

**1131 Eastern Avenue – Official Plan Amendment  
Application – Final Report**

<b>Date:</b>	April 12, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 32 – Beaches-East York
<b>Reference Number:</b>	15-245841 STE 32 OZ

**SUMMARY**

This application proposes an Official Plan Amendment for part of 1131 Eastern Avenue to allow for a lease renewal by Enbridge Gas Distribution on a 40.94 square metre portion of the lands from the City of Toronto to allow an existing natural gas regulator to continue to operate at this location.

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* under the Toronto Official Plan. 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. The extension of a lease that exceeds a period of 21 years is a form of disposition 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 determine that no additional community consultation is required apart from the statutory



public meeting due to the technical nature of this amendment.

2. City Council amend the Official Plan to add that part of 1131 Eastern Avenue known as Part 1 on Reference Plan 63R-4894 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 report dated April 15, 2016 from the Director, Community Planning, Toronto and East York District.
3. 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.

## **ISSUE BACKGROUND**

### **Proposal**

Enbridge Gas Distribution currently leases a 40.92 square metre portion of lands within Woodbine Park, known as Part 1 on Reference Plan 63R-4894, located on the property municipally known as 1131 Eastern Avenue and owned by the City of Toronto, for the operation of a natural gas regulator. The 40.92 square metre portion of lands is shown on Attachment 2 to this report. Woodbine Park is located in a *Green Space System* and is designated *Parks and Open Space Areas* in the Official Plan. Enbridge Gas Distribution has leased this land for the operation of a natural gas regulator since 1989. A lease with a time duration of over 21 years is considered a disposition of land.

Enbridge Gas Distribution wishes to continue leasing this portion of land within Woodbine Park for the continued operation of a natural gas regulator.

### **Site and Surrounding Area**

The site is located within the block bounded by Eastern Avenue to the north, Northern Dancer Boulevard to the east, Lake Shore Boulevard East to the south and Coxwell Avenue to the west.

The land uses surrounding the site are:

North: Eastern Avenue, a 6-storey residential apartment operated by the Toronto Community Housing Corporation, the Beaches Employment and Social Services operated by the City of Toronto and commercial uses fronting on Queen Street;

East: Woodbine Park, and two Toronto Parking Authority Parking Lots (Carpark 200 and 202);

South: Woodbine Park, Lake Shore Boulevard East and Ashbridges Bay Park; and,

West: Coxwell Avenue and Main Sewage Treatment Park.

## 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, in 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 natural gas regulator is presently located is in the *Green Space System* on the City of Toronto Official Plan Map 2 – Urban Structure and designated as *Parks* on the City of Toronto Official Plan Map 21 – Land Use Plan as shown on Attachment 1 to this report.

The *Green Space System* is comprised of those lands with a *Parks and Open Space 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. 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 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 Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan](http://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 Park Districts, Gh. The Gh zone permits a variety of non-residential uses including public parks, public playgrounds, community related uses and hydro-electric transmission.

### **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 that Enbridge Gas Distribution are leasing for the operations of their natural gas regulator 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**

Given that this application is a technical amendment to the Official Plan, and as the lands will be continued to be designated Parks and Open Space Areas and the natural gas regulator is an existing condition, adequate information has been provided and staff recommend that further community consultation is not required. Community consultation is normally required as a result of Section 5.5, Policy 1 in *The Planning Process* section of the City of Toronto Official Plan.

## **Agency Circulation**

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

## **COMMENTS**

In the Official Plan, Section 2.3.2 Policy 4 states that, "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." Section 4.3 Policy 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 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 in the City to permit appropriate disposals which 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 this property 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 Enbridge Gas Distribution. Map 32 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 Site and Area Specific Policy allows for essential public works and utilities to continue at the existing location. The proposed official plan amendment would allow for the lease renewal by the City of Toronto to Enbridge Gas Distribution over those lands where services and facilities are already in place as outlined in this Report. The proposal does not change the existing utility of Woodbine Park.

Planning staff recommend approval of this Official Plan Amendment.

