

**1325 Lawrence Avenue East and 30 Railside Road –  
Proposed Heliport Landing Pad - Preliminary Report**

<b>Date:</b>	January 19, 2016
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 34 – Don Valley East
<b>Reference Number:</b>	15 114766 NNY 34 TM

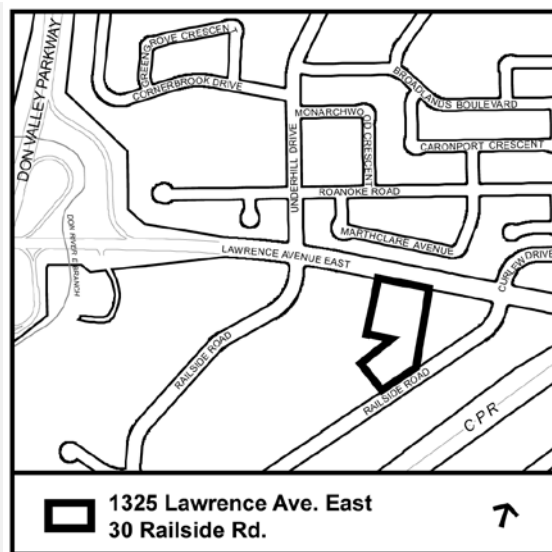
**SUMMARY**

Dare to Dream Aviation Two LP has submitted an application to Transport Canada for the Issuance of a Heliport Certificate at 1325 Lawrence Avenue East and 30 Railside Road. Section CAR 305.08(1)(d) of the Canadian Aviation Regulations requires the applicant to, among other items, provide proof to the Minister of Transport that *the applicant has consulted with the local government authority relating to the proposed heliport and adjacent land in accordance with the requirements of the applicable heliport standard.*

On December 16, 2015, a request for comments was received by the City Planning Division from Wires Jolley LLP (the "applicant"), in respect to the above noted application submitted to Transport Canada (Attachment 1).

This report provides preliminary information on the above noted request, and seeks Community Council's direction on further processing of the request, and on the community consultation process.

It is recommended that a Community Consultation Meeting be held to present the proposal to the public and obtain input, provided the applicant submits the



requested materials detailed in the Recommendations of this report. The submission of these materials will allow staff the opportunity to properly evaluate the proposal. This report also recommends that the applicant be responsible for the cost of the peer review of the studies and reports submitted to the City.

It is recommended that Transport Canada and the applicant be advised that it is the position of the North York Community Council that the submission materials submitted to the City to date do not satisfy the pre-consultation requirement set out in its Local Government Authority Consultation Process.

It is further recommended that Transport Canada be informed that it is the position of North York Community Council that the 45 day Notice period outlined in Transport Canada's proposed Local Government Authority Consultation Process should be extended, as 45 days does not provide a reasonable timeframe to enable meaningful community consultation, proper evaluation of the proposal by City staff, and reporting to City Council through North York Community Council.

## **RECOMMENDATIONS**

### **The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 1325 Lawrence Avenue East and 30 Railside Road, together with the Ward Councillor, subsequent to the applicant submitting the following materials, to the satisfaction of the Director of Community Planning, North York District:
  - i. Site Plan;
  - ii. Noise Impact Study;
  - iii. Vibration Study; and
  - iv. Air Quality Report.
2. The applicant pay the fee of the peer reviews of each of the Noise Impact Study, Vibration Study, and Air Quality Report, as well as any other materials submitted to the City by the applicant;
3. Notice for the community consultation meeting be given to landowners, residents and tenants within the area bound by the Don Valley Parkway to the west, the Canadian Pacific Railway line to the south and east, and the properties on the north side of Cassandra Boulevard to the north;
4. Transport Canada and the applicant be advised that it is the position of the North York Community Council that the submission materials submitted to the City by the applicant to date do not satisfy the pre-consultation requirement set out in its Local Government Authority Consultation Process, as the studies previously requested by the City have not been received.

