

**300 MacPherson Avenue and 235 Cottingham Street  
(southern portion) - Official Plan Amendment  
Application - Preliminary Report**

<b>Date:</b>	October 13, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	15-210864 STE 22 OZ

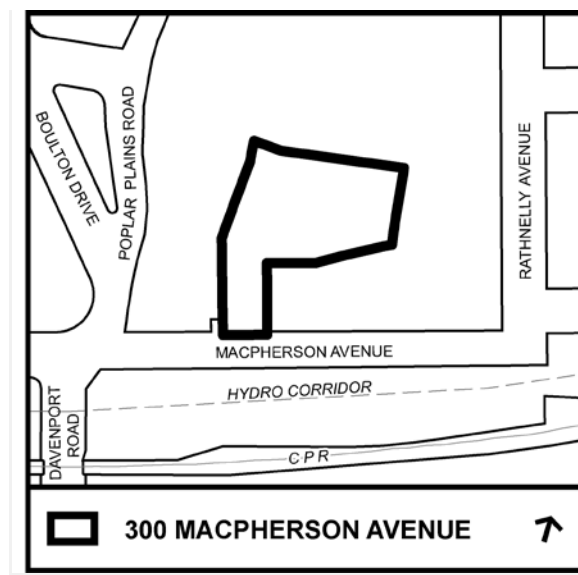
**SUMMARY**

This application proposes that the City grant a permanent easement to Toronto Hydro Electric System Limited (Toronto Hydro) in order to permit Toronto Hydro to continue to use a portion of City owned lands at 300 MacPherson Avenue and 235 Cottingham Street for below grade electrical services that were installed in 2014. A temporary short term easement was previously granted for a two year period pending determinations as to final approval. An Official Plan Amendment is required because the property is designated as *Parks and Open*

*Space Areas* under the Toronto Official Plan. The sale or disposal of City owned *Parks and Open Space Areas* is prohibited by Official Plan policies and the granting of an easement exceeding a period of 21 years is a form of disposition that is not permitted.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

A community meeting is targeted for the fourth quarter of 2015 with a Final Report



the first quarter of 2016. These targets assume that applicant will provide all required information in a timely manner.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 300 Macpherson Avenue and 235 Cottingham Street (southern portion) together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

## **ISSUE BACKGROUND**

### **Proposal**

Toronto Hydro Electric System Limited (Toronto Hydro) has requested that the City of Toronto grant them an easement in perpetuity for continued use of a portion of City lands at 300 MacPherson Avenue and 235 Cottingham Street for existing below grade electrical services which were installed in 2014. The services were necessary to upgrade and improve the supply and reliability of power to its subscribers. The City previously granted a temporary easement to Toronto Hydro for a two year period pending all necessary final approvals being obtained. Granting of a permanent easement would allow these below grade electrical services to remain buried below the park in perpetuity.

### **Site and Surrounding Area**

The site is located within the block bound by Cottingham Street to the north, Rathnelly Avenue to the east, MacPherson Avenue to the south, and Poplar Plains Road to the west. The site is 16,485.1 square metres and has frontage on MacPherson Avenue. The site is occupied by a park known as "High Level Pumping Station and Park" and contains a children's playground and open green space areas.

The land uses surrounding the site are:

North: High Level Pumping Station, 2- and 3-storey dwellings and the "Lake Iroquois" shoreline.

West: 2- and 3-storey dwellings.

South: MacPherson Avenue Hydro Sub-Station listed on the City of Toronto Heritage Register and 2- and 3- storey commercial and residential buildings on the south side of MacPherson Avenue. Further south is the Canadian Pacific North Toronto rail corridor.

East: 2- and 3-storey dwellings.

### **Provincial Policy Statement and Provincial Plans**

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 (Policy 4.7) states that the Official Plan of municipalities is the most important vehicle for its implementation. City Council's planning decisions are required 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

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

### **Official Plan**

The site is designated as *Parks and Open Space Areas (Parks)* on the City of Toronto Official Plan Map 17 – Land Use Plan. *Parks and Open Space Areas* 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. The areas shown on the maps in the Official Plan as *Parks* will be used primarily to provide public parks and recreational opportunities. 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 4.3, Policy 8, in the *Parks and Open Space Areas* 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 Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## **Zoning**

### **Former City of Toronto Zoning By-law 438-86**

The site is located in the former municipality of Toronto and is subject to Zoning By-law 438-86, which zones the site as Residential, R2 Z0.6. The R2 zone permits a variety of residential uses and non-residential uses including public parks and public playgrounds.

### **City of Toronto Zoning By-law 569-2013**

On May 9, 2013, City Council enacted a new harmonized City-wide Zoning By-law for the City of Toronto. Zoning By-law 569-2013 has been appealed in its entirety and is now before the Ontario Municipal Board. No hearing dates have been set. While the By-law is under appeal, the provisions of both the former zoning by-laws and the new zoning by-law are in effect for sites that are subject to Zoning By-law 569-2013.

Under Zoning By-law 569-2013 the site is zoned Open Space - Recreation (OR). The OR zone permits non-residential uses including, but not limited to, parks, recreation uses, libraries, community centres, and public utilities.