## **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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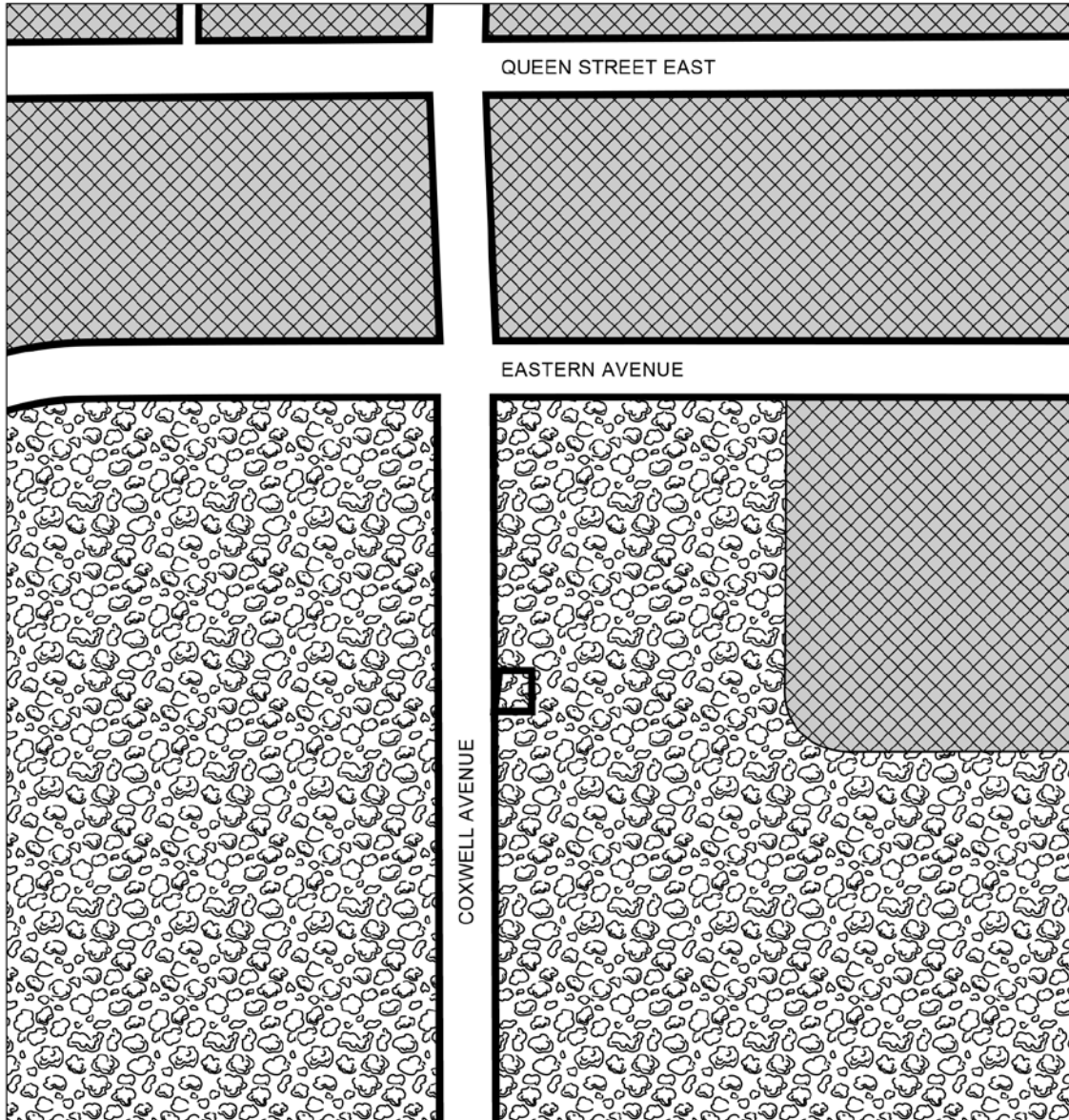
## **ATTACHMENTS**

