

STAFF REPORT ACTION REQUIRED

3621 Dufferin Street Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications – Preliminary Report

Date:	October 24, 2011					
То:	Planning and Growth Management Committee					
From:	Chief Planner and Executive Director, City Planning Division					
Wards:	Ward 9 – York Centre					
Reference Number:	Pg11046 (File Nos. 11 259406 NNY 09 OZ and 11 259417 NNY 09 SB)					

SUMMARY

An application has been submitted to amend the City's Official Plan and Zoning By-law No. 7625 for the former City of North York to permit a mixed use development by redesignating the lands at 3621 Dufferin Street from *Employment Areas* to *Mixed Use Areas*. Proposed is an 11-storey mixed-use building located at the southwest corner of the site and six four-storey stacked townhouse blocks for a total of 393 dwelling units. The Plan of Subdivision application proposes a new public road running north from Billy

Bishop Way ending in a temporary cul-desac at the north end of the site and a small public park.

This report provides preliminary information on the above-noted applications and seeks Planning and Growth Management Committee's direction on further processing of the applications and on the community consultation process.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to review the



change of land use proposed by these applications concurrently and in the context of the statutory Five Year Review of the Official Plan, which includes a Municipal Comprehensive Review, that has been commenced by the City Planning Division.

- 2. Upon completion of the Municipal Comprehensive Review, staff be authorized to:
 - (i) Schedule a community consultation meeting for the lands at 3621 Dufferin Street, together with the Ward Councillor.
 - (ii) Provide notice for the community consultation meeting to landowners and residents within 120 metres of the site.
 - (iii) 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

Section 26 of the *Planning Act* requires the City to review its Official Plan policies, including the designation of lands as areas of employment and the removal of land from areas of employment, every five years. This statutory review is now underway. The *Municipal Comprehensive Review* for *employment areas* referred to in the Provincial Growth Plan is being undertaken concurrently with the Five Year Review of the Official Plan as directed by Planning and Growth Management Committee at its meeting on May 30, 2011. The link to the decision can be found at:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PG5.2

ISSUE BACKGROUND

Pre-Application Consultation

Pre-application consultation meetings were held with the applicant to discuss the appropriateness of the submission given the City initiated Five Year Review of the Official Plan and the associated Municipal Comprehensive Review, and to discuss complete application requirements.

Proposal

The applicant is proposing to redesignate the site located at 3621 Dufferin Street from *Employment Areas* to *Mixed Use Areas* to accommodate a 393 residential unit development with $672m^2$ of at-grade commercial space along the Dufferin Street and Billy Bishop Way frontage. A public road is proposed to bisect the site into two

development blocks (see Attachment 1 – Site Plan). The western block would include an 11 storey mixed use building wrapping the corner of Dufferin Street and Billy Bishop Way containing 207 apartment units, 672 m^2 of commercial space and an amenity area of 312m^2 . A four-storey stacked townhouse building with 48 units would also be located on the western block. The eastern block would contain five four-storey stacked townhouse buildings having 138 units for a total of 186 stacked townhouses across both blocks. The total proposed gross floor area for the development is $32,057\text{m}^2$, resulting in a density of 1.89 F.S.I.

Vehicular access to the site is proposed from three locations. Two private driveways (one from Dufferin Street and one from Billy Bishop Way) would provide access to parking and serve the western block. The new public road would provide address and access to the eastern block. The public road is proposed to extend north from Billy Bishop Way and terminate in a temporary cul-de-sac which could be removed if the road were extended to Wilson Avenue through the redevelopment of the lands to the north. A 750m² irregularly shaped public park is proposed on lands residual to the public street, cul-de-sac and the development blocks.

A total of 413 parking spaces are proposed in two underground garages; with the garage on the western block supplying 201 spaces and the garage on the eastern block supplying 212 spaces. An additional 12 surface parking spaces are proposed at the rear of the mixed use building for residential visitors and for the retail space. A total of 311 bicycle parking spaces would be provided comprised of 243 spaces for residents, 61 spaces for residential visitors and 7 spaces for the commercial uses.

