

14 St Matthews Road, 430 Broadview Avenue, 548, 550-558 Gerrard Street East (Bridgepoint Health) – Rezoning Application – Removal of the Holding Symbol “H” - Final Report

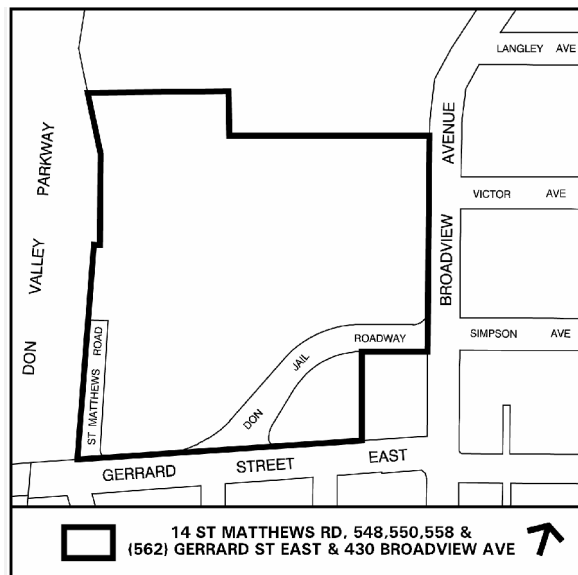
Date:	December 16, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	08 226414 STE 30 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to remove the holding symbol (“h”) from the zoning on the lands at 430 Broadview Avenue, 14 St. Matthews Road, and 548, 550-558 Gerrard Street East within the Bridgepoint Health Master Plan area to allow the redevelopment of this quadrant to proceed in accordance with the plan of subdivision.

This report outlines the status of the requirements to remove the holding symbol (“h”) as included in By-law No. 157-2006, all of which are nearing completion. This report recommends approval of the application to amend Zoning By-law 157-2006 to remove the holding symbol and associated provisions from the subject lands. It also recommends that the amending by-law be brought forward to Council for enactment when the conditions for removal of the “h” have been fulfilled.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 157-2006 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law as may be required.
3. City authorize the introduction of the necessary Bill by the City Solicitor for enactment by City Council immediately upon finalization of the requirements set out in Section 5 of By-law No. 157-2006 respecting the removal of the holding (“h”) symbol.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In November 2005, City Council approved a declaration of surplus report for certain City owned lands within the Bridgepoint Health master plan area in the block bounded by Broadview Avenue, Gerrard Street East, Riverdale Park and the Don Valley Parkway. In April 2006, Council approved the terms of land exchanges, transfers and lease amendments between the City and Bridgepoint Health to facilitate the comprehensive redevelopment of this quadrant.

In February 2006, City Council approved official plan and zoning by-law amendments, urban design guidelines, and recommended approval of a plan of subdivision for this master plan area. A holding symbol (“h”) was placed on the lands with the following conditions for removing the holding symbol:

- registration of the subdivision
- finalization of the land exchange agreement between Bridgepoint Health and the City
- heritage agreements
- the issuance of the notice of approval for the site plan application for the new hospital

The decision was appealed to the Ontario Municipal Board (OMB). In 2007, the OMB approved the applications.

In February 2006, City Council authorized execution of amendments to the existing heritage easement agreements under Section 37 of the Ontario Heritage Act as determined necessary to facilitate the development proposal. In December 2008, City Council approved certain alterations to the Old Don Jail Building and necessary amendment to the existing Heritage Easement Agreement with the City with respect to the removal of iron bars from certain windows associated with the adaptive re-use of the building.

ISSUE BACKGROUND

Proposal

The applicant proposes to amend the zoning by-law to remove the holding symbol and allow for the comprehensive redevelopment of the lands within the block bounded by Broadview Avenue, Gerrard Street East, Riverdale Park and the Don Valley Parkway. Attachment 2 illustrates the layout of the approved plan of subdivision. A concept plan that depicts the new hospital and old Don Jail building site plan on Blocks A and A1, the proposed public streets, the public park on Block F, and the future development Blocks B, C, D and E, is included as Attachment 3.