5. Transport Canada be informed that it is the position of North York Community Council that the 45 day Notice period outlined in Transport Canada's proposed Local Government Authority Consultation Process should be extended, as 45 days does not provide a reasonable timeframe to enable meaningful community consultation, proper evaluation of the proposal by City staff, and reporting to City Council through North York Community Council.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On January 29, 2007, an application for Site Plan Control (07 105354 NNY 34 SA) was received by the City Planning Division, to allow the existing warehouse at 1325 Lawrence Avenue East to be converted to as an automobile dealership. This application was referred to Community Council for recommendation, at the request of the local Councillor. At its meeting of March 3, 4, and 5, 2008, City Council recommended approval of this application by the Chief Planner. Approval of Site Plan Control was issued on April 22, 2008.

During the summer of 2014, discussions were had with City Planning staff, and the representatives of Dare to Dream Aviation Two LP regarding an application submitted by the latter to Transport Canada for the construction of a heliport landing pad and the request for an issuance of Heliport Certificate for the lands at 1325 Lawrence Avenue East and 30 Railside Road. At its meeting of August 25, 26, 27 and 28, 2014, City Council adopted the following motion:

1. City Council advise Transport Canada and the proponent that City Council is not in support of the establishment of a helipad at 1325 Lawrence Avenue East/30 Railside Road and that should the proponent wish to proceed with the proposed licensing of a helipad at that location, the proposal should go through a public consultation process with an opportunity for City Council to make its position known to Transport Canada after full consideration of the public input and the advice of City staff.
2. In the event the proponent indicates a desire to proceed with the application, City Council request the Director Community Planning, North York District, to report to City Council through the North York Community Council on the public consultation process and the appropriateness of a helipad at this location from a land use perspective.
3. City Council request Transport Canada not to grant any permission for the proposed helipad at 1325 Lawrence Avenue East/30 Railside Road until City Council has had an opportunity to consider the report of the Director of Community Planning, North York District.

On December 20, 2014, an application for Site Plan Control (14 262804 NNY 34 SA) was received by the City Planning Division, to amend the existing Site Plan Agreement for 1325 Lawrence Avenue East to reflect modifications made to the front yard landscaping by a new tenant. This application did not speak to a heliport landing pad. Staff provided comments to the applicant February 6, 2015 identifying a deficiency in parking spaces by 19 stalls. Staff requested that this deficiency be addressed. Further, staff requested modifications to the proposed landscaping. A follow-up email was sent June 19, 2015. No further submissions or correspondence have been received to date.

## **ISSUE BACKGROUND**

### **Proposal**

On December 9, 2014, subsequent to the Council resolution of August 25, 26, 27 and 28, 2014, a submission was received by the City Planning Division from Wires Jolley LLP, in respect to the application made to Transport Canada by Dare to Dream Aviation Two LP for the construction of heliport landing pad and the issuance of Heliport Certificate at 1325 Lawrence Avenue East and 30 Railside Road. At a meeting with Wires Jolley LLP on December 12, 2014, staff reiterated the position of City Council, and advised that, should the applicant wish to proceed with the request, the review could be similar to the process of a re-zoning application. Following this meeting, Wires Jolley LLP provided a letter informing staff that their client would consider the information provided, and advise if they intended to submit a re-zoning application.

On December 16, 2015, Wires Jolley LLP submitted a formal request to the City Planning Division dated December 14, 2015, requesting comments regarding the proposed heliport landing pad at 1325 Lawrence Avenue East and 30 Railside Road, in order to satisfy the condition relating to consultation with the local government authority, set out in the Canadian Aviation Regulations, CAR 305.08(1)(d). The submission advises that the heliport landing pad would be used 40 to 50 times annually, between the hours of 8:00 a.m. and 6:00 p.m., by Dare to Dream Aviation, which is under the same ownership as Peerage Capital, a tenant of 1325 Lawrence Avenue East. The submission materials also advise that the applicant's client has related businesses at the site including independent residential real estate brokerage operations and an asset management firm which together employ approximately twenty people. It is unclear whether or not the heliport would also be used by a second tenant at 1325 Lawrence Avenue East, which houses the Canadian operations for Tesla Motors, or Third Party users.

