

**151 Billy Bishop Way - Zoning By-law Amendment
Application - Preliminary Report**

Date:	October 27, 2017
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 9 – York Centre
Reference Number:	17 214786 NNY 09 OZ

SUMMARY

An application has been submitted to amend the City's Zoning By-law No. 569-2013 and Zoning By-law No. 7625 for the former City of North York to permit a car dealership in a 3-storey building at 151 Billy Bishop Way. The proposed development would have a gross floor area of 3,275 square metres and incorporate 110 parking spaces.

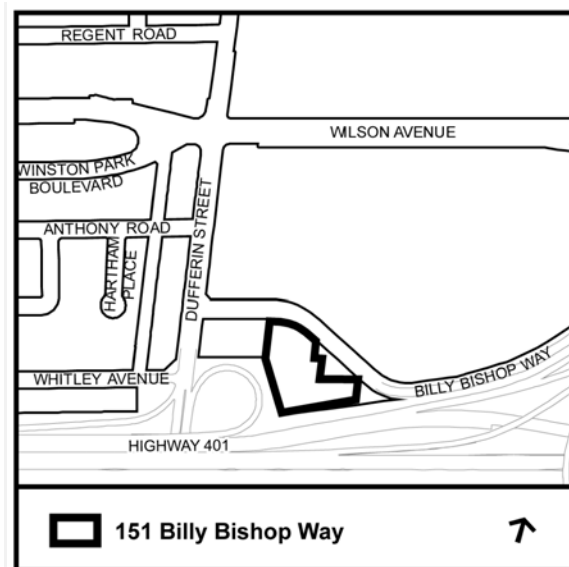
This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

Should the applicant provide all required information in a timely manner, a public meeting will be scheduled provided all outstanding issues are addressed.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 151 Billy Bishop Way 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.

DECISION HISTORY

In December 2013 Toronto City Council adopted OPA 231 at the conclusion of the Municipal Comprehensive Review of Employment Lands as part of the City's Five Year Official Plan Review. OPA 231 brought forward amendments to the Official Plan for economic and employment lands policies, designations and Site and Area Specific Policies, and redesignated the area bound by Dufferin Street to the west, Wilson Avenue to the north, the retail centre known as the Downsview Power Centre to the east, Billy Bishop Way and the parcel of land abutting Highway 401 to the south to Regeneration Areas and added Site and Area Specific Policy 388, to review and provide additional direction for the future use of the lands.

On July 9, 2014, the Minister of Municipal Affairs and Housing (MMAH) approved OPA 231, with minor modifications. The Minister's decision was subsequently appealed to the Ontario Municipal Board.

The decision history on OPA 231 and the MMAH decision can be accessed at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

The Dufferin-Wilson Regeneration Area Study Final report was considered by Planning and Growth Management on April 5, 2017. At its October 2, 2017 meeting, City Council deferred the report to its November 7, 2017 meeting.

A link to the decision and staff report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.6>

In order to permit the completion of the review (known as the Dufferin-Wilson Regeneration Area Study) and make recommendations on a planning framework for future growth in the study area Toronto City Council at its meeting of January 31, 2017 adopted an Interim Control By-law for the study area, which for a one year period, will prohibit the following uses: car washing establishment, gasoline station, motor vehicle body repair shop and dealership, manufacturing, contractors establishment, custom workshop, car rental agency, parking lot, public self storage warehouse, retail over 5,000

square metres, service station, transportation terminal and warehouse. This will allow the City an opportunity to study the permitted uses contained within the former City of North York By-law #7625 as they apply to the study area.

The staff report and the Interim Control By-law can be accessed at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM24.40>

The property at 151 Billy Bishop Way, which is the subject of this report is located immediately adjacent and to the southeast of the Dufferin-Wilson Regeneration Study Area, but is not within the study lands.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss the proposal in relation to the current Official Plan and emerging Dufferin-Wilson Regeneration Area Study as well as complete application submission requirements. Specifically the following was discussed: site organization including the area fronting on Billy Bishop Way, location and organization of vehicular access and ramps, and parking; pedestrian and cyclist connections; appropriate screening of driveways, parking and servicing areas from the public realm; impact of Ministry of Transportation Corridor Management Regulations; and impact of the Bombardier airport height restrictions.

ISSUE BACKGROUND

Proposal

The applicant is proposing to develop the subject lands at 151 Billy Bishop Way for a 3-storey (17 metre high) Hyundai automobile dealership with 110 vehicular parking spaces, of which 65 will be below grade. In addition, the applicant proposes to utilize property at the south of the lands and alongside the Highway 401 corridor for an additional 89 parking spaces for new vehicle display purposes. This southerly, 14 metre wide section of property is otherwise not able to be built upon given the Provincial Ministry of Transportation Corridor Management Regulations which prohibits any permanent structures or required parking on that portion of the lands.

The proposed development would amount to 3,275 square metres of gross floor area and represents a Floor Space Index (FSI) of 0.3 times the lot area. Two 6 metre wide driveways from Billy Bishop Way are also proposed for the site. As submitted, the proposed 3-storey building would be located at the most southerly part of the lands, immediately alongside the Highway 401 corridor. As detailed on the site plan submitted with the proposal a future building is identified as intended to be located on the north portion of the site along the Billy Bishop Way flankage. However, no further detail has been submitted as part of this application.

Site and Surrounding Area

This irregularly shaped site is located south of Wilson Avenue and east of Dufferin Street. The lands were previously part of a larger parcel of land occupied by the Denison

Armoury and used by the Department of National Defense. It has been occasionally used for surface parking and storage of new vehicles. The subject property has an area of approximately 10,918 square metres (1 hectare), a frontage of approximately 75 metres along the south side of Billy Bishop Way and a depth of approximately 125 metres.

