

Official Plan Policy Amendments for Infrastructure Projects in Parks and Open Space Areas - Decision Report

Date: September 12, 2024

To: Planning and Housing Committee

From: Interim Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report recommends that Council adopt Official Plan Amendment 528 (OPA 528), which amends the City's Official Plan policies to specify limited exemptions when the sale or disposal of City-owned lands in *Parks and Open Space Areas*, within or outside of the *Green Space System*, may be permitted without the requirement of an Official Plan Amendment (OPA). The purpose and intent of OPA 528 is to facilitate conservation projects and essential public works and utilities that support Toronto's development and growth, provided certain criteria are met.

An associated amendment to Toronto Municipal Code Chapter 213 is also recommended. As recommended, OPA 528 will not revoke Council's current disposal framework contained in the City's Municipal Code, but rather will prescribe narrow circumstances under which a site-specific OPA is not needed.

Lands in the *Parks and Open Space Areas* of the Official Plan, within or outside of the *Green Space System*, accommodate natural habitat areas, important ecological services and many of the City's recreational opportunities. They are essential to health, prosperity, and quality of life in our City and receive a high level of protection in the Official Plan.

In the Official Plan, the City's *Green Space System* is made up of lands in *Parks and Open Space Areas*, much of the natural heritage system, and a variety of privately managed but publicly accessible spaces. *Parks and Open Space Areas* policies, which govern the *Parks*, *Other Open Space Areas*, and *Natural Areas* land-use designations, prohibit development within *Parks and Open Space Areas*, except for a limited list of uses, including conservation projects and essential public works and utilities. However, the Official Plan does not allow City-owned lands in *Parks and Open Space Areas* to be

sold or disposed of by the City, except where the City-owned land is exchanged for nearby land of equal or greater size and comparable or superior green space utility.

This means that although certain land uses are permitted in *Parks and Open Space Areas*, such as conservation projects and essential public works and utilities, the enabling transaction to allow the sale or disposal of the land is prohibited and requires a site-specific OPA to proceed.

In Toronto's Municipal Code, the sale or disposal of land includes granting either a fee simple interest or a leasehold or easement interest for a term longer than 21 years. [Chapter 213](#) of the Municipal Code requires that land be declared surplus prior to its sale or disposal. OPA 528 is intended to work together with the City's current disposal framework in Chapter 213 of the Municipal Code and provide a mechanism to allow transactions for specific types of projects to proceed without the requirement for a site-specific OPA.

This report recommends a balanced approach that would allow the sale or disposal to proceed without site-specific OPAs in certain circumstances, provided:

1. the sale or disposal is to a public agency to undertake conservation projects; or
2. the sale or disposal is an easement to facilitate essential underground public works and utilities, including alternative energy systems; and
 - the project restores and enhances the land (including the natural ecosystem); and
 - the project meets all other applicable policies in the Official Plan.

The recommended amendment is technical in nature and seeks to reduce redundancy in the current process without changing policy direction or intent. Site-specific OPAs would still be required for the sale or disposal of City-owned land in *Parks and Open Space Areas* related to all other project types, including public transit projects. This report does not propose changes to the City's current disposal framework set out in the Municipal Code beyond specifying limited exceptions where a site-specific OPA is not required, and this report will not result in the declaration of any City-owned lands as surplus.

This report proposes an amendment to Chapter 213 of the Municipal Code, Real Property, to add a new General Condition in Appendix B (Attachment 3). This new General Condition will make authority to approve a sale or disposal of land in the *Parks and Open Space Areas* of the Official Plan conditional upon either a site-specific OPA being in force that exempts the lands from the prohibition on sale or disposal, or confirmation from the Chief Planner and Executive Director of City Planning and the General Manager of Parks, Forestry and Recreation that the proposed sale or disposal satisfies Policy 4.3.9 of the Official Plan.

For more information about consultation activities, see Attachments 5a and 5b.