A site plan and survey have not been provided, however photographs submitted indicate that the asphalt helipad has been constructed on the rear parking lot of 1325 Lawrence Avenue East. The submission materials also indicate a touchdown and liftoff area of approximately 10 metres by 10 metres, and a safety area of approximately 28 metres by 28 metres. The setbacks of the landing pad from the property lines have not been provided. The impact this might have to existing parking spaces on the site is unclear.

The letter and accompanying aerial photographs (photographs Attachment 2) from Wires Jolley LLP dated December 9, 2014, and included in the most recent submission for

reference, state that the proposed flight paths would pass over the Don Valley Parkway, the Charles Sauriol Conservation Area, and the surrounding *Employment Area* of Railside Road.

### Site and Surrounding Area

The subject lands are located on the south side of Lawrence Avenue East, east of the Don Valley Parkway. A site plan and survey have not been provided, however it is estimated that 1325 Lawrence Avenue East has an area of approximately 1.35 hectares, a frontage along Lawrence Avenue East of approximately 110.3 metres, and a depth of approximately 121.8 metres. The applicant advises that the site currently accommodates a one-storey building housing an automobile dealership (Tesla Motors) and offices (Peerage Capital).

It is estimated that 30 Railside Road has an area of 0.65 hectares, a frontage of 59.7 metres along Railside Road, and a depth of 80.2 metres. The site currently accommodates a vacant one-storey industrial building. The subject site, and the properties south of Lawrence Avenue East are designated *Employment Areas*. The lands south of the *Employment Areas* designation are designated *Natural Areas*. The residential lands north of Lawrence Avenue East are designated *Neighbourhoods*. These *Neighbourhoods* designated lands are approximately 150 metres from the proposed heliport landing pad.

Land uses surrounding the site are as follows:

North:	Lawrence Avenue East; Detached Dwellings, including reverse lots along Lawrence Avenue East.
South:	Industrial and community uses, including food manufacturing (Viking Foods), place of worship/community centre (Al Ansar Islamic Centre), and laboratory (Rx Centre Laboratories).
East:	Industrial and commercial uses, including retail uses (Delux Paints, Framing Depot, Mak European Delicatessens), and automobile service (Petro Canada, Railside Auto Centre); Canadian Pacific Railway line.
West:	Office uses; restaurant uses (Tim Horton's); automobile service (Esso).

### Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The Toronto Official Plan is the City's most important vehicle for implementing the policies of the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. It sets out the land use policy directions for long-term growth and development in the City of Toronto.

The Official Plan identifies the subject lands as being designated *Employment Areas*. *Employment Areas* are stable environments that are suitable for a variety of employment uses, including those which are more intense and that may require separation or buffering. These areas cultivate the City's tax and employment base through the promotion of investment and the creation of jobs. Although these areas are intended to serve an economic function, support uses, such as small-scale service, retail, and restaurant establishments are required to serve the day-to-day needs of the area businesses and their employees.

The Official Plan provides criteria to review development proposed within *Employment Areas* (Section 4.6). The objective of these criteria is, in part, to ensure that proposed developments: will contribute to the creation of competitive, attractive, highly functional employment areas; avoid excessive car and truck traffic on the road system within *Employment Areas* and adjacent areas; provide adequate parking and loading on-site, sharing driveways and parking areas wherever possible; mitigate certain effects (i.e., noise, dust, odours, etc.) that will be detrimental to other businesses or the amenity of the neighbouring areas; and provide landscaping on the front and flanking yards to create an attractive streetscape.

Under Official Plan Amendment 231, 1325 Lawrence Avenue East would be designated *General Employment*. Alternatively, 30 Railside Road would be designated *Core Employment*.

## **Zoning**

Under North York Zoning By-law No. 7625, 1325 Lawrence Avenue East is zoned Industrial-Commercial (MC(H)). This zone allows for a variety industrial and commercial uses, including adult education schools, banquet halls, car washes, movie theatres, colleges, commercial recreation, day nursery, fitness centres, financial institution, funeral establishments, gas stations, hotels, offices, manufacturing, places of worship, and showrooms. The Holding Zone (H) imposes maximum floor area provisions for retail uses, personal service uses, and office uses.