## **Site Plan Control**

An application for site plan approval has not been submitted.

## **Reasons for the Application**

An Official Plan Amendment is required because the site is City owned lands designated as *Parks and Open Space Areas* under the City's Official Plan and the sale or disposal of City owned *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 including a disposition of land for more than 21 years. The granting of an easement in perpetuity is a disposition of land for greater than 21 years and, accordingly, an official plan amendment is required.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Plan of Survey
- Planning Rationale

- Draft Official Plan Amendment

On September 11, 2015 the applicant's agent was notified that the application was deemed incomplete and informed that outstanding material was required for a complete application submission as follows:

- Archaeological Assessment
- Site Plan

### **Issues to be Resolved**

The applicant's submission is incomplete. On a preliminary basis, the following issues have been identified:

- The appropriateness of exempting the entire park from the provisions of the Official Plan prohibiting the disposal of City owned land in *Parks and Open Space Areas* and the nature of the exemption; and
- Potential archaeological impact resulting from future maintenance of the below grade electrical services.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

### **CONTACT**

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### **SIGNATURE**

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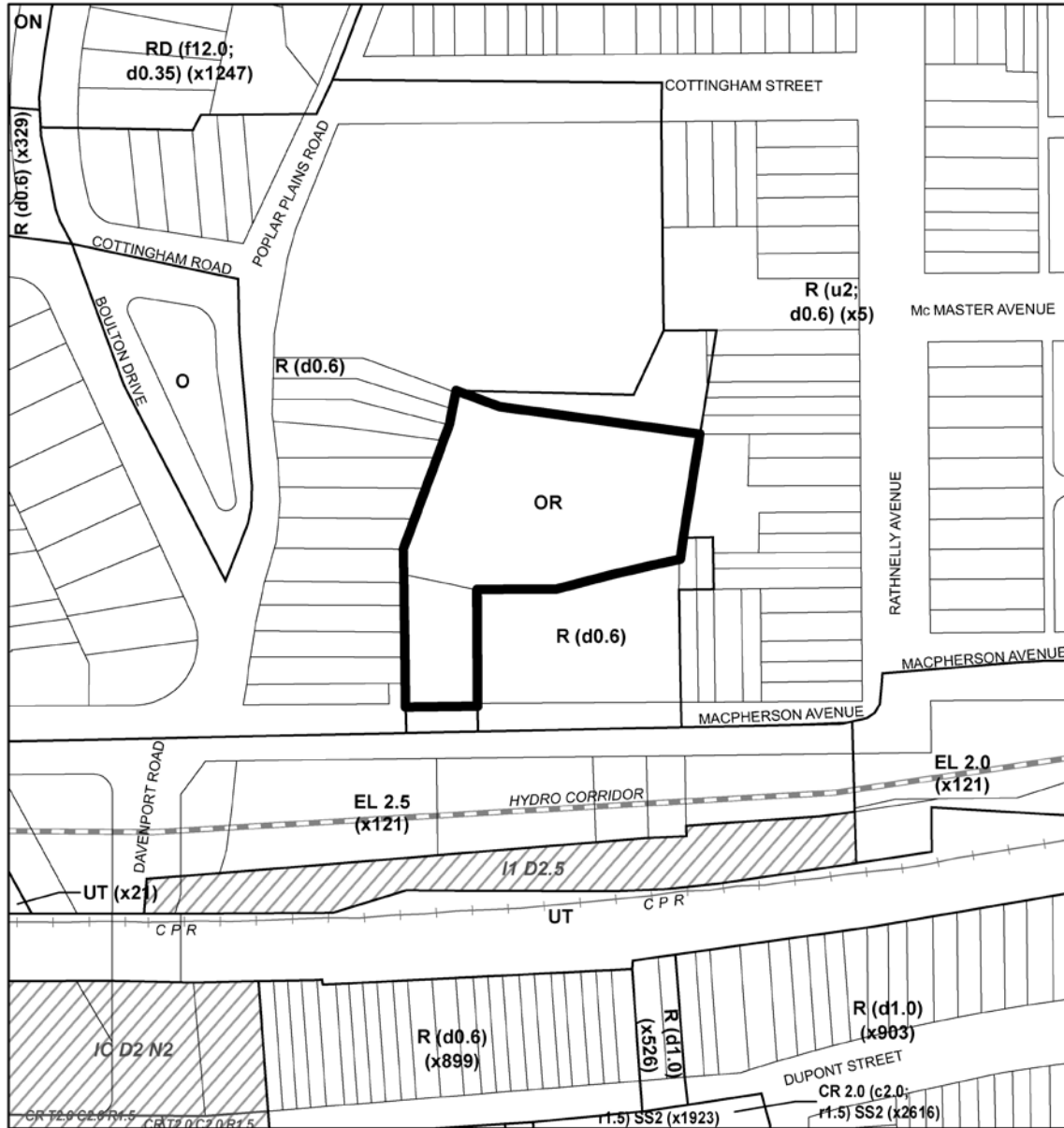
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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### **ATTACHMENTS**

