

300 Macpherson Ave & 235 Cottingham Street (southern portion) – Official Plan Amendment Application – Final Report

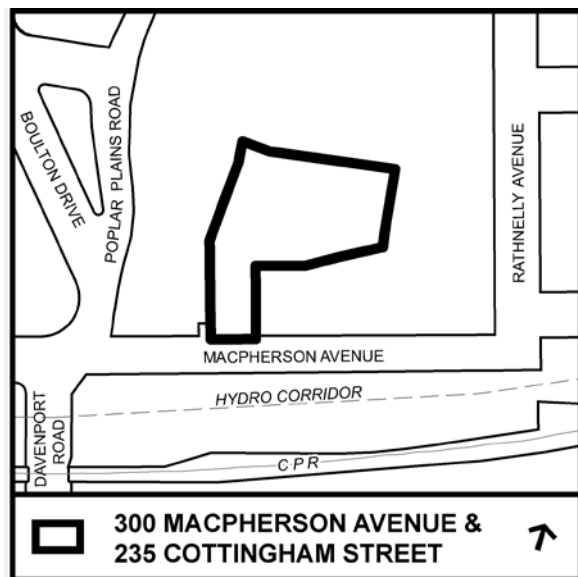
Date:	March 16, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	15 210864 STE 22 OZ

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 parklands at 300 MacPherson Avenue and 235 Cottingham Street for below grade electrical services that were installed in 2014. A temporary short term easement over Parts 1 and 2, Plan 66R-27604 was previously granted for a two year period pending determinations as to final approval.

An Official Plan Amendment is required to proceed 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 disposal that is not permitted.

This report reviews and recommends approval of the application to amend the Official Plan for the purpose stated.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan to add that part of 300 MacPherson Avenue and 235 Cottingham Street (also known as the "High Level Pumping Station and Park") that is designated as Parts 1 & 2, 66R-27604, to the list of properties in Site and Area Specific Policy No. 265 substantially in the form included as Attachment 3 to the report (March 16, 2016) of the 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

At its meeting of November 10, 2015, Toronto and East York Community Council adopted the recommendations in the report from the Director, Community Planning, Toronto and East York District (dated October 13, 2015) entitled " 300 MacPherson Avenue and 235 Cottingham Street (southern portion) - Official Plan Amendment Application - Preliminary Report" (File No. 15 210864 STE 22 OZ). The report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE12.38>

ISSUE BACKGROUND

Proposal

Toronto Hydro Electric System Limited (Toronto Hydro) has requested that the City of Toronto grant it 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 including necessary rights of access. 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. The temporary easement lands within the site commence at MacPherson Avenue, are irregular in shape and are described as Parts 1 and 2, 66R-27604 as shown on Attachment 2 to this report. Granting of a permanent easement in this location would allow these below grade electrical services to remain buried below the park in perpetuity.

Site and Surrounding Area

The park site where the permanent easement is proposed 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.

Official Plan

The site within which the permanent hydro easement is proposed is designated as *Parks and Open Space Areas (Parks)* on the City of Toronto Official Plan Map 17 – Land Use Plan as shown on Attachment 1 to this report. *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

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 city-wide Zoning By-law 569-2013, which is currently under appeal at the Ontario Municipal Board. Both Zoning By-law 569-2013 and former City of Toronto General Zoning By-law 438-86 currently apply to the site.

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.

Reasons for Application

An Official Plan Amendment is required because the lands comprising the proposed permanent hydro easement are 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.

This report addresses the official plan amendment aspects but, prior to any conveyance of a permanent easement, the lands would also need to be declared surplus in accordance with applicable City procedures.

Community Consultation

On February 9, 2016, a community meeting was held at the Toronto Archives building located at 255 Spadina Road. The purpose of the meeting was to provide area residents and the surrounding community with information about the proposed amendment and provide an opportunity to ask questions and submit comments. The meeting was attended by City Planning staff, representatives from Toronto Hydro and four interested people.

