



STAFF REPORT ACTION REQUIRED

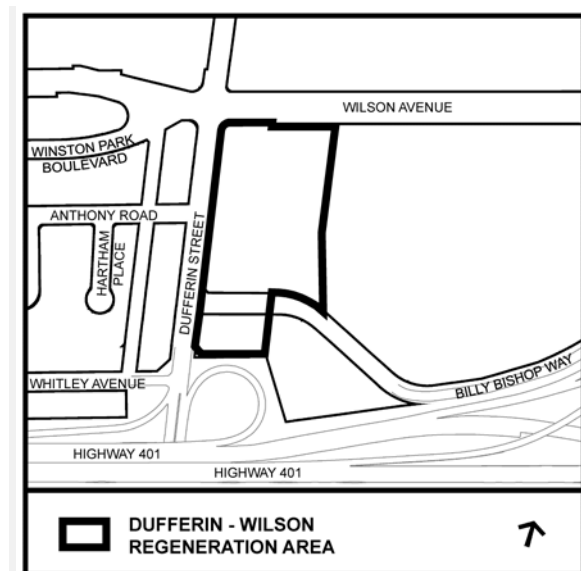
Dufferin Wilson