Attachment 1: Official Plan

Attachment 2: Site Plan showing Natural Gas Regulator location

Attachment 3: Draft Official Plan Amendment

# Attachment 1: Official Plan



**TORONTO** City Planning  
**Extract from Official Plan**

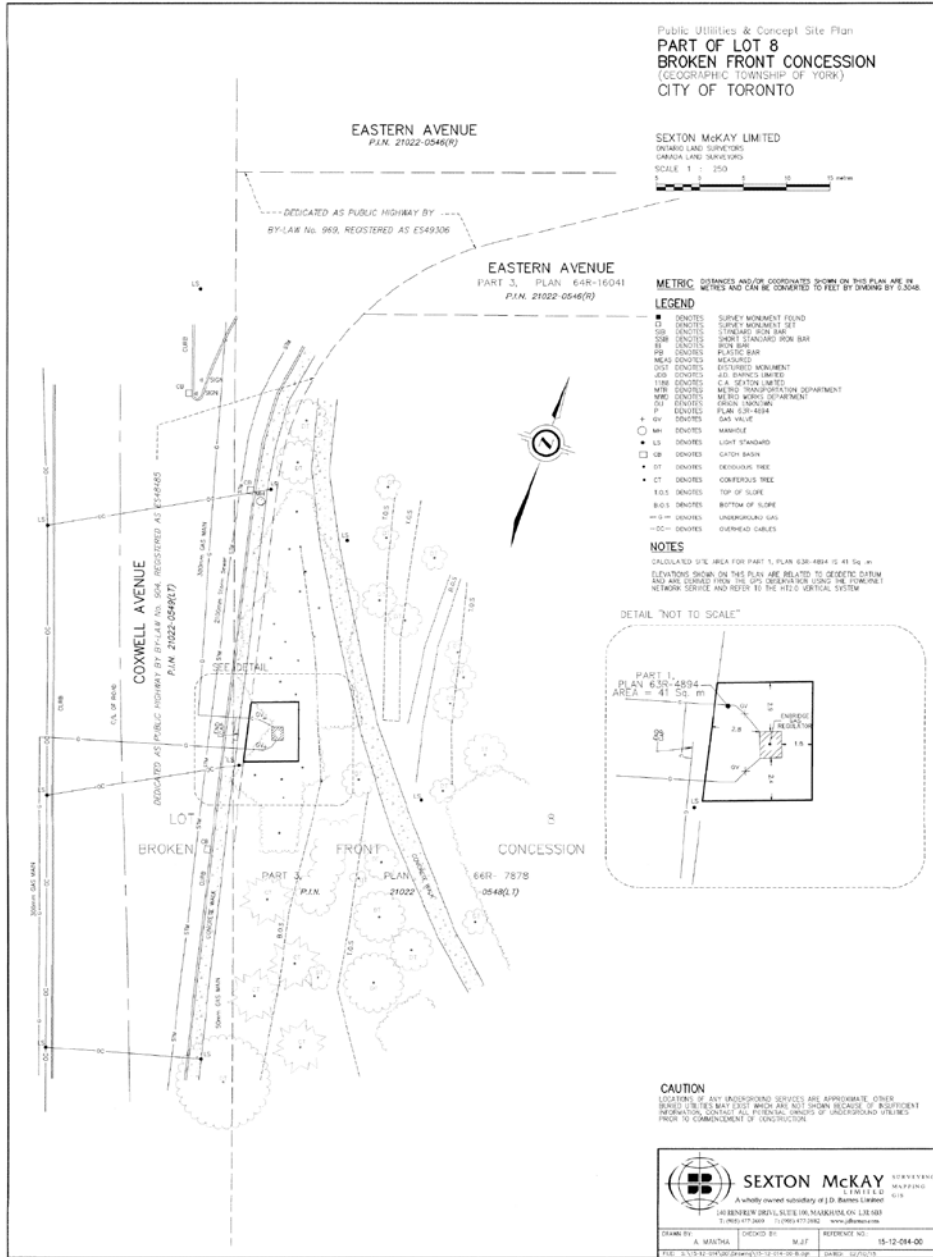
**1131 Eastern Avenue**

File # 15 245841 STE 32 0Z

- |   |  |
|---|--|
|  Site Location   |  Parks & Open Space Areas |
|  Neighbourhoods  |  Parks                    |
|  Mixed Use Areas |  |

  
 Not to Scale  
 11/12/2015

## Attachment 2: Site Plan showing Natural Gas Regulator Location



<p><b>Site Plan</b></p> <p>Applicant's Submitted Drawing</p> <p>Not to Scale ↑</p> <p>11/12/2015</p>	<h1 style="margin: 0;">1131 Eastern Avenue</h1>	<p>File # 15 245841 STE 32 OZ</p>
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**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 2015 as  
1131 Eastern Avenue**

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. 345 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)

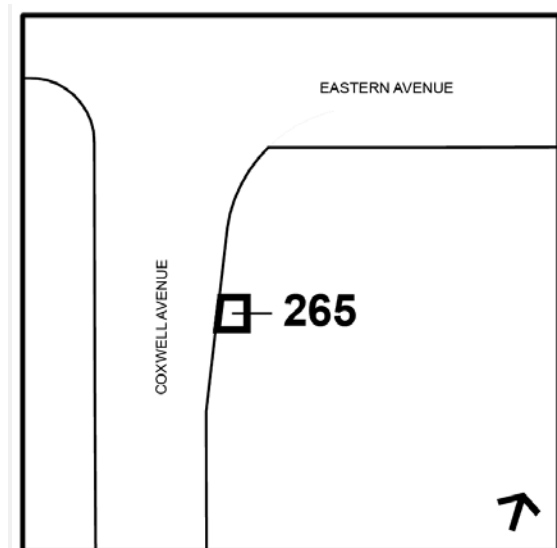
**AMENDMENT NO. 345 TO THE OFFICIAL PLAN**  
**A PORTION OF THE LANDS MUNICIPALLY KNOWN IN THE YEAR**  
**2015 AS**  
**1131 EASTERN AVENUE**

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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 2015 as 1131 Eastern Avenue:

**Certain lands at 1131 Eastern Avenue**



2. Chapter 7, Map 32, Site and Area Specific Policies, is revised by adding a portion of the lands located at 1131 Eastern Avenue, as shown on the map in Section 1.