

243-255 Consumers Road – Zoning By-law Amendment and Subdivision Applications – Final Report

Date:	September 30, 2015
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 33 – Don Valley East
Reference Numbers:	14 208830 NNY 33 OZ & 14 229439 NNY 33 SB

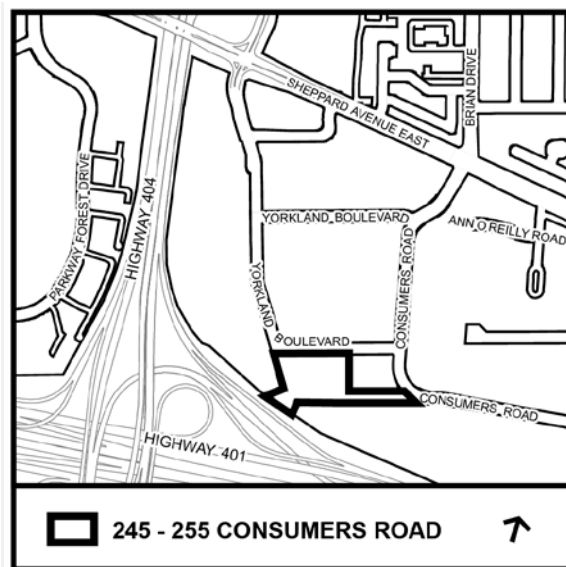
SUMMARY

This application proposes to amend the Zoning By-law to permit a two-storey plus mezzanine, 5800 square metre Porsche motor vehicle dealership fronting on Yorkland Boulevard on a site located in the south-west portion of the Consumers Road employment area. The proposed building will also contain Porsche Canada office space and training facilities. The by-law amendment would amend the existing site specific by-law including removing the holding provision which requires a new public road being conveyed prior to construction.

The applicant has also submitted an application for a plan of subdivision to create a new public road. The new road would be "L" shaped and would connect Yorkland Boulevard with Consumers Road.

The proposed development conforms to the City's Official Plan, is in conformity with the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

This report reviews and recommends approval of the application to amend the Zoning By-law provided the applicant enters into a Section 37 Agreement and withdraws their appeal of Official Plan



Amendment 231 respecting the lands identified as Blocks 1, 2, 4, 5 and 6 in Attachment 3.

This report also advises that the Chief Planner intends to approve the Draft Plan of Subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of North York Zoning By-law 7625, for the lands at 243-255 Consumers Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the Owner to:
 - a) Enter into an Agreement with the City as a legal convenience pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, to secure the provision and construction of the future public road connecting Yorkland Boulevard to Consumers Road as follows:
 - a. Prior to the issuance of any building permit, providing a Letter of Credit in the amount of \$2 million to secure the construction costs of the new public street;
 - b. Prior to the issuance of any building permit, providing a Letter of Credit in the amount of \$2.8 million to secure the conveyance of land for the new public street to the City of Toronto;
 - c. Agreeing to dedicate all roads, road widenings and corner rounds shown on the plan;
 - d. Agreeing to convey to the City all 0.3 metre reserves shown on the plan;
 - e. Preparing all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Engineering and Construction Services Division in consultation with the City Solicitor;

- f. Submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - i. Be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection);
 - ii. Delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - iii. Show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
 - g. Agreeing to pay all costs for preparation and registration of reference plan(s); and
 - h. Agreeing to retain the services of a Qualified Person to conduct an environmental site assessment for the lands to be conveyed to the City, in accordance with the terms and conditions of the standards subdivision agreement, including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).
 - i. Prior to draft plan of subdivision approval, address the comments in Section A, B and C in the Memorandum from the Manager, Development Engineering, North York District dated September 29, 2015 and entitled Draft Plan of Subdivision Application: 14 229439 NNY 33 SB to the satisfaction of the Executive Director, Engineering and Construction Services.
- b) The owner shall submit a revised Engineering Site Servicing Report outlining the municipal works necessary to service this development satisfactory to the Executive Director of Engineering and Construction Services.
 - c) Withdraw their appeal to the Ontario Municipal Board of Official Plan Amendment 231 respecting the lands identified as Blocks 1, 2, 4, 5 and 6 in Attachment 3.

4. In accordance with the delegated approval under by-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the draft plan of subdivision as generally illustrated on Attachment 3 subject to:
 - a. the conditions as generally listed in Attachment 8, which except as otherwise noted must be fulfilled prior final approval and the release of the plan of subdivision for registration; and
 - b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

This application for a zoning by-law amendment was received on August 19, 2014 and on January 13, 2015 North York Community Council adopted a Preliminary Report on the application. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor and that notice for the public meeting be given according to regulations under the *Planning Act*.

The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-74186.pdf>

The site was recently the subject of a rezoning application (file no. 11 323979 NNY 33 OZ) to permit a motor vehicle dealership on a portion of the site to the west of the current proposal (identified as Block 8 on Attachment 2 – Context Plan and now known as 175 Yorkland Boulevard). On June 12, 13 and 14, 2013 City Council enacted By-law 802-2013 which amended the zoning by-law to permit the development, however a nearby property owner appealed the by-law to the Ontario Municipal Board (OMB). The OMB subsequently upheld the approved by-law. This project is now under construction.

A portion of the site to the east of the subject zoning by-law amendment application (identified as Block 2 on Attachment 3 – Draft Plan of Subdivision) is currently subject to a Site Plan Control application (file no. 13 282269 NNY 33 SA). This application is for a seven storey parking structure with retail and restaurant uses on the ground floor and is currently under review.

ISSUE BACKGROUND

Proposal

The proposed development is two-storey plus mezzanine, 5800 square metre Porsche motor vehicle dealership fronting on Yorkland Boulevard on a site located in the south-west portion of the Consumers Road employment area. The proposed building will also contain Porsche Canada office space and training facilities. The by-law amendment would amend the existing site specific by-law including removing the holding provision which requires a new public road being conveyed prior to construction. The proposed gross floor area would result in a Floor Space Index of 0.43 for the portion of the site on which the development is situated.

The basement level would primarily contain parking and storage areas as well as space for automotive detailing. The ground floor would have the showroom, workshop and some office and training rooms. The mezzanine level is proposed to also contain offices and training spaces as well as locker and shower rooms for employees. The second floor would contain more office space.

Parking and vehicle storage will be provided in the basement of the building and on a surface parking lot. A total of 53 parking/storage spaces are proposed in the basement (17 of which are tandem spaces) and 164 surface spaces outdoors. Of the 164 outdoor parking spaces, 106 would be located around the building and an additional 58 would be provided in a triangular shaped area in the south-west corner of the site. Of the 58 spaces, 25 are within 14 metres of Highway 401 and can therefore not be used to meet the by-law requirements. No outdoor vehicle display is proposed.

The proposed draft plan of subdivision has been submitted to create a new "L" shaped road through the site. The new public road would connect Yorkland Boulevard with Consumers Road.

Site and Surrounding Area

The site is situated within the Consumers Road employment area which is bounded by Sheppard Avenue East to the north, Victoria Park Avenue to the east, Highway 401 to the south and Highway 404 to the west. The business park is comprised primarily of office buildings, ranging in height from 1 to 18 storeys, surrounded by large surface parking lots.

The site is part of a larger landholding to the immediate east collectively referred to as "Parkway Place" at 243-255 Consumers Road identified as Blocks 2, 4, 5A, 5B, 5C, 6, 7 and 8 on Attachment 2 – Context Plan. The site is identified as Block 1 on Attachment 3 – Draft Plan of Subdivision. The subject site is developed with surface parking and two thirteen storey office buildings to the southeast. The office complex has a number of tenants including the corporate head office of Shoppers Drug Mart.

The development site is located northeast of the Highway 401 and Highway 404 interchange. It is an irregular shaped parcel of land with an area of approximately 1.3 hectares (3.3 acres) and a frontage of 130 metres on Yorkland Boulevard. The site currently contains a 270 space surface parking lot that fronts a private driveway for Parkway Place. This shared easement driveway, formerly a municipal right-of-way, connects the west end of Yorkland Boulevard to a signalized intersection at Consumers Road.