Under North York Zoning By-law No. 7625, 30 Rainside Road is zoned Industrial Zone Two (M2). The uses permitted in the M2 Zone are largely the same as those permitted in the MC Zone, with the exception of uses that are predominantly commercial in nature, such as banquet facilities, movie theatres, day nurseries, and funeral establishments.

Under Toronto Zoning By-law No. 569-2013, 30 Rainside Road is zoned Employment Industrial (E 1.0). This zone also permits a range of industrial uses, including Ambulance Depots, Animal Shelters, Artist Studios, Building Supply Yards, Carpenter's Shops, Contractor's Establishments, Dry Cleaning or Laundry Plants, Financial Institutions, Fire Halls, Industrial Sales and Service Uses, Kennels, Offices, Parks, Public Works Yards, and Warehousing. 1325 Lawrence Avenue East is not subject to Toronto By-law No. 569-2013.

The regulation of an aerodrome (which includes a heliport landing pad) is a matter of federal jurisdiction. However, there is a role for the municipality in the certification protocol provided by Transport Canada. The protocol requires the applicant to consult with the municipality prior to establishing an aerodrome.

With respect to 1325 Lawrence Avenue East and 30 Rainside Road, a heliport landing pad is not a permitted use in this zone, and it does not meet the definition for an accessory use. In the former City of North York, this use is permitted in the Airport Hazard Area zone at Downsview or as an accessory use in a Hospital Zone.

## **COMMENTS**

### **Application Submission**

The following materials were submitted with the application:

- Site photographs;
- Heliport landing pad construction photographs;
- Aerial photographs identifying the proposed flight path;
- Heliport Operations Manual, including safety and emergency procedures;
- Correspondence (2014) between City staff and representatives of Dare to Dream Aviation Two LP;
- Copies of Interim Heliport Certificates issued to The Docks, located in the City of Toronto (1999), and Toronto Smart Centres, located in the City of Vaughan (2008)
- Copy of the Application for Airport Certificate by National Helicopters Inc. (Dare to Dream Aviation Two LP)

The applicant has not submitted the previously requested noise/vibration and air quality studies. As a result, City Planning staff are of the opinion that the applicant has not satisfied the pre-consultation requirements as set out in Transport Canada's Local Government Authority Consultation Process, as drawings and requested studies have not been provided.

In order to have meaningful community consultation and evaluation by City staff, the above noted studies should be submitted with any request for City comments by the applicant. City Planning staff recommend the City Solicitor advise Transport Canada and the applicant in writing that the pre-consultation requirements set out in Transport Canada's LGAC process have not been met.

Discussions between City Planning and Transport Canada officials in late 2015 indicated that Transport Canada has set out a LGAC process for the applicant in which at least a 45 day Notice period is provided to municipalities during which comments or objections will be received. City Planning staff recommend North York Community Council advise Transport Canada and the applicant that the 45 day Notice period is not a reasonable time period in which City staff could execute a fulsome review of the application, engage in meaningful community consultation, or report to City Council through North York Community Council. In this particular case, the request for City comments was received on December 16, 2015, after the last City Council meeting of 2015. The request for comments deadline date is on January 29, 2016, prior to the first City Council meeting of 2016.

### **Issues to be Addressed**

- Details of the siting of the heliport landing pad, provided on a site plan or survey and including setbacks from parking areas, property lines and all adjacent buildings;
- Land Use compatibility issues including the impact of the heliport on surrounding residents, businesses, employees, and visitors to the area in terms of noise, vibration, and air quality;
- The appropriateness of the proposed distance and buffering of the heliport landing pad from adjacent uses and properties;
- Clarity with respect to by whom the heliport would be used (i.e. property owner, tenants, or others);
- Controls on frequency of use, and hours of operation of heliport;
- The ability of the City's first responders to service the site in the case of an emergency (i.e. any impact to the existing Fire Route);
- Any impact to the existing parking spaces at 1325 Lawrence Avenue East and 30 Railside Road; and
- The effect of any lost parking spaces or landscaping at 1325 Lawrence Avenue East and 30 Railside Drive in terms of compliance with the applicable zoning by-laws, and conformity with any Site Plan Agreements registered on title.