The site includes lands owned by Bridgepoint Health, lands owned by the City and leased to Bridgepoint Health, City park lands and a portion of the existing Don Jail Roadway. Various land conveyances and exchanges with the City are contemplated in order to facilitate future ownership of various blocks between the City and Bridgepoint Health. The zoning by-law provides for both hospital and non-hospital uses on the lands within this area. Bridgepoint Health is proposing to construct the new public hospital on Blocks A and A1 including the adaptive reuse of the Old Don Jail building. Mixed uses (residential and commercial) are permitted on Blocks B, C, D, and E. The historic Lawn Bowling clubhouse is proposed to be relocated to Riverdale Park. A 0.83 hectare public park is proposed to be developed on Block F. The historic Governor's house and Gatekeeper's house will be located within the new park.

The development of the quadrant will be undertaken in two phases. The first phase includes the construction of the new hospital, the integration and adaptive re-use of the Old Don Jail building, the construction and realignment of the existing Don Jail Roadway and reconstruction of the existing access referred to as St. Matthews Road that will be a new public street. The existing hospital and new Don Jail will continue to operate during this phase of construction. Temporary parking for the existing hospital and new Don Jail will be on the site during this period. After the new hospital is completed, the existing hospital will be demolished. The new park within Block F is to be completed and conveyed to the City within two years of occupancy of the new hospital.

The second phase of development includes the demolition of the newer Toronto Jail and the construction of the two public streets east and north of Block D as shown on Attachment 2. The construction of these streets in the second phase will facilitate the development of Blocks B, C and D.

Site and Surrounding Area

The site is located on the north side of Gerrard Street East and is bounded by Broadview Avenue to the east, Riverdale Park to the north and the Don Valley to the west. The site area is approximately 4.24 ha.

Buildings on the site include Bridgepoint hospital and accessory buildings, the St. Matthews Lawn Bowling clubhouse, the vacant Old Don Jail building, the newer Toronto

Jail, the historic Governor's and Gatekeeper's houses and a former apartment building that is currently used by Bridgepoint Health for hospital administration.

Surrounding uses include Riverdale Park to the north, commercial uses and a residential neighbourhood to the south, a place of worship and residential neighbourhood to the east and the Don Valley and Don Valley Parkway to the west. The public library on the north west corner of Gerrard Street East and Broadview Avenue is not included in the site.

Official Plan

The lands are designated in the Official Plan as *Institutional Areas, Mixed-Use Areas and Parks and Open Space Areas – Parks*.

Zoning

The lands are zoned to permit institutional, park, residential and commercial uses. All of the lands are currently subject to a holding symbol ("h"). Permitted uses and heights are as follows:

Blocks A, A1, B and B1 – Mixed Use – Q (H) zone

Hospital uses and other general institutional uses are permitted in the Q zone. The zoning by-law permits senior citizen housing as an additional use on Block B. A maximum height of 12 storeys and 47 metres is permitted for the new hospital on Block A, with a maximum height limit of 10 metres for the Old Don Jail building. A maximum height of 10 storeys and 31 metres is permitted on Block B.

Blocks C, C1, D, D1 and E – Mixed Use – CR(H) zone

Residential and commercial uses are permitted in the CR zone. A maximum height of 8 storeys and 25 metres is permitted.

Block F- Park – G(H) zone

Park uses, as well as a children's home or residence, a day nursery, community related uses and accessory uses in the existing historic Gatekeeper's house and Governor's house are permitted in the G zone.

Site Plan Control

The lands are subject to site plan control approval. In December 2007, Bridgepoint Health submitted a site plan application for the new public hospital that includes the integration and adaptive reuse of the Old Don Jail Building as well as provision for temporary parking lots. The review of the application is near completion.

