

1135 Bellamy Road North – Official Plan Amendment Application – Final Report

Date:	May 2, 2017
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 38 – Scarborough Centre
Reference Number:	16 268874 ESC 38 OZ

This application proposes to amend the Official Plan to allow a disposal of City-owned parkland at 1135 Bellamy Road North in order to allow the City to renew an expired lease with the owner of 1121 Bellamy Road North for five years, with an option to renew for another five years. The lands would continue to be used for 28 parking spaces.

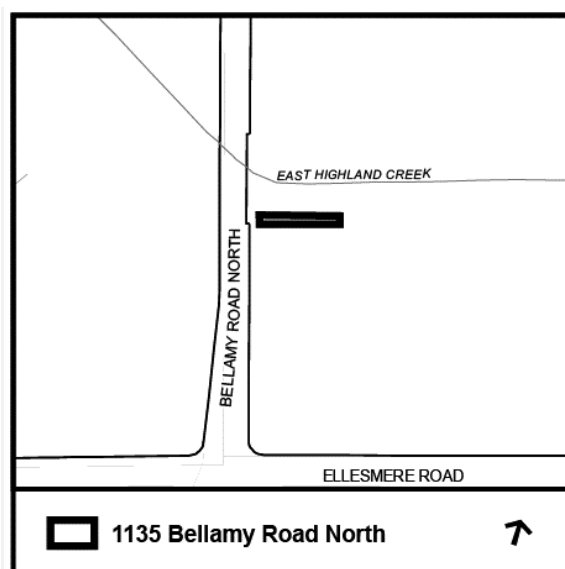
An Official Plan Amendment is required because the property is designated *Parks and Open Space Areas-Natural Areas* in the Official Plan. The sale or disposal of City owned *Parks and Open Space Areas* is prohibited and the granting of an easement exceeding a period of 21 years is a form of disposal that is not permitted.

The proposed addition of these lands to Site and Area Specific Policy No. 265 is considered appropriate and this report reviews and recommends approval of the application to amend the Official Plan for this purpose.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan by adding the subject lands at 1135 Bellamy Road North 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 4 to the report dated May 2, 2017 from the Director, Community Planning, Scarborough 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

In 1976, the former City of Scarborough authorized the lease of the subject lands to the then owner of 1121 Bellamy Road North for parking purposes to augment parking for the industrial/commercial building. In 1985, 1121 Bellamy Road North was sold to the current owner and the City entered into a new lease with the current owner for the same purpose.

The subject lease expired on September 30, 2014 and has been in overholding status since (month to month). The current owner is seeking to re-establish the lease with the City. As the lease has reached beyond 21 years, in accordance with the City of Toronto Land Disposal Policy in Chapter 213 of the Toronto Municipal Code, the subject lands need to be declared surplus in order to renew the lease.

On February 22, 2017, Scarborough Community Council considered a Preliminary Report regarding amending the Official Plan to remove a portion of 1135 Bellamy Road North from the *Parks and Open Space Areas* policy relating to the prohibition on the disposal of City parkland. The Community Council decision and report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC20.14>

ISSUE BACKGROUND

Proposal

This application proposes to amend the Official Plan to allow a disposal of a portion of City-owned parkland at 1135 Bellamy Road North in order to allow the City to renew an expired lease with the owner of 1121 Bellamy Road North for five years, with an option to renew for another five years. The lands would continue to be used for 28 parking spaces. For additional details, see Attachment 2: Lands Subject to Official Plan Amendment and Attachment 3: Application Data Sheet.

Site and Surrounding Area

The subject lands are part of the East Highland Creek watercourse and are located on the east side of Bellamy Road North and north of Ellesmere Road. The subject City-owned lands are rectangular in shape with an approximate area of 707.2 square metres (7,612 square feet).

Currently the site is paved and utilized for parking purposes by the Owner of 1121 Bellamy Road North, which abuts the subject lands immediately to the south.

Surrounding uses include:

North: East Highland Creek watercourse; and further north are a number of single storey, industrial buildings, places of worship and Toronto Animal Services East Shelter.

South: Immediately to the south is 1121 Bellamy Road North, a single storey multi-tenanted industrial-commercial building; further south is a single storey place of worship and a two-storey industrial-commercial building.

East: East Highland Creek watercourse.

West: Across Bellamy Road are a number of single storey industrial-commercial buildings, including a place of worship.

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 recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

The proposed Official Plan Amendment is consistent with the PPS and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands are identified as part of the "*Green Space System*" on Map 2, Urban Structure Map and are designated *Parks and Open Space Areas (Natural Areas)* on Map 22 – Land Use Plan in the Official 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 *Natural Areas* will be maintained primarily in a natural state, while allowing for compatible recreational, cultural and educational uses and facilities, and conservation projects, public transit, public works and utilities for which no reasonable alternatives are available, provided that adverse impacts on natural features and functions are minimized. Policy 4.3.2 states 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.