The subject lands front Billy Bishop Way on the north and Highway 401 on the south. The sloped topography of the site falling gradually from the east to the west, allows for proposed vehicular access to the proposed ground floor of the building on the west side for 65 indoor parking spaces.

Billy Bishop Way is a two lane collector road with a 27m right-of-way width that provides an east-north connection between Dufferin Street and Wilson Avenue.

The surrounding land uses include:

- North: a 5-storey office building (3625 Dufferin Street), and a vacant parcel (3633 Dufferin Street); applications for Official Plan and Zoning By-law Amendment and for Plan of Subdivision were previously submitted that would re-designate the site located at 3621 Dufferin Street from *Employment Areas* to *Mixed Use Areas* to accommodate a mixed use residential development with at-grade commercial space along the Dufferin Street and Billy Bishop Way frontage (File # 11-259406 NNY 09 OZ and 11-259417 NNY 09 SB); a Site Plan application received December 29, 2016 within the study area for a 15,841 square metre public self-storage warehouse with 5,440 square metres of retail uses (3621 Dufferin Street, File# 16-271500 NNY 09 SA).
- South: the subject lands border the Macdonald-Cartier Freeway (Highway 401) and are just to the east of the Dufferin Street westbound on-ramp to Highway 401.
- West: the Dufferin Street westbound on-ramp to Highway 401, and at the south east corner of Billy Bishop and Dufferin Street a vacant lot used for surface parking and storage of new vehicles; across Dufferin Street is located a six storey office building (3500 Dufferin Street), semi-detached residential dwellings and further west single detached dwellings.
- East: lands immediately adjacent to the subject site are vacant, to the northeast a large retail centre which includes a Costco and a Best Buy, LCBO store, Home Depot and other retail, restaurant and service uses; along Billy Bishop Way is also found the south entrance to the Wilson Avenue Toronto Transit Commission subway station and a new commercial centre (see File# 14-235303 NNY 09 SA).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) 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 City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement 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.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) 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. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff will review the proposed development application so it is consistent with the Provincial Policy Statement (2014) and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe (2017).

Official Plan

The City of Toronto Official Plan designates the subject lands as *Employment Areas* as shown on the Land Use Plan, Map 16 in the Official Plan.

Policy 1 of Section 2.2.4, *Employment Districts: Supporting Business and Employment Growth* stipulates that *Employment Districts* will be protected and preserved exclusively for economic activity in order to achieve a variety of identified city-building objectives such as:

- Maintaining and growing the City's tax base;
- Provide a range of employment opportunities for Toronto residents that can be reached by means other than automobile; and
- Create and sustain well-paid, stable, safe and fulfilling employment opportunities.

As per Policy 2 of Section 2.2.4, *Employment Districts* will be enhanced to ensure they are attractive and function well, through actions such as:

- Permitting a broad array of economic activity that encourages existing business with functional linkages to locate in close proximity;
- Promote the distinctive character or specialized function of a *District* to attract firms within a particular targeted cluster of economic activity;
- Facilitating the development of vacant lands; and
- Creating comfortable streets, parks and open spaces for workers and landscape streetscapes to attract new business.

The land use policies of Section 4.6, *Employment Areas* state that *Employment Areas* are intended to be places of business, economic activity and employment. Examples of uses that support this function include offices, manufacturing, distribution, retail outlets, restaurants, small scale stores and services that serve area businesses and workers.

Development in Employment Areas need to be attractive for new firms, contributing to the creation of competitive, attractive and highly functional areas by:

- Supporting the economic function of Employment Areas and local amenities;
- Encouraging clusters of economic activity;
- Avoiding excessive car and truck traffic on the road system within Employment Areas and adjacent areas;
- Providing adequate parking and loading on-site;
- Mitigating the effect of noise, vibration, dust, odours or particulate matter that would be detrimental to other business or local neighbourhoods;
- Providing adequate landscaping to create attractive streetscapes and screen parking, loading and service areas;
- Ensuring outside storage is limited and screened; and
- Well screened by fencing and landscaping where viewed from adjacent streets, highways or neighbouring land uses.

The Built Form policies in Section 3.1.2 of the Plan will also be utilized to assess the proposed commercial development. Section 3.1.2 provides direction for new development with respect to its location and organization such that it fits within, and respects, its existing and planned context. It states, new development will be located and organized to fit within its existing and/or planned context. New development will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) Generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner;
- b) Locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- c) Providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- d) Preserving existing mature trees wherever possible and incorporating them into landscaping designs.

The Toronto Official Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm

OPA 231

At its meeting on December 16-18, 2013, City Council adopted OPA 231 at the conclusion of the Municipal Comprehensive Review of Employment Lands as part of the City's Five Year Official Plan review. OPA 231 brought forward amendments to the Official Plan for economic health and employment lands policies, designations and Site and Area Specific Policies.

On July 9, 2014, the Minister of Municipal Affairs and Housing (MMAH) approved OPA 231, with minor modifications. The Minister's decision was subsequently appealed to the Ontario Municipal Board.