Reasons for Application

A holding symbol ("h") was placed on the lands to limit the use of the lands until such time as the conditions for removing the "h" had been fulfilled to the satisfaction of Council. Section 5 of By-law 157-2006 requires the following conditions be fulfilled prior to removal of the "h":

- i) execution and registration of a subdivision agreement satisfactory to the Chief Planner pursuant to section 51 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and registration of the related plan of subdivision;
- ii) arrangement/and or necessary agreements satisfactory to the Chief Planner and the Executive Director Facilities and Real Estate are made respecting the land arrangements and land ownership;
- iii) arrangements are made and all necessary agreements or amending agreements satisfactory to the Chief Planner are executed and registered respecting the heritage building and features; and
- iv) Notice of Conditions of Site Plan Approval have been issued for a public hospital on Block A which includes integration of the designated Don Jail building.

COMMENTS

Bridgepoint Health is seeking to fulfill the conditions in the zoning by-law for the removal of the holding symbol (“h”) to facilitate the development of the master plan for the area. The status of the four conditions is outlined below.

Plan of Subdivision and Agreement

The draft plan of subdivision approval requires that Bridgepoint Health enter into a subdivision agreement with the City to secure among other matters:

- the design and construction of fully serviced municipal streets;
- intersection improvements at Gerrard Street and St. Matthews Road and at Broadview Avenue and the proposed new north public street;
- park improvements and conveyance;
- conservation and interpretation of heritage buildings and features on the site
- adaptive reuse of the Old Don Jail building with the new hospital;
- correction of significant deficiencies to the Governor’s House and Gatekeeper’s house
- tree preservation and ravine enhancement;
- the design and construction of a multipurpose trail and other links to Riverdale Park;
- the relocation of the historic Lawn Bowling clubhouse;
- the phasing of the development; and
- associated financial securities for these matters.

Bridgepoint Health has submitted plans and reports to support the development of the plan of subdivision in accordance with the conditions of draft plan approval. Agencies and City divisions are near completion in their review of the materials. A draft M-plan of subdivision and a draft subdivision agreement have been prepared and details are being finalized by Staff. The M-plan and subdivision agreement must be executed and registered prior to the removal of the holding symbol.

Site Plan Conditions of Approval

A site plan application was submitted in December of 2007 for the new hospital on Blocks A and A1 that includes the integration and adaptive re-use of the Old Don Jail building. The site plan application also includes temporary parking lots to serve the existing hospital and Toronto Jail until these uses cease.

The site plan for the hospital is consistent with the Urban Design Guidelines for the Bridgepoint Health Don Jail Master Plan area approved by Council in February of 2006.

The review of the site plan is near completion. Once final comments are received from agencies and City divisions, City Planning staff will prepare the notice of conditions for site plan approval. The notice of approval conditions for site plan approval must be issued prior to the removal of the holding symbol.

Land Exchange Agreement

In April 2006, Council approved the terms of land exchanges, transfers and lease amendments between the City and Bridgepoint Health to facilitate the development. The land exchange will result in a new City park on Block F that will serve as a forecourt to the Old Don Jail building. Lands are to be conveyed from Bridgepoint Health to the City to complete the park. These park lands also include the historic Governor's and Gatekeeper's houses.

The land exchange agreement also provides for the transfer of lands within Blocks A and A1 from the City to Bridgepoint Health for the development of the new public hospital and the transfer of future development Block E as well as a portion of Block C where mixed uses are permitted. Block B is currently owned by the City and leased to Bridgepoint Health and the lease amendments will provide for the City to bring forward a proposal for the development of this block with hospital related uses, within three years of execution of the land exchange agreement. Bridgepoint Health will also be transferring lands to the City as necessary to complete the public streets in accordance with the phasing of the plan of subdivision.

A draft land exchange agreement has been prepared and details are being finalized by Staff. The agreement must be executed prior to the removal of the holding symbol.