The meeting participants were generally supportive of the proposed Official Plan Amendment. Discussion at the meeting mostly surrounded topics such as how the work that occurred in 2014 was carried out, the specifications of the work that was done, and how the community will be impacted in the years to come. Toronto Hydro staff assured the community that at the time of the meeting there was no further work for this area in their work plan and only small maintenance projects should be anticipated throughout the next 10 years. One comment brought up the "swamp like" state of the park following the work. Toronto Hydro staff requested that the participant follow up with staff in the spring to determine ways of remedying the problem that is related to the sandy soil conditions and high water table.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

In the Official Plan, Policy 4.3.8 states that, "The sale of publicly owned lands in *Parks and Open Space Areas* is discouraged and no City owned lands in *Parks and Open Spaces Areas* will be sold or disposed of." 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 and has been used on a number of sites across the City to permit appropriate disposals beyond 21 years which are otherwise in keeping with the intent of the *Parks and Open Space Areas* designation.

Amendment to the Official Plan is required to add a portion of this property to the list of properties in Site and Area Specific Policy No. 265 so that Policy 4.3.8 will not apply to those lands proposed to be conveyed for permanent hydro easement purposes, namely Parts 1 & 2, Plan 66R-27604. Map 29 also requires 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 designation of the subject lands, or any portion of the subject lands, as *Parks and Open Space Area*. The designation allows for essential public works and utilities. The proposed official plan amendment would allow for the conveyance of a permanent easement to Toronto Hydro over those lands where services and facilities are

already in place as outlined in this Report. Staff recommend approval of this Official Plan Amendment.

CONTACT

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SIGNATURE

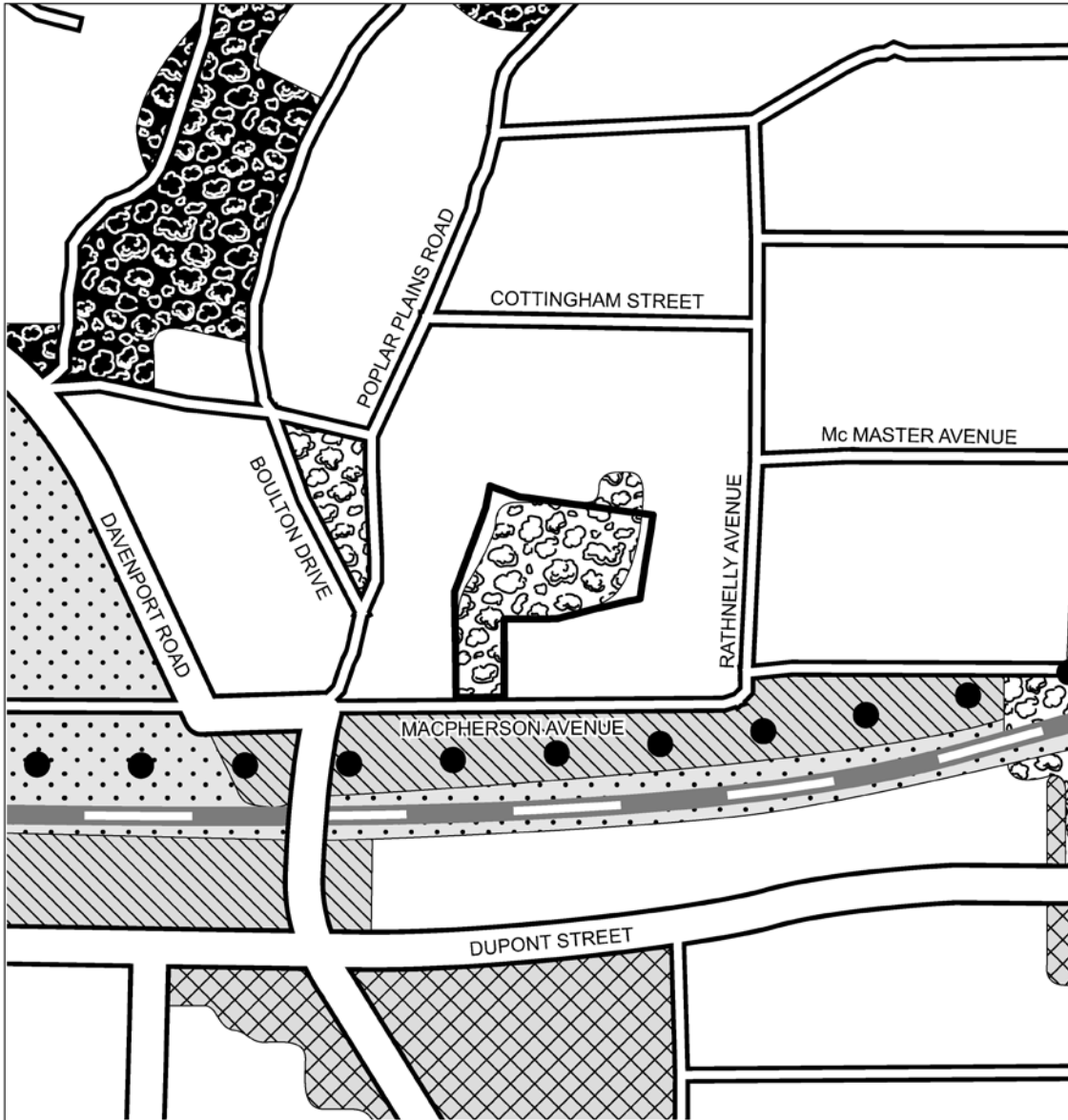
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Official Plan
Attachment 2: Easement Lands Plan
Attachment 3: Draft Official Plan Amendment