Furthermore, Policy 4 in Section 2.3.2, *Green Space System and Waterfront*, and Policy 8 in Section 4.3, *Parks and Open Space Areas*, state the sale or disposal of publicly owned lands in both the *Green Space System* and in *Parks and Open Spaces Areas* is discouraged and no City owned lands in these areas will be sold or disposed of.

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. Policy 3.4.10 states that development is generally not permitted in the natural heritage system illustrated on Map 9.

Zoning

Former City of Scarborough Employment Districts Zoning By-law (Progress Employment District) No. 24982

The site is zoned Open Spaces (O) under the former City of Scarborough Employment Districts Zoning By-law (Progress Employment District) No. 24982, as amended, which permits open space uses. Exception 300 applies to the subject lands, which specifically permits the additional use of parking for abutting lands.

City of Toronto Zoning By-law No. 569-2013

The lands are also subject to City-wide Zoning By-law No. 569-2013, as amended, which is under appeal to the Ontario Municipal Board. Under the new Zoning By-law, the subject lands are zoned Open Space – Natural Zone (ON), which permits a number of public uses such as parks, public utility and transportation, as well as agricultural uses. The additional use of parking for abutting lands would be considered a legal non-conforming use under the City-wide Zoning By-law No. 569-2013.

Site Plan Control

The property is subject to Site Plan Control. A Site Plan Control application is not required because there is no new development being proposed at this time.

Reasons for Application

An amendment to the Official Plan is required to allow the disposal of City-owned lands that are designated *Parks and Open Space Areas*. Under the City's Official Plan 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. In this instance, the expired lease, combined with the request to renew the lease for five years, exceeds 21 years and, accordingly, an official plan amendment is required.

This report addresses the Official Plan Amendment aspects, however, the lands would also need to be declared surplus in accordance with applicable City procedures. A report from Real Estate Services to City Council, for the approval of the lease extension, would be required to finalize the process.

Community Consultation

On April 10, 2017, staff held a community consultation meeting. No members of the community attended and no written comments have been received.

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

Official Plan Policy 2.3.2.4 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.” In addition, 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 Space 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. This Site and Area Specific Policy has been used for approximately 30 City owned sites to permit appropriate disposals, including those beyond 21 years, which are otherwise in keeping with the intent of the *Parks and Open Space Areas* designation.

The proposed Official Plan Amendment will not amend the Official Plan designation of the lands, but will add the subject lands (see Attachment 2: Lands Subject to Official Plan Amendment) to the other approximately 30 City owned sites listed in SASP 265.

In addition, the proposed Official Plan Amendment does not change the Open Spaces (O) and Open Space – Natural Zone (ON) zoning on the subject lands.

Conclusion

Planning staff recommend that the Official Plan be amended to add Site and Area Specific Policy No. 265 to a portion of this property. The proposed amendment is considered appropriate and would be consistent with other sites across the City.

CONTACT

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SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

