

55 and 69 Pelham Avenue – City-Initiated Official Plan Amendment – Final Report

Date: June 15, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: Ward 17 (Davenport)

Planning Application Number: 18 151101 WET 17 OZ

SUMMARY

This application is for a City-initiated amendment to the Toronto Official Plan to redesignate the western rear portion of the property municipally known as 55 Pelham Avenue from *Neighbourhoods* to *Core Employment Areas*. This portion will be conveyed to the adjacent property, municipally known as 69 Pelham Avenue, to be used as a 26 space parking area for the existing photography studio on this property.

The proposal is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (2017) and is in keeping with the intent of the Official Plan.

This report reviews and recommends approval of the City-initiated amendment to the Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 55 Pelham Avenue substantially in accordance with the Draft Official Plan Amendment attached as Attachment No. 3 to this report.
 2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Official Plan Amendment as may be required.
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FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On January 24, 2018, a Consent application (File No. B0010/18EYK) was submitted by Memar Consultants Inc. requesting permission to sever the western rear portion of the lot, municipally known as 55 Pelham Avenue, for the purpose of a lot addition. This portion, described as Part 2 on the Draft Reference Plan (see Attachment 4) is proposed to be conveyed to 69 Pelham Avenue to be used as a parking area for the business that operates on the lot. A Minor Variance application (File No. A0076/18EYK) was submitted in conjunction with the consent application, seeking variances related to the proposed parking area use and driveway width. On April 26, 2018, the Committee of Adjustment, Etobicoke York District Panel deferred consideration of the Minor Variance application to provide the applicant with an opportunity to consult with Community Planning staff. The Secretary-Treasurer, Committee of Adjustment, Etobicoke-York District also deferred consideration of the delegated Consent application.

ISSUE BACKGROUND

Proposal

This City-initiated application proposes an amendment to the Official Plan to redesignate the rear western portion of 55 Pelham Avenue, which is proposed to be conveyed to 69 Pelham Avenue, from *Neighbourhoods* to *Core Employment Areas*. The conveyed lands are to be used as a parking area for the existing photography studio and associated with the *Core Employment Areas* use located at 69 Pelham Avenue. The proposed amendment is a City-initiated application to align appropriate land use designations to better reflect existing and proposed land uses, and to provide cohesive contiguous parcels in appropriate locations.

The proposed parking area would contain a total of 26 parking spaces, including one accessible parking space, with access from Pelham Avenue from the existing driveway located along the west side of 69 Pelham Avenue.

Site and Surrounding Area

The subject lands are located south of Pelham Avenue, on the north side of the Canadian Pacific (CP) Railway corridor, between Davenport Road and Dupont Street. The lands of 55 Pelham Avenue currently have a lot area of approximately 22,483m² and are occupied by an elementary school (Ecole Elementaire Charles-Sauriol), which is to be maintained.

The western rear portion of 55 Pelham Avenue, described as Part 2 on the Draft Reference Plan (see Attachment 4), that is to be conveyed to 69 Pelham Avenue is approximately 1,112 m² in area, generally triangular in shape and is flat.

The lands at 69 Pelham Avenue are currently occupied by a two-storey commercial building that operates as a photography studio that is to be maintained.

Uses surrounding the subject lands include:

North: Pelham Avenue Playground on the north side of Pelham Avenue and a low-rise residential neighbourhood to the north comprised of townhouses, single-detached and semi-detached dwellings.

South: Immediately south is the Canadian Pacific (CP) Rail corridor. To the south of the rail corridor is Carlton Park and a low-rise residential neighbourhood.

East: Immediately east of the school, is a vacant parcel that has an application for a tower and a midrise development and is currently before the Local Planning Appeal Tribunal (Case No. PL170525).

West: Immediately west are two-storey industrial units fronting on Pelham Avenue and Osler Street, and Canadian Pacific (CP) and Canadian National (CN) Rail corridors further west.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans".

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;

- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS 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.

