

305 Dawes Road – Official Plan Amendment Application – Final Report

Date:	December 11, 2017
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 31 – Beaches-East York
Reference Number:	17 125252 STE 31 OZ

SUMMARY

This application proposes an Official Plan Amendment for 305 Dawes Road to allow for a lease renewal by the Children's Peace Theatre (the "CPT") on a 465 square metre property owned by the City of Toronto.

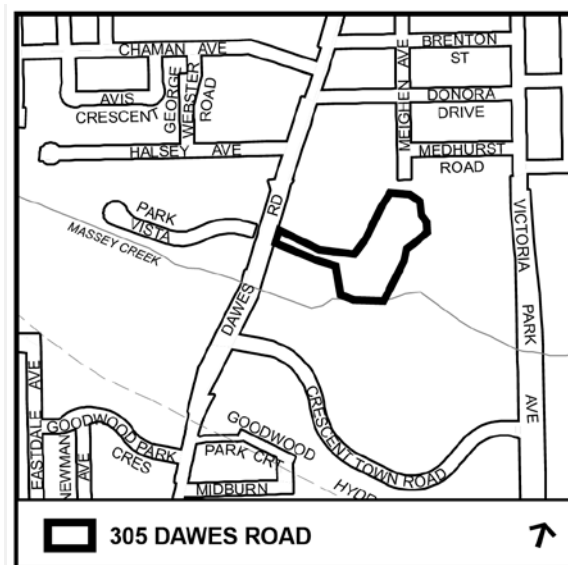
The sale or disposal of City-owned lands in the *Green Space System* and *Parks and Open Space Areas* is prohibited by Official Plan policies. An Official Plan Amendment is required because the property is located in the *Green Space System* and is designated as *Parks and Open Space Areas – Natural Areas* under the Toronto Official Plan. The extension of a lease that exceeds a period of 21 years is considered a form of land disposal.

This report reviews and recommends approval of the application to amend the Official Plan to permit the lease extension.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan to add that part of 305 Dawes Road leased to the Children's Peace Theatre to the list of properties in Site and Area Specific Policy No. 265, substantially in



accordance with the draft Official Plan Amendment attached as Attachment No. 3 to the report dated December 11, 2017 from the Acting Director, Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On, March 31, 2016 Toronto City Council adopted a Report dated February 2, 2016, from the Chief Corporate Officer and General Manager, Economic Development and Culture authorizing a further lease renewal agreement with CPT for a three (3) year term, conditional upon an Official Plan Amendment being obtained for the Lands. The recommendations of that report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM10.13>

ISSUE BACKGROUND

Proposal

Children's Peace Theatre (the "CPT") is an award-winning community arts organization serving the children and youth of east Toronto. The property at 305 Dawes Road is owned by the City of Toronto and a portion has been leased to CPT since August 14, 1997. The area of the lease is shown as Parts 1 and 2 in Attachment 2 to this report. CPT's existing lease with the City expired on March 31, 2016. A lease with a cumulative time duration of over 21 years is considered a disposition of land. The proposed Official Plan Amendment (the "OPA") is required to permit disposal of the lands to permit the extension of the lease.

Site and Surrounding Area

The site is located within the block bounded by Donora Park to the north, Victoria Park Avenue to the east, Crescent Town apartment complex to the south and Dawes Road to the west.

The land uses surrounding the site are:

North: Donora Park and a residential neighbourhood of detached dwellings;

East: Victoria Park Road;

South: High-rise apartment buildings (Crescent Town); and,

West: Dawes Road and high-rise apartment buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;

The Growth Plan also requires the City to prioritize planning and investment in infrastructure and public service facilities that will support intensification within delineated built-up areas, and is explicit in its policy direction that "applying the policies of this Plan will support the achievement of complete communities..."

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

The Growth Plan directs municipalities to develop Official Plan policies and other supporting documents to guide intensification. 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.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site that CPT is located in is within the *Green Space System* on the City of Toronto Official Plan Map 2 – Urban Structure and designated as *Natural Areas* on the City of Toronto Official Plan Map 20 – Land Use Plan, as shown on Attachment 1 to this report. The subject lands are also identified as being in the *Natural Heritage Inventory* as shown on Map 9 of the Official Plan.

The Green Space System is comprised of those lands with a *Parks and Open Space Areas – Natural Areas* designation which are large, have significant natural heritage or recreational value and which are connected. *Parks and Open Space Areas* are made up of lands designated as *Natural Areas, Parks and Other Open Space Areas* and are described to include the parks and open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses and cemeteries that comprise a green open space network in Toronto. 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.