RECOMMENDATIONS

The Interim Chief Planner and Executive Director, City Planning recommends that:

1. City Council adopt Official Plan Amendment 528, substantially in accordance with Attachment 1 to the report (September 4, 2024) from the Interim Chief Planner and Executive Director, City Planning.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Official Plan Amendment 528 as may be required and to submit the necessary bill for enactment.
3. City Council adopt an amendment to Toronto Municipal Code Chapter 213, Real Property, substantially in accordance with Attachment 3 to this report (September 4, 2024) from the Interim Chief Planner and Executive Director, City Planning.
4. City Council authorize the City Solicitor to submit the necessary bill to amend Toronto Municipal Code Chapter 213, Real Property, to give effect to City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years. The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

EQUITY IMPACT STATEMENT

The recommended amendment has been analysed for potential impacts on First Nations, Inuit and Métis, African, Caribbean and Black, and equity-deserving groups of Toronto, and no significant impacts have been identified.

DECISION HISTORY

In 2021, Planning and Housing Committee (PHC) directed the Chief Planner and Executive Director, City Planning ("Chief Planner") to hold one public open house and consult with key stakeholder groups, including Metrolinx, to obtain feedback on the draft Official Plan Amendment to provide greater clarity regarding when a site-specific Official Plan Amendment is required for certain disposals of City-owned land in Parks and Open Space Areas and the Green Space System. PHC also requested the Chief Planner to meet with local stakeholders concerned with the loss of parkland associated with the sale or disposal of parkland and report back. <https://secure.toronto.ca/council/agenda-item.do?item=2021.PH24.9>

ISSUE BACKGROUND

Our system of parks and green spaces helps make Toronto a healthy and livable city. The City's *Green Space System* and *Parks and Open Space Areas* are integral to our quality of life and social well-being. It provides opportunities for recreation and relaxation and contributes to Toronto's competitive advantage as a place to invest.

At the same time, existing parks and open spaces are under pressure to locate infrastructure projects within them to accommodate the City's growth. Conservation projects and essential public works and utilities, including alternative energy systems, support and underpin development, thus the planning for their delivery and their location within the city is also critical to success.

Parks and Open Space Areas policies prohibit development within *Parks and Open Space Areas* except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit, and essential public works and utilities, where supported by appropriate assessment (Policy 4.3.2). Despite these permissions, the Official Plan provides that no City-owned lands in *Parks and Open Space Areas* or the *Green Space System* will be sold or disposed of (Policies 4.3.8 and 2.3.2.4), except where the City-owned land may be exchanged for nearby land of equivalent or larger area and comparable or superior green space utility. This means that although certain land uses to facilitate infrastructure are permitted under the Official Plan, the enabling transaction (i.e., sale or disposal) is prohibited. Therefore, proponents must apply to amend the Official Plan to allow for the sale or disposal to occur, regardless of the scope, nature, or potential impact of the project. This may significantly increase timelines for delivering infrastructure projects.

Conservation projects and essential public works and utilities represent a large portion of historical sales and disposals, and largely have a lower impact on public access and usability of parkland.

Current Process: Site-Specific Official Plan Amendments to Enable Disposals

In the Official Plan, the City's *Green Space System* is made up of lands in *Parks and Open Space Areas*, much of the natural heritage system, and a variety of privately managed but publicly accessible spaces. Proponents seeking a sale or disposal of City-owned land in *Parks and Open Space Areas* to undertake a conservation project or install essential underground public works and utilities must either obtain a site-specific OPA or satisfy the land exchange provisions in the Official Plan. If a land exchange is not feasible, the applicant requesting the sale or disposal must apply for and obtain a site-specific OPA.

Staff evaluate requests for site-specific OPAs through a rigorous process that includes reports to Committee and Council, public consultation, and an appeal period. If approved, the land is added to Site and Area Specific Policy 265, and the policies prohibiting the sale or disposal of City-owned land in *Parks and Open Space Areas* do not apply. This approval is necessary for the sale or disposal of land as set out in the

Municipal Code, such that a sale or disposal cannot proceed in absence of this site-specific OPA being approved.