Surrounding land uses include:

North: Yorkland Boulevard, beyond which is a two-storey office building;
South: Highway 401 and Highway 404 interchange;
West: A six storey motor vehicle dealership under construction (file no. 11 323979 NNY 33 OZ); and
East: Surface parking that serves the Parkway Place office complex and two office buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates these lands as *Employment Areas* as shown on Land Use Map 19. The Urban Structure Map of the Official Plan also identifies these lands as *Employment District*. These designations are intended to protect and enhance employment uses.

The *Employment Areas* designation permits a broad range of business and economic activity including offices, manufacturing, warehousing and distribution, research and development facilities, hotels, restaurants, and small-scale stores and services serving area businesses and workers. In addition, places of worship, recreation and entertainment facilities, business and trade schools and branches of colleges and universities are

permitted on major streets such as Sheppard Avenue East and Yorkland Boulevard, while large scale, stand alone retail stores and power centres are permitted by rezoning where they front onto major streets that form the boundary of an *Employment Area*.

The Official Plan also establishes development criteria in *Employment Areas* for these areas to function well and be attractive. These criteria include: avoiding excessive car and truck traffic on the road network, creating an attractive streetscape and screening of parking, loading and service areas.

Zoning

The site is currently zoned Industrial-Office Business Park Zone MO(47)(H) by site specific zoning By-law 802-2013 which was approved by the OMB. By-law 802-2013 amends former City of North York Zoning By-law 7625 to permit a motor vehicle dealership in addition to the uses permitted in the MO zone on the north-west portion of the lands, now known as 175 Yorkland Boulevard. The by-law does not permit a motor vehicle dealership anywhere else on the lands. The by-law also contains site specific requirements for setbacks, landscaping and limitations on the amount of retail and service shops permitted on the entire lands.

By-law 802-2013 also contains a holding provision which requires that, prior to any development occurring on the portion of the lands subject to this application, the land owner shall convey lands to the City identified as a future public road in the by-law.

Plan of Subdivision

An application for Draft Plan of Subdivision was submitted to the City to establish a new public road through the site, a portion of which is required by the existing site specific by-law. The plan also creates 2 blocks for the proposed automotive dealership and a proposed seven storey parking structure. The Chief Planner has delegated approval authority for plans of subdivision under By-law 229-2000.

Site Plan Control

An application for Site Plan Control under Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act* was filed in conjunction with this application (file no. 14 208837 NNY 33 SA).

Official Plan Amendment 231

On December 18, 2013 City Council approved Official Plan Amendment (OPA) 231 and forwarded it to the Minister of Municipal Affairs and Housing for approval. The Minister approved most of OPA 231 on July 9, 2014; however the OPA has been appealed in its entirety. The Minister's decision can be found at:

<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTIxMzgw&statusId=MTg0MDIz>

Amendment 231 contains new economic policies and new policies and designations for *Employment Areas*. The amendment designates the subject site as *General Employment Areas* which permits manufacturing, warehousing, wholesaling, transportation facilities, offices, research and development facilities, utilities, industrial trade schools, media facilities, and vertical agriculture. The lands are also subject to Site and Area Specific Policy No. 386, which permits on the subject site automobile dealerships with more than 6,000 square metres of retail gross floor area provided such dealerships are located in multi-storey buildings. The following uses are also provided for in SASP 386 when they are located in multi-storey buildings containing *Core Employment Area* uses, in particular office uses: restaurants, workplace daycares, recreation and entertainment facilities, and small and medium scale retail stores and services.

On June 22, 2015 the OMB issued an order partially approving OPA 231. The OMB Order did not bring into effect the *General Employment Areas* policies nor Site and Area Specific Policy 386 that pertain to the subject site. That decision can be found at:

[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)

The applicant has appealed OPA 231 with respect to the subject site, and seeks permissions for post-secondary universities and colleges, and also stand-alone daycare facilities and fitness centres. It is recommended that the owner be required to withdraw their appeal of OPA 231 for the subject lands prior to the introduction of the necessary Bills to City Council for enactment of the zoning by-law amendment.

ConsumersNext

The City has begun a study of the Consumers Road Business Park, which includes the subject lands, called ConsumersNext. The study will look for ways to enhance the business park and the areas around the Sheppard Avenue East and Victoria Park intersection. ConsumersNext will set out a new planning framework to support continued employment investment and intensification in the Consumers Road Business Park, residential uses in *Mixed-Use Areas*, community facilities, a street and block plan, and public realm improvements to serve resident and working populations. The study is nearing the end of the first phase. More information is available on the study's website:

<http://www.toronto.ca/consumersnext>.

Reasons for Application

An application to amend Zoning By-law 802-2013 is required as a motor vehicle dealership is not permitted on this portion of the site. By-law 802-2013 limits motor vehicle dealerships to the north-west corner of the site.

The application is also required to remove the holding provision from the lands which required a "U" shaped road to be conveyed to the City prior to this parcel being developed. The applicant is proposing a road in a different configuration and that

construction of the automotive dealership be allowed to proceed prior to conveyance of the road to the City.

Community Consultation

A community consultation meeting was held on March 11, 2015 with two members of the public and the local ward councillor in attendance and was chaired by Community Planning staff. General concerns with regards to traffic and parking in the area were raised in regards to the business park. No issues specific to the application were discussed but there was some interest in the design of the proposed building.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards and conditions of Draft Plan Approval.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be “consistent with” the PPS. The PPS requires that a range of land uses be provided and that intensification and redevelopment opportunities are identified and promoted.

The PPS promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal proposes to develop a building on a site currently only used for a surface parking lot and will provide new municipal services and a public road.

The proposal also conforms with and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The Official Plan designates the site as *Employment Area* which seeks to attract employment uses to the area. An automotive dealership is considered an employment use and as such is an appropriate use of the site. The proposal also includes corporate office space which also provides for employment. This proposal is bringing in a new employment use and building into the business park where currently there is only a surface parking lot. This reinvestment with an employment use replacing a surface parking lot will benefit the business park and the City.

The proposed use also conforms with Official Plan Amendment 231 as automotive dealerships and office uses are uses which are appropriate in the *General Employment* designation and under Site and Area Specific Policy 386.

Built Form and Public Realm

The Official Plan contains public realm and built form policies that provide direction on site design matters pertaining to the location and organization of buildings, vehicle parking, and the provision for pedestrian amenity, including landscaping on site. These policies aim to promote street related development with main building entrances that have a direct connection to the public sidewalk. Surface parking is discouraged between the front face of the building and the sidewalk, and policies encourage the provision of landscaping and pedestrian amenity on site, including providing appropriate landscaped setbacks, the landscaping of edges of surface parking lots, as well as providing safe and attractive pedestrian routes and tree plantings throughout the site.

The proposed building will be approximately 5800 square metres in area and 2 storeys plus a mezzanine in height. The building will front primarily onto Yorkland Boulevard but also be highly visible from the new public street and the highway interchange.

Nearby buildings generally have large front yard setbacks which are landscaped. These large landscaped setbacks screen surface parking located along this street and create an attractive landscape setting for buildings within this business park. The provision of a continuous landscaped area is proposed to give the main building entrance a direct relationship to the sidewalk of Yorkland Boulevard without crossing parking areas and driveways, and will allow for the provision of landscaping and pedestrian amenity at the front entrance.

Parking will be provided in the remaining yard abutting Yorkland Boulevard and along the property line abutting the new public street. A landscaped strip will be provided to allow for screening of the parked vehicles.

Further review of built form, public realm and landscaping details will be conducted as part of the site plan application review. This review will include an assessment of the pattern of exterior design elements and materiality, as well as streetscape and pedestrian amenities in accordance with policies of the Official Plan.

Parking and Access

The proposed automotive dealership and office space, along with its associated parking will be located on an existing surface parking lot which serves the existing office buildings on the site. This will reduce the amount of parking available for people working in the office buildings. The proposed automotive dealership will meet the parking standards of By-law 569-2013 by providing a total of 175 legal parking spaces on the surface and in one level of underground parking.