In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its Official Plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposal for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of the staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 2 – Shaping the City

Chapter 2 of the Official Plan sets out the structure by which growth will be accommodated and encouraged. Areas that can best accommodate growth are shown on Map 2 of the Official Plan and include *Employment Areas*. The rear western portion of the lands municipally known as 55 Pelham Avenue is not identified as a growth area. The lands are located between properties designated *Employment Areas* to the north and a CP rail line to the south.

Chapter 4 - Land Use Designations

The rear western portion of the lands municipally known as 55 Pelham Avenue are designated *Neighbourhoods* on Map 17 of the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached dwellings, semi-detached dwellings, duplexes, triplexes, townhouses and interspersed walk-up apartments that are no higher than four storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The lands to the west of 55 Pelham Avenue, municipally known as 69 Pelham Avenue, are designated *Employment Areas* on Map 17 of the Official Plan.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Official Plan Amendment 231

As part of the City's ongoing Official Plan Five Year Review and concurrent Municipal Comprehensive Review of *Employment Areas*, City Council adopted Official Plan Amendment No. 231 (OPA 231) on December 18, 2013, which contains new policies and designations for *Employment Areas* with the intent to, among other matters, preserve the City's *Employment Areas* for business and economic activities. The Minister of Municipal Affairs approved, with minor modifications, OPA 231 on July 24, 2014. Portions of the amendment are under appeal at the Local Planning Appeal Tribunal (LPAT). On December 20, 2016, the LPAT issued an Order that brought into effect, among other matters, both the *Core Employment Areas* and *General Employment Areas* land use designations.

The lands at 69 Pelham Avenue are designated *Core Employment Areas* on Map 33 of City of Toronto By-law No. 1717-2013 and are not subject to a site specific appeal to OPA 231.

Section 4.6 of the Official Plan states that "*Employment Areas* are places of business and economic activities vital to Toronto's economy and future economic

prospects". Uses permitted in *Core Employment Areas* are set out in Policy 4.6.1 and include all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems and vertical agriculture.

Additional uses including small-scale restaurants, catering facilities, courier services, banks and copy shops are permitted provided they are ancillary to and intended to serve the *Core Employment Area* in which they are located. Small scale retail uses that are ancillary to and on the same lot as the principal use are also permitted.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhoods* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: www.toronto.ca/OPreview/neighbourhoods.

The outcome of the staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of this report.

Zoning

The harmonized City of Toronto Zoning By-law No. 569-2013 does not apply to the lands at 55 Pelham Avenue. The former City of Toronto Zoning By-law No. 438-86 is in force, and zones the site Industrial (I2 D2).

The lands municipally known as 69 Pelham Avenue are also zoned Industrial (I2 D2) under the former City of Toronto Zoning By-law No. 438-86. Under the harmonized City of Toronto Zoning By-law No. 569-2013, the lands at 69 Pelham Avenue are zoned Employment Industrial (E 2.0).

Design Guidelines

'Greening' Surface Parking Lots

The Design Guidelines for 'Greening' Surface Parking Lots provide specific strategies and measures which developers, designers and reviewers of surface parking lots can apply to help meet Official Plan policies and environmental performance targets of the Toronto Green Standard. The Guidelines are designed to address common urban design and environmental challenges found within and around surface parking lots. 'Greening' the surface parking lot involves planting trees, providing good quality soil and generous landscaped areas, enhancing pedestrian and cycling infrastructure, managing stormwater on-site, reducing the urban heat island effect, and using sustainable materials and technologies. The Guidelines were approved for public release by Council 2007 and minor updates were completed in January 2013 to make the Guidelines consistent with the requirements of the Toronto Green Standard. The Design Guidelines for 'Greening' Surface Parking Lots are available at:

<https://web.toronto.ca/wp-content/uploads/2017/08/9642-Design-Guidelines-for-Greening-Surface-Parking-Lots.pdf>

Reasons for the Application

The Official Plan does not permit *Neighbourhoods* lands to be used for parking associated with *Employment Areas*. An Official Plan Amendment is necessary to permit the proposed parking area use, a use that will serve a business on lands designated *Core Employment Areas*. The proposed amendment is a City-initiated application to align appropriate land use designations to better reflect existing and proposed land uses, and to provide cohesive contiguous parcels in appropriate locations.