In Toronto's Municipal Code, the sale or disposal of land includes granting either a fee simple interest or a leasehold or easement interest for a term longer than 21 years. [Chapter 213](#) of the Municipal Code requires that land be declared surplus prior to its sale or disposal. Following consultation with the local Councillor and provided the local Councillor does not require the matter to be determined by Council through the appropriate standing committee, the Deputy City Manager, Corporate Services is authorized to declare property surplus.

While this process ensures due diligence for the protection of public interest in *Parks and Open Space Areas* lands, it adds considerable time to the overall planning and real-estate process for conservation projects and essential underground public works and utility projects. Some projects are time sensitive and must proceed quickly. In such cases, Corporate Real Estate Management (CREM) staff may approve a temporary easement or licence for construction and access to the lands with the condition that the party must apply for and obtain a site-specific OPA before they can receive a permanent easement.

This two-step process is duplicative as staff must thoroughly review an application before approving the temporary interest in land, and then must re-review the request for a permanent easement. It could also create a situation where Council refuses a site-specific OPA for the long-term easement for infrastructure, but the infrastructure has already been installed as a result of the temporary easement, necessitating its removal.

PLANNING POLICY FRAMEWORK

The recommended amendment is consistent with the Provincial Policy Statement 2020 and the Provincial Policy Statement 2024, conforms to the Growth Plan for the Greater Golden Horseshoe Area and does not conflict with the *Planning Act*.

Planning Act, Section 2 - Provincial Interest

Under Section 2 of the *Planning Act*, a municipal Council must have regard to matters of provincial interest, which include: (a) the protection of ecological systems, including natural areas, features and functions; (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; (h) the orderly development of safe and healthy communities; (i) the adequate provision and distribution of cultural and recreational facilities; (p) the appropriate location of growth and development; and (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. The following sections describe the framework under which staff have drafted the recommended amendment.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of Provincial interest related to land-use planning and development. The PPS sets the policy foundation for regulating the development and use of land on key planning issues that affect communities, such as the efficient use and management of land and infrastructure and the appropriate transportation, water, sewer, and other infrastructure needed to accommodate current and future needs. The following policies relate to the recommended Official Plan Amendment.

One of the objectives of the PPS (2020) is to ensure that healthy, liveable, and safe communities are sustained by, among other things, accommodating recreation, parks and open space, and other uses to meet long-term needs (Policy 1.1.1 b)). Liveable communities are also sustained by "promoting the integration of land-use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs" (Policy 1.1.1 e)).

Infrastructure is defined as the physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Policy 1.5.1 b) of the PPS (2020) states that healthy, active communities should be promoted by "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".

Consideration should also be given to Policy 1.6.8.1, which provides that planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs and Policy 2.1.1 which states that natural features and areas shall be protected for the long-term.

The Planning Act requires City Council's planning decisions to be consistent with the PPS.

Provincial Planning Statement, 2024 (PPS 2024)

On August 20, 2024, the Province of Ontario released the PPS 2024, which will take effect on October 20, 2024. The PPS 2024 combines the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 into a single policy document. There are no implications on the recommendations of this report resulting from the change.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe (Growth Plan 2020) 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.

Section 2.1 provides the context for the Plan and states that complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food.

Section 2.2.1.3 of the Growth Plan (2020) states:

"Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:

c) provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;"

Section 2.2.1.4 d) i. provides that:

Applying the policies of this Plan will support the achievement of complete communities that expand convenient access to an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreational facilities; and provide for a more compact built form and a vibrant public realm, including public open spaces.

Section 3.2.1 further states:

2. Planning for new or expanded infrastructure will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:

a) leveraging infrastructure investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;

b) providing sufficient infrastructure capacity in strategic growth areas;

3. Infrastructure investment and other implementation tools and mechanisms will be used to facilitate intensification and higher density development in strategic growth areas. Priority will be given to infrastructure investments made by the Province that support the policies and schedules of this Plan.