Site and Surrounding Area

The subject property is irregular in shape and has an area of approximately 1.7ha. It is located south of Wilson Avenue at the northeast corner of Dufferin Street and Billy Bishop Way. The lands are partially used for surface parking but were previously occupied by the Denison Armoury and used by the Department of National Defense.

The property is located approximately 700m from the Wilson subway station and has frontage on Dufferin Street which is a four lane arterial road with a right-of-way width of 30m. The site also has frontage on Billy Bishop Way which is a two lane collector road with a 27m right-of-way width.

The surrounding land uses include:

North: a 5-storey office building (3625 Dufferin Street), a vacant parcel (3633 Dufferin Street), a gas station at the southeast corner of Dufferin Street and Wilson Avenue, and vacant lands at 719-725 Wilson Avenue which are all designated *Employment Areas* in the Official Plan. The owners of 3625 Dufferin Street, H&R Real Estate Investment Trust, currently lease part of the subject lands for use as a parking lot.

- South: vacant lots (3501 Dufferin Street and the lands east of 3501 Dufferin Street) that have previously been used as a temporary parking lot for new automotive vehicles. Further south is the Macdonald-Cartier Freeway (Highway 401) and the Dufferin Street and Highway 401 off-ramp.
- West: a six storey office building (3500 Dufferin Street), semi-detached residential dwellings and other commercial uses front Dufferin Street. Immediately to the west of the commercial strip are 3-storey apartment buildings and low rise residential dwellings.
- East: a retail power centre which includes a Costco immediately abutting the subject lands and a Best Buy, LCBO store, Home Depot and other retail, restaurant and service uses.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS establishes the policy foundation for regulating the use and development of land. City Council's planning decisions are required to be consistent with the PPS.

The PPS requires the City to promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *employment areas* for current and future uses; and
- d) ensuring the necessary *infrastructure* is provided to support current and projected needs.

The PPS defines *employment areas* 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.

Section 1.3.2 of the PPS states that the City may only give consideration to converting lands within employment areas to non-employment uses when a *comprehensive review* has met the following two-part test:

- (i) the land is not required for employment purposes over the long-term; and
- (ii) that there is a need for the conversion.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan 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.

The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the Plan. The Plan requires municipalities to promote economic development and competitiveness by:

- a) providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *employment areas* for current and future uses; and
- d) ensuring the necessary infrastructure is provided to support current and forecasted employment needs.

The definition of an *employment area* in the Growth Plan is the same as that used in the PPS.

Municipalities may permit conversion of lands within employment areas to nonemployment uses only through a *Municipal Comprehensive Review*. The Growth Plan clarifies and strengthens the application of the PPS as it applies to employment lands, in particular by clarifying the definition of *Municipal Comprehensive Review* by defining it as: "an Official Plan review, or an Official Plan Amendment, initiated by a municipality that comprehensively applies the policies and schedules of the Plan" (Growth Plan). Consistent with the PPS, the Growth Plan limits such conversions only where it has been demonstrated through the *Municipal Comprehensive Review* that it meets a number of criteria.

The PPS and the Growth Plan require municipalities to promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future employment uses. Approval of the subject applications without first undertaking a Municipal Comprehensive Review would be contrary to the *Places to Grow Act 2005* which requires that all municipal planning decisions conform with the Growth Plan and would be premature.

Official Plan

The land use designation of the property is *Employment Areas* as shown on Land Use Plan, Map 16. The portion of the subject property with frontage on Dufferin Street is identified as an *Avenue* on Map 2 of the Official Plan.

Policy 1 of Section 2.2.4, *Employment Districts: Supporting Business and Employment Growth* maintains that *Employment Districts* will be protected and preserved exclusively for economic activity in order to achieve a variety of identified city-building objectives. The property is designated *Employment Areas*. The intent of the *Avenue* in this location is reurbanization that includes new jobs and employment consistent with this land use designation, and does not include residential uses.

Policy 4 of Section 2.2.3, *Avenues: Reurbanizing Arterial Corridors* states that the land use designation policies in Chapter 4 apply to and prevail on lands shown as *Avenues* on Map 2. *Avenues* are considered major streets where reurbanization is anticipated and are intended to develop as important corridors where not only new housing will be created but also employment and new jobs.