Attachment 1: Official Plan



300 Macpherson Avenue

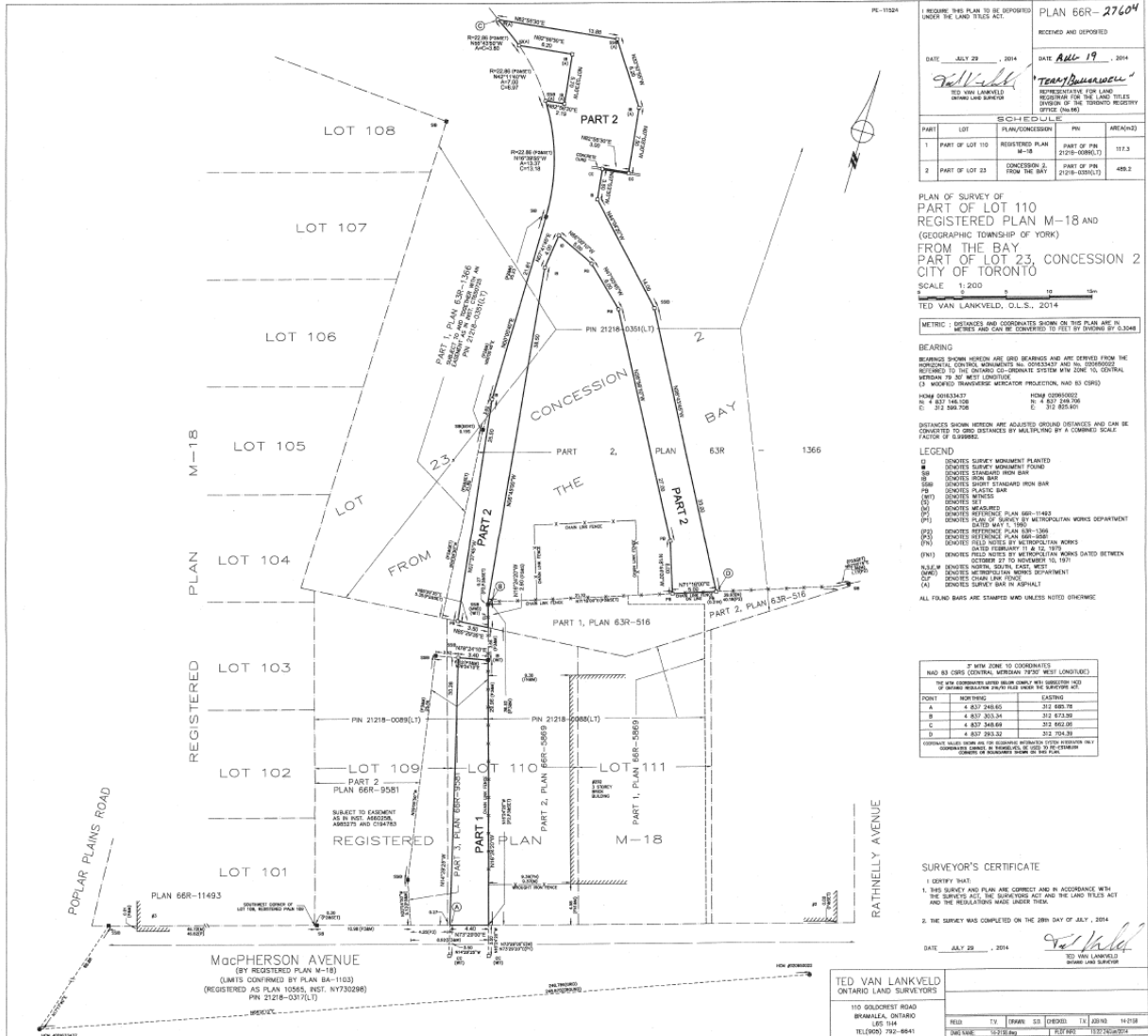
Extract from Official Plan

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

Attachment 2: Easement Lands Plan



Easement Lands Plan
Applicant's Submitted Drawing

300 MacPherson Ave & 235 Cottingham

Not to
Scale
03/03/2016



File # 15_210864_STE 22 0Z

Attachment 2: 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 2015 as
300 MacPherson Avenue and 235 Cottingham Street**

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 enacts:

1. The attached Amendment No. 296 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