Attachment 1: Zoning  
Attachment 2: Official Plan

## Attachment 1: Zoning



**Zoning By-Law No. 569-2013**

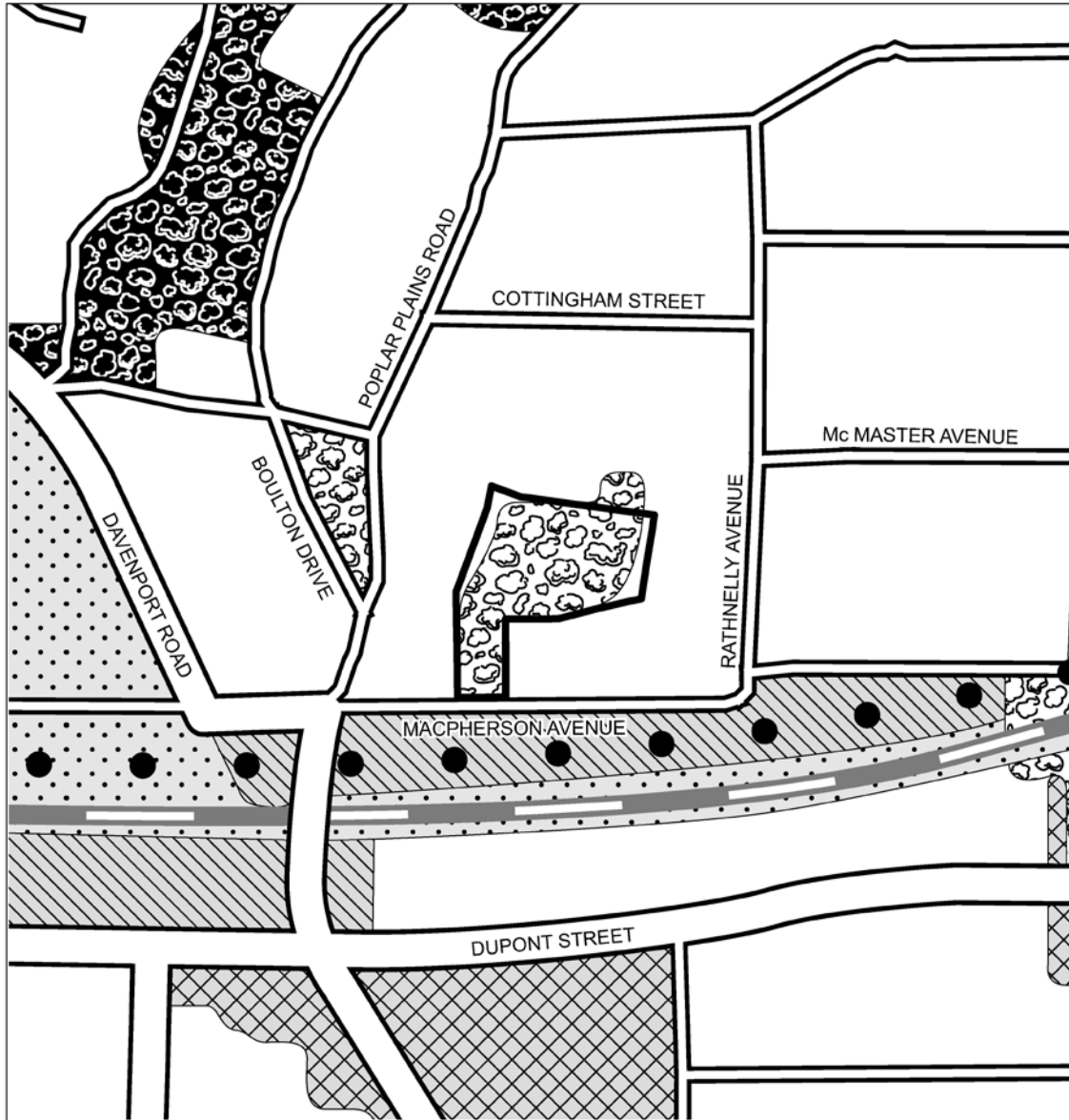
**300 Macpherson Avenue**  
**File # 15 210864 STE 22 OZ**

- |                                       |                                      |
|---------------------------------------|--------------------------------------|
| Location of Application               | Open Space                           |
| <b>R</b> Residential                  | <b>ON</b> Open Space Natural         |
| <b>RD</b> Residential Detached        | <b>OR</b> Open Space Recreation      |
| <b>CR</b> Commercial Residential      | <b>UT</b> Utility and Transportation |
| <b>EL</b> Employment Light Industrial |                                      |

- |           |  |
|-----------|--|
|           | See Former City of Toronto By-Law No. 438-86 |
| <b>CR</b> | Mixed-Use District                           |
| <b>I1</b> | Industrial District                          |
| <b>IC</b> | Industrial District                          |

Not to Scale  
 Extracted: 09/30/2015

## Attachment 2: Official Plan



### Extract from Official Plan

300 Macpherson Avenue

File # 15 210864 STE 22 0Z

Site Location	Parks & Open Space Areas	Employment Areas
Neighbourhoods	Natural Areas	Utility Corridors
Mixed Use Areas	Parks	



Not to Scale  
09/30/2015