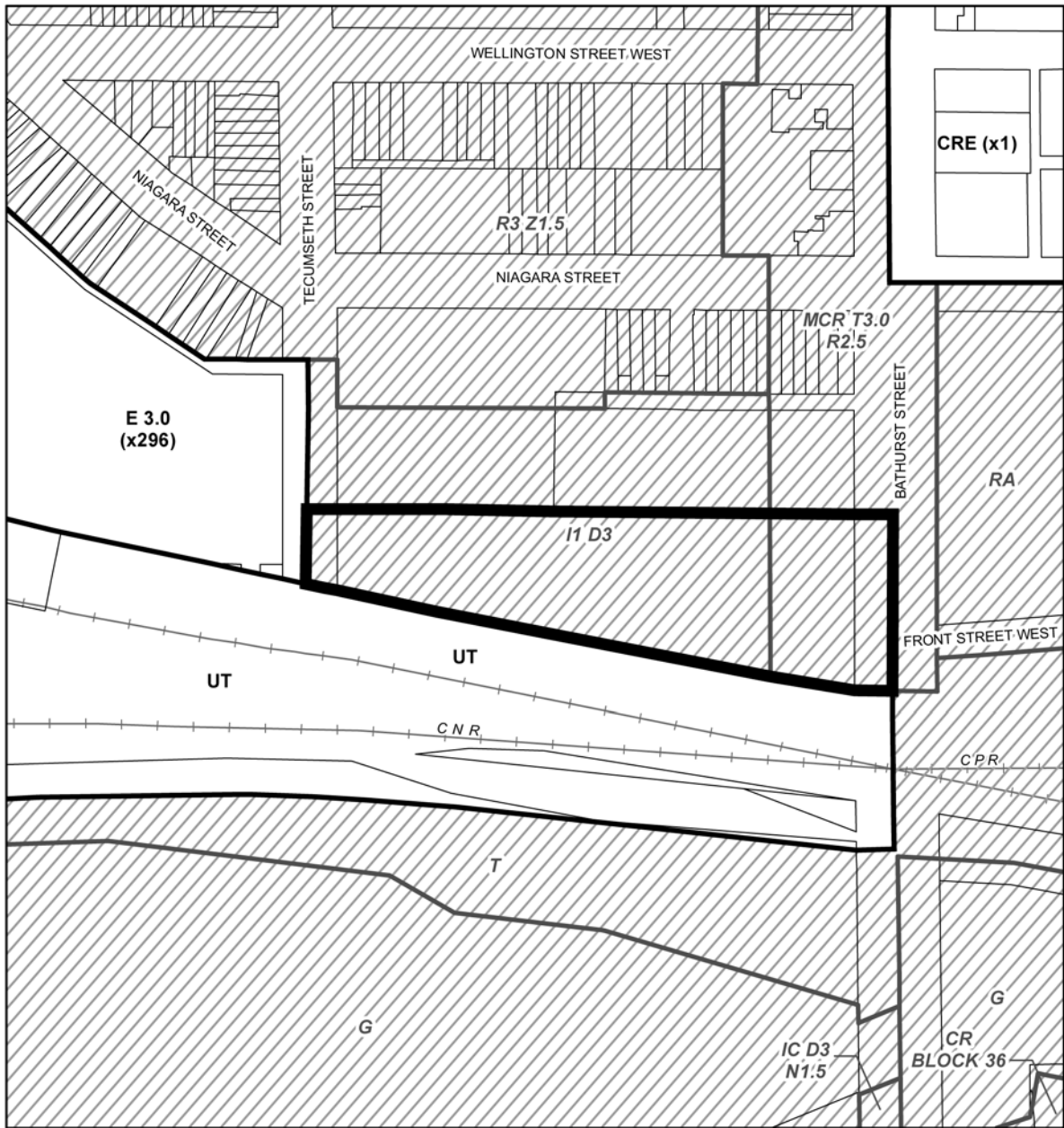
TORONTO City Planning
Zoning

28 Bathurst Street
File # 17 103829 STE 19 0Z

G	Parks District	I1	Industrial District		Area of Proposed Park
R4	Residential District	I2	Industrial District		28 Bathurst Street
MCR	Mixed-Use District	T	Industrial District		
RA	Mixed-Use District				


Not to Scale
Zoning By-law 438-86 as amended
24/02/2017

Attachment 3: Zoning By-law Excerpt (569-2013)



Zoning By-Law No. 569-2013

28 Bathurst Street

File # 17 103829 STE 19 0Z

Location of Application

CRE Commercial Residential Employment

E Employment Industrial
UT Utility and Transportation

See Former City of Toronto By-Law No. 438-86

R3 Residential District
CR Mixed-Use District
MCR Mixed-Use District
RA Mixed-Use District

I1 Industrial District
IC Industrial District
T Industrial District
G Parks District



Not to Scale
Extracted: 02/24/2017

Attachment 4: Draft Official Plan Amendment

CITY OF TORONTO

BY-LAW No. XXXX-2016

**To adopt Amendment No. 377 to the City of Toronto Official Plan,
being an amendment to the Official Plan, Map 18 - Land Use**

Whereas authority is given to Council by Section 17 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas the Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. Amendment No. 377 to the Official Plan, consisting of the attached text and map designated as Schedule "A" , is hereby adopted.