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

## **CONTACT**

Michelle Corcoran, Planner

Tel. No. (416) 395-713 Fax No. (416) 395-7155

E-mail: mcorcor@toronto.ca

## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Letter from Wires Jolley LLP

Attachment 2: Aerial Photographs – Flight Path

Attachment 3: Aerial Photograph – Landing Pad Location

Attachment 4: Heliport Landing Pad Photographs

Attachment 5: Existing Zoning

**Attachment 1: Letter from Wires Jolley LLP**

**Wires Jolley LLP**

Barristers & Solicitors

90 Adelaide Street West, Suite 200, Toronto, Ontario M5H 3V9  
Phone: (416) 366-0000 Fax: (416) 366-0002 www.wiresjolleyllp.com

Karen E. Jolley (416) 366-5006  
kejolley@wiresjolleyllp.com

14 December 2015

**RECEIVED**

DEC 16 2015

**Toronto City Planning  
North York District**

*Via Courier*

Mr. Joe Nanos  
Director  
Community Planning, North York District  
North York Civic Centre  
5100 Yonge Street  
Ground Floor  
Toronto, Ontario  
M2N 5V7

**RECEIVED**

DEC 16 2015

**Toronto City Planning  
North York District**

Dear Mr. Nanos:

**Application to Transport Canada for Airport Certificate  
1325 Lawrence Avenue East, Toronto**

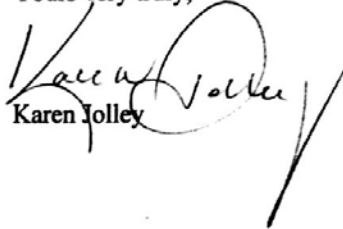
We are counsel to Dare to Dream Aviation. As you have likely been made aware, our client has had a number of meetings and consultations with the City of Toronto since the summer of 2014 concerning its application to Transport Canada for the issuance of an application for airport certificate for a helipad at the above location.

We have confirmed with Transport Canada that our client's actions to date have satisfied the pre-consultation requirement set out in its Local Government Authority Consultation Process.

To satisfy the second step in the Consultation Process, we are again serving the materials that were served on the Planning Department in December 2014. We are advised by Transport Canada that the materials satisfy the notice to Local Government Authority requirement. In the materials you will find the location and description of proposed operation. As the helipad is ready and has been approved from a safety standpoint by Transport Canada, its expected start date of operations will be the date the certificate is granted. In terms of use, to update the information on page 3, please note that the area is asphalt rather than grass and the perimeter fence has been removed. It is expected that the use would be 40-50 times annually. One new photo has been added to the package showing the location of the pad and both buildings.