Heritage Easement Agreement

Both the City and the Province have existing Heritage Easement Agreements applicable to the Old Don Jail Building and surrounding lands. The Provincial agreement also applies to the Governor's and Gatekeeper's houses. Amendments to these heritage easement agreements were contemplated when Council approved the development in 2006 to address the necessary changes to the proposed Old Don Jail Building and surrounding lands in order to facilitate the Master Plan proposal. Negotiations have been ongoing and the arrangements include an heritage agreement structure that reflects the separation of the Old Don Jail Building from the forecourt park by a future road. It is contemplated that existing agreements will remain in place to the extent they apply to the future park block until such time as the park is completed and the City takes ownership when updated arrangements will be entered into. New agreements have been drafted and details are being finalized with Bridgepoint by both the City and the Province in connection with the Old Don Jail Building. All arrangements must be finalized and the City Heritage Easement Agreement must be executed and registered prior to removal of the holding symbol.

Numerous heritage documents including, a Heritage Impact Statement, Exterior Building Condition Assessment for the Old Don Jail, a Significant Deficiencies Assessment for the Gatekeeper's and the Governor's houses as well as background documents for the required Conservation Plan and Interpretation Plan for the Old Don Jail have been submitted to address the heritage buildings and features of the site. These are under review by City and Provincial heritage staff.

Conclusions

Bridgepoint Health has applied to amend the zoning by-law to remove the holding symbol from the lands to facilitate the development of the master plan for this area. The conditions for removal of the "h" are nearing completion. It is appropriate to direct staff to bring forward the amending by-law when the conditions have been fulfilled. Providing that direction now will permit the City Solicitor to submit the Bill to City Council as soon as the conditions have been fulfilled.

CONTACT

Susan McAlpine, Senior Planner
Tel. No. (416) 397-4487
Fax No. (416) 392-1330
E-mail: smcalpin@toronto.ca

SIGNATURE

Raymond David, Acting Director
Community Planning, Toronto and East York District

[p:\2008\Cluster B\pln\33473186099.doc]

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment
Attachment 2: Plan of Subdivision - Bridgepoint Health and Don Jail Master Plan Area
Attachment 3: Concept Plan – Bridgepoint Health Master Plan Area

Attachment 1: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item as adopted by
City of Toronto Council on ,2009

Enacted by Council:

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2009

To amend Zoning By-law No. 157-2006 being a by-law “To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 430 Broadview Avenue, 14 St. Mathews Road and 548, 550-558 Gerrard Street East”

WHEREAS authority is given to Council by Section 36 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, for use of a holding symbol (“h”) in conjunction with any use designation, to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the zoning by-law;

WHEREAS there are official plan policies in effect addressing the use of the holding symbol in the Fort York Neighbourhood;

WHEREAS it is appropriate that the “h” holding symbol be removed in relation to the subject lands; 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. By-law No. 157-2006 being a by-law “To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 430 Broadview Avenue, 14 St. Mathews Road and 548, 550-558 Gerrard Street East” is amended by:
 - (1) deleting references to “G(h)” in Section 1 (1) and replacing them with “G”;
 - (2) deleting references to “Q(h)” in Section 1(2) and replacing them with “Q”;
 - (3) deleting references to “CR(h)” in Section 1(3) and replacing them with “CR”;