These policies reinforce the direction that complete communities need to balance policies that allow for access to open space while allowing for coordinated infrastructure planning.

The *Planning Act* requires City Council's planning decisions to conform with or not conflict with, as the case may be, the Growth Plan (2020).

Greenbelt Plan

Policies under 6.2 apply to lands falling within the Urban River Valley:

6.2.1 Only publicly owned lands are subject to the policies of the Urban River Valley designation. Any privately owned lands within the boundary of the Urban River Valley area are not subject to the policies of this designation. For the purposes of this section, publicly owned lands means lands in the ownership of the Province, a municipality or a local board, including a conservation authority.

6.2.2 The lands are governed by the applicable official plan policies provided they have regard to the objectives of the Greenbelt Plan.

6.2.3 All existing, expanded or new infrastructure which is subject to and approved under the Environmental Assessment Act, or which receives a similar approval, is permitted provided it supports the needs of adjacent settlement areas or serves the significant growth and economic development expected in southern Ontario and supports the goals and objectives of the Greenbelt Plan.

Official Plan

The Official Plan contains several policies which are related to the sale or disposal of and development on City-owned land designated as *Parks and Open Space Areas*.

Chapter 2 - Shaping the City

Section 2.3.2 includes policies that seek to protect, enhance, and manage the *Green Space System*, including but not limited to:

Policy 2.3.2.1: Actions will be taken to improve, preserve and enhance the *Green Space System* by:

- a) improving public access and enjoyment of lands under public ownership;
- b) maintaining and increasing public access to privately owned lands, where appropriate;
- c) restoring, creating and protecting a variety of landscapes; and
- d) establishing co-operative partnerships in the stewardship of lands and water.

Policy 2.3.2.4: The sale or disposal of publicly owned lands in the *Green Space System* will be discouraged. No City owned land in the *Green Space System* will be sold or disposed of. However, City owned land in the *Green Space System* may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility;

Policy 2.3.2.5: Within the *Green Space System*, development will not result in the loss of public space; and

Policy 2.3.2.9: The sale or disposal of publicly owned lands on the water's edge will be discouraged.

Chapter 3 - Building a Successful City

Section 3.1.5 includes policies that seek to protect and provide for the wise use and management of Cultural Heritage resources, significant buildings, properties, districts, landscapes, and archaeological sites found throughout the city. Cultural Heritage is an important component of sustainable development and placemaking. The policies in this section provide for processes and decisions that consider the protection of these resources.

Section 3.4 includes policies that seek to protect, restore, and enhance the health and integrity of the natural environment. Policies in this section state that new or expanding infrastructure should be avoided unless there is no reasonable alternative, adverse impacts are minimized, and natural features and ecological functions are restored or enhanced where feasible. An impact study may be required for projects which are not already subject to an Environmental Assessment, in accordance with guidelines established for this purpose. In addition, a Natural Heritage Impact Study may be required for projects in or near the natural heritage system.

Chapter 4 - Land Use Designations

Policy 4.3.1 states that *Parks and Open Space Areas* are the parks and open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses and cemeteries that comprise a *Green Space System* in Toronto. They comprise the areas shown on Maps 13-23 shown as *Natural Areas, Parks and Other Open Space Areas*.

Policy 4.3.2 states that development is generally prohibited within *Parks and Open Space Areas* except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment.

Policy 4.3.3 refers to *Natural Areas*, stating: "The areas shown as *Natural Areas* on Maps 13-23 will be maintained primarily in a natural state, while allowing for:

- a) compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features and functions; and
- b) conservation projects, public transit, public works and utilities for which no reasonable alternatives are available, that are designed to have only minimal adverse impacts on natural features and functions, and that restore and enhance existing vegetation and other natural heritage features."