Agency Circulation

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

Community Consultation

A community consultation meeting was held at the Joseph J. Piccininni Community Centre on May 28, 2018. Councillor Palacio, the property owners of 69 Pelham Avenue and their consultants were in attendance, along with City staff. No area residents attended.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The PPS (2014) directs municipalities to protect corridors and rights-of-way for infrastructure including transportation and transit facilities. As defined by the PPS (2014), major facilities include transportation infrastructure and corridors, and rail facilities. Policy 1.6.8.3 of the PPS (2014) states that, "Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it is identified. New development on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities". Given the location of the parcel to be conveyed, which abuts a rail corridor to the south, the proposed use of the land as a parking area is compatible and appropriate.

Areas in proximity to railway operations are challenging settings for new developments. Accordingly, a land use study is currently being undertaken by the City Planning Division that will lead to guidelines for rail corridors to assist City staff in reviewing development applications adjacent to rail corridors and yards.

The PPS (2014) defines an employment area as those areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. Policy 1.3.2.1 of the PPS (2014) states that "Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs".

The Growth Plan (2017) adopts the PPS (2014) definition of employment areas. Policy 2.2.5.1 of the Growth Plan (2017) requires that economic development and competitiveness in the GGH be promoted by, among other things, making more efficient use of existing employment areas, and integrating and aligning land use planning, and economic development goals and strategies to retain and attract investment and employment.

The proposed use of the lands to be conveyed as a 26 space parking area for 69 Pelham Avenue supports the function of an employment area. In this regard, the proposed redesignation of these lands from *Neighbourhoods* to *Core Employment Areas* conforms and is consistent with the PPS (2014) and Growth Plan (2017).

Land Use

This application has been reviewed against the Official Plan policies described in the Issue Background Section of this report, as well as the policies of the Toronto Official Plan as a whole. Given the proposed use of the parcel to be conveyed, as a parking area for the associated *Core Employment Area* use, staff are of the opinion that the proposed Official Plan Amendment to redesignate the western rear portion of 55 Pelham Avenue from *Neighbourhoods* to *Core Employment Areas* is in keeping with the intent of the Official Plan. The proposal represents an appropriate and orderly development of the land that is in accordance with the Official Plan, particularly in relation to the uses that are permitted and provided for in the *Neighbourhoods* and *Core Employment Areas* land use designations. Furthermore, given the location of the conveyed parcel, which abuts a rail corridor to the south, the proposed use of the land as a parking area is compatible.

Traffic Impact, Access and Parking

Through the review of this Official Plan Amendment application, Engineering and Construction Services and Transportation Services staff provided a memorandum, dated May 29, 2018, that references comments provided to the Committee of Adjustment with respect to the related Consent and Minor Variance applications, which seek a variance for a reduced driveway width. These comments noted that, as the driveway is an existing condition and the number of vehicles travelling on the driveway at any given time is anticipated to be low, staff had no objections to the substandard driveway, provided that a "Yield to Oncoming Traffic" sign and a "Slow-Proceed with Caution" sign are provided at each end of the driveway and identified on the site plan. Transportation Services staff also recommended that a physical barrier, such as a chain link fence, be installed between the proposed parking lot and the neighbouring school site, given that the existing school playground is located next to the proposed parking lot.

Landscaping and Lighting

To secure improvements to the design of the site and proposed parking lot, Planning staff have recommended that the applicant submit a landscape and lighting plan to the satisfaction of the Director of Community Planning, Etobicoke York District, as a condition of approval of the related Minor Variance application. The plan is to indicate proposed plantings, site lighting, hardscaping materials, curbing and fencing.