Enacted and passed this __ day of _____, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss
City Clerk

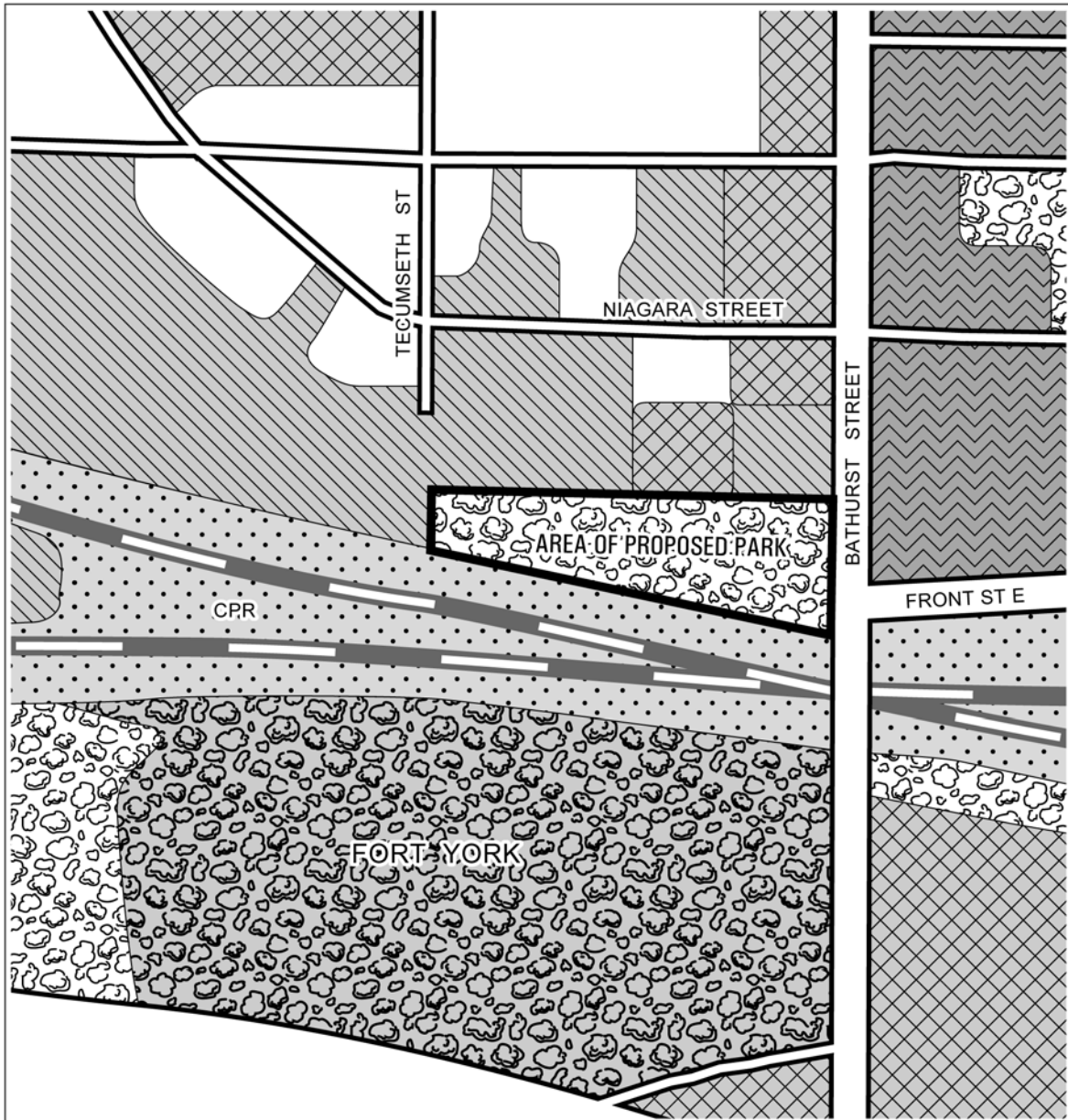
(Seal of the City)

**AMENDMENT NO. 377 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2017 AS
28 BATHURST STREET**

The Official Plan of the City of Toronto is amended as follows:

- 1.** Map 18 – Land Use - is amended by redesignating lands at 28 Bathurst Street from ‘Regeneration Areas’ to ‘Parks and Other Open Spaces – Parks’, as shown on the attached Schedule A.