In addition, Policy 4.3.6 establishes criteria for development within lands designated *Parks and Open Space Areas*. The policy provides that " Any development provided for in *Parks and Open Space Areas* will:

- a) protect, enhance or restore trees, vegetation and other natural heritage features and maintain or improve connectivity between natural heritage features;

- b) preserve or improve public visibility and access, except where access will damage sensitive natural heritage features or areas, or unreasonably restrict private property rights;
- c) maintain, and where possible create linkages between parks and open spaces to create continuous recreational corridors;
- d) maintain or expand the size and improve the usability of publicly owned *Parks and Open Space Areas* for public parks, recreational and cultural purposes;
- e) respect the physical form, design, character and function of *Parks and Open Space Areas*; and
- f) provide comfortable and safe pedestrian conditions."

Policy 4.3.8. states that "the sale or disposal of publicly owned lands in *Parks and Open Space Areas* is discouraged and no City owned lands in *Parks and Open Space Areas* will be sold or disposed of. However, City owned land in *Parks and Open Space Areas* may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility".

COMMENTS

The prohibitions on the sale or disposal of City-owned land in *Parks and Open Space Areas* and the *Green Space System* are longstanding and do not allow sale or disposal to any parties, including public agencies, Crown corporations, or public or private utilities for infrastructure works or conservation projects without an accompanying site-specific OPA. It is staff's opinion that the Official Plan policies regarding the sale or disposal of land in *Parks and Open Space Areas*, and development limitations on those lands, are important to protect City parkland and the *Green Space System*.

The recommended amendment OPA 528 (Attachment 1) would permit sales or disposals for specific project types that align with the intent of the Official Plan to proceed without a site-specific OPA. The following are specific types of disposals that could be exempted from the requirement for a site-specific OPA:

- Sale or disposal to a public agency (e.g., Toronto and Region Conservation Authority) for the purpose of undertaking a conservation project; or
- An easement that is necessary to allow for essential underground public works and utilities, including alternative energy systems, together with associated access and control points, where there is no reasonable alternative and there is no restriction to public access except during construction and maintenance. For greater clarity, an easement is the only type of sale or disposal which could be granted for public works and utilities as described above.

To satisfy the requirements of the new policy 4.3.9 in recommended OPA 528, a proposed project would be required to demonstrate that, following construction, the affected lands will be restored and enhanced (including the natural ecosystem), and will satisfy all existing development criteria in the Official Plan, including the appropriate assessment referenced in Policy 4.3.2 (see "Implementation and Appropriate Assessment" below) and the development criteria in Policy 4.3.6 and 3.4.13 where in or near the Natural Heritage System.

The recommended amendment would enable sales or disposals for projects that comply with the intent of the Official Plan, protect the natural environment, and do not restrict public access to and usability of City-owned land in *Parks and Open Space Areas*. The recommended amendment will maintain the intent of existing Official Plan protections for *Parks and Open Space Areas* and will not affect the City's current disposal framework contained in the Municipal Code, with the exception of providing policies that exempt specific project types and circumstances from the need for a site-specific OPA.

Site-specific OPAs will still be needed for sales or disposals that do not conform with the recommended policy amendment. A sale or disposal may be refused if it conflicts with other Official Plan policies.

Definition of Sale or Disposal

For the purposes of the recommended policy amendment, a sale or disposal includes either a fee simple sale or the granting of a lease or easement for a term of longer than 21 years. This definition is consistent with the interpretation of "sale" in § 213-1.2 of the Municipal Code and applies to all policies in the Official Plan which speak to the sale or disposal of land. Easements and leases with a term of 21 years or less are not captured by this definition.

To provide clarity, it is recommended that a sidebar defining the term be introduced alongside the policy amendment in the Official Plan.

Authority over City-Owned Lands

Except for expropriation rights from other orders of government, the City has discretion over transactions and construction impacts on land in its ownership, and thus cannot be compelled into real estate transactions. Staff use the existing Official Plan policy framework to assess any proposal to dispose of lands designated *Parks and Open Space Areas*. Staff will only consider requests for sales or disposals that do not conflict with the intent of the Official Plan. If a proposal does conflict with the Official Plan, staff have the authority to refuse the sale or disposal request before assessing whether the sale or disposal satisfies the recommended amendment.