Rail Safety

The lands at 55 Pelham Avenue that are to be conveyed to 69 Pelham Avenue abut the Canadian Pacific (CP) Railway corridor to the south, CP North Toronto Subdivision, which is classified as a principle main line. The application was circulated to CP Rail for review and comment. CP Rail staff did not provide any comments, indicating any concerns or advising of any conditions to be included in any approval of the proposal.

According to the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC) Guidelines for New Development in Proximity to Railway Operations, the recommended building setback for new residential development in proximity to railway operations is 30 metres for principle main lines. Within the setback area, the FCM and RAC Guidelines identify parking as an appropriate use, among other uses.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the uses that are permitted and provided for in the *Neighbourhoods* and *Core Employment Areas* land use designations. Staff recommend that City Council approve the Official Plan Amendment application.

CONTACT

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SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Official Plan Land Use Map

Attachment 3: Draft Official Plan Amendment

Applicant Submitted Drawings

Attachment 4: Draft Reference Plan

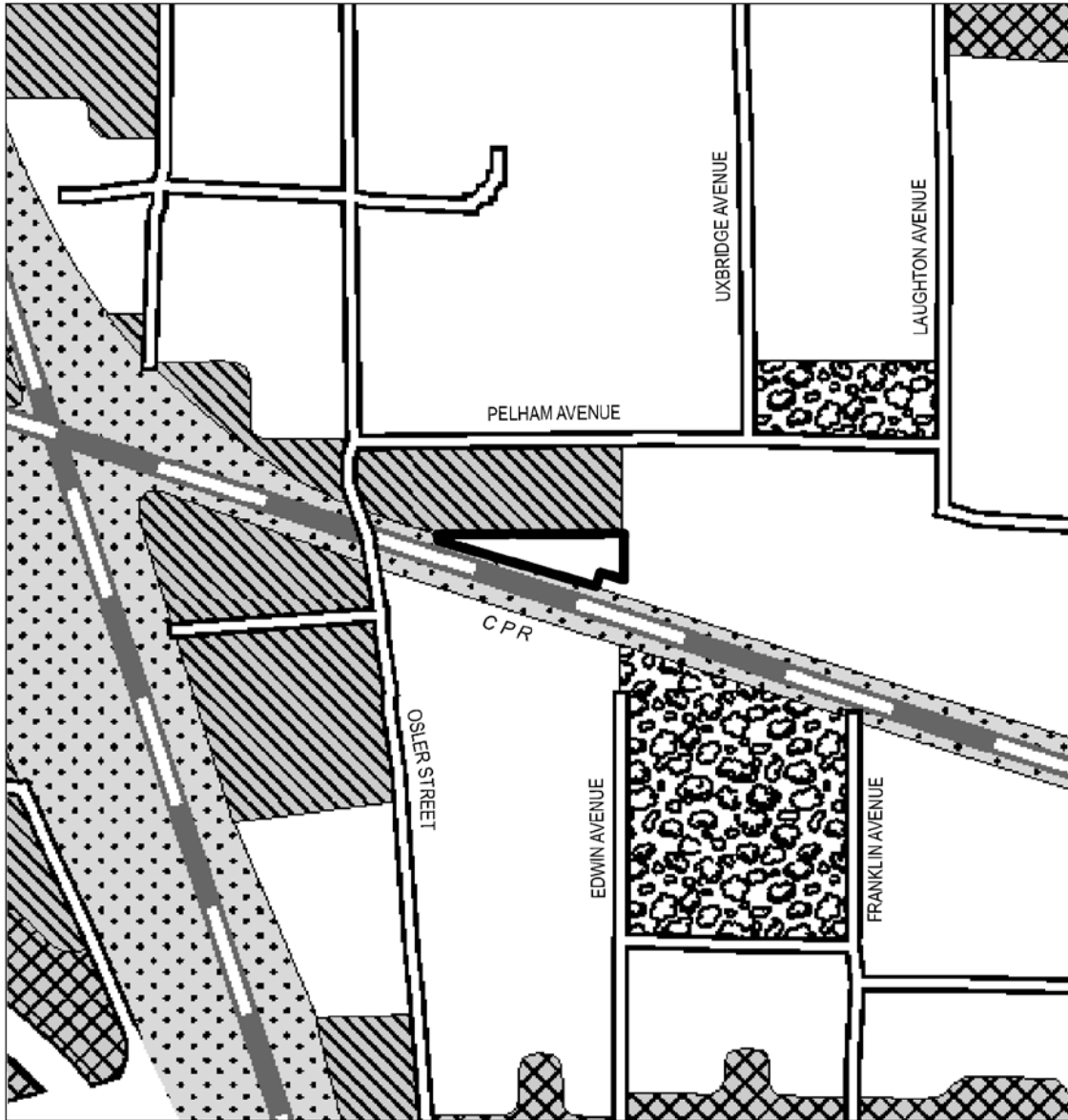
Attachment 5: Site Plan

Attachment 6: Parking Lot Plan

Attachment 1: Location Map



Attachment 2: Official Plan Land Use Map



Official Plan Land Use Map #17

55 & 69 Pelham Avenue

File # 18 151101 WET 17 0Z

 Location of Application	 Parks & Open Space Areas	 Employment Areas
 Neighbourhoods	 Parks	 Utility Corridors
 Mixed Use Areas		


 Not to Scale
 06/13/2018

Attachment 3: Draft Official Plan Amendment

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill XXX

BY-LAW XXX

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2018, as
55 Pelham 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 enacts:

1. The attached Amendment No. 412 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

Enacted and Passed this ~ day of ~, A.D. 20~.