Schedule 'A'



Site Location	Parks & Open Space Areas	Institutional Areas	Utility Corridors
Neighbourhoods	Natural Areas	Regeneration Areas	
Apartment Neighbourhoods	Parks	Employment Areas	
Mixed Use Areas	Other Open Space Areas		

↑
 Not to Scale
 24/02/2017

Attachment 6: Draft Zoning By-law Amendment (By-law 438-86)

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2016

To amend Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2017 as, 28 bathurst Street

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

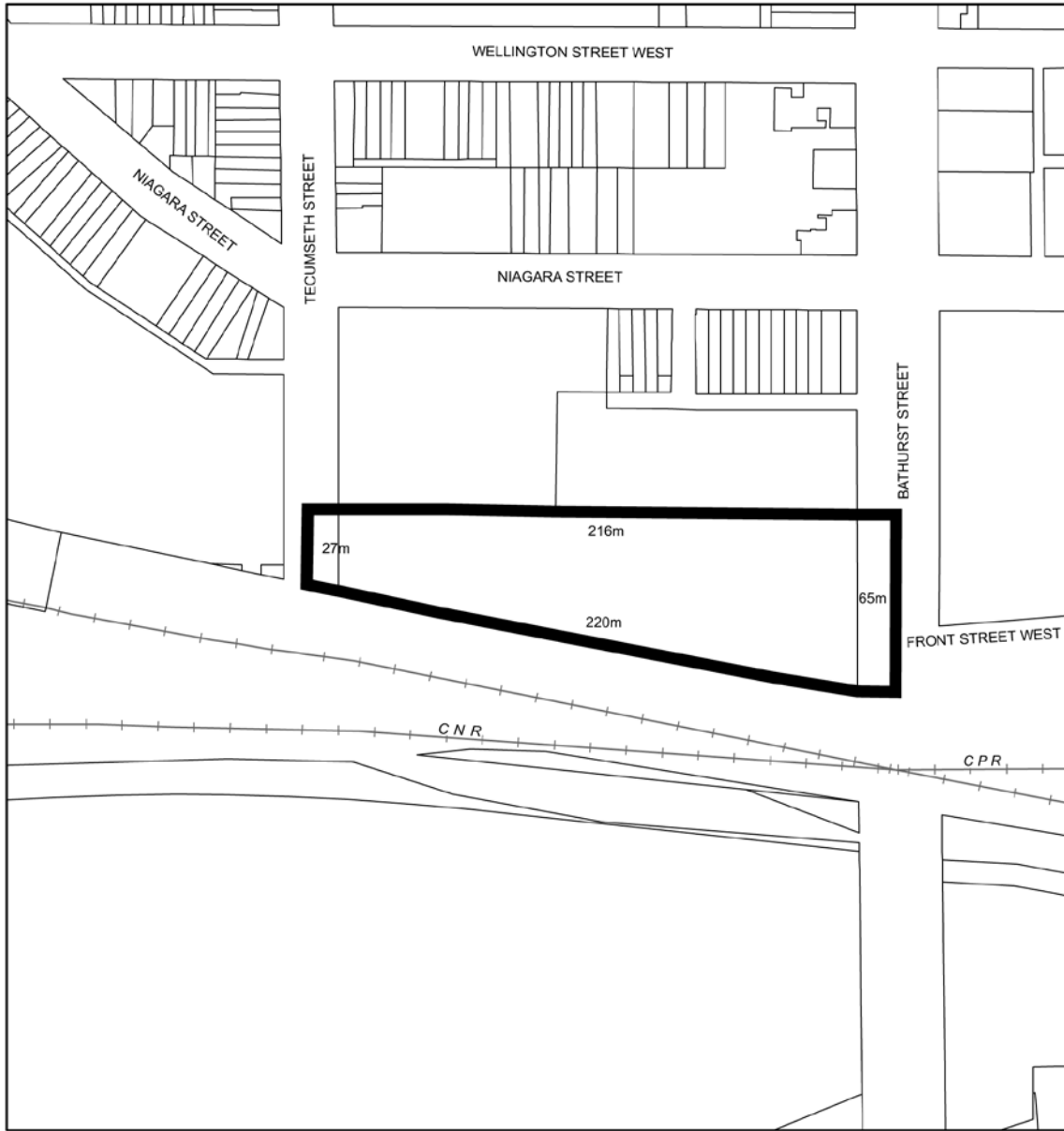
1. District Map No. 49G-323 contained in Appendix “A” of By-law 438-86, as amended, is further amended by redesignating the lands shown on Map 1 attached hereto and forming part of this By- law from “I1 D3” and “MCR” to “G”

Enacted and passed this ___ day of _____, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss
City Clerk

(Seal of the City)