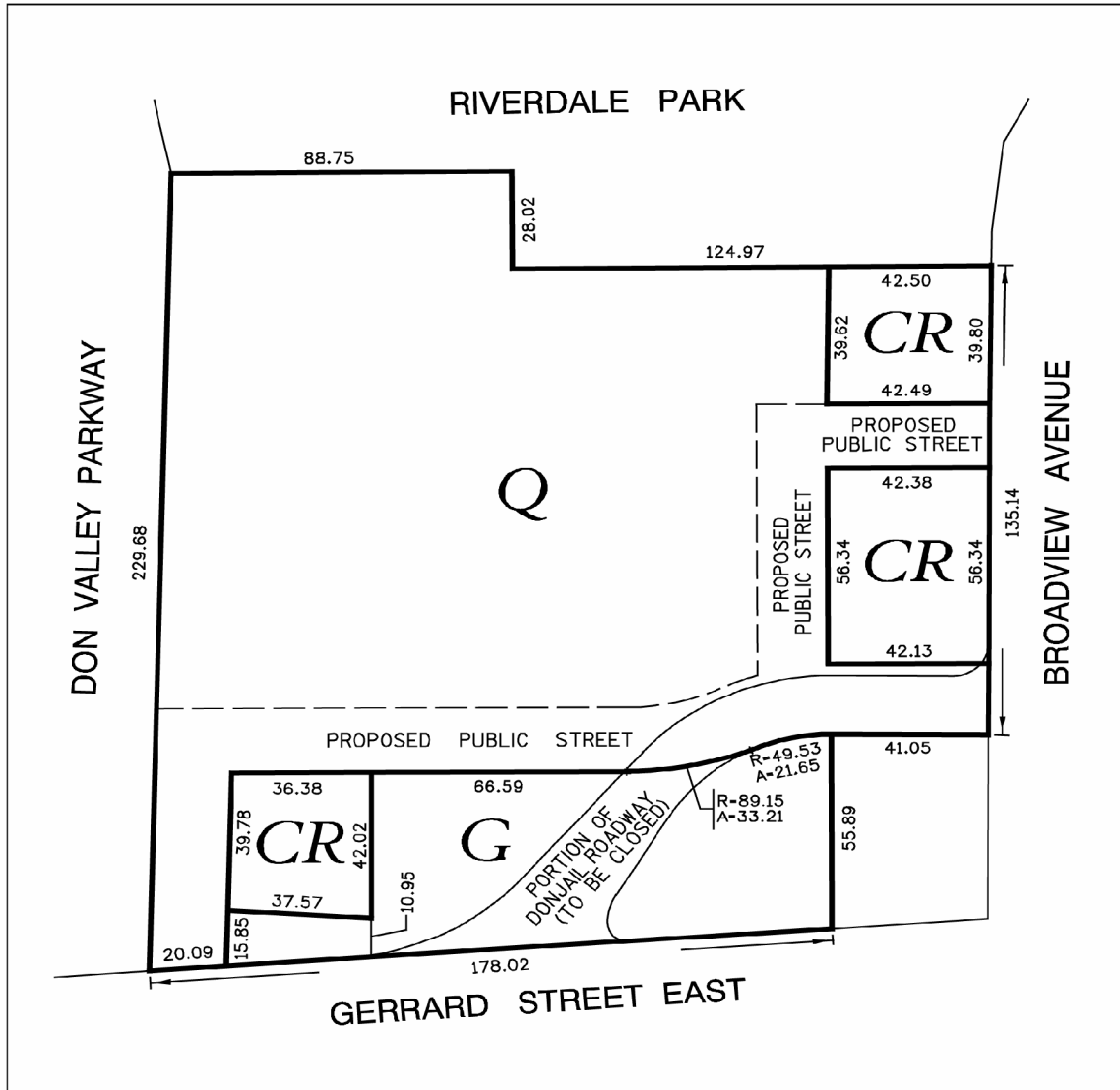
- (4) deleting the text of Sections 4. and 5. in their entirety and renumbering Sections 6. and 7. as Sections 4. and 5. respectively”; and
- (5) deleting “Map 1” and replacing it with a new “Map 1” attached hereto as Schedule 1; and

ENACTED AND PASSED this ~ day of ~, A.D. 200_ .

DAVID R. MILLER
WATKISS
Mayor

ULLI S.
City Clerk

Schedule "1"