Frances Nunziata,
Speaker

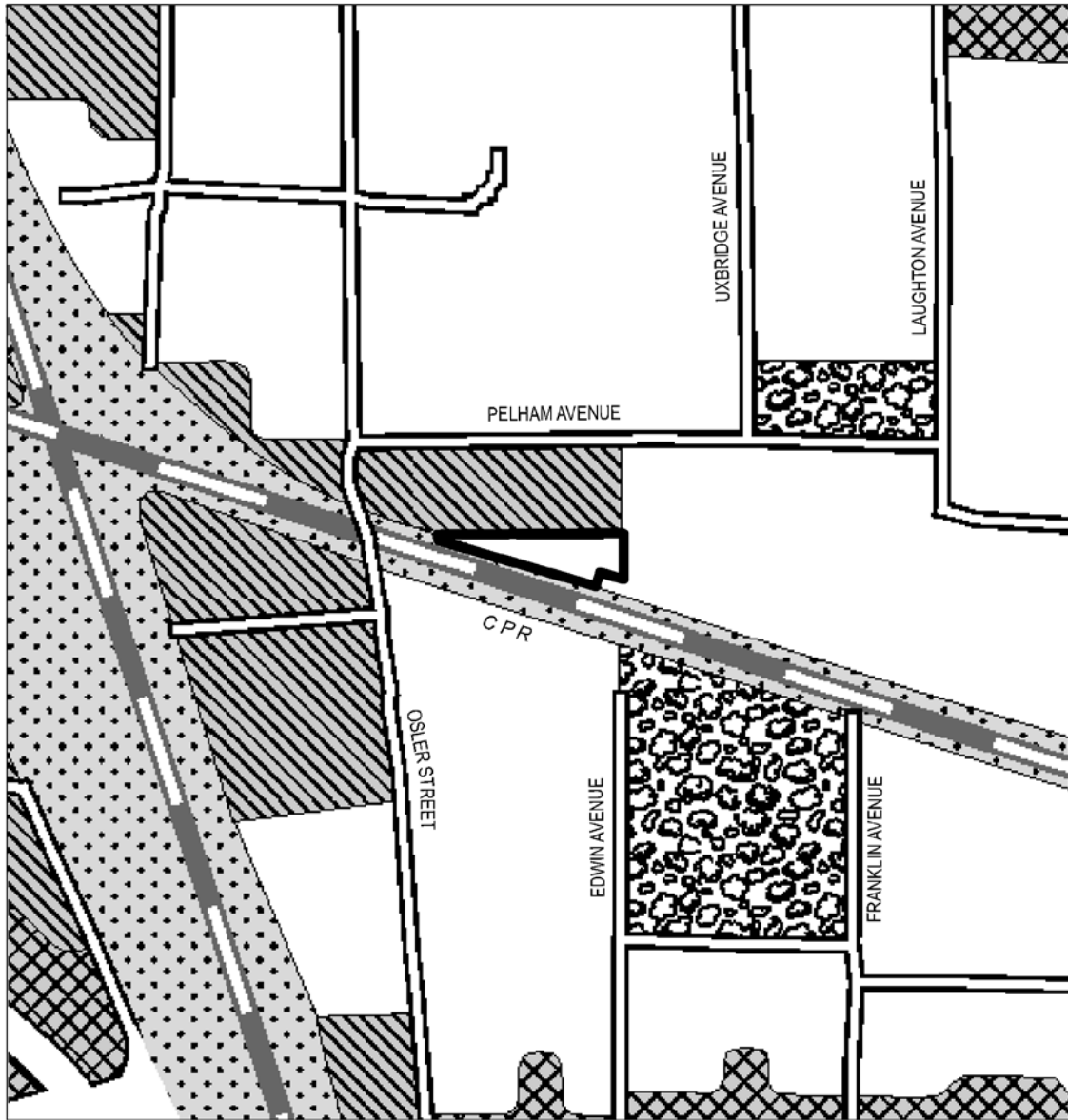
ULLI S. WATKISS,
City Clerk

(Seal of the City)

AMENDMENT NO. 412 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2018 AS
55 Pelham Avenue

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

1. Map 17, Land Use Plan, is amended by re-designating the western rear portion of the lands known municipally in 2018 as 55 Pelham Avenue from *Neighbourhoods* to *Core Employment Areas*, as shown on the attached Schedule OPA 412.
2. Map 2, Urban Structure, is amended by adding the western rear portion of the lands known municipally in 2018 as 55 Pelham Avenue to *Employment Areas*.



Official Plan Amendment # 412

Revisions to Land Use Map 17 to Redesignate lands from Neighbourhoods to Core Employment Areas