The land use policies of Section 4.6, *Employment Areas* state that *Employment Areas* are intended to be places of business and economic activity. Uses that support this function consist of offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

The Downsview Area Secondary Plan was approved by the Ontario Municipal Board on August 17, 2011. The boundaries of the Downsview Area Secondary Plan have been amended to remove 3621 Dufferin Street from the Secondary Plan area.

Wilson Avenue Avenue Study and Urban Design Guidelines

In June 2003 City Council authorized the preparation of an *Avenues* Study for Wilson Avenue from Keele Street to Bathurst Street. Although the subject property is not located on Wilson Avenue, it was included in the associated Urban Design Guidelines as it was deemed important to consider the development of these lands in the context of the vision for the Wilson Avenue corridor and how any proposed development would fit into the policy framework for the area.

In July 2004 Council adopted Urban Design Guidelines providing for area and site specific guidelines for development occurring within the Wilson Avenue Revitalization Area. The Wilson Avenue Revitalization Area includes the lands extending from the southern boundary of Parc Downsview Park to Highway 401, which includes the subject property. The Guidelines highlight the need for intensification along Wilson Avenue between Keele Street and Bathurst Street to create new physical connections to Parc

Downsview Park, and to enhance or 'rebalance' the streetscape to place greater emphasis on pedestrians, transit and cycling rather than vehicular traffic and auto-related use.

Zoning

The westerly portion of the site with frontage on Dufferin Street is zoned MC(H), Industrial-Commercial Zone, which permits a variety of industrial, commercial and institutional uses. The MC zone permits a maximum floor space index of 1.0 with height restrictions in compliance with Schedule "D" of the By-law. The Holding (H) provision restricts retail stores, personal service shops and office uses to a maximum of $5,000m^2$ or 0.5 F.S.I.

The easterly portion of the site is 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 site is 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 west half of the subject property.

Site Plan Control

The property is subject to site plan control approval however, a site plan application has not been submitted.

Reasons for the Application

An amendment to the Official Plan is required to redesignate the land use from *Employment Areas* to *Mixed Use Areas*. An amendment to the Zoning By-law is required to permit the proposed residential uses and establish appropriate standards regarding height, density, vehicle and bicycle parking, residential amenity space and other matters, as required. The proposal also requires an amendment to the height restrictions imposed by Schedule 'D' (Airport Hazard Map) of the Zoning By-law.

COMMENTS

Provincial Plans and Policy Statement (PPS)

To consider an application for conversion of employment lands to non-employment use, the PPS requires a comprehensive review to be conducted which is based on a review of growth projections and which includes consideration of alternative directions for growth. Only after such a review can City Council consider converting employment lands, and then only where the two-part test has been satisfied. That is, that the comprehensive review has demonstrated that the land is not required for employment purposes over the long-term and that there is a need for the conversion (for example, to meet the population and housing targets as determined through the comprehensive review).

The Growth Plan reiterates and clarifies the objectives of preserving and protecting employment lands from conversions to non-employment uses. Policy 5 of Section 2.2.6 clarifies that the City may permit a conversion of employment area lands to nonemployment uses only through a Municipal Comprehensive Review which is described as an Official Plan review, or an Official Plan Amendment, initiated by a municipality that comprehensively applies the policies and schedules of the Growth Plan. This review would need to demonstrate the following:

- a) there is a need for the conversion;
- b) the City will meet its employment forecasts allocated to the City pursuant to the Growth Plan;
- c) the conversion will not adversely affect the overall viability of the employment area and the achievement of the intensification target, density targets and other policies of the Growth Plan;
- d) there is existing and planned infrastructure to accommodate the proposed conversion;
- e) the lands are not required over the long term for the employment purposes for which they are designated; and
- f) cross-jurisdictional issues have been considered.

Approval of an application to convert employment lands to non-employment uses would not conform to the Growth Plan without the City first undertaking a comprehensive review addressing the criteria set out in the Growth Plan. In May 2010, the City Planning Division commenced the statutory Five Year Review of the Official Plan, which includes a Municipal Comprehensive Review. The subject applications are premature prior to the completion of these reviews. It is therefore recommended that the applications be reviewed concurrently and in the context of the Five Year Review of the Official Plan and the Municipal Comprehensive Review.

