

November 9, 2017

City Clerk,
Attention: Ellen Devlin, Administrator,
Toronto and East York Community Council,
2nd Floor, West Tower, Toronto City Hall
100 Queen Street West
Toronto ON
M5H 2N2

Email: teycc@toronto.ca

Re. Official Plan Amendment Application 17 152929 STE 20 OZ (Rail Deck Park – City-initiated Official Plan Amendment) Item TE28.7 of November 14, 2017 Toronto and East York Community Council Meeting

Dear Madame Chair and Members of the Toronto and East York Community Council,

We are the planning consultants and the applicant for Official Plan Amendment Application 17 164359 STE 20 OZ (433 Front Street West and area bounded by Bathurst Street, Front Street West, Blue Jays Way, and Iceboat Terrace) more commonly known as the ORCA Project by P.I.T.S. Developments Inc. Please consider this letter as our comments on the Final Report (dated October 30, 2017) from the Acting Director, Community Planning, Toronto and East York District, concerning the Rail Deck Park. We understand that this report is before your committee on November 14, 2017.

Parkland-related Matters

While we do not dispute that there is planning merit in some of the lands being used as a public park, the answer is not to designate the entire property as a public park. Rather this committee should support the ORCA Project development which provides a superior opportunity, through a public-private partnership, to realize and deliver public parkland and smart development at more affordable levels for the citizens of Toronto. Staff's recommendation, however, excludes the possibility of any development beyond a public park. We note, however, that the public consultation process has shown that there is public support for this public-private partnership since it represents a far more realistic method to deliver the park.

Staff have noted on page 23 of their report that "parkland provision has not kept pace...(with growth)". We doubt that this situation has emerged only recently and yet the City has approved development in the vicinity of the proposed Rail Deck Park without requiring any substantial parkland. This is true even where the proposed development site is large enough to accommodate a larger on-site park. The ORCA Project, by comparison, provides the opportunity for the city to create a public park on approximately 48% of its site. This is a rare opportunity which should not be squandered.

Existing Official Plan and Secondary Plan Policies

The staff report states on page 13 that “Although a park use is permitted in the existing land use designation for the Site, the existing Railway Lands West and Central Secondary Plans require an OPA to permit development over the Site”. Most of the area is identified under the existing secondary plans as a “Future Development Area” , and as such, should “consider a range of uses, including commercial, residential, institutional, cultural, recreational, compatible industrial uses, parks and open spaces.” (Section 10.3.2.2 of the Railway Lands West Secondary Plan and Section 10.6.2 of the Railway Lands Central Secondary Plan). A mix of development is encouraged under the existing policies for the area identified as Future Development Area under both secondary plans. The City staff recommendation, on the other hand, supports a single use across the entire site. In our opinion the ORCA Project proposes development that better fulfills the existing and approved City policy context and is preferred over the staff proposed OPA.

Staff has advised your committee that the Rail Deck Park incorporates “principles of growth, equitable access and connections” (see page 16 of staff report). In our opinion the proposed ORCA Project is likewise principle-based but better reflects and implements the in-force Provincial and City planning policies and objectives. Our Planning Rationale for the ORCA Project submitted in May 2017 as part of that application outlines the following principles of development: Publicness; Re-Connections; Environmental Excellence and Resiliency; Public Infrastructure; and, Diversity. Unlike the Rail Deck Park proposal, the ORCA Project includes a detailed assessment of (and recommendations for) community services and facilities, including new day care facilities, affordable housing units, units designed for families, and additional space for a range of municipal and civic uses in addition to the opportunity for the creation of a major public open space (4.04 ha, or 4.54 ha if the Mouth of the Creek area were included, as it is in the area calculations for Rail Deck Park).

The staff report fails to acknowledge the City’s Official Plan policies regarding Great City Campaigns (Section 5.3.5) which include partnerships and strategies to achieve significant city objectives and goals. The ORCA Project is one such partnership and opportunity, consistent with the broader city-building objectives of the Plan. Your committee should give serious consideration to the considerable public benefits of a public-private partnership which opportunity presents itself with the ORCA Project development.

Proposed Rail Deck Park Secondary Plan Policies

Under proposed Section 11.4 of the Rail Deck Park Secondary Plan (page 53 of the staff report) it mentions that “A leasing strategy will be prepared...for managing leases for uses that are in alignment with the objectives of this Secondary Plan.” It is not clear what the “leasing strategy” for the proposed Rail Deck Park is being conceived. The secondary plan has no discussion as to how air rights are to be secured by the City. Under proposed Section 11.6 (page 55 of the staff report) what is the role of “stewardship and partnerships”? This is curious, as the ORCA Project OPA application proposes such a partnership, especially “joint public and private partnership” as proposed in (a) of Section 11.6.

Boundaries and Subject Area

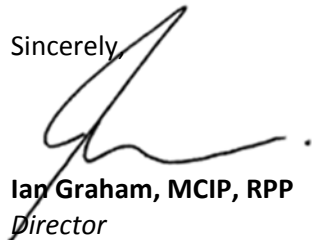
We note that the boundaries for the Rail Deck Park have been modified, since the first public meeting in June of 2017, to now include an area known as “Mouth of the Creek Park”, which is to be redesignated from *Mixed Use Areas* to *Parks and Open Space Areas*. This additional area is approximately 0.5 hectares and is now part of the OPA area based on the notice for the Public Meeting #2 held on September 25, 2017. While the ORCA Project application does not include the “Mouth of the Creek Park” area as part of its application, the proposed development would allow for that same area to be used for public park purposes and be connected with the open space component of the ORCA Project. Kindly consider this when comparing the two proposals (Appendix 5 of the staff report).

Implementation

The yet-to-be-released implementation strategy is noted on page 39 of the staff report. How does staff intend to deliver the Rail Deck Park to the citizens of Toronto? These details appear to be left to a later date and in our opinion, that should be of concern to the committee. If financial and engineering details of Rail Deck Park are known to City staff then they have not been released to the public. The final report recommending the Rail Deck Park Official Plan amendment is, however, before this committee now *before* any report has been made available regarding the public financing of such a development.

Thank you for your consideration of these comments.

Sincerely,



Ian Graham, MCIP, RPP

Director

R.E. Millward & Associates Ltd.

1200 Bay Street, Suite 1101

Toronto, ON M5R 2A5

t. 416 304 0457 ex 22

f. 416 483 2995

ian@remillward.com

cc: Councillor Joe Cressy, Ward 20, City of Toronto
P.I.T.S. Developments Inc.