Section 2.3.2, Policy 4, in the Toronto's Green Space System and Waterfront section of the City of Toronto Official Plan states, "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."

Section 4.3, Policy 8, in the *Parks and Open Space Areas* section of the City of Toronto's Official Plan states "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."

The subject lands are also located within the Natural Heritage System on Map 9 of the Official Plan, which identifies the City's significant natural heritage features and functions. Development is generally not permitted in the natural heritage system.

The Toronto Official Plan is available on the City's website at: www.toronto.ca/planning/official_plan.

Zoning

Former City of East York Zoning By-law 6752

The site is located in the former municipality of East York and is subject to Zoning By-law 6752, which zones the site as Low Density Residential, R1B. The R1B zone permits residential, a day nursery operated in a municipally owned community centre or in a public library, and other uses.

City of Toronto Zoning By-law 569-2013

On May 9, 2013, City Council enacted City-wide Zoning By-law 569-2013, which is currently under appeal at the Ontario Municipal Board. The subject site is not included in Zoning By-law 569-2013.

Reasons for Application

An Official Plan Amendment is required because the lands that CPT are leasing are City-owned lands located in the *Green Space System* and are designated as *Parks and Open Space Areas* under the City's Official Plan. The sale or disposal of City-owned *Green Space Areas* and *Parks and Open Space Areas* is prohibited as per Official Plan Section 2.3.2, Policy 4 and Section 4.3, Policy 8.

Chapter 213 of the City of Toronto Municipal Code defines a "sale" as a commitment to sell or otherwise dispose of land, including a disposal by way of a lease of 21 years or longer. The granting of a long term lease on City-owned lands for a cumulative period greater than 21 years is considered a disposition of the lands; accordingly, an Official Plan Amendment is required.

Community Consultation

On August 9, 2017, the Planning division held an Open House Consultation at Gower Park Place (10 Gower Street) to explain the technical amendment to the Official Plan. Approximately 15 members of the public attended the meeting.

City Planning staff explained the reason for the Official Plan Amendment and answered questions from the public. Members of the public were supportive of the technical amendment to the Official Plan in order to extend the lease for Children's Peace Theatre.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. There were no objections to the Official Plan Amendment.

COMMENTS

Site and Area Specific Policy No. 265 of the Official Plan identifies certain lands whereby the provisions of the Official Plan prohibiting the disposal of City-owned land in the *Green Space System* or *Parks and Open Space Areas* do not apply. The City has permitted disposal of those lands under proposals that are otherwise in keeping with the intent of the *Green Space System* policies and *Parks and Open Space Areas* designation.

An amendment to the Official Plan is required to add a portion of 305 Dawes Road to the list of properties in Site and Area Specific Policy No. 265, so that Section 2.3.2, Policy 4 and Section 4.3, Policy 8 will not apply to those lands that are currently leased and are proposed to be continued to be leased by CPT. Map 32 also requires an amendment to identify these lands as being subject to this Site and Area Specific Policy.

The addition of this site to the list of properties in Site and Area Specific Policy No. 265, does not change the *Parks and Open Space Areas* designation of the subject lands or any portion of the subject lands. The Site and Area Specific Policy allows for the existing community theatre use to continue at the location. The proposed Official Plan Amendment would allow for the lease renewal by the City of Toronto to CPT as outlined in this report.

Planning staff recommend approval of this Official Plan Amendment.