Implementation

As recommended, OPA 528 will not revoke Council's current disposal framework contained in the City's Municipal Code, but rather prescribes narrow circumstances under which a site-specific OPA is not needed. Accordingly, it is not being proposed that the policies prohibiting sale or disposal be eliminated, but rather that a new policy be

introduced to enable more routine sales or disposals for projects that comply with the intent of the Official Plan, protect the natural environment, and do not restrict public access to and usability of the green space. Site-specific OPAs will still be needed for projects that do not conform to the recommended new Policy 4.3.9, and sales or disposals may still be refused that do not conform with other Official Plan policies and City interests.

In reviewing requests for sale or disposal of City-owned land, staff will assess the impact to the parkland, including whether the size and quality of green space is being retained or enhanced. The preference will be to explore a land exchange that maintains or expands the size and enhances the quality and functions of the park and open space.

As part of the review process for a sale or disposal, staff may consider whether a short-term easement (less than 21 years), or a licence for permission to enter and construct would be sufficient to accommodate the third party's proposed infrastructure. Any sale, disposal, easement, or licences will be at market value consistent with the real estate policies of the Municipal Code. This stepped approach is important as the City is better able to impose conditions and restrictions on how the third party uses the property if the City remains the owner. Corporate Real Estate Management notes that fee-simple transfers of ownership are generally only requested by public agencies; while utility companies and private infrastructure providers (e.g., telecommunications, alternative energy systems) typically request permanent easements.

Appropriate Assessment

To undertake appropriate assessment of a sale or disposal request, staff would review the project using the criteria and principles described below. The review would inform staff's recommendations to the Chief Planner and the General Manager of Parks, Forestry and Recreation as to whether a site-specific OPA is required for the sale or disposal.

Under 4.3.2 of the Official Plan, the sale or disposal and related use in *Parks and Open Space Areas* must be supported by an "appropriate assessment", which may be satisfied through staff review of relevant project information, including:

- The description of and rationale for the project;
- The authority for the project (i.e., legislative, government approval, or Council recommendation);
- An evaluation of the preferred approach, location, and alternatives;
- The impact of the infrastructure on the parkland;
- Opportunities for enhancement of the parkland;
- The construction method, schedule, and restoration plan; and
- Information gathered from the consultation process (where consultation has taken place).

To determine whether a sale or disposal request satisfies the recommended amendment, Staff would first establish that the project is requesting a permanent interest in land that is designated *Parks and Open Space Areas*, and that the project is either a conservation project or an essential underground public work or utility, including

alternative energy systems. Different considerations apply depending on whether the project is the former or the latter and are detailed in the following sections.

Conservation Projects

To consider whether a sale or disposal is appropriate for a conservation project, staff would first ensure that the recipient of the lands would be a public agency as established in the Official Plan. A review would also be undertaken to ensure that the project would enhance conservation of natural areas, and that the public agency would have greater capacity to achieve conservation goals than if the property remained in City ownership.

Essential Public Works and Utility Projects

Public works and utility projects may include services such as water and sewage, energy such as electricity, natural gas and district energy (e.g., deep water cooling) projects, other alternative energy systems, and telecommunications infrastructure. Water and sewage services as currently provided by Toronto Water would not qualify as a sale or disposal since ownership would remain with the City of Toronto. Renewable energy projects may be interpreted as "utility projects" for the purposes of the site-specific OPA exemption in proposed Policy 4.3.9.

In some cases, alternative energy systems, such as geothermal, may serve specific sites (e.g., a condominium building), and easements may be granted to private owners for associated infrastructure without a site-specific OPA provided the project meets all other criteria of recommended Policy 4.3.9 and all other applicable provisions of the Official Plan.