 **TORONTO**
Map 1

28 Bathurst Street
File # 17 103829 STE 19 0Z


City of Toronto By-Law 438-86
Not to Scale
Extracted: 02/24/2017

Attachment 7: Draft Zoning By-law Amendment (By-law 569-2013)

Authority: Toronto and East York Community Council ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as, 28 bathurst Street

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

The Council of the City of Toronto enacts:

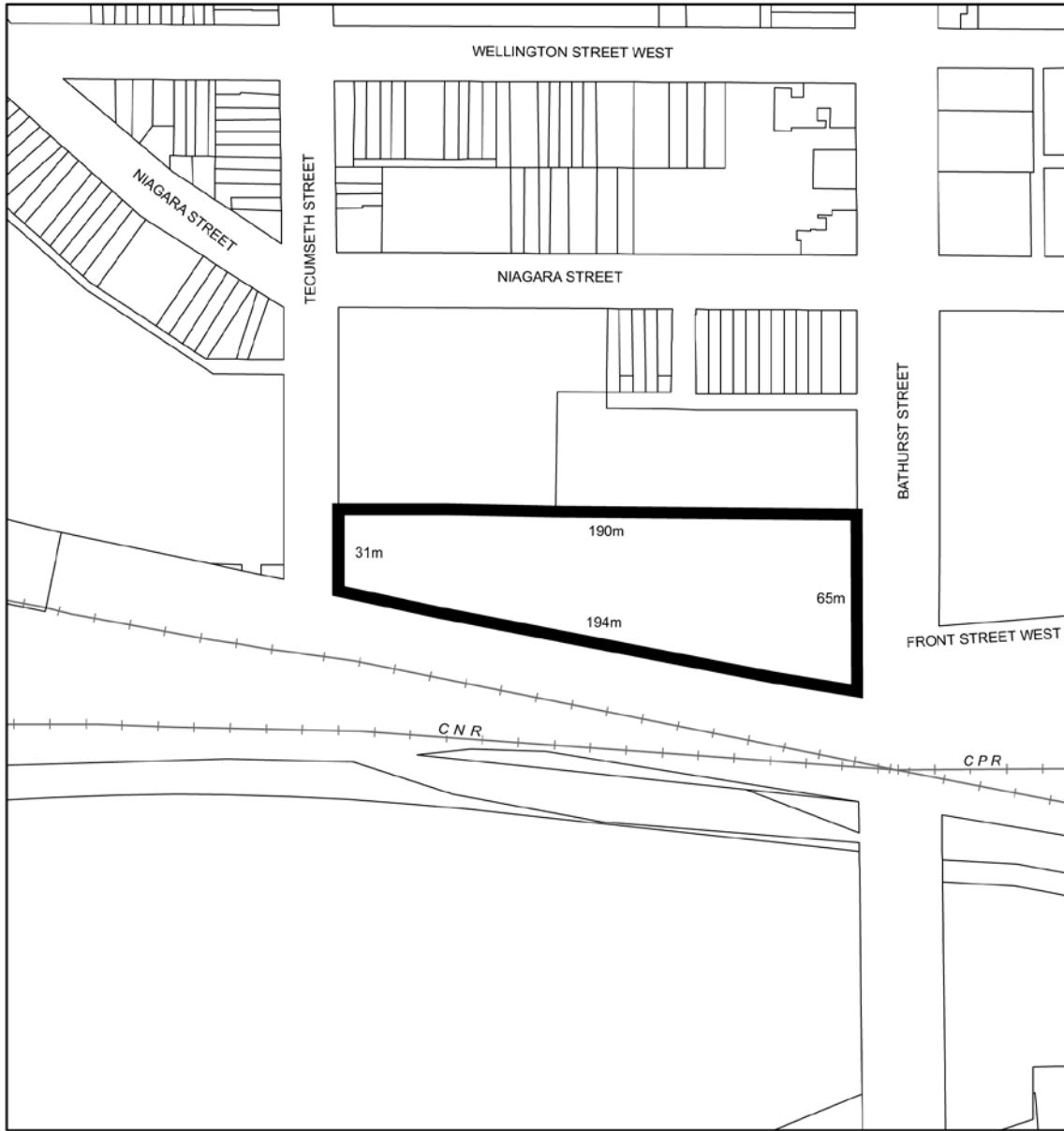
1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands depicted on Diagram a of this By-law to the Zoning By-law Map in Section 990.10, and applying the zone label "OR" to these lands, as shown on Diagram 1 attached to this By-law;

Enacted and passed this __ day of _____, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss
City Clerk

(Seal of the City)



TORONTO
Diagram 1

28 Bathurst Street
File # 17 103829 STE 19 0Z

↑
 City of Toronto By-Law 569-2013
 Not to Scale
 Extracted: 02/24/2017