The larger site will meet the parking by-law requirements when the parking is removed from the subject site. However, the landowner is also proposing to construct a seven-storey parking structure to meet the parking requirements of the by-law and the needs of the site on lands to the east of the subject site. During the time when the automotive dealership, office space and parking structure are both under construction the site would not comply with the parking requirements of the zoning by-law.

To address this issue the applicant has submitted an application to the Committee of Adjustment for Minor Variance (file no. A875/15NY) to allow for the shortfall in parking during the construction period of the parking structure. No hearing date has been set. The applicant has indicated that they will be entering into agreements with owners of nearby lands to secure parking for tenants during the construction period and are also providing incentives, such as a Metropass, to workers who elect to stop driving to work.

New Public Road

An application for subdivision was submitted to create a new public road through the site connecting Yorkland Boulevard with Consumers Road. The current site specific zoning by-law contains a holding provision which requires that a "U" shaped road be conveyed to the City prior to a building being constructed on this site.

The applicant proposes a different public road configuration, in an "L" shape which would run north-south from Yorkland Boulevard along the east side of the proposed automotive dealership and then east-west to connect to Consumers Road. While it is a different shape than the road required in the by-law, it breaks the lot into smaller parcels and improves the street network in the area. This road configuration also gives the existing office buildings a better relationship to the public realm.

While the holding provision in the by-law requires the road to be conveyed prior to construction, the applicant proposes to begin construction of the automotive dealership first. In order to facilitate the construction of the new employment use, the road will be secured through a Section 37 Agreement. The Agreement will secure a Letter of Credit for the value of the lands and a second Letter of Credit for the construction costs of the road. This will provide financial securities for the City to construct the road and enable the project to proceed in advance of conveying the new street to the City.

The new road should not be conveyed to the City until such time as a Record of Site Condition has been provided which shows the lands to be clean. The applicant has submitted a Phase One Environmental Site Assessment which concludes that there is nothing identified that is likely to result in potential subsurface impacts on the lands. The report is being sent for a peer review per the City's standard procedure.

The draft conditions of approval, as outlined in Attachment 8, will ensure the road is constructed to City standards. Some of the conditions will also be secured through a Section 37 Agreement to ensure the road is constructed.

Servicing

It is proposed to service the new automotive dealership by the proposed storm sewer under the new public road. The sewers will only collect and convey stormwater runoff and are not intended to be used to collect groundwater on the site.

There is an existing 300 mm water main under Yorkland Boulevard which the applicant proposes to connect to. The applicant's engineers have determined that there is sufficient pressure and capacity in the existing water distribution system to accommodate the development.

At this time, there are two options for sanitary servicing of the site which the applicant is exploring. The first is to connect into a recently constructed 250 mm sewer under Yorkland Boulevard. This was constructed to support the recently approved automotive dealership to the immediate west of the site. While the new sewer will ultimately be assumed by the City, this process is not complete and the applicant who constructed the sewer is responsible for the maintenance and operation of the sewer at this time. As it has not been assumed, the applicant needs to seek permission from the current owner of the pipe to connect into it. The applicant has indicated that they expect to enter into an agreement to use the pipe in the near future.

Should the applicant not be able to use the new sanitary sewer under Yorkland Boulevard, they will have to construct and connect into a new 250 mm sewer within the new public street. Until the new 250 mm sewer is constructed, the applicant proposes an interim solution of connecting at an existing sanitary sewer which is located on the south side of the site.

Engineering and Construction Services staff are concerned that during major storm events runoff from the new public street may flood the privately held lands to the south-west and the existing underground garage. In order to ensure that no buildings or private lands are flooded the applicant is to provide an easement in favour of the City for an emergency overland flow route. The applicant's engineer has indicated that this easement area is able to contain all the stormwater should there be complete clogging or a catastrophic failure of the storm sewer system below the road.

The applicant is required to show that a site can be serviced as part of an application to amend the zoning by-law. Generally speaking, all services should be constructed and operational to the lot line prior to commencing the construction of any building. As the construction of the road is to commence after construction of the automotive dealership begins, it needs to be demonstrated that the site can be serviced during this interim period. The applicant proposes to provide an 80 m³ interim storm drainage tank to collect storm water. This interim provision is intended to operate until the ultimate services within the new right-of-way are completed and operational.

Subdivision

The application for subdivision is required to create the new public road (see Attachment 3 – Draft Plan of Subdivision). As previously discussed the road will be "L" shaped and connect Yorkland Boulevard to Consumers Road. This will assist in breaking up the existing large block and provide more options for pedestrian and vehicular trips through the business park. The proposed road configuration, different from what is secured in the zoning by-law, is an appropriate alternative as it achieves the same objectives of breaking up the block and providing additional connections through the business park. The new configuration also creates a better relationship for the existing office buildings including 243 Consumers Road which currently does not front onto a public street.

Attachment 8 to this report includes the proposed conditions of Draft Plan of Subdivision approval including conditions to secure and clean the lands for the new public road.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The lands which are the subject of this application are in an area with less than 300 people, as per Map 8B/C of the Official Plan. The site is not subject to the alternative parkland dedication rate through the City Wide Parkland Dedication By-law 1020-2010.

The application proposes a total of 5784 square metres of non-residential uses on a site with a net area of 1.335 hectares (13,357 square metres). The non-residential use is subject to a 2 percent parkland dedication as per City Wide Parkland Dedication By-law 1020-2010. In total, the parkland dedication requirement is 0.0267 hectares (267 square metres).

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.0267 hectares (267 square metres) would not be of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Applicable TGS performance measures will be secured through the Site Plan Approval process including landscaping details and bicycle facilities. The proposed site plan will also be reviewed against the City's Design Guidelines for "Greening" Surface Parking Lots.

Section 37

While the application does not trigger the requirements for the applicant to enter into an agreement under Section 37 of the *Planning Act*, the applicant has agreed to do so for legal convenience purposes to secure the new public road. The Agreement is necessary to provide security to the City that the proposed public street, built to the City's standards will be conveyed to the City in a timely manner. This will be done by taking two Letters of Credit. The first Letter of Credit will be for \$2 million dollars to cover the construction costs of the road including any unforeseen costs. The second letter of credit, the value still to be determined, will be for the value of the actual lands the road encompasses. This value is being calculated by Real Estate Policy and Appraisals.

The agreement will also require the owner to ensure the lands are properly serviced including the provisions of any new services and require the owner to provide the necessary documents and plans needed to convey the new road to the City. These two Letters of Credit and other requirements will ensure the public interest of creating a new public road by financially securing the construction and conveyance of the proposed road to City standards.

CONTACT

Guy Matthew, Planner
Tel. No. (416) 395-7102
Fax No. (416) 395-7155
E-mail: gmatthe2@toronto.ca