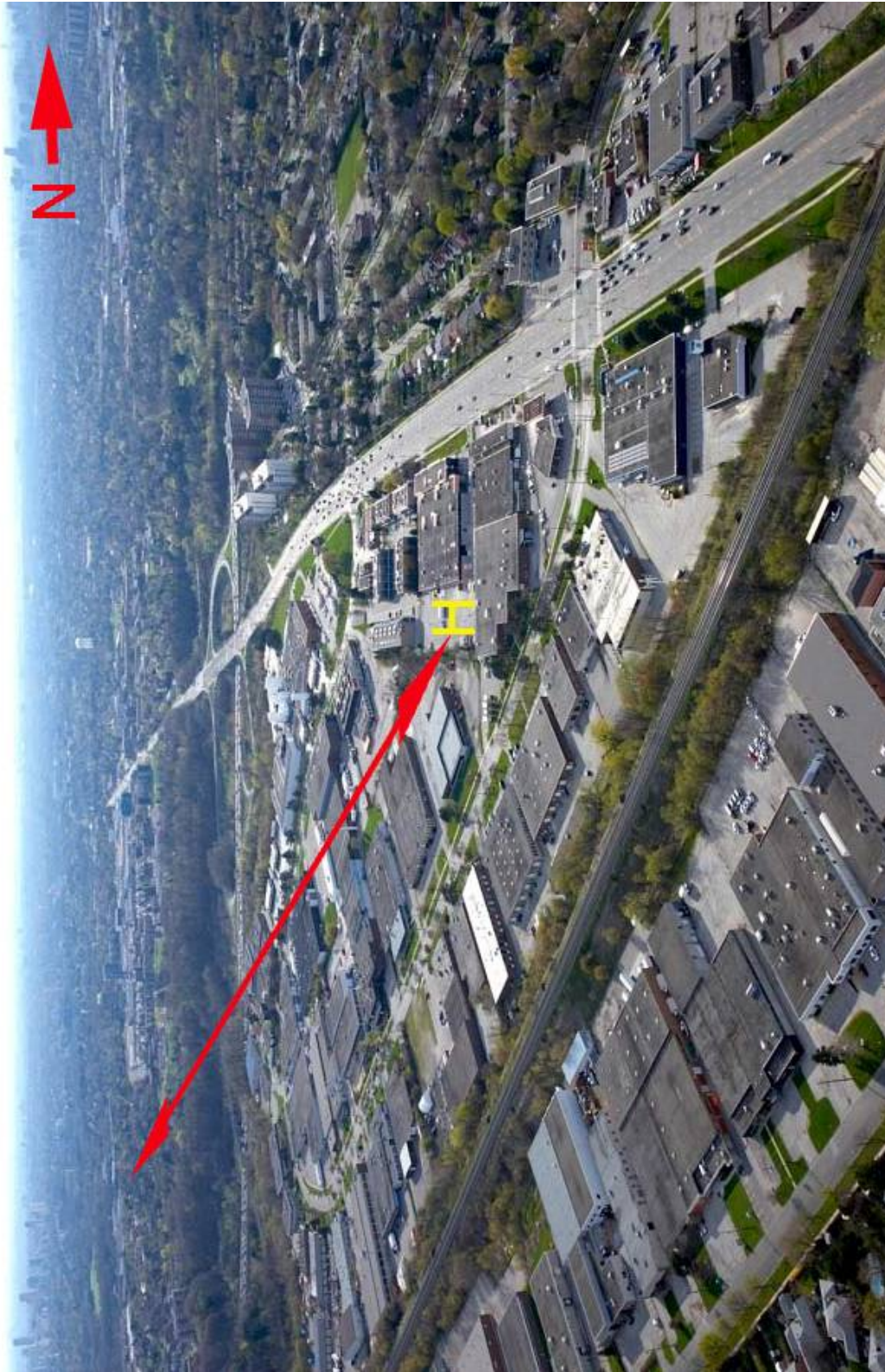
You may direct any comments and objections to my attention as I will be the contact for our client. We look forward to your comments on or before the end of the Transport Canada notice period of 29 January 2016.