Official Plan

The Official Plan states that *Employment Districts* shown on Map 2 will be protected and promoted exclusively for economic activity in order to maintain and grow the tax base, attract new employment, foster competitiveness, nurture a diverse economic base, provide for balanced growth between population and employment, and provide job opportunities for Toronto residents.

The *Employment Districts* are large areas comprised exclusively of lands where the *Employment Areas* land use designation applies. They form part of the long term growth management and job intensification strategy of the Official Plan. Lands shown as *Employment Districts* on Map 2 are needed for employment purposes over the long term to accommodate part of the job growth projected to 2031 and to ensure the City's fiscal health. The *Employment Areas* land use designation is intended for a wide range of employment uses and specifically does not include residential land uses.

The application to redesignate the subject property from *Employment Areas* to *Mixed Use Areas* is premature and further analysis of the appropriateness of the redesignation to allow for the proposed residential development is required.

Application Submission

The following reports/studies were submitted with the applications:

- Planning Rationale Report including an Avenue Segment Study, a Community Services and Facilities Study and a Shadow Study;
- Transportation Impact Study;
- Functional Servicing and Stage 1 Stormwater Management Report;
- Stage 1-2 Archaeological Assessment Report;
- Pedestrian Level Wind Assessment Report;
- Noise Analysis Report;
- Phase 1 Environmental Site Assessment Report;
- Preliminary Geotechnical and Phase II Environmental Site Assessment; and
- Green Development Standard Checklist and Statistics.

A Notification of Complete Application was issued on August 25, 2011.

Issues to be Resolved

On a preliminary basis, the following issues have been identified.

Land Use Issues

- The appropriateness of redesignating the lands from *Employment Areas* to *Mixed Use Areas* and introducing residential uses in proximity to the large scale retail and office uses adjacent to the site.
- A determination of the applicability of the *Avenues* overlay in the Official Plan across the entire site.

Area Wide Issues

• Issues related to the future comprehensive development of lands in the southeast quadrant of the intersection of Dufferin Street and Wilson Avenue.

- Proposed street and block plan for the area.
- The availability and adequacy of community services and facilities to accommodate the proposed residential development.
- Adequacy of the analysis in the Avenue Segment Study.
- Traffic impacts and parking.
- The appropriateness and location of pedestrian and bicycle routes through the site and connections to adjacent properties.
- The appropriateness of the proposed building heights given their proximity to the Bombardier Aerospace facility and Transport Canada flight path regulations.
- Section 37 community benefits should this application be recommended for approval.

Site Specific Issues

- Relationship of the proposed mid-rise building with other sites in the southeast quadrant of the intersection of Dufferin Street and Wilson Avenue.
- Consistency with the performance standards established in the City's Mid-Rise Building Guidelines, in particular, building heights consistent with the 30 metre right-of-way width of Dufferin Street and 27m right-of-way width of Billy Bishop Way.
- Meeting the City's Infill Townhouse Guidelines, including building separation distances between the townhouses and the big box retail uses and the provision of walkways/linkages.
- Appropriateness of the proposed street wall heights and step backs of the 11 storey mixed use building.
- Appropriateness of the proposed streetscape and how it addresses the public realm.
- Provision of appropriate buffering and screening of driveways, parking and servicing areas from the public realm and also the provision of adequate buffering and screening to the driveways and servicing areas of the large scale retail buildings to the east of the subject property.
- Location, orientation and organization of buildings and servicing areas, including appropriate built form distribution, massing and relationships to the street and surrounding properties and uses.
- Noise, overlook and privacy impacts from the adjacent large scale retail buildings and their servicing areas to the proposed low rise residential component of the development.
- Noise impacts from vehicular traffic on Highway 401 and air traffic from the Bombardier Aerospace facility.
- The size, shape, location and suitability of the proposed public park.
- An evaluation of the proposed vehicular access points and the appropriateness of the 16.5m public road right-of-way width given the scale of development.
- Adequacy of the proposed indoor and outdoor residential amenity space.