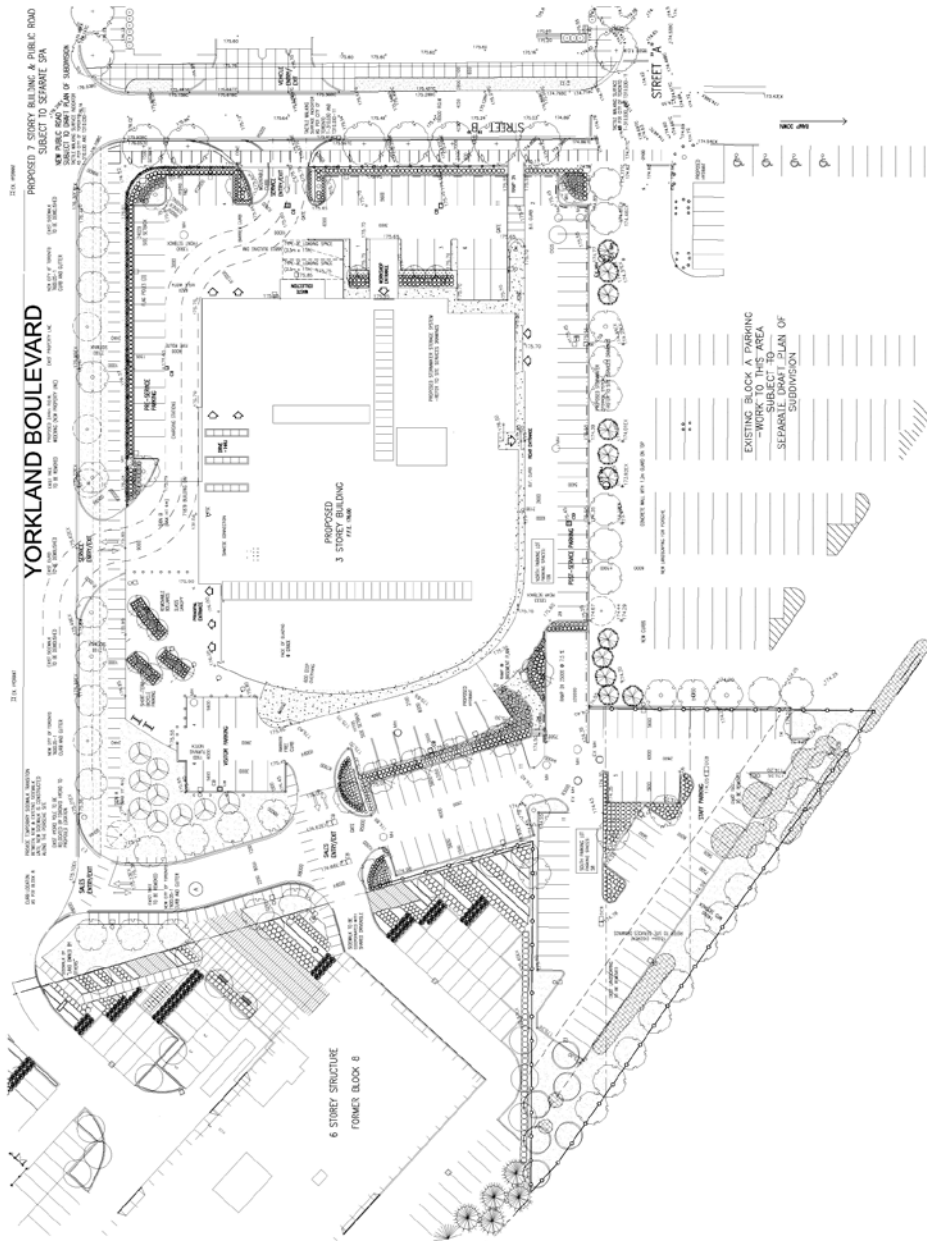
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Context Plan
Attachment 3: Draft Plan of Subdivision
Attachment 4: Elevations
Attachment 5: Zoning
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment
Attachment 8: Conditions of Draft Plan of Subdivision