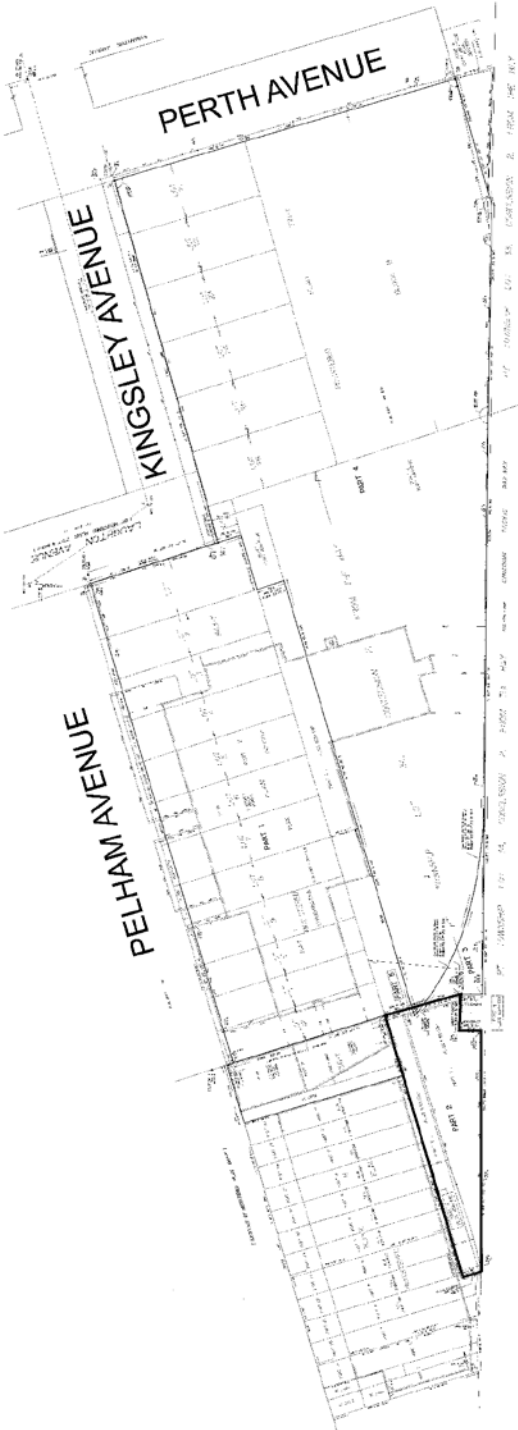
55 & 69 Pelham Avenue

File # 18 151101 WET 17 02



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Attachment 4: Draft Reference Plan