Additional issues related to the consideration of the Official Plan and Zoning By-law Amendment applications may be identified through the Municipal Comprehensive Review, the technical review of the applications, agency comments, and the community consultation process.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environment policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

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.

CONTACT

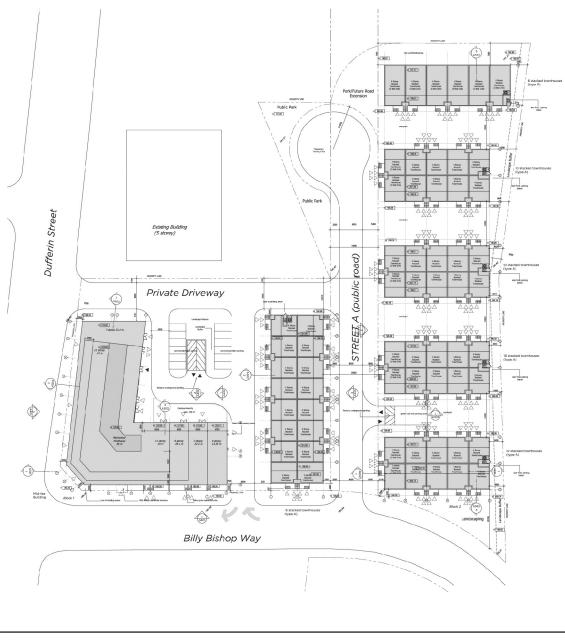
Andria Sallese, Planner Tel. No. 416 395-7166 Fax No. 416 395-7155 E-mail: <u>asalles@toronto.ca</u>

SIGNATURE

Gary Wright, Chief Planner and Executive Director City Planning Division

ATTACHMENTS

Attachment 1: Site Plan Attachment 2: Mid-Rise Building – North Elevation Attachment 3: Mid-Rise Building and Townhouses – South Elevation Attachment 4: Mid-Rise Building – East Elevation Attachment 5: Mid-Rise Building – West Elevation Attachment 6: Townhouses – South Elevation Attachment 7: Townhouses – East Elevation Attachment 7: Townhouses – West Elevation Attachment 8: Townhouses – West Elevation Attachment 9: Official Plan Attachment 10: Official Plan - Urban Structure Map (Excerpt) Attachment 11: Zoning Attachment 12: Application Data Sheet Attachment 1: Site Plan