CONTACT

Derrick Wong, Community Planner
Tel. No. 416-392-0776
E-mail: dwong3@toronto.ca

SIGNATURE

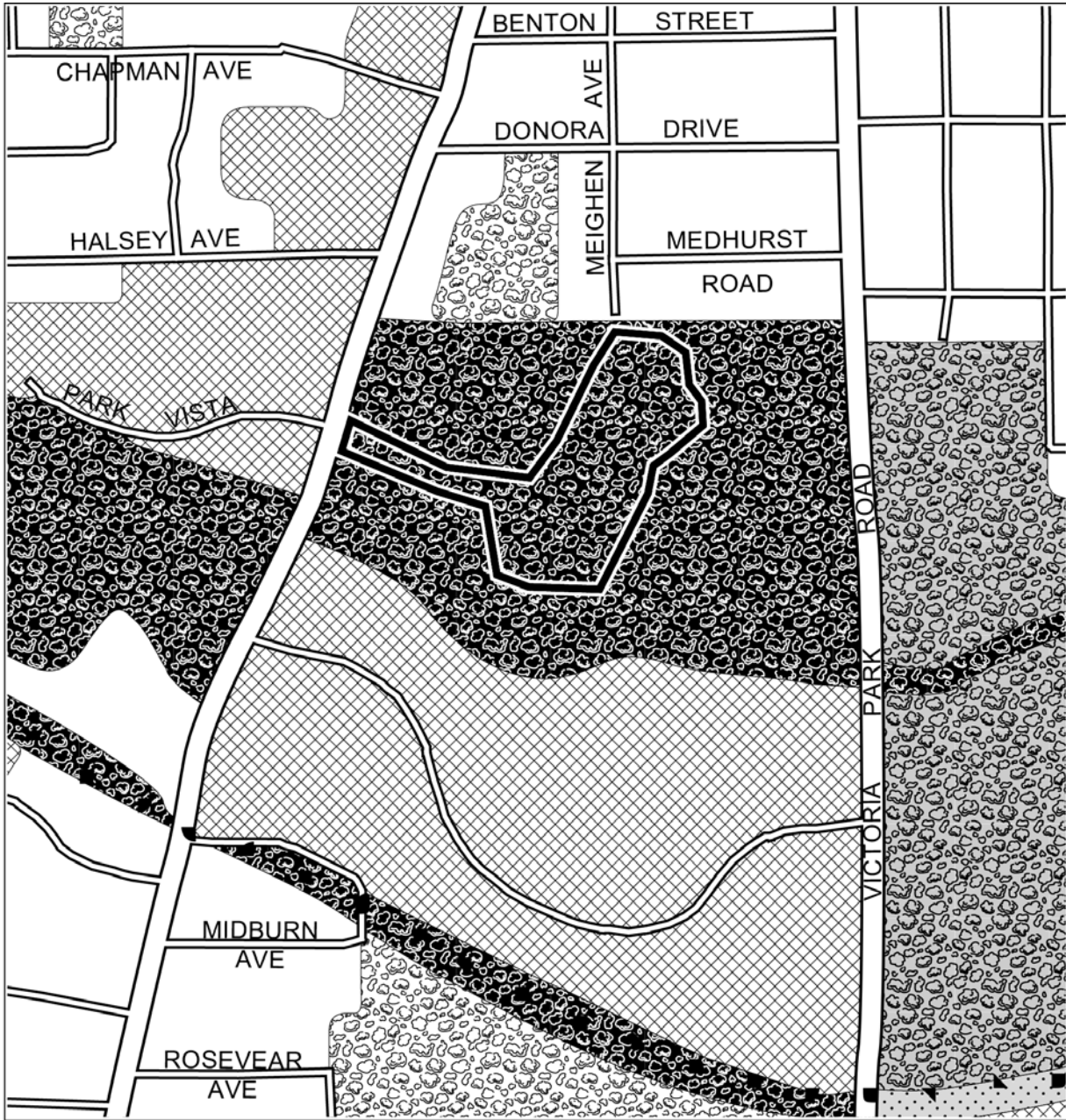
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC\8613576058.doc) - vc

ATTACHMENTS

Attachment 1: Official Plan
Attachment 2: Survey of Leased Lands
Attachment 3: Draft Official Plan Amendment