55 & 69 Pelham Avenue

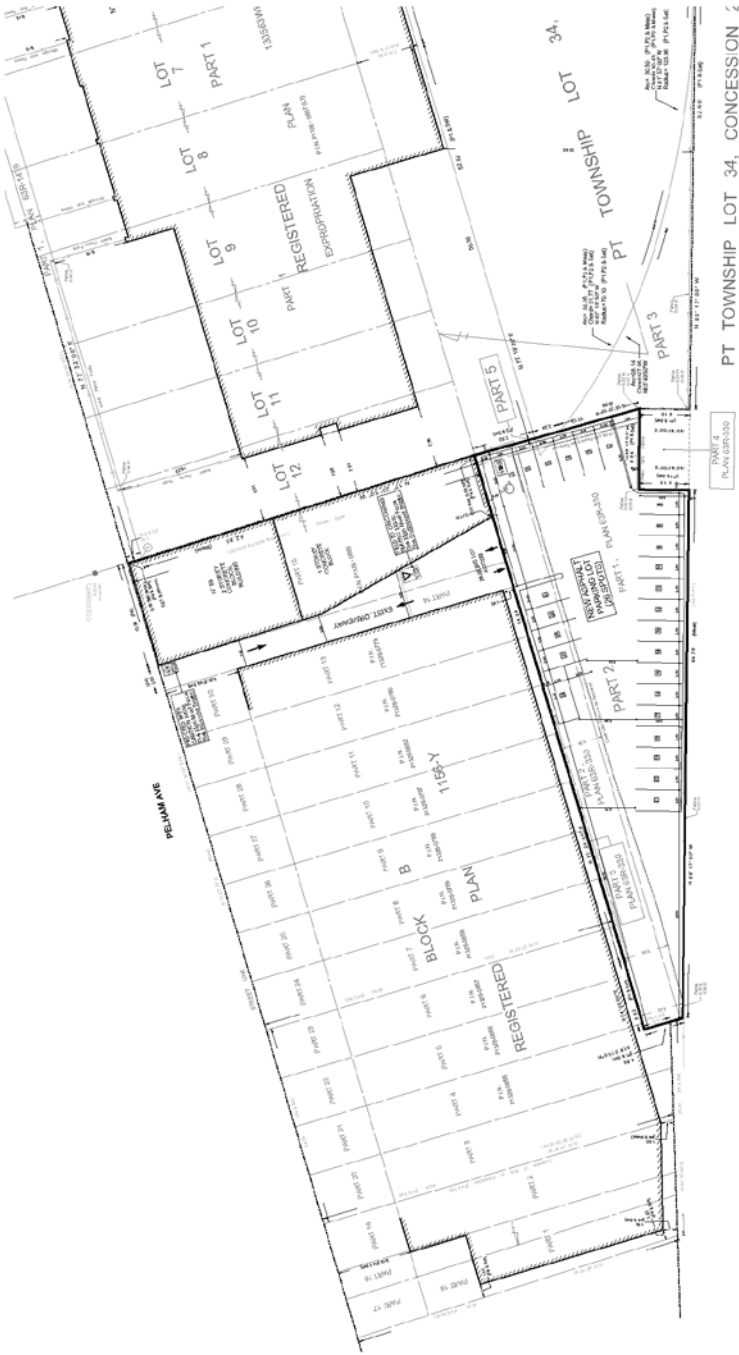
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Draft Reference Plan
Applicant's Submitted Drawing