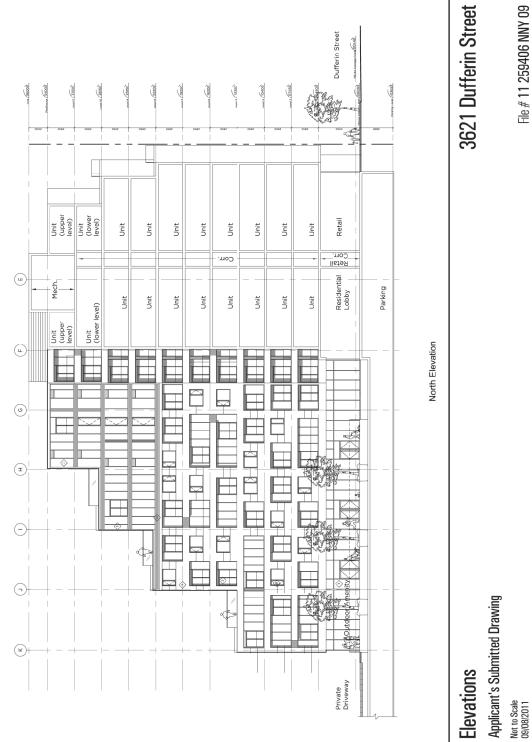




3621 Dufferin Street

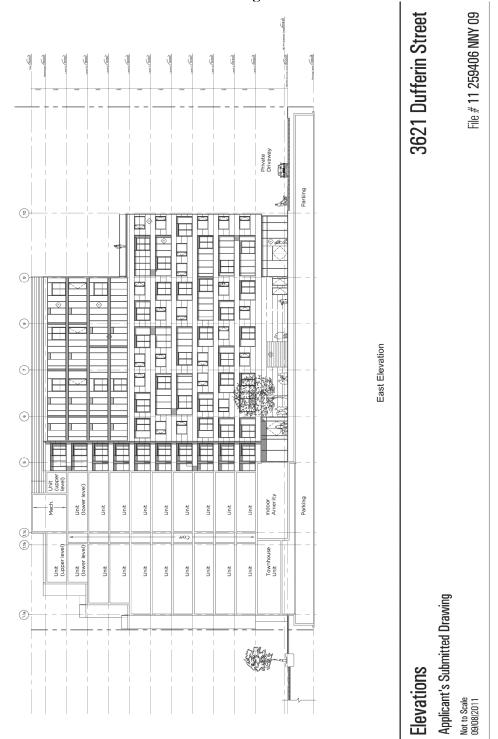
File # 11 259406 NNY 09

Attachment 2: Mid-Rise Building – North Elevation





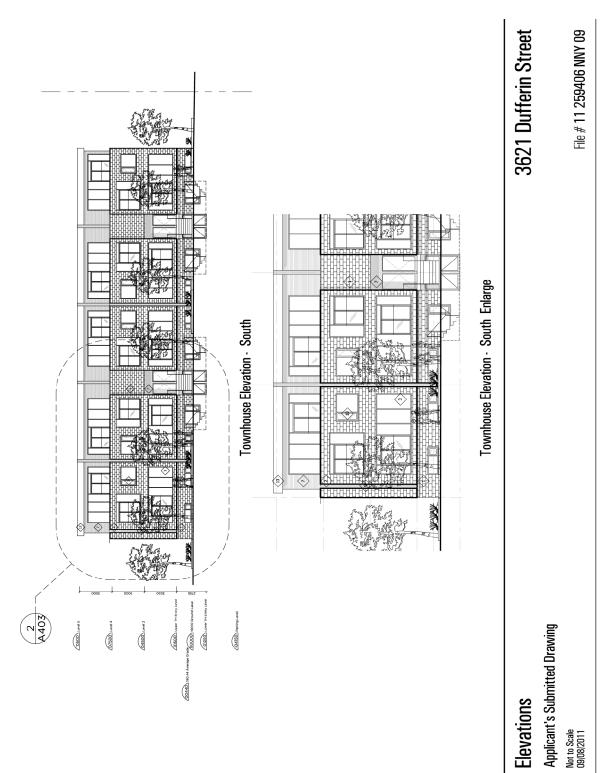
Attachment 3: Mid-Rise Building and Townhouses – South Elevation



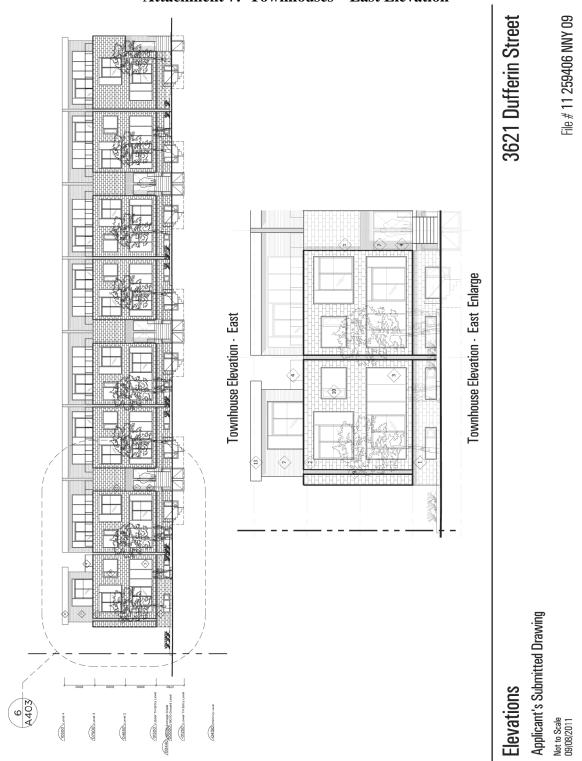
Attachment 4: Mid-Rise Building – East Elevation