Attachment 1: Site Plan



Site Plan

245 - 255 Consumers Road

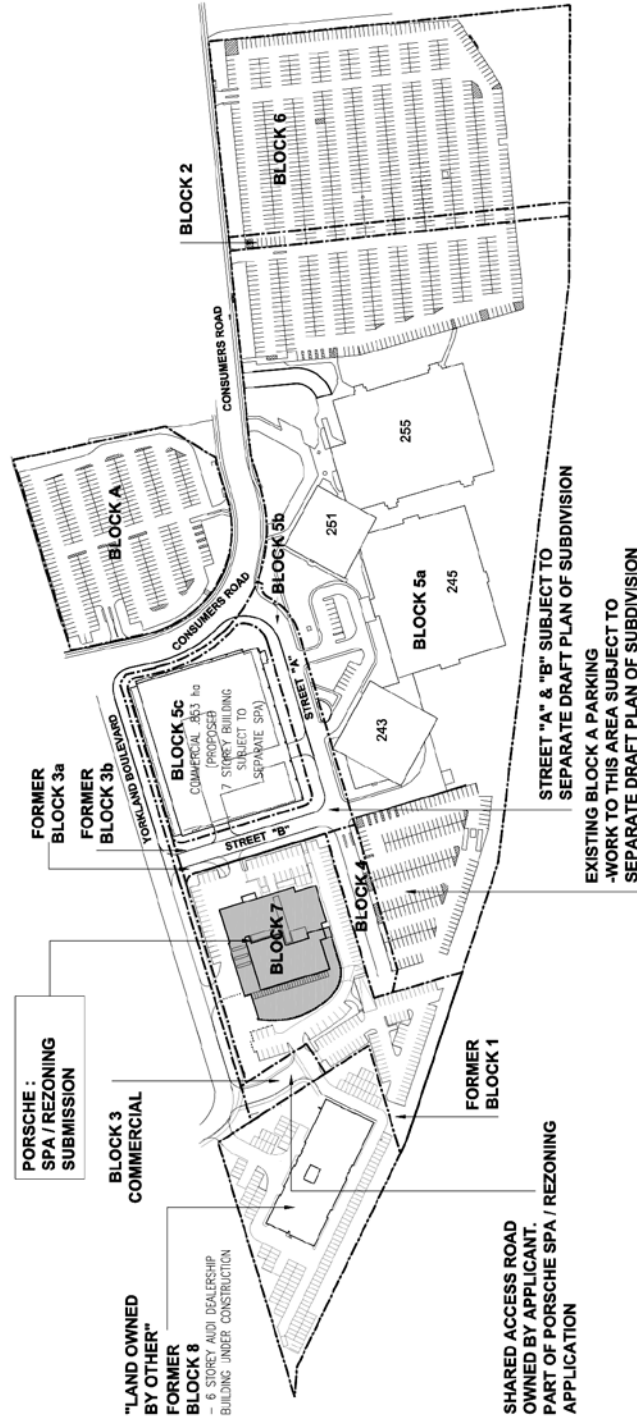
Applicant's Submitted Drawing

Not to Scale
09/30/2015



File # 14 208830 NNY 33 0Z

Attachment 2: Context Plan

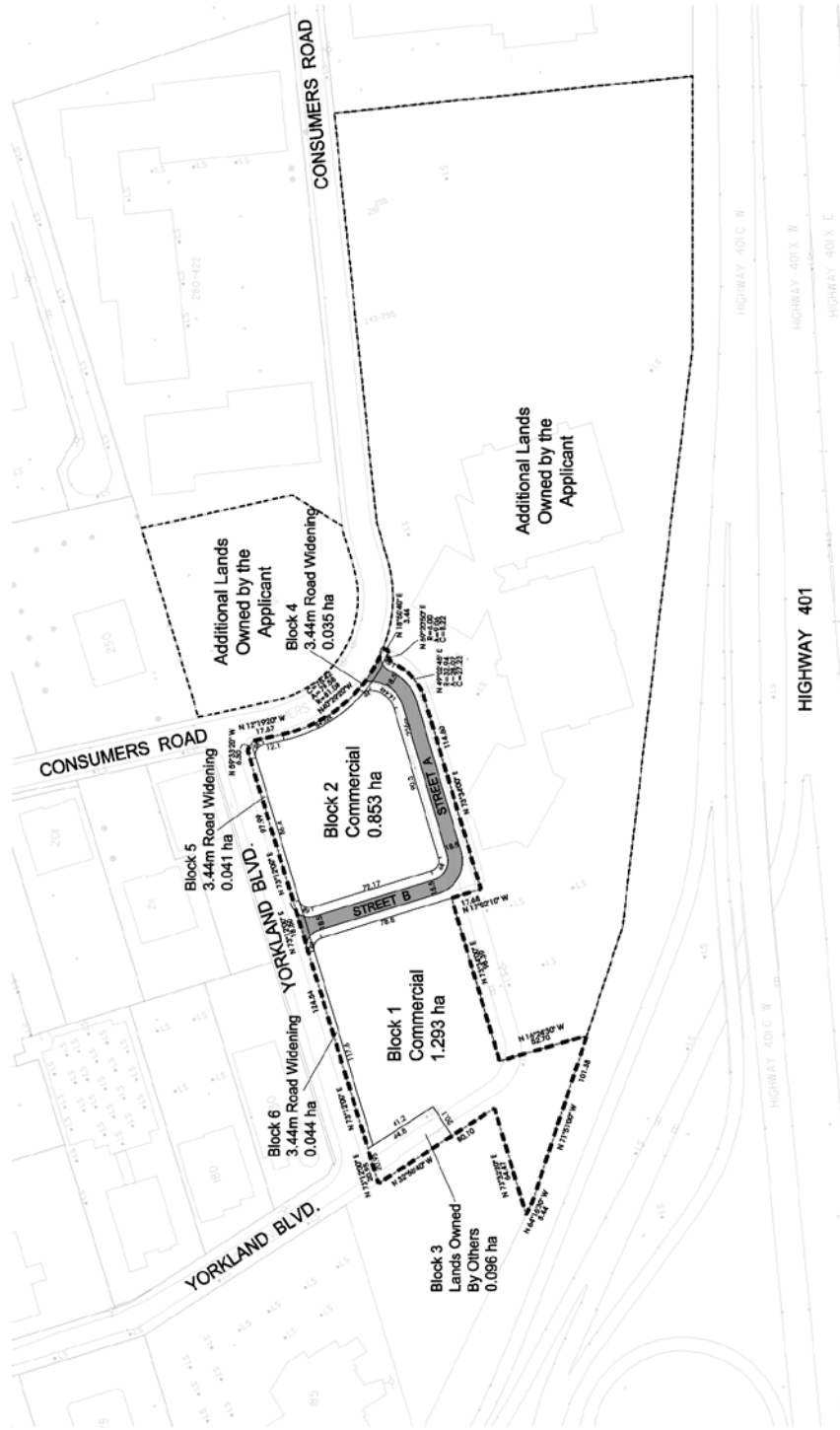


245 - 255 Consumers Road

Context Plan
 Applicant's Submitted Drawing
 Not to Scale
 09/30/2015

File # 14 208830 NMY 33 0Z

Attachment 3: Draft Plan of Subdivision



245 - 255 Consumers Road

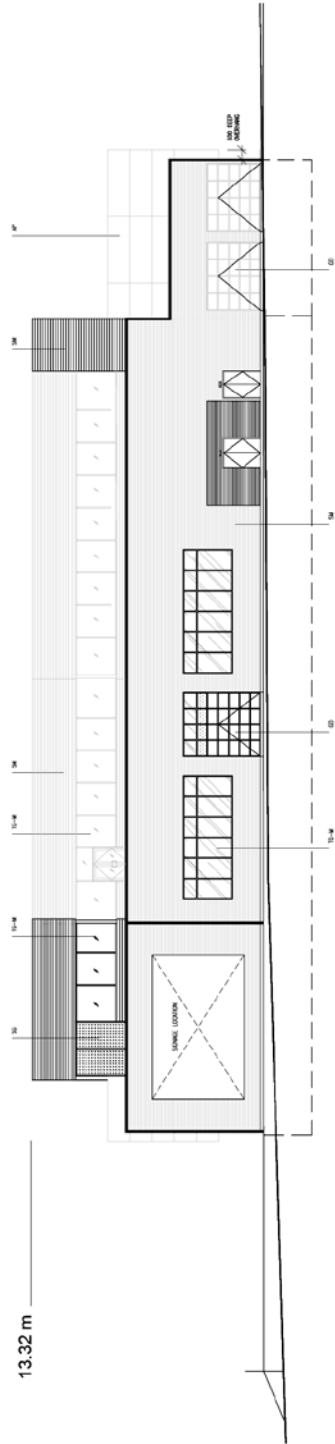
Draft Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale
09/30/2015