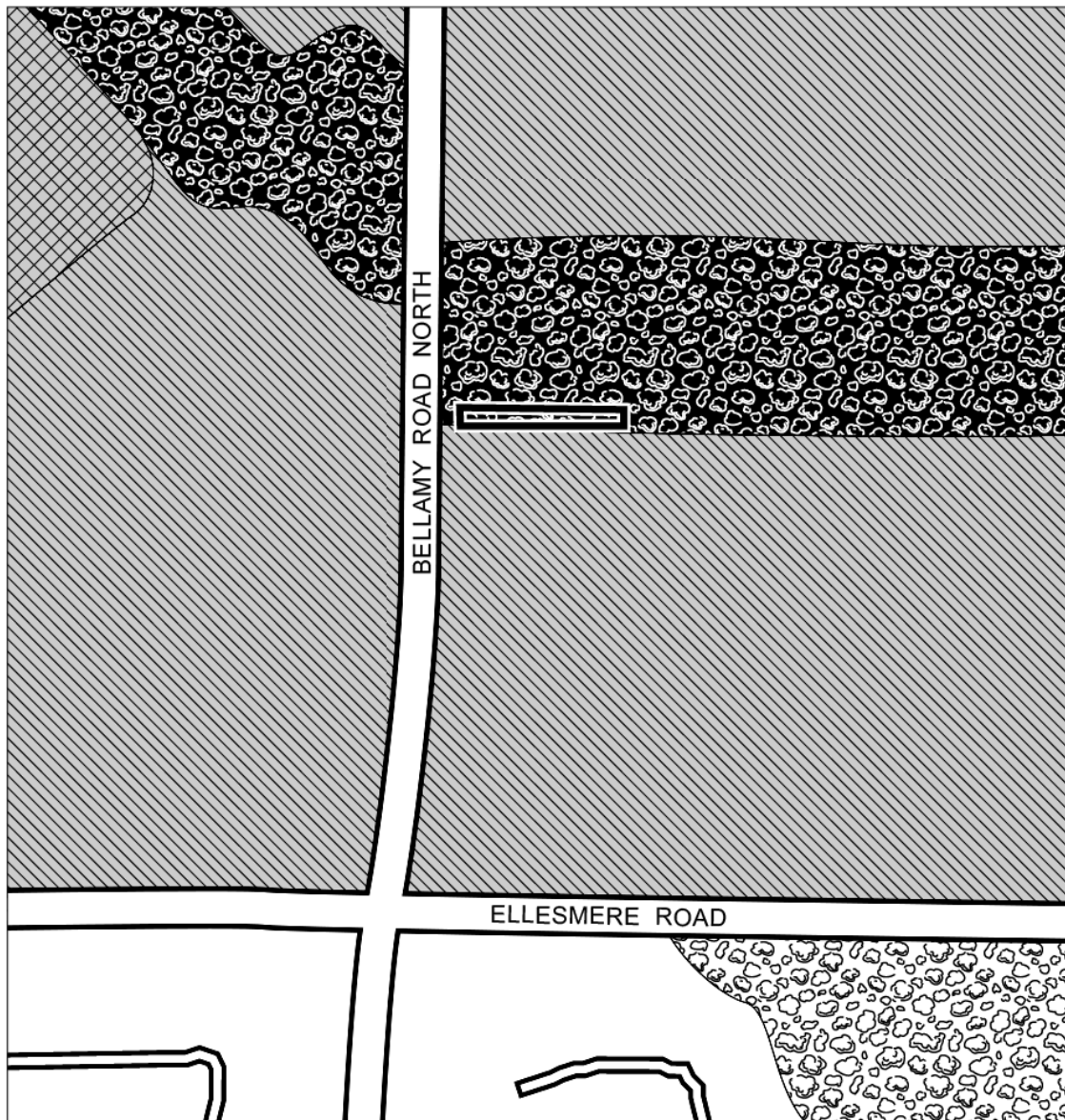
Attachment 1: Official Plan

Attachment 2: Lands subject to Official Plan Amendment

Attachment 3: Application Data Sheet

Attachment 4: Draft Official Plan Amendment

Attachment 1: Official Plan



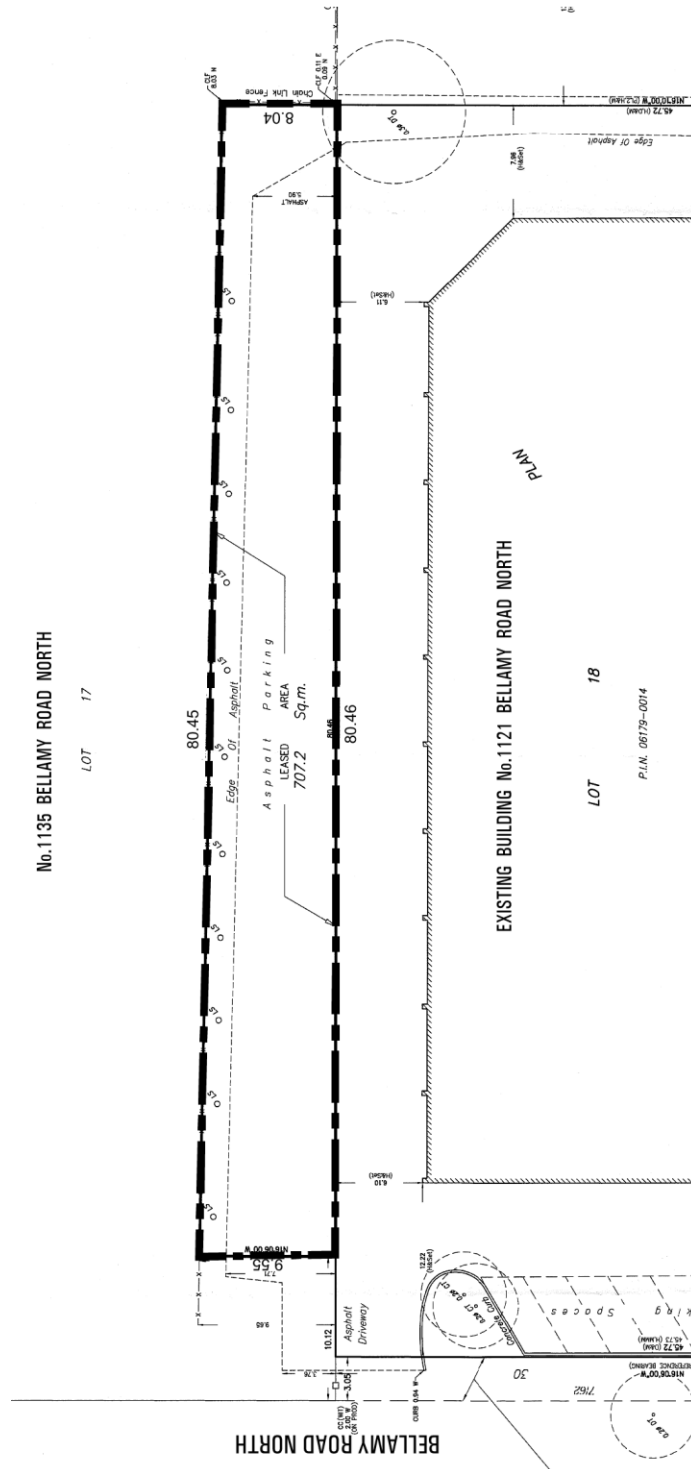
Toronto City Planning
Official Plan

1135 Bellamy Road North

File # 16 268874 ESC 38 0Z



Attachment 2: Lands subject to Official Plan Amendment



Lands Subject to Official Plan Amendment

1135 Bellamy Road North

Applicant's Submitted Drawing

Not to Scale
05/03/17



File # 16 268874 ESC 38 0Z

Attachment 3: Application Data Sheet

Application Type	Official Plan Amendment	Application Number:	16 268874 ESC 38 OZ
Details	OPA, Standard	Application Date:	December 20, 2016
Municipal Address:	1135 BELLAMY RD N		
Location Description:	REG COMP PLAN 10620 PT LOT 17 AND RP 64R10247 PART 1 **GRID E3802		
Project Description:	To amend the Official Plan to allow disposal of City-owned lands (Parks and Open Space Areas). Under the City's Official Plan the sale or disposal of City owned <i>Parks and Open Space Areas</i> 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. In this instance, the expired lease, combined with the request to renew the lease for five years, exceeds 21 years. The OPA would amend Site and Area Specific Policy 265 to include the subject lands in the list that excludes lands from the provision of the OP prohibiting the disposal of City owned land in the Parks and Open Space Areas.		

Applicant:	Agent:	Architect:	Owner:
BORDEN LADNER GERVAIS			City of Toronto