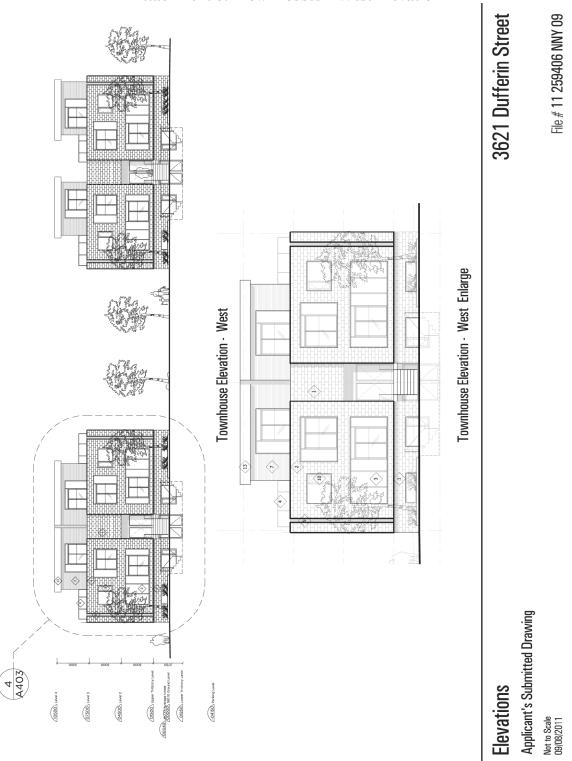
Attachment 5: Mid-Rise Building – West Elevation



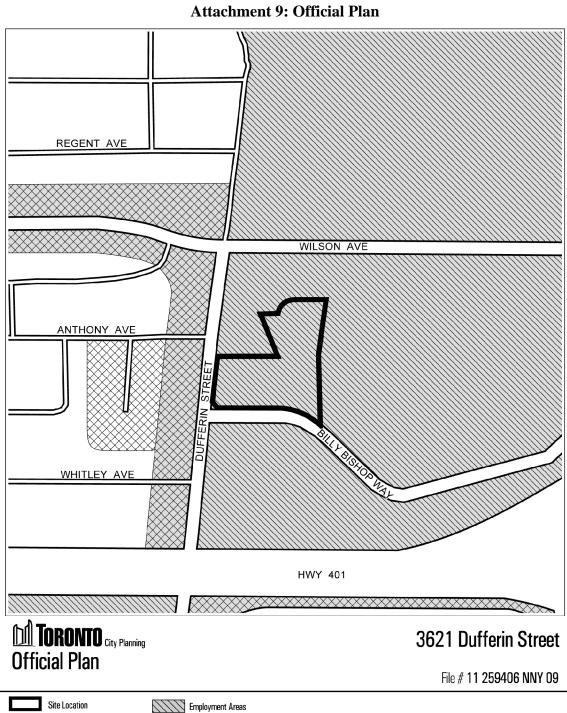
Attachment 6: Townhouses – South Elevation



Attachment 7: Townhouses – East Elevation



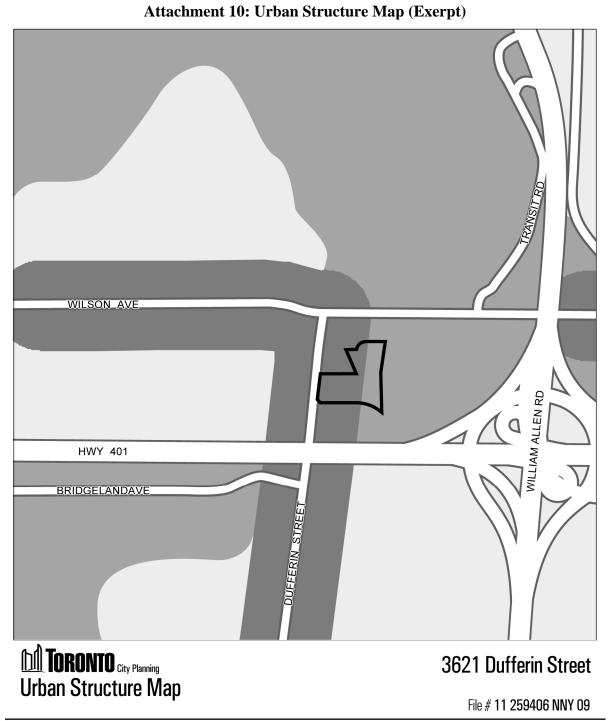
Attachment 8: Townhouses – West Elevation