File # 14 208830 MNY 33 0Z

Attachment 4: Elevations



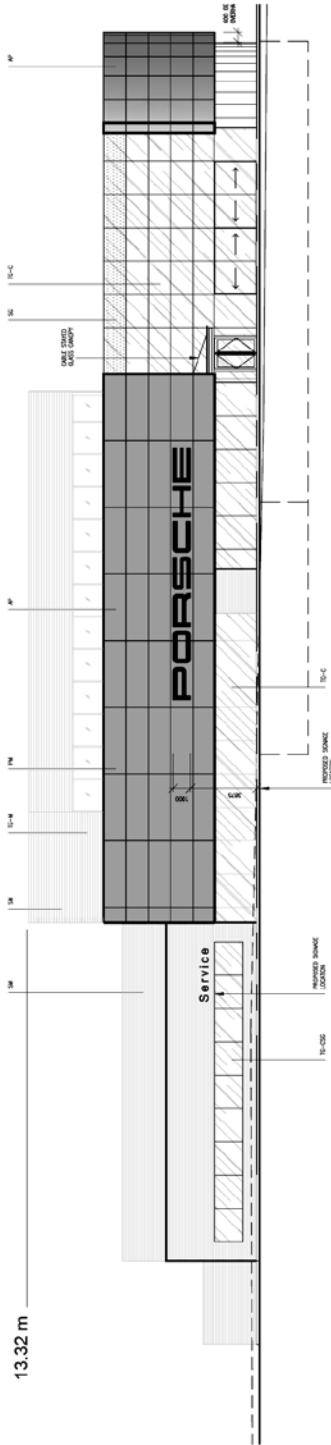
East Elevation

Applicant's Submitted Drawing

Not to Scale
09/30/2015

245 - 255 Consumers Road

File # 14 208830 NWY 33 0Z



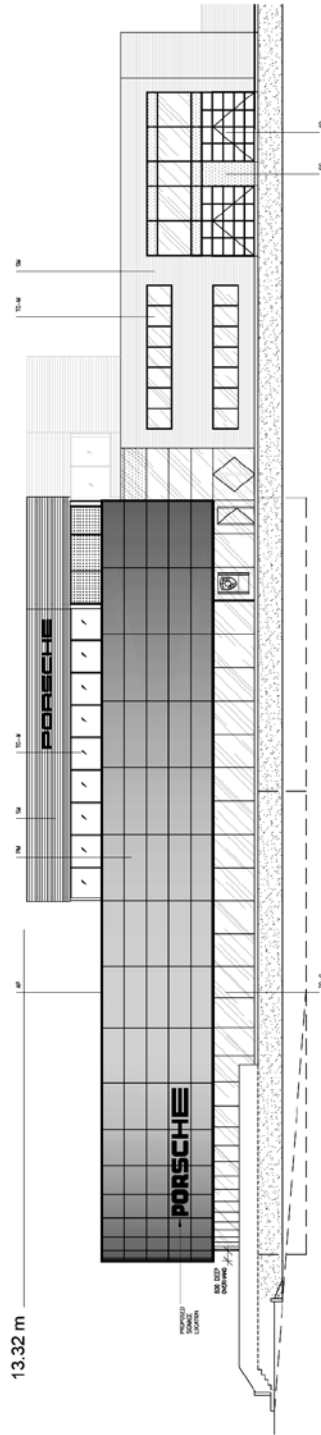
North Elevation

Applicant's Submitted Drawing

Not to Scale
09/30/2015

245 - 255 Consumers Road

File # 14-208830 NNY 33.0Z



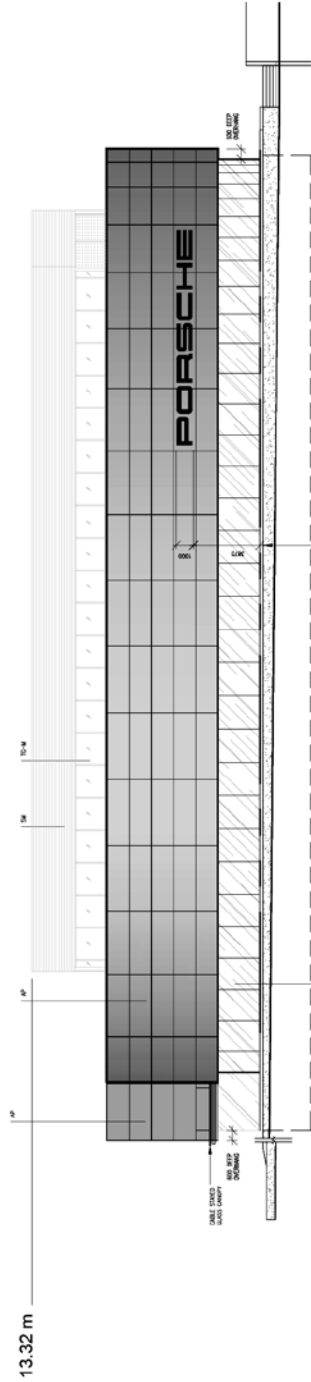
South Elevation

Applicant's Submitted Drawing

Not to Scale
09/30/2015

245 - 255 Consumers Road

File # 14-208830 NINY 33.0Z



West Elevation

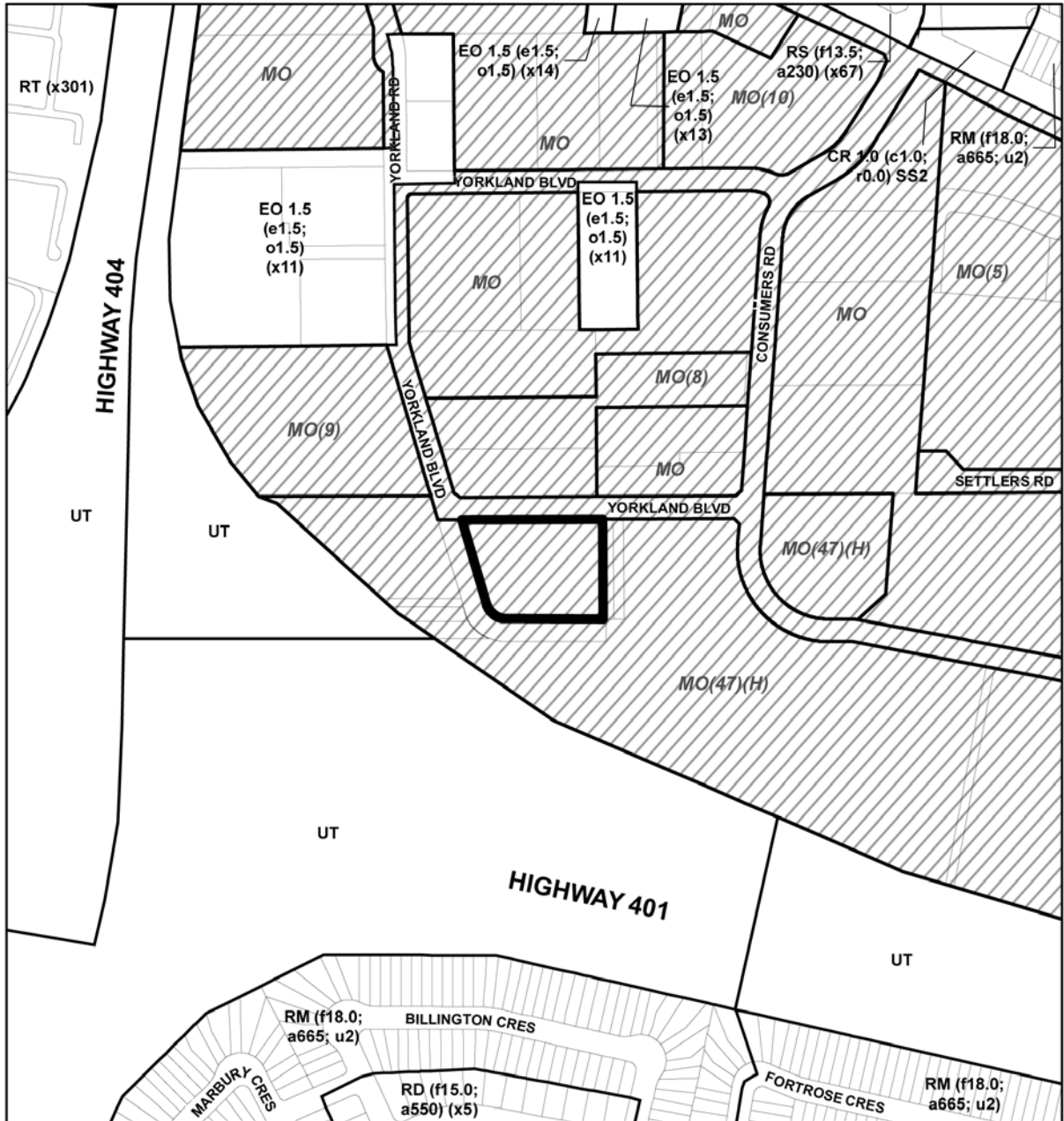
Applicant's Submitted Drawing

Not to Scale
09/30/2015

245 - 255 Consumers Road

File # 14 208830 NNY 33 0Z

Attachment 5: Zoning



Zoning By-law 569-2013

245 - 255 Consumers Road

File # 14 208830 NNY 33 0Z

Location of Application

See Former City of North York Bylaw No. 7625

- | | |
|------------------------------|---------------------------------|
| RD Residential Detached | CR Commercial Residential |
| RS Residential Semi-Detached | EO Employment Industrial Office |
| RT Residential Townhouse | UT Utility and Transportation |
| RM Residential Multiple | |

MO Industrial-Office Business Park Zone



Not to Scale
Extracted: 08/27/2014

Attachment 6: Application Data Sheet

Application Type	Rezoning, Subdivision	Application Number:	14 208830 NNY 33 OZ
Details	Rezoning, Standard	Application Date:	14 229439 NNY 33 SB August 19, 2014

Municipal Address: 243-255 CONSUMERS ROAD

Location Description: RP R4779 PARTS 2 TO 4 6 TO 8 11 TO 21 23 TO 31 PT PARTS 1 4 5 RP 66R8364 PARTS 1 3 TO 41 47 49 57 PT PART 58 RP 66R24194 PARTS 3 TO 10 RP **GRID N3306

Project Description: Rezoning, Subdivision and Site Plan application for a three-storey automotive dealership and a new public road. Site Plan File Number 14 208837 NNY 33 SA

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC	BOUSFIELDS INC	STEVEN ROBINSON ARCHITECT INC.	PARKWAY PLACE HOLDINGS LTD

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	Y
Zoning:	802 -2013	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	12934	Height:	Storeys:	2 plus mezzanine
Frontage (m):	130		Metres:	12.1
Depth (m):	88			
Total Ground Floor Area (sq. m):	3570			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	175
Total Non-Residential GFA (sq. m):	5847		Loading Docks	2 (Type B)
Total GFA (sq. m):	5847			
Lot Coverage Ratio (%):	27.6			
Floor Space Index:	0.43			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	5847
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT:	PLANNER NAME:	Guy Matthew, Planner
	TELEPHONE:	(416) 395-7102

Attachment 7: Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. ~-2015

**To amend the former City of North York Zoning By-law No. 7625, as amended,
with respect to the lands municipally known as 243-255 Consumers Road**

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 7625 of the former City of North York, as amended, pursuant to Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2015 as 243-255 Consumers Road;

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment;

AND WHEREAS the 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*;

AND WHEREAS the Council of the City of Toronto, at its meeting on November 3 and 4 2015, adopted a resolution to amend Zoning By-law No. 7625 of the former City of North York, as amended;

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York, as amended, are amended in accordance with Schedule "1" attached to this By-law.
2. The provisions of subsection 64.34(8) of By-law 7625 shall not apply to the lands shown as Parcels 1 and 2 on Schedule MO(48).
3. Section 64.34 of By-law No. 7625 is amended by adding the following subsection 64.34(48) and Schedule MO(48):

“64.34(48) MO(48)

DEFINITIONS

- (a) For the purpose of this exception “parking stacker” shall mean a parking space that is positioned above or below another parking space and is accessed only by means of an elevating device.

- (b) For the purpose of this exception, on Parcel 5 “Front Lot Line” means the east property line which runs between the north-east corner of Part 1 on Plan 66R-24193 and the south-east corner of Part 2 on Plan 66R-24193.