The decision history on OPA 231 and the MMAH decision can be accessed at the following links:

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The OMB Order partially approving OPA 231 can be accessed at this link:

[http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20\(June%202022%202015\).pdf](http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20(June%202022%202015).pdf)

Zoning

Under the former City of North York Zoning By-law #7625, the northerly portion of the site fronting onto Billy Bishop Way is zoned MC(H), Industrial-Commercial Zone, which permits a variety of manufacturing, commercial and retail uses, including motor vehicle dealerships and related uses, and allows for a maximum floor space index (FSI) of 1.0 times the lot area. The Holding (H) provision restricts retail stores, personal service shops and office uses to a maximum of 5,000m² or 0.5 F.S.I.

A very small sliver at the northeast side of the subject lands is also zoned Airport Hazard Area Zone (A). Section 35.2 of former City of North York By-law No. 7625 deems any land included within an Airport Zone which is not under the ownership or jurisdiction of a public authority, to be subject to the provisions of the By-law that applies to the opposite side of the nearest public street, which in this case would be the MC (H) zone.

The lands are also subject to the height restrictions related to the former Downsview Airport, now operated by Bombardier Aerospace, and imposed by Schedule "D" (Airport Hazard Map). The Schedule imposes a maximum building and structure height restriction of 15.24 metres on the northerly portion and 45.72 metres on the southerly portion of the lands.

The City of Toronto Zoning By-law #569-2013 also applies for just over half the southerly portion of the lands and zones the lands as Utility and Transportation Zone (UT). The UT zone permits uses such as an Ambulance Depot, Fire Hall, Police Station, Public Utility, and Transportation or Vehicle Depot uses only if associated with a public utility. The northerly portion of the site is not subject to City of Toronto Zoning By-law #569-2013 (see Attachment #7).

Site Plan Control

The applicant has filed a concurrent Site Plan Control application (File #17-214799 NNY 09 SA) which is currently under review.

Reasons for the Application

An amendment to the Zoning By-laws is required to permit the proposed 3-storey commercial use and establish appropriate standards regarding permitted uses, setbacks, height, and vehicle parking amongst other performance standards as required.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale Report;
- Survey;
- Site Plan, Floor and Elevation Plans;
- Site Servicing and Grading Plans;
- Stormwater Management Report;
- Landscape Plans and Detail;
- Tree Preservation Plan;
- Site Lighting Plan;
- Transportation Impact Study; and
- Green Development Standard Checklist and Statistics.

A Notification of Incomplete Application issued on August 31, 2017 identifies the outstanding material required for a complete application submission as follows:

- Functional Servicing Report;
- Hydrogeological Investigation Report; and
- Design Development Stage Energy Report.

Issues to be Resolved

Issues that have been identified include:

- Location and organization of proposed development on the site including the area identified as “future building”.
- Proposed landscaping and public realm improvements including sidewalks along Billy Bishop Way and pedestrian connections to the proposed southern building;
- Review of pedestrian and cyclist connections and connectivity to adjacent lands and uses;
- Location and organization of vehicular access and ramps, traffic impacts and parking;
- Appropriate location and organization of screening for driveways, parking and servicing areas from the public realm;
- Impacts on views and sight corridors, required setbacks and encroachments related to the Highway 401 corridor;
- Review by the Provincial Ministry of Transportation of the proposed additional vehicular display parking given the Corridor Management Regulations;
- Opportunities to consolidate adjacent lands into the overall development;

- Appropriateness of indoor and outdoor car display adjacent to the Highway 401 corridor; and
- Proposed building heights given the proximity to the Bombardier Aerospace facility and Transport Canada flight path regulations and review of the height restrictions imposed by Schedule 'D' (Airport Hazard Map) of Zoning By-law 7625 for the former City of North York.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

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

CONTACT

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Fax No. (416) 395-7155
E-mail: bdiraimo@toronto.ca