Neighbourhoods



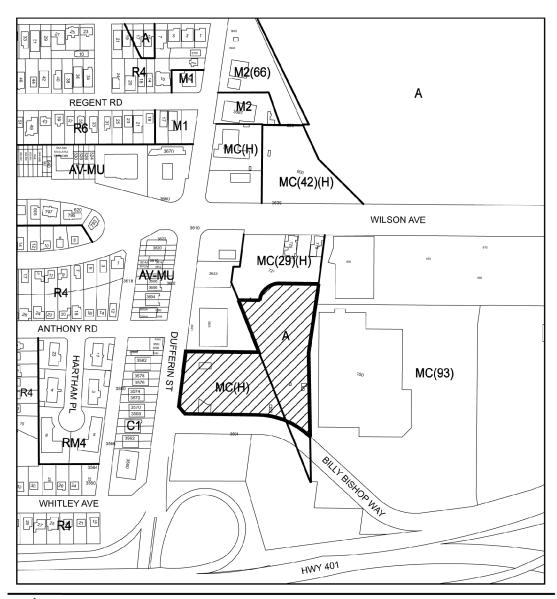




Avenues Employment Districts



Attachment 11: Zoning



Toronto City Planning Zoning

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM4 Multiple Family Dwellings Fourth Density Zone
- C1 General Commercial Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- 3621 Dufferin Street File # 11 259406 NNY 09
- A Airport Hazard Area Zone
- MC Industrial-Commercial Zone
- M1 Industrial Zone One M2 Industrial Zone Two

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Not to Scale Zoning By-law 7625 Extracted 09/08/2011

Attachment 12: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning			Application Number:	11 259406 NNY 09 OZ			
Details	OPA & Rezoning, Standard Applica			Application Date:		18, 2011		
Municipal Address:	3621 DUFFERIN ST							
Location Description:	PLAN 3191 LOT 12,13,91 TO 95 PT LOTS 11,94,111 & 115 RD CLSD THE DENISON ARMOURY IRREG **GRID N0906							
Project Description:	escription: Applications for Official Plan Amendment, Zoning By-Law Amendment and Draft Plan of Subdivision to permit a mixed-use development consisting of a 207 unit, 11-storey residential building with 672 m ² of at-grade retail at the corner of Dufferin Street and Billy Bishop Way and 6 blocks of 4-storey townhouses containing 186 units. A new public road and a park are also proposed. (Subdivision File # 2011 259417 NNY 09 SB)							
Applicant:	Agent:		Architect:		Owner:			
CANADA LANDS COMPANY					CANADA COMPAN			
PLANNING CONTROL	LS							
Official Plan Designation:	Employment Areas		Site Specific Provision:					
Zoning:	MC(H) and A		Historical Status:					
Height Limit (m):		Site Plan Control Area:			Y			
PROJECT INFORMAT	TION							
Site Area (sq. m):	16	5995	Height:	Storeys:	11			
Frontage (m):	65	5		Metres:	36			
Depth (m):	15	52						
Total Ground Floor Area (sq. m):		6137.1			Total			
Total Residential GFA (sq. m):		1385		Parking Spaces:	425			
Total Non-Residential GFA (sq.		72		Loading Docks	1			
m): Total GFA (sq. m):	32	2057						
Lot Coverage Ratio (%):		5.1						
Floor Space Index:		9						
DWELLING UNITS		FLOOR AI	REA BREAKDOWN (upo	on project completion)				
Tenure Type:	Condo			Abov	e Grade	Below Grade		
Rooms:	0 Residenti		GFA (sq. m):	31385	i	0		
Bachelor:	9 Retail GFA		sq. m):	672		0		
1 Bedroom: 250		Office GFA (sq. m):			0			
2 Bedroom: 120		Industrial GFA (sq. m):			0			
3 + Bedroom:	14	4 Institutional/Other GFA (sq. m):				0		
Total Units:	393							