Yours very truly,

  
Karen Jolley

c: Miles Nadal (w/o encls)  
Alan Slobodsky  
Andrew Dunt  
John Andreevskij/

**Attachment 2a: Aerial Photographs – Flight Path**





**Attachment 2b: Aerial Photographs – Flight Path**



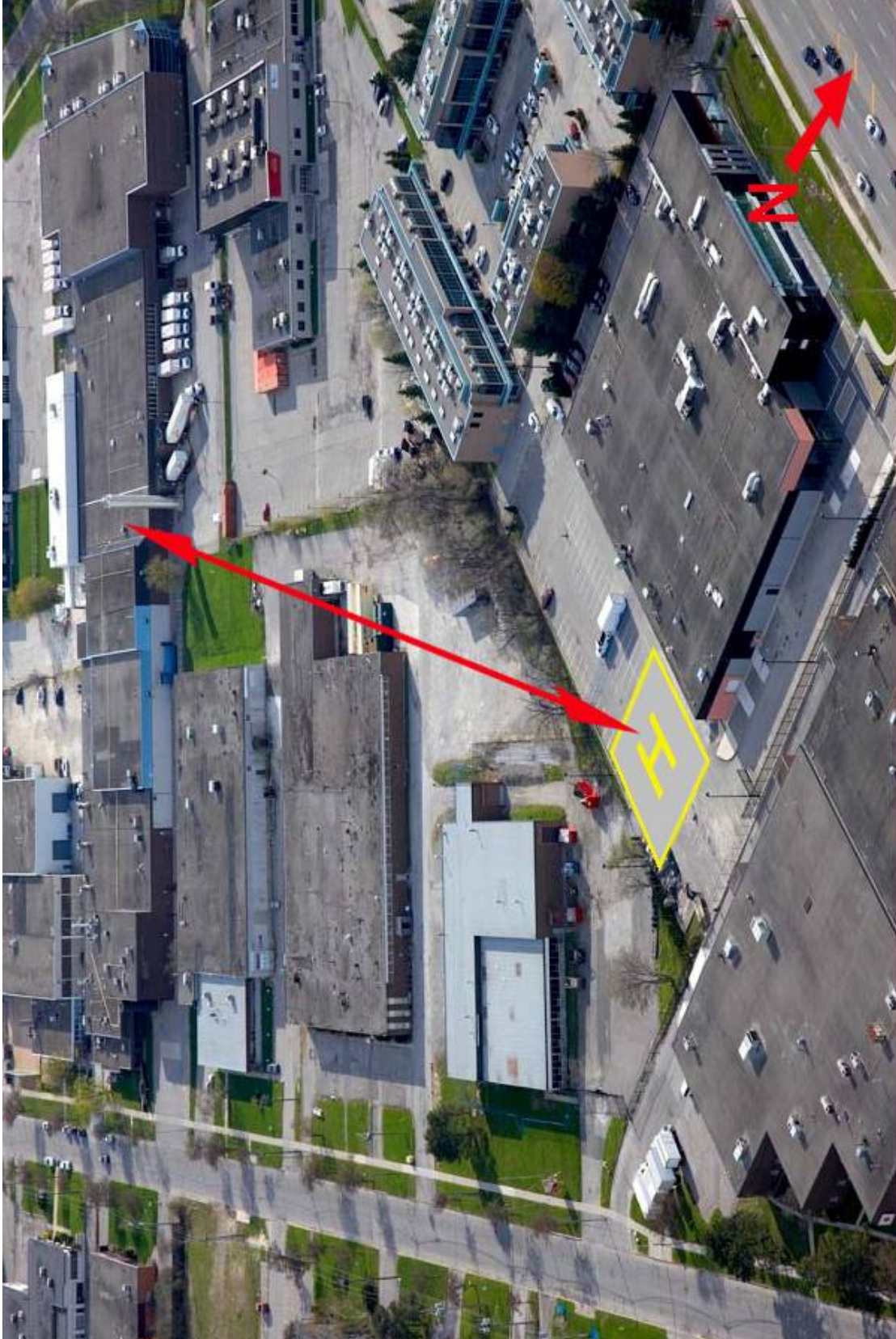


## Attachment 2c: Aerial Photographs – Flight Path





**Attachment 3: Aerial Photograph – Landing Pad Location**



Staff report for action – Preliminary Report - 1325 Lawrence Avenue East and 30 Railside Road15

**Attachment 4a: Heliport Landing Pad Photographs**





**Attachment 4b: Heliport Landing Pad Photographs**



Attachment 5a: Zoning By-law No. 7625



1325 Lawrence Ave. & 30 Railside Rd.  
File # 15 114766 NNY 34 TM

- R4 One-Family Detached Dwelling Fourth Density Zone
- R5 One-Family Detached Dwelling Fifth Density Zone
- RM3 Multiple-Family Dwellings Third Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

- M1 Industrial Zone One
- M2 Industrial Zone Two
- MC Industrial-Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale  
Zoning Bylaw 7625  
Extracted 1/14/2016

# Attachment 5b: Zoning By-law No. 569-2013



## Zoning By-Law No. 569-2013

## 1325 Lawrence Ave. & 30 Ralside Rd.

File # 15 114766 NNY 34 TM

- Location of Application**
- RD Residential Detached
  - RT Residential Townhouse
  - RM Residential Multiple
  - RA Residential Apartment
  - CR Commercial Residential

- EL Employment Light Industrial
- E Employment Industrial
- O Open Space
- ON Open Space Natural
- OR Open Space Recreation
- UT Utility and Transportation

- R4 One-Family Detached Dwelling Fourth Density Zone
- C1 General Commercial Zone
- M1 Industrial Zone One
- MC Industrial-Commercial Zone
- O1 Open Space Zone

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



Not to Scale  
Extracted: 01/15/2016