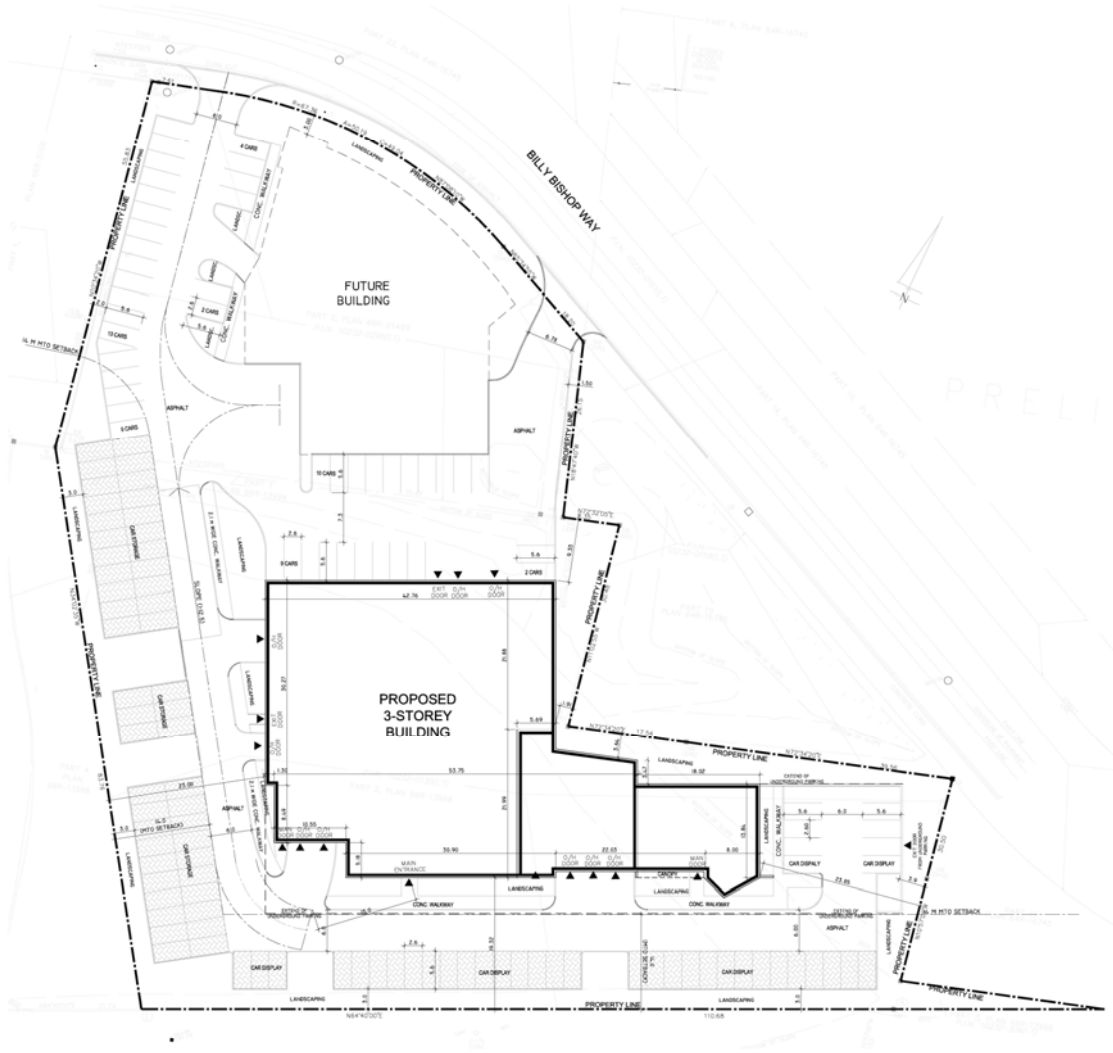
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: South Elevation
Attachment 4: West Elevation
Attachment 5: East Elevation
Attachment 6: Official Plan
Attachment 7: City of Toronto Zoning By-law 569-2013
Attachment 8: Former City of North York Zoning By-law 7625
Attachment 9: Application Data Sheet