PERMITTED USES

- (c) In addition to the uses permitted in an MO zone, a motor vehicle dealership is permitted on Parcels 4 and 5 as shown on Schedule MO(48).

EXCEPTION REGULATIONS

(d) Gross Floor Area

- (i) On Parcels 1, 2, 3, 4, 5, and 6 as shown on Schedule MO(48), notwithstanding Section 34(2)(b)(iii), the aggregate floor area of the personal service shops, retail stores and service shops is not to exceed 3.5% of the total gross floor area of the office buildings.
- (ii) On Parcel 4 the maximum gross floor area of a motor vehicle dealership is 6,050 square metres.
- (iii) On Parcel 5 the maximum gross floor area of a motor vehicle dealership is 8,000 square metres.

(e) Yard Setbacks

For a motor vehicle dealership on Parcel 4:

- (i) The minimum north yard setback is 13.9 metres
- (ii) The minimum east side yard setback is 20 metres
- (iii) The minimum west side yard setback is 13.5 metres
- (iv) The minimum south side yard setback is 13.5 metres

For a motor vehicle dealership on Parcel 5:

- (v) The minimum front yard setback is 7 metres
- (vi) The minimum side yard setback is 5 metres
- (vii) The minimum rear yard setback is 20 metres

(f) Parking and Loading

- (i) For a motor vehicle dealership on Parcel 5, no parking spaces shall be provided within the minimum front yard setback.
- (ii) Notwithstanding Sections 6A(2)(a) and 6A(4)(a), parking spaces required for uses on Parcels 1, 2, 3, 4, 5 and 6 as shown on Schedule MO(48) may be provided on the lot or off-site on any of Parcels 1, 2, 3, 4, 5 and 6, except that required parking for a motor vehicle dealership on Parcel 5 must be provided on Parcel 5 and that required parking for a motor vehicle dealership on Parcel 4 must be provided on Parcel 4.
- (iii) Notwithstanding Section 6A(5)(vii) 50% of the required parking spaces for a motor vehicle dealership on Parcel 5 may be provided as tandem parking spaces.
- (iv) Notwithstanding Section 6A(5)(vii) parking spaces for a motor vehicle dealership on Parcel 5 may be provided by a parking stacker.
- (v) Section 6A(10)(a) and Section 6A(10)(f) do not apply to a motor vehicle dealership on Parcel 5.
- (vi) For a motor vehicle dealership on Parcel 4, a minimum of 3 parking spaces shall be provided for each 100 square metres of gross floor area.
- (vii) For a motor vehicle dealership on Parcel 4, a maximum of 17 parking spaces are permitted in the north side yard.
- (viii) For a motor vehicle dealership on Parcel 4 a minimum of 7 visitor bicycle parking spaces shall be provided.
- (ix) For a motor vehicle dealership on Parcel 4 a minimum of 2 Type B loading spaces shall be provided with the following dimensions: 3.5 metres wide, 11.0 metres in length and 4.0 metres vertical clearance.

(g) Landscaping

- (i) For the purposes of this by-law landscaping means trees, shrubs, grass, flowers, vegetables, and other vegetation, decorative stonework, walkways, patios, screening, or other horticultural or landscape-architectural element, or any combination of these. Landscaping does not include driveways or parking areas, and

directly associated elements such as curbs or retaining walls.

For a motor vehicle dealership on Parcel 4,

- (ii) A minimum landscape strip of 1.5 metres shall be provided along the north and east property lines.
- (iii) A minimum continuous landscaped strip of 7.5 metres shall be provided along the lot line abutting Highway 401.
- (iv) No display vehicles for sales or marketing purposes may be located within any landscaped area.

For a motor vehicle dealership on Parcel 5,

- (ii) Except for driveways entering and exiting from the lot a minimum distance of 7 metres from the front lot line shall be landscaped.
- (iii) A minimum landscape strip of 1.5 metres shall run the full length of all side lot lines.
- (iv) A minimum landscape strip of 7 metres shall run the full length of the rear lot line except that a maximum of 9 tandem parking spaces may be provided within the minimum required landscaped strip.
- (v) A continuous landscaped area between the minimum front yard setback and the front wall of the building shall be provided for at least 25% of the building's front wall.
 - i. A maximum of 1 display vehicle for sales or marketing purposes may be located within this required landscaped area.
- (vi) Notwithstanding subsections (d)(i) and (e)(ii) above, a maximum of 3 display of vehicles for sales or marketing purposes are permitted within the required front yard and front yard landscaped area.

SECTION 37 AGREEMENT

- (h) The owner of the lands as shown in Schedule "1" shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this by-law applies in the manner and to the extent specified in the agreements. The owner of the subject lands, at the owner's

expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto:

- (i) The provision of a Letter of Credit for \$2 million to secure the construction costs of the new public street prior to the issuance of any building permit.
- (ii) The provision of a Letter of Credit for \$2.8 million to secure the land for the new public street prior to the issuance of any building permit.
- (iii) Dedicate all roads and corner rounds shown on the plan.
- (iv) Convey to the City all 0.3 metre reserves shown on the plan.
- (v) Prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Engineering and Construction Services Division in consultation with the City Solicitor.
- (vi) Submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - 1. Be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection);
 - 2. Delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - 3. Show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
- (vii) Pay all costs for preparation and registration of reference plan(s).
- (viii) Retain the services of a Qualified Person to conduct an environmental site assessment for the lands to be conveyed to the City, in accordance with the terms and conditions of the standards subdivision agreement,

including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).

- (ix) Prior to draft plan of subdivision approval, address the comments in Section A and B in the Memorandum from the Manager, Development Engineering, North York District dated September 29, 2015 and entitled Draft Plan of Subdivision Application: 14 229439 NNY 33 SB to the satisfaction of the Executive Director, Engineering and Construction Services.

LAND DIVISION

- (i) Notwithstanding any severance, partition or division of Parcels 1, 2, 3, 4, 5 and 6 as shown on Schedule MO(48), the regulations of this exception shall continue to apply to the whole of the lands as if no severance, partition or division had occurred.

SERVICES

- (j) Within Parcels 1, 2, 3, 5, and 6 as shown on Schedule MO(48), no person shall use any land or erect or use any Building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

OTHER PROVISIONS OF THE BY-LAW

- (k) Except as amended in this By-law, all the other provisions of By-law No. 7625 shall apply to the lands.