To satisfy the requirements of the recommended amendment related to essential public works and utilities, the sale or disposal request would need to:

- Be limited to easement rights (not fee simple ownership);
- Contain infrastructure that is primarily underground, except for associated access and control points, which should be as limited as operationally feasible;
- Be minimally disruptive to the parkland;
- Ensure that public access is not restricted except during construction of the infrastructure, and in limited instances where maintenance is required;
- Demonstrate that alternatives have been assessed, accounting for factors such as impacts to parkland, mitigation, and feasibility, but not cost; and
- Include plans to restore and enhance the park function and/or ecological integrity.

In assessing requests for sale or disposal of parkland, CREM prioritizes the use of road rights-of-way first, and requires thorough documentation to support any claims that there is no reasonable alternative to the sale or disposal of parkland.

Supporting Amendment to Municipal Code Chapter 213

Attachment 4 to this Report summarizes the current review process for sale or disposal requests in *Parks and Open Space Areas* or the *Green Space System* and the changes

that would result from the proposed Policy 4.3.9. These changes necessitate an amendment to Toronto Municipal Code Chapter 213 to add a new General Condition in Appendix B (Attachment 3). This new General Condition will make authority to approve a sale or disposal of land in the *Parks and Open Space Areas* of the Official Plan conditional upon either:

- a site-specific OPA being in force that exempts the lands from the prohibition on sale or disposal, or
- confirmation by the Chief Planner and Executive Director of City Planning and the General Manager of Parks, Forestry and Recreation that the proposed sale or disposal satisfies the relevant criteria in Policy 4.3.9 of the Official Plan.

This is similar to the approach that is currently in place for approving land exchanges involving land in the *Green Space System* or *Parks and Open Space Areas*. Approval of these types of land exchanges is conditional upon confirmation by the Chief Planner and Executive Director of City Planning and the General Manager of Parks, Forestry and Recreation that the land being exchanged is nearby land of (i) equivalent or larger area, and (ii) comparable or superior green space utility.

Consultation

City staff engaged First Nations and consulted residents and stakeholders on draft policy language via meetings and open houses from October 2023 to March 2024, and have incorporated feedback received into the recommended amendment. Attachments 5a and 5b to this report provide further detail on engagement and consultation activities, feedback themes, and questions asked. Attachment 5a was prepared by Dillon Consulting Limited and covers engagement and consultation activities undertaken in 2023, and Attachment 5b, prepared by City staff, summarizes engagement and consultation activities undertaken in 2024.

In October and November 2023, the project team held two open houses and two stakeholder meetings to present the proposed policies. The project team also had meetings with two First Nations, the Mississaugas of the Credit and Six Nations of the Grand River. Feedback themes included concern regarding potential loss of green space, review criteria, and what "reasonable alternative" in the policy language may mean in practice.

On March 7, 2024, the project team held a virtual public open house to present updated draft Official Plan policies based on feedback received during the previous round of engagement. The project team also met with Councillors and incorporated Councillor input into the recommended OPA 528 policies.

CONCLUSION

The recommended Official Plan Amendment 528 aims to establish a framework to permit certain land disposals that support conservation projects and essential underground public works and utilities, including alternative energy systems, while adhering to Provincial and municipal planning policies that protect parkland. The

requirement to apply for a site-specific OPA to allow for the sale or disposal of City-owned land in *Parks and Open Space Areas*, regardless of the scope, nature, or potential impact of the project, can significantly increase timelines for delivering essential infrastructure projects. The recommended amendment is technical in nature and seeks to reduce redundancy in the current process, without changing policy direction or intent, by providing a mechanism to allow transactions for conservation projects and essential public work and utility projects to proceed without the requirement for a site-specific OPA.

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SIGNATURE

Kyle Knoeck, MCIP, RPP
Interim Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Official Plan Amendment 528

Attachment 2: Blacklined Version of Recommended Official Plan Amendment 528

Attachment 3: Municipal Code Chapter 213 Amendment

Attachment 4: Review Process for Sale or Disposal Requests of Land in *Parks and Open Space Areas* and *Green Space System*

Attachment 5a: Engagement Summary, Dillon Consulting Limited, dated January 2024

Attachment 5b: Engagement Summary, dated March 2024