(Seal of City)

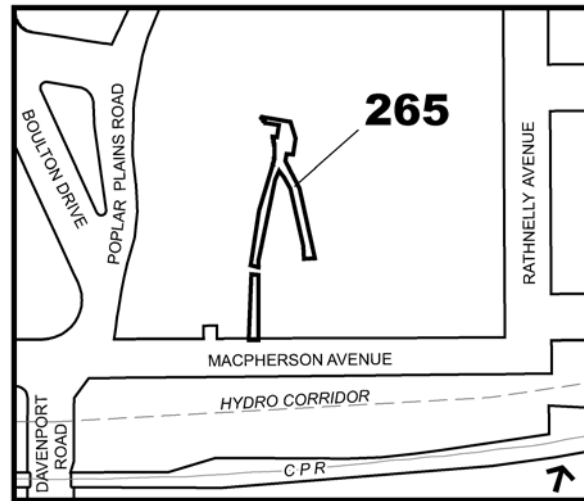
AMENDMENT NO. 296 TO THE OFFICIAL PLAN

**A PORTION OF THE LANDS MUNICIPALLY KNOWN IN THE YEAR
2015 AS
300 MACPHERSON AVENUE AND 235 COTTINGHAM STREET**

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 a portion of the lands municipally known in 2015 as 300 MacPherson Avenue and 235 Cottingham Street:

Certain lands at 300 MacPherson Avenue and 235 Cottingham Street:



2. Map 29, Site and Area Specific Policies, is revised by adding that portion of the lands located at 300 MacPherson Avenue and 235 Cottingham Street, as shown on the map in Section 1.