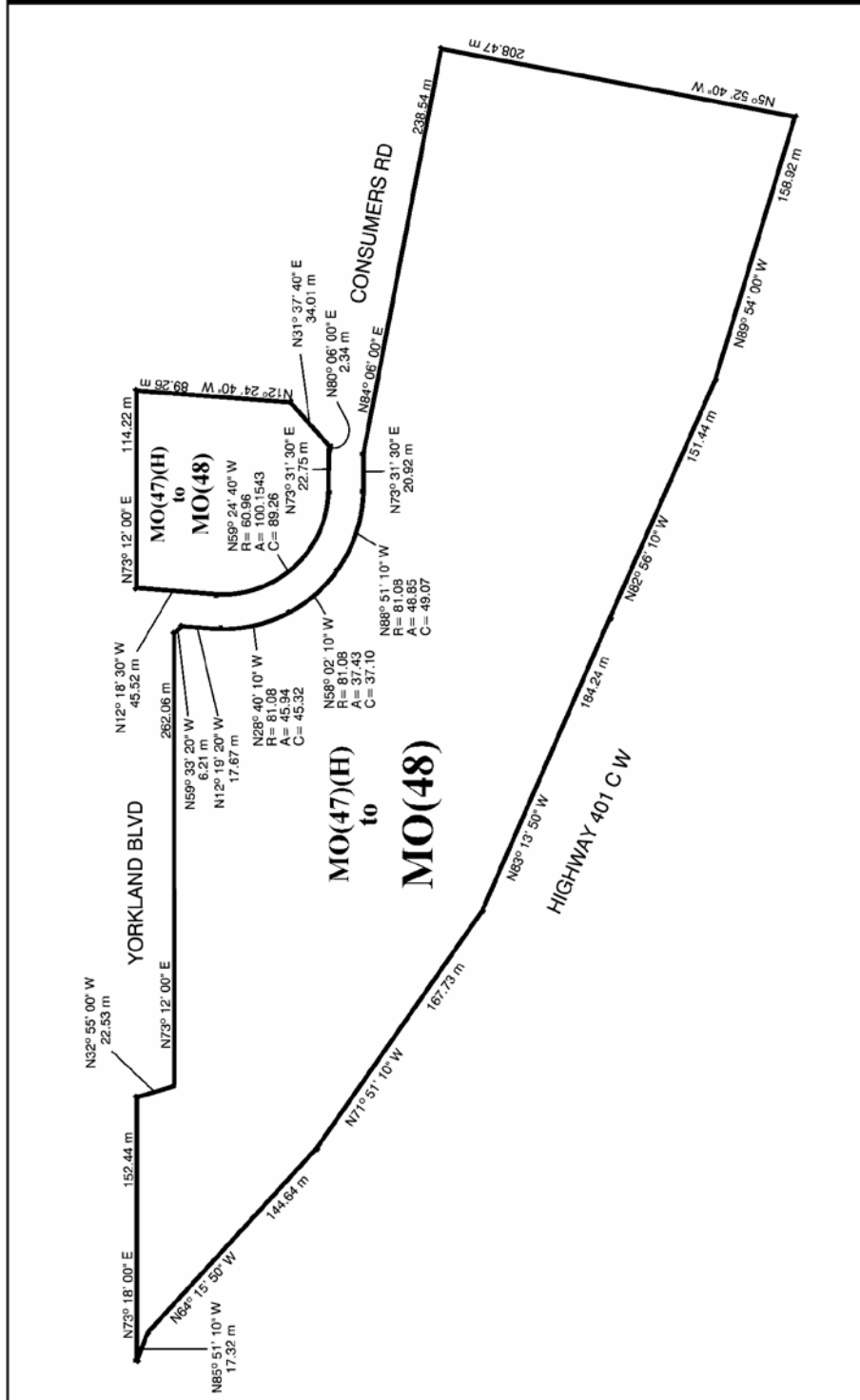
4. By-law No. 802-2013 is hereby repealed.

ENACTED AND PASSED this ____ day of _____ 2015.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

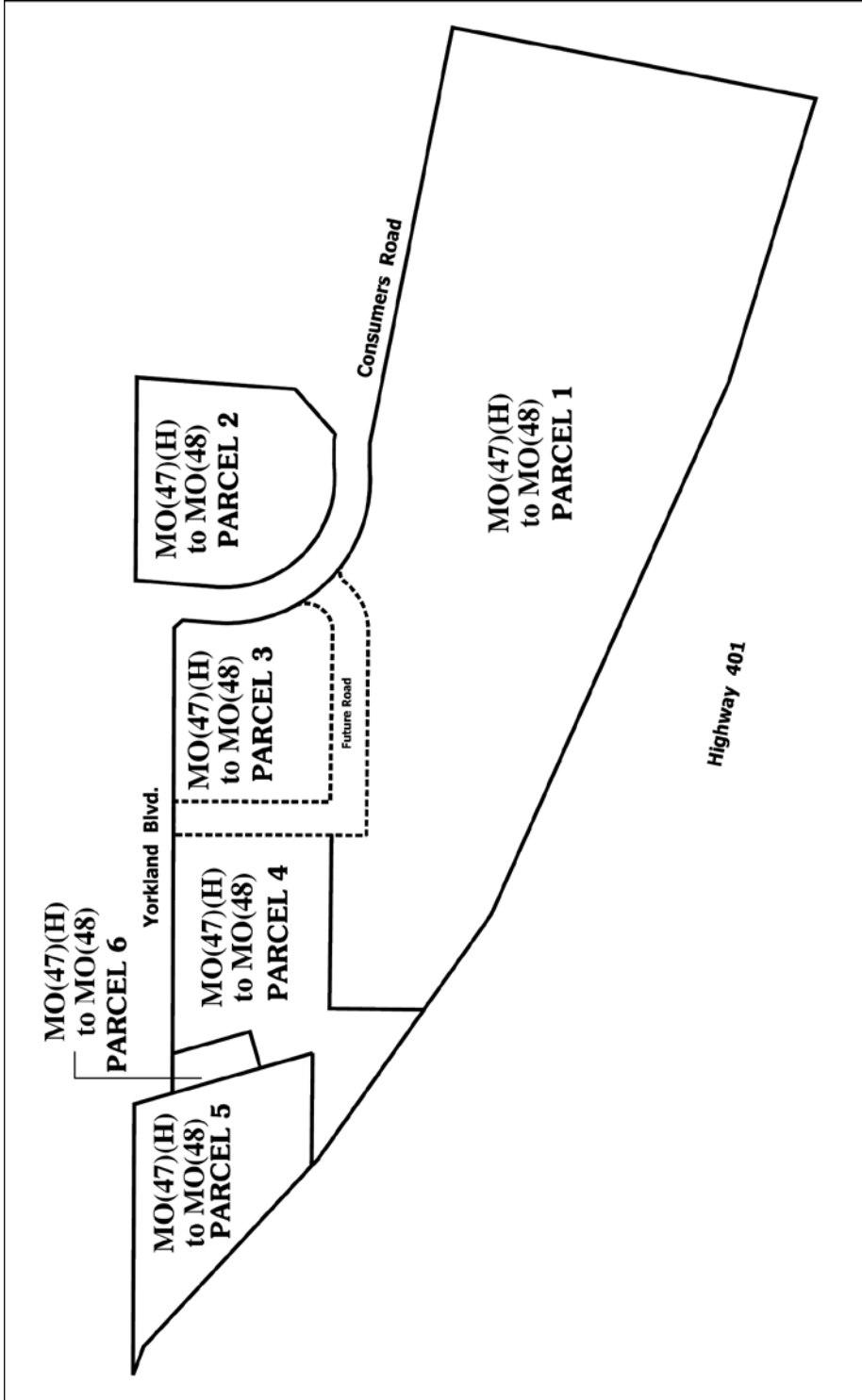


Schedule 1



File # 14 208630 NNY 33 0Z
 ↑
 Not to Scale

Blocks C, D, E & Part of Blocks A, B & Yorkland Boulevard (Closed); R.P. M-1248 & Part of Block C; R.P. M-1164
 J.D. Barnes Limited
 Date: 09/29/2015
 Approved by: G.M.



MO(48)



File # 14 208830 NNY 33 0Z

From Applicant's Drawing



Date: 09/29/2015
 Approved by: G.M.

Not to Scale

Attachment 8: Conditions of Draft Plan of Subdivision

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein.
2. The Owner shall provide to the Director of Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
3. Pay to the City \$120.00 (\$40.00 per lot/block) towards the cost of geodetic and aerial survey.
4. Dedicate all roads, road widenings and corner roundings shown on the plan.
5. Convey to the City all 0.3 metre (one foot) reserves shown on the plan.
6. Convey all necessary easements to the City.
7. Prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Engineering and Construction Services Division in consultation with the City Solicitor.
8. Submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - (a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection);
 - (b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - (c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;
9. Pay all costs for preparation and registration of reference plan(s).

10. The Owner agrees to retain the services of a Qualified Person to conduct an environmental site assessment for the lands to be conveyed to the City, in accordance with the terms and conditions of the standard subdivision agreement, including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).
11. Pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
12. Submit financial security in accordance with the terms of the standard subdivision agreement and the prevailing City of Toronto policy.
13. Apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services.
14. The applicant must submit a financial guarantee in the form of an irrevocable letter of credit or certified cheque (amount to be determined) to the City of Toronto for any subsequent traffic signal work as part of the road network at the intersection of Consumers Road and the new public street. The modified signalized intersection at the new public street and Consumers Road must be approved by Toronto City Council.
15. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee.
16. Subdivision conditions arising out of the Memorandum from the Manager, Development Engineering, North York District, dated September 29, 2015 entitled Draft Plan of Subdivision Application: 14 229439 NNY 33 SB