PLANNING CONTROLS

Official Plan Designation:	Parks & Open Space Areas (Natural Areas)	Site Specific Provision:	no
Zoning:	Employment Districts Zoning By-law (Progress District) No. 24982: Open Spaces City-wide Zoning By-law No. 569-2013: Open Space/Natural Zone	Historical Status:	none
Height Limit (m):	n/a	Site Plan Control Area:	yes

PROJECT INFORMATION

Site Area (sq. m):	707.2	Height:	Storeys:	0
Frontage (m):	0		Metres:	0
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	28
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	0			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0			

DWELLING UNITS

Tenure Type:

Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	0	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	Kelly Dynes, Senior Planner
	TELEPHONE:	416-396-4250

Attachment 4: Draft Official Plan Amendment

Authority: Scarborough 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
1135 Bellamy Road North**

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. 380 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

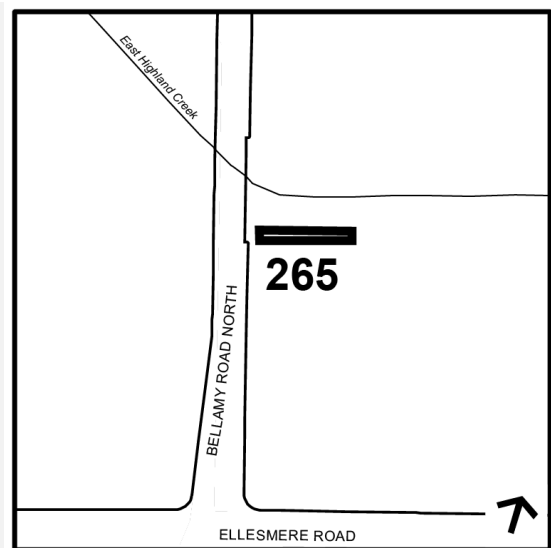
(Corporate Seal)

AMENDMENT NO. 380 TO THE OFFICIAL PLAN
RESPECTING A PORTION OF THE LANDS MUNICIPALLY KNOWN IN THE
YEAR 2017 AS 1135 BELLAMY ROAD NORTH

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 municipally known in 2017 as 1135 Bellamy Road North:

Certain lands at 1135 Bellamy Road North.



2. Chapter 7, Map 33, Site and Area Specific Policies, is revised by adding a portion of the lands located at 1135 Bellamy Road North, as shown on the map in Section 1.