TORONTO City Planning
Map 1

14 St Matthews Rd, 548, 550, 558 & (562) Gerrard St East,
and 430 Broadview Avenue

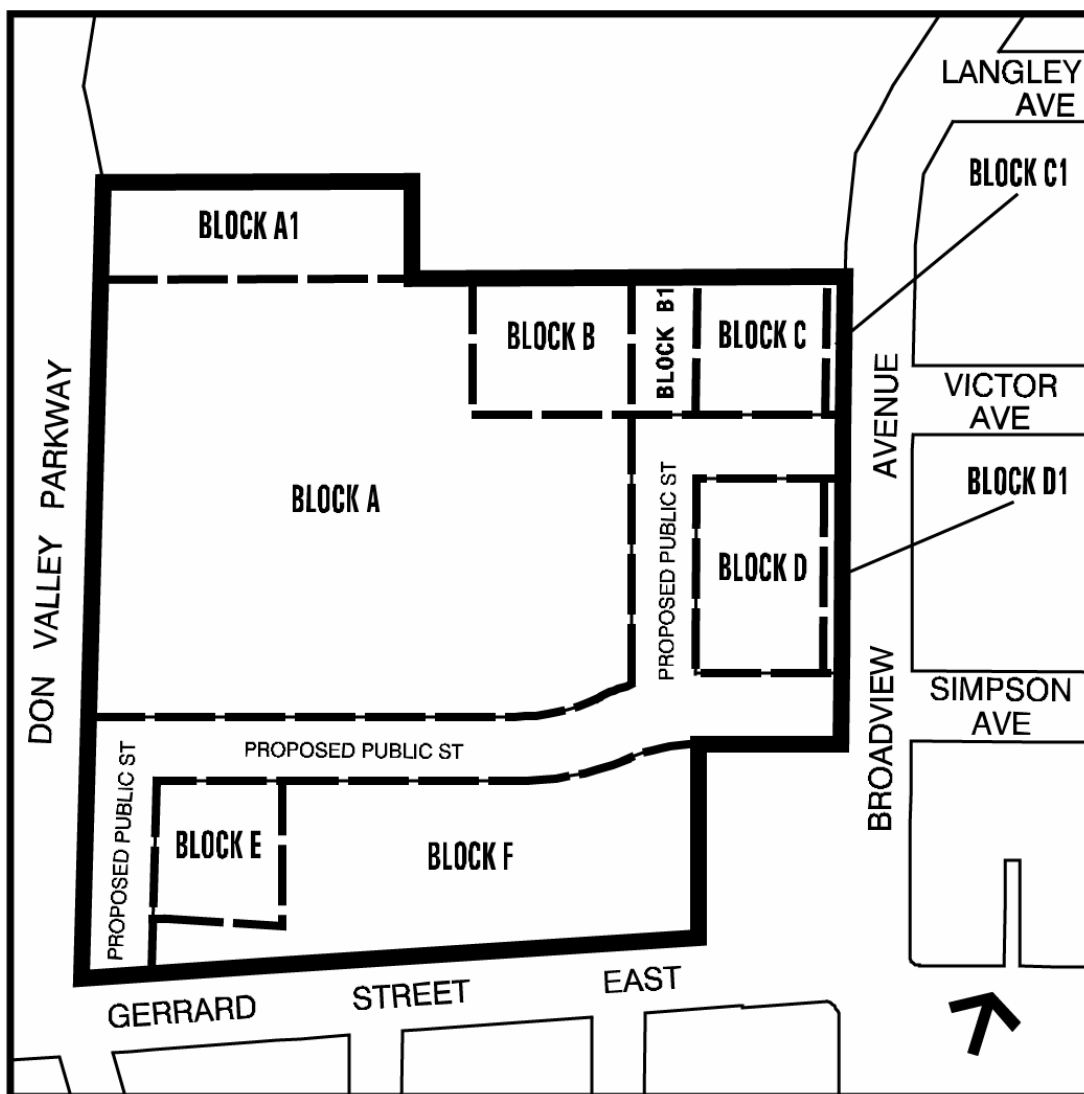
File # 08_226414



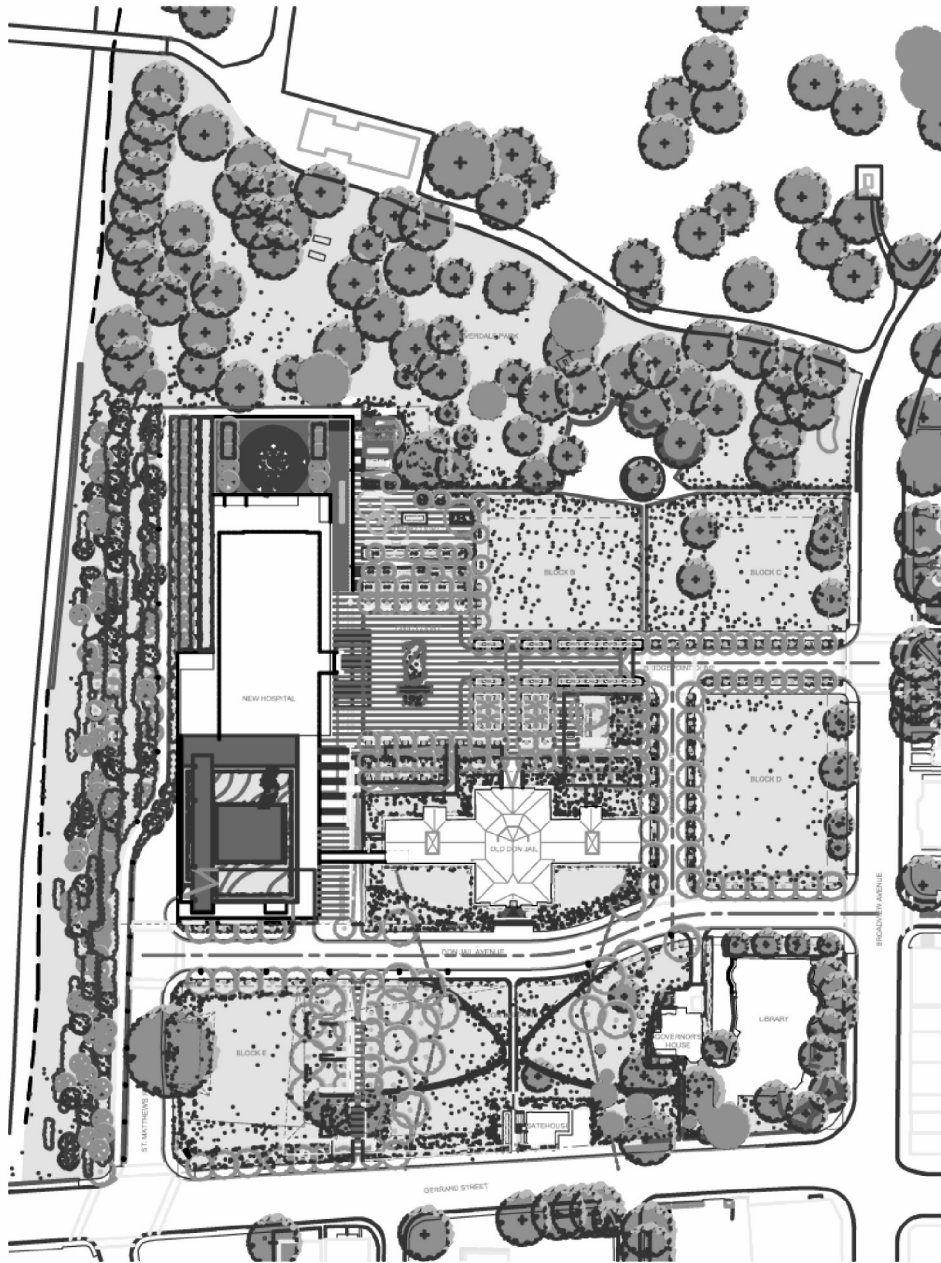
Zoning By-law 438-86 as amended
12/08/08 - DR

Attachment 2

Plan of Subdivision - Bridgepoint Health and Don Jail Master Plan Area



Attachment 3: Concept Plan – Bridgepoint Health Master Plan Area



Site Plan

Applicant's Submitted Drawing

Not to Scale 
12/08/08

**14 St Matthews Rd,
548,550,558 & (562) Gerrard St East,
and 430 Broadview Ave**

File # 08_226414