Not to Scale
06/12/2018



Attachment 5: Site Plan

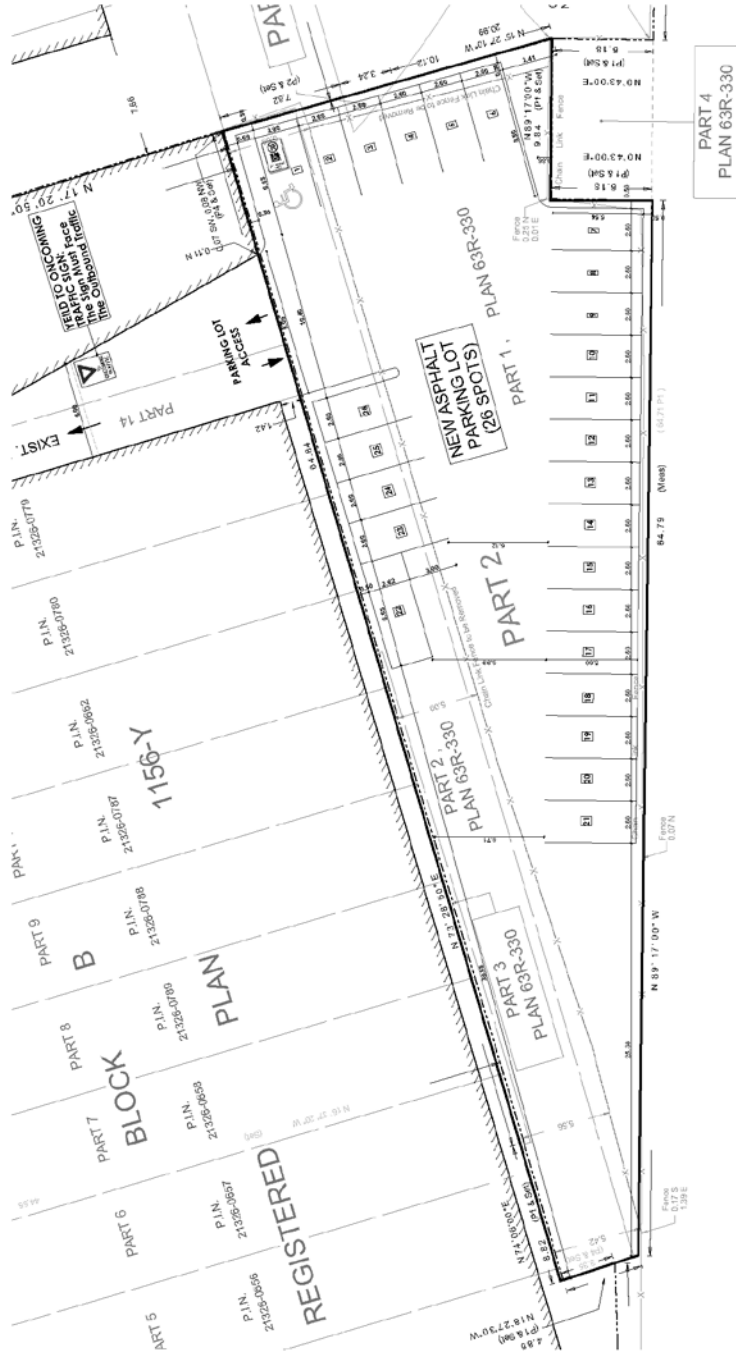


55 & 69 Pelham Avenue

File # 18 151101 WET 17 0Z

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 06/12/2018

Attachment 6: Parking Lot Plan



55 & 69 Pelham Avenue

Parking Lot Plan
 Applicant's Submitted Drawing

Not to Scale
 06/12/2018

File # 18 151101 WET 17 0Z