Attachment 1: Official Plan



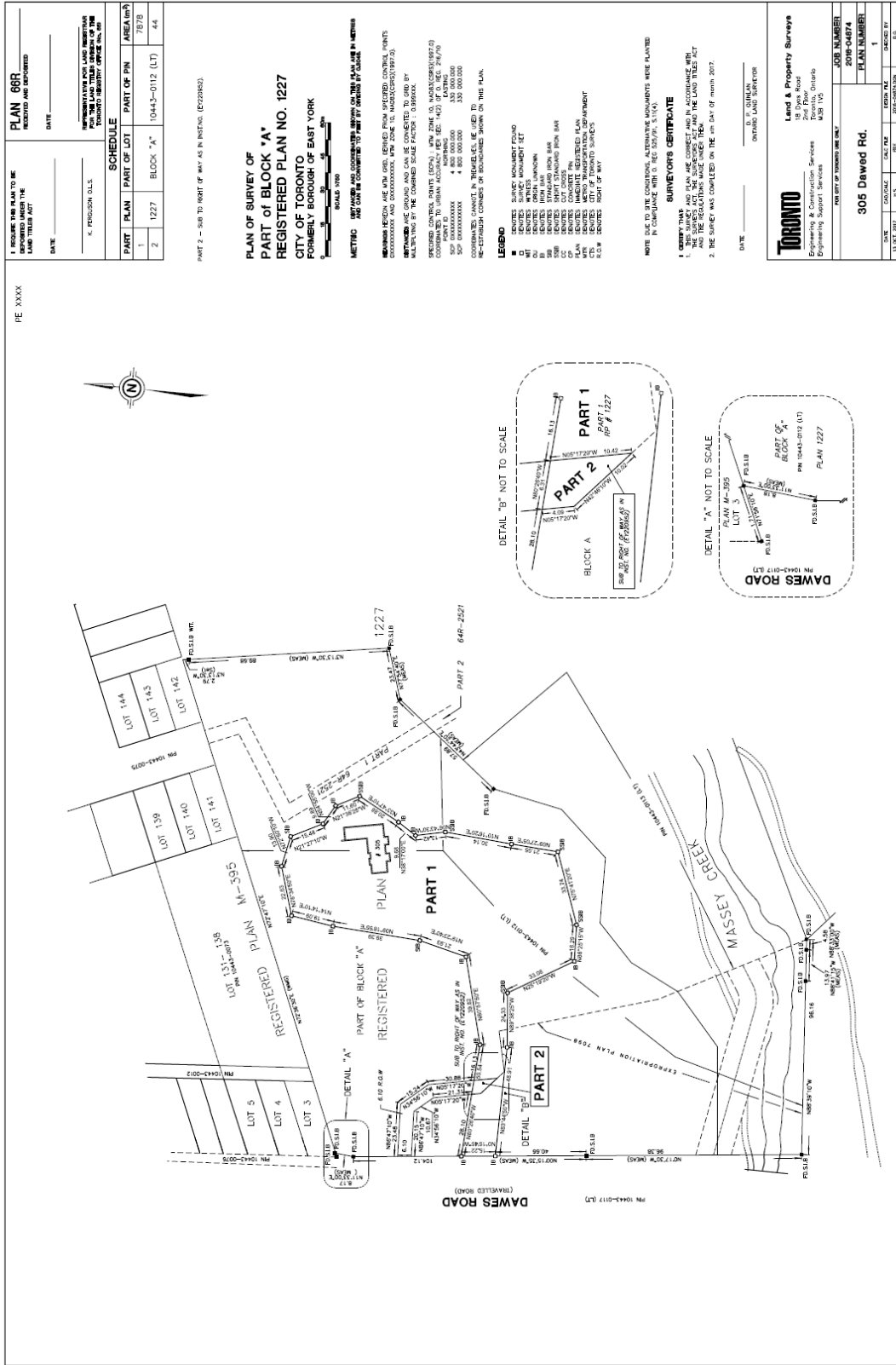
Official Plan Amendment # 348

305 Dawes Road

File # 17_125252 STE 31 OZ



Attachment 2: Survey of Leased Lands



Attachment 3: Draft Official Plan Amendment

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting a portion of the lands known municipally in the year 2017 as
305 Dawes Road**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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. The attached Amendment No. 348 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

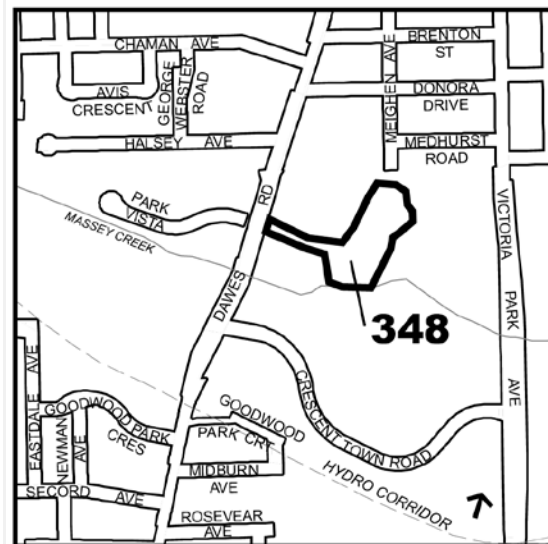
AMENDMENT NO. 348 TO THE OFFICIAL PLAN

**A PORTION OF THE LANDS MUNICIPALLY KNOWN IN THE YEAR
2017 AS
305 DAWES ROAD**

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

1. Chapter 7, Site and Area Specific Policies, is amended by adding the following text and map respecting the portion of lands known in 2017 as 305 Dawes Road:

265. Certain lands at 305 Dawes Road



2. Chapter 7, Map 32, Site and Area Specific Policies, is revised by adding a portion of the lands located at 305 Dawes Road, as shown on the map in Section 1.