Attachment 1: Site Plan



Site Plan

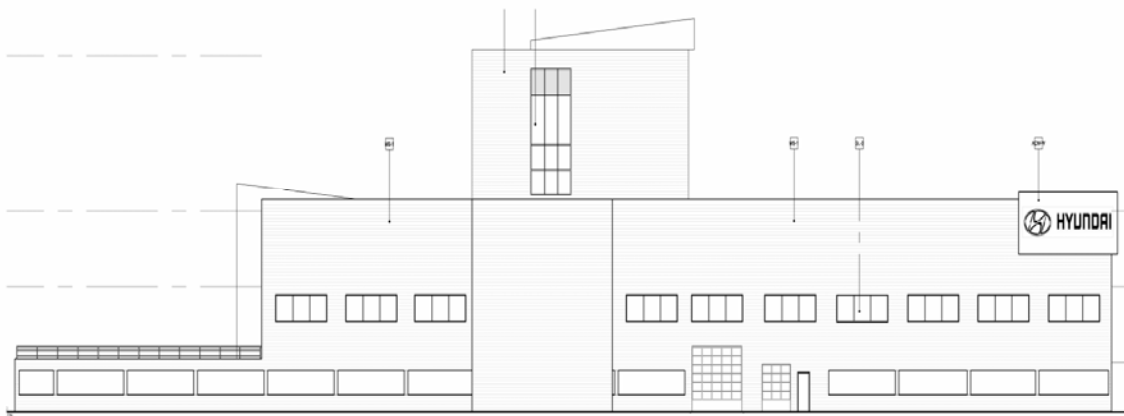
Applicant's Submitted Drawing

Not to Scale 
09/27/2017

151 Billy Bishop Way

File # 17 214786 NNY 09 0Z

Attachment 2: North Elevation



North Elevation

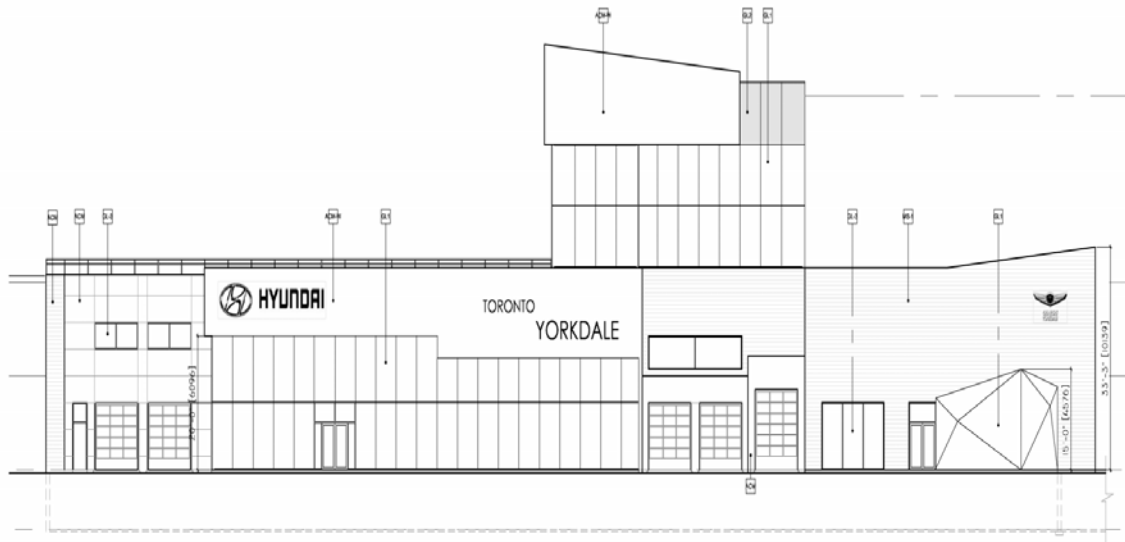
Applicant's Submitted Drawing

Not to Scale
09/27/2017

151 Billy Bishop Way

File # 17 214786 NNY 01 02

Attachment 3: South Elevation



South Elevation

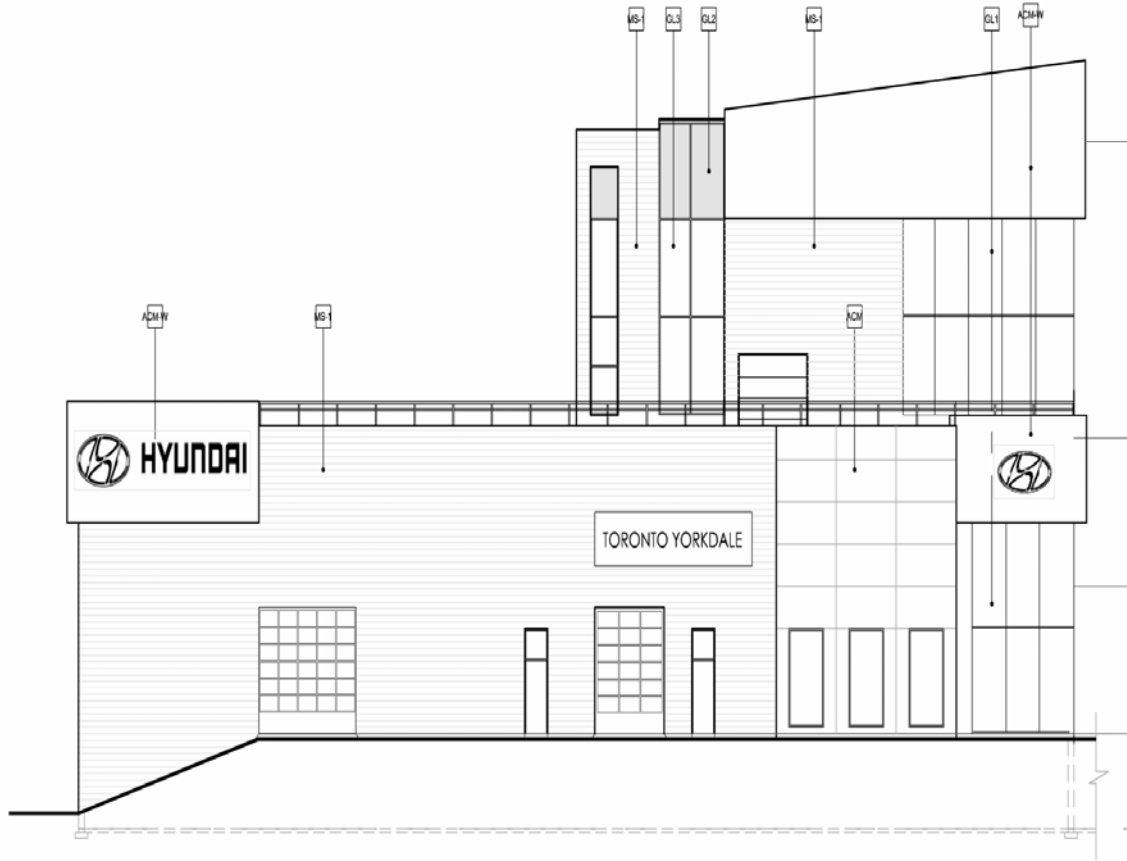
Applicant's Submitted Drawing

Not to Scale
09/27/2017

151 Billy Bishop Way

File # 17 214786 NNY 01 02

Attachment 4: West Elevation



West Elevation

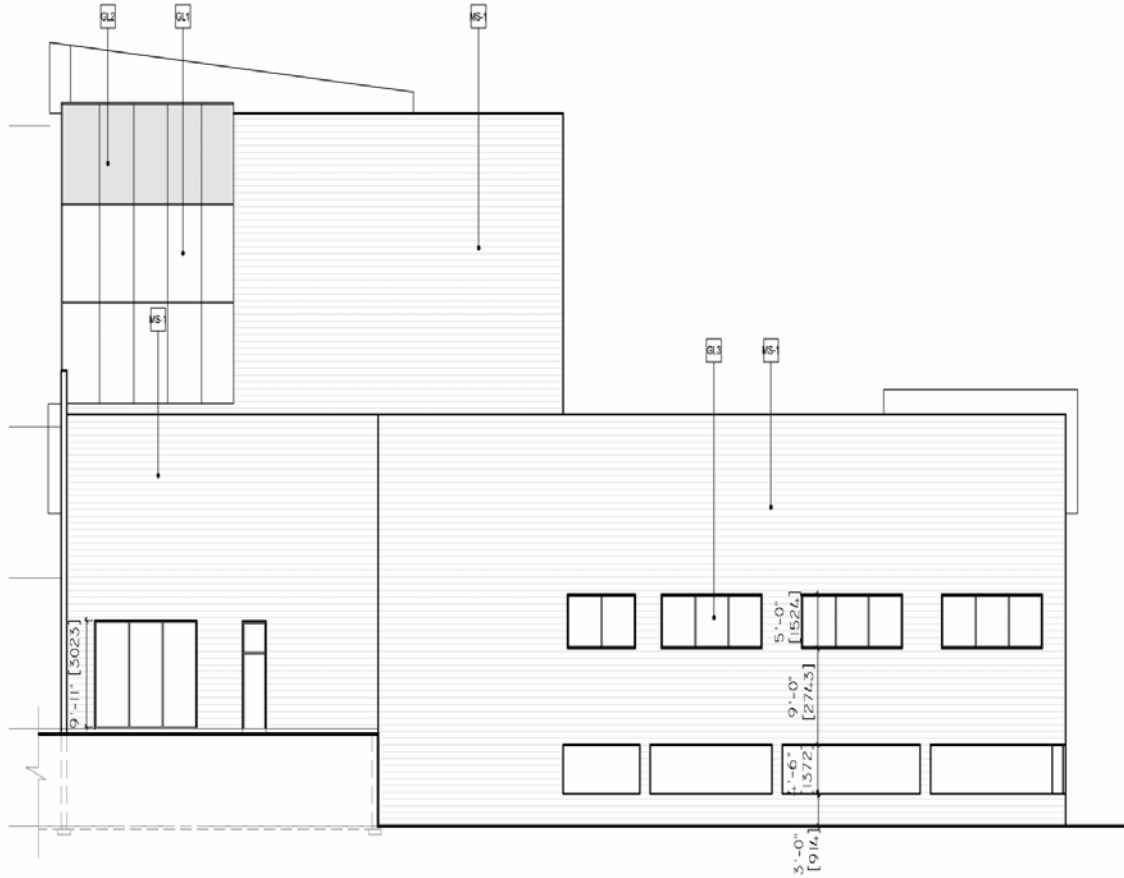
Applicant's Submitted Drawing

Not to Scale
09/27/2017

151 Billy Bishop Way

File # 17 214786 NNY 01 02

Attachment 5: East Elevation



East Elevation

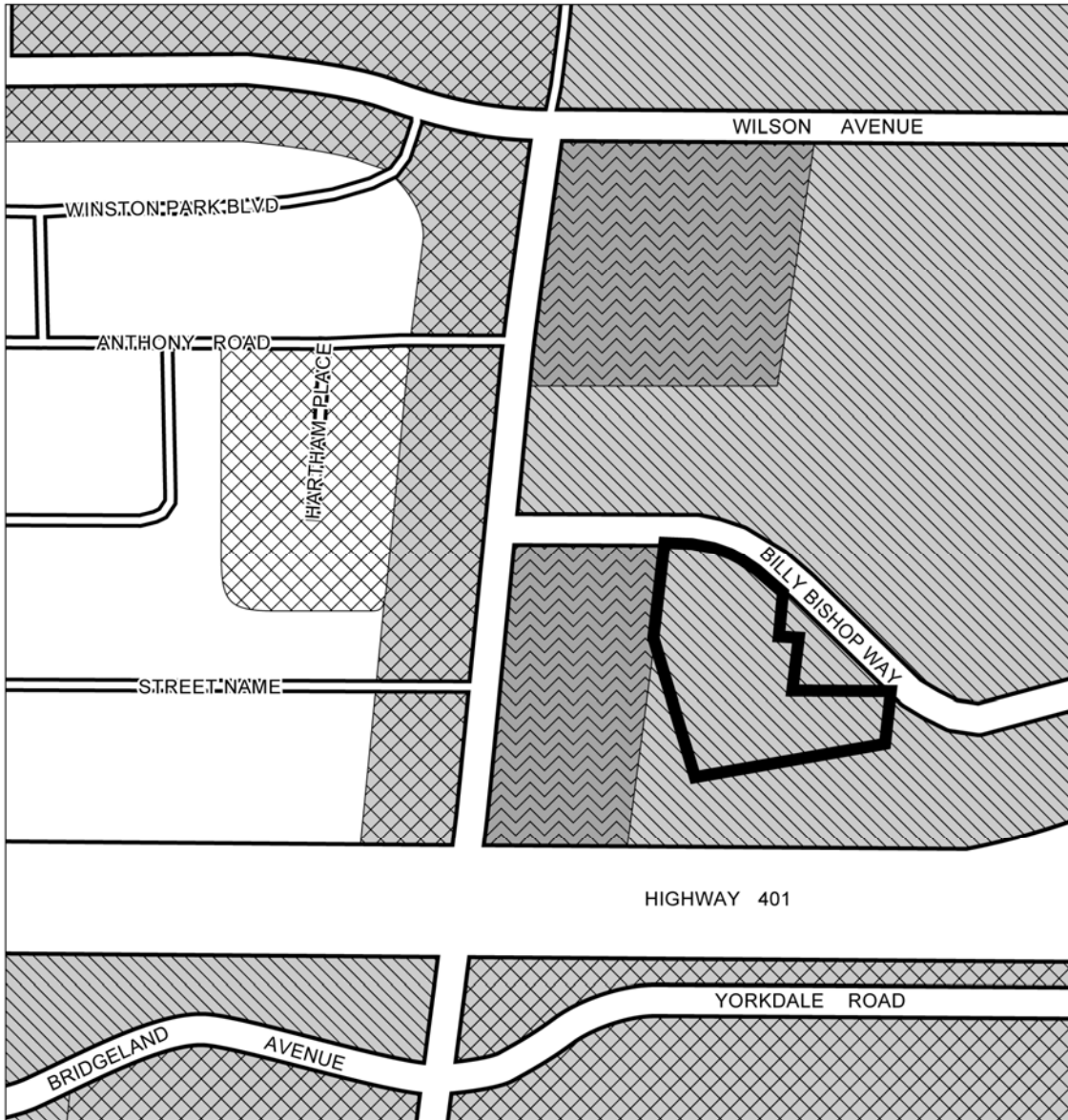
Applicant's Submitted Drawing

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09/27/2017

151 Billy Bishop Way

File # 17 214786 NNY 01 02

Attachment 6: Official Plan



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Extract from Official Plan

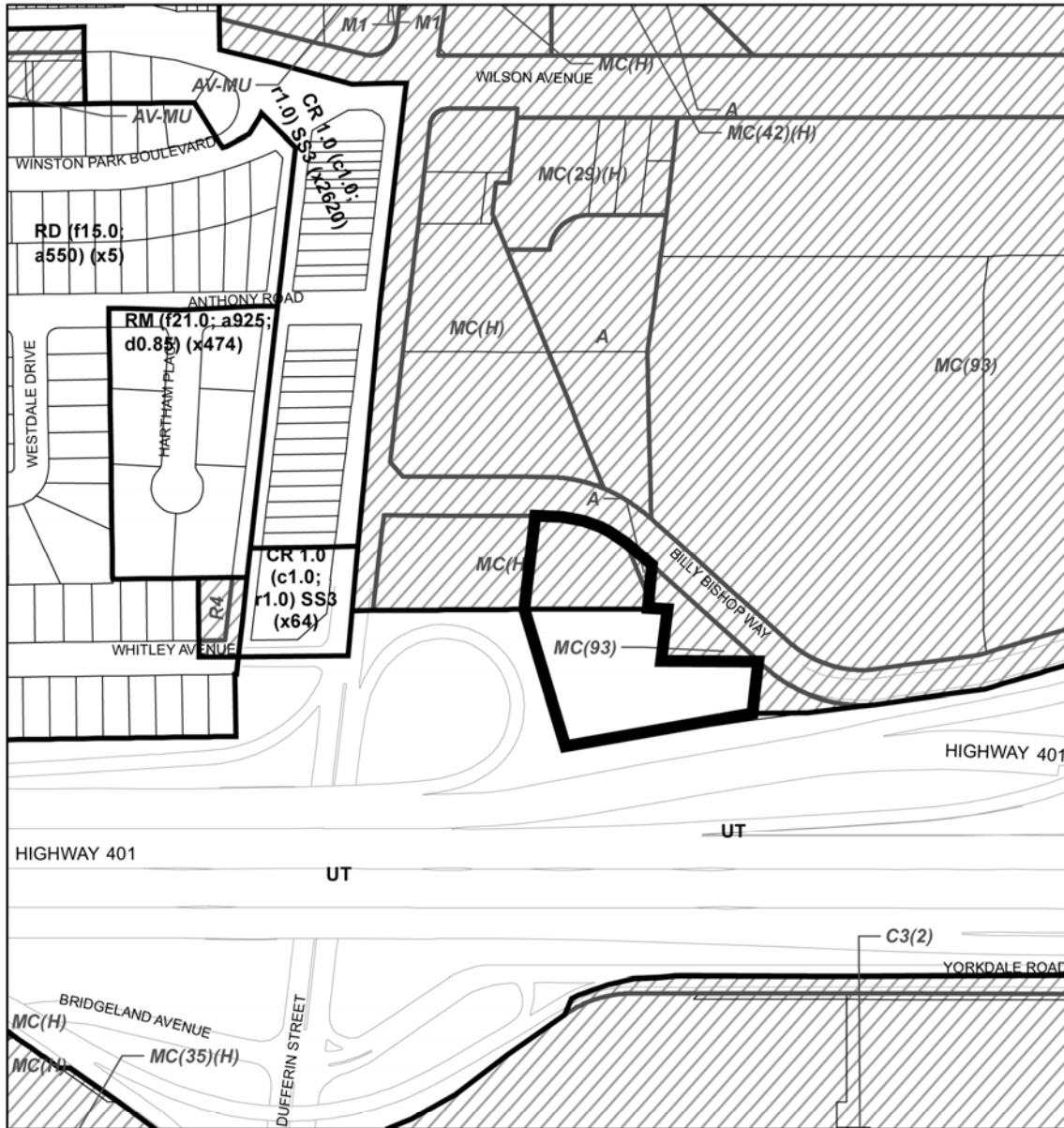
151 Billy Bishop Way

File # 17 214786 NNY 09 0Z




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09/27/2017

Attachment 7: City of Toronto Zoning By-law 569-2013



Zoning By-Law No. 569-2013

151 Billy Bishop Way

File # 17 214786 NNY 09 02



Location of Application

RD Residential Detached **CR** Commercial Residential
RM Residential Multiple **UT** Utility and Transportation



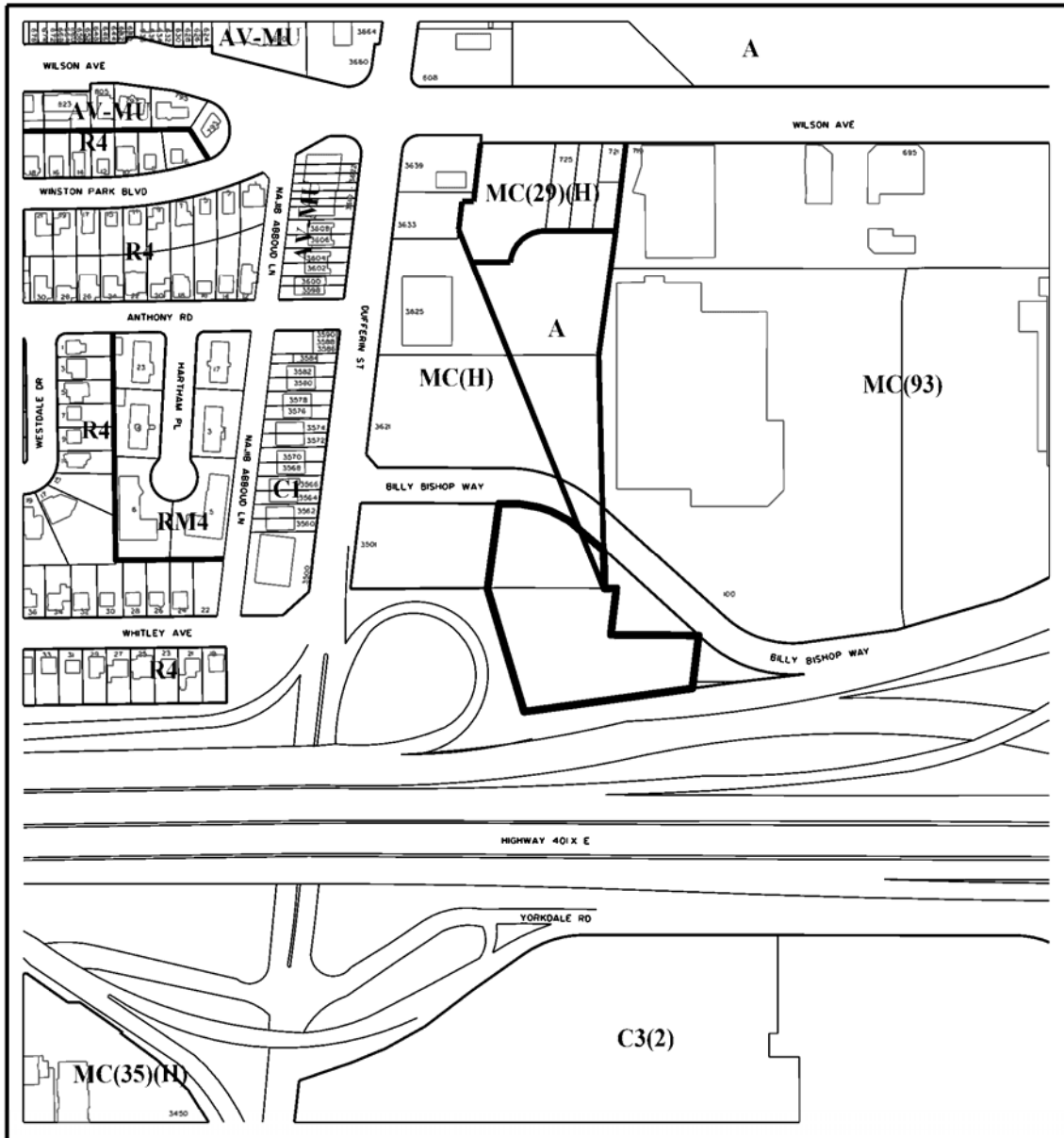
See Former City of North York By-Law No. 7625

R4 One-Family Detached Dwelling Fourth Density Zone
C3 District Shopping Centre Zone
AV-MU Avenue Mixed Use
MC Industrial-Commercial Zone
A Airport Hazard Area Zone




Not to Scale
 Extracted: 09/27/2017


Attachment 8: Former City of North York Zoning By-law 7625



TORONTO
North York Zoning BY-Law 7625

151 Billy Bishop Way
 File # 17 214786 NNY 09 02

- AV-MU Avenues Mixed Use
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- MC Industrial-Commercial Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category
- A Airport Hazard Area Zone
- C1 General Commercial Zone
-  Subject Site


 Not to Scale
 Zoning By-law 7625
 Extracted 09/27/2017

Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	17 214786 NNY 09 OZ
Details	Rezoning, Standard	Application Date:	August 11, 2017

Municipal Address: 151 BILLY BISHOP WAY

Location Description: PLAN 3191 LOT 131 PT LOTS 111 TO 114 AND 132 RP 66R25499 PT 2 **GRID N0906

Project Description: Proposed new 3,275 square metre Hyundai car dealership in a 3-storey building. 110 parking spaces and additional 89 car display spaces on MTO corridor setback lands. Concurrent site plan application (File # 17-214799 NNY 09 SA).

Applicant:	Agent:	Architect:	Owner:
WES SURDYKA ARCHITECT INC. 3645 Keele St., Suite 108 Toronto ON, M3J 1M8		WES SURDYKA ARCHITECT INC. 3645 Keele St., Suite 108 Toronto ON, M3J 1M8	2429101 ONTARIO INC. 2460 Dufferin St., Toronto ON, M6E 3T3

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	N
Zoning:	MC(H)	Historical Status:	N
Height Limit (m):	15.2 / 45.7	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	10,918.1	Height:	Storeys:	3	
Frontage (m):	74.04		Metres:	17	
Depth (m):	124.27				
Total Ground Floor Area (sq. m):	2,263.6				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	110	
Total Non-Residential GFA (sq. m):	3,275.1		Loading Docks	0	
Total GFA (sq. m):	3,275.1				
Lot Coverage Ratio (%):	20.7				
Floor Space Index:	0.3				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	3275.1	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT: **PLANNER NAME:** Ben DiRaimo, Planner, Community Planning
TELEPHONE: (416) 395-7119; ben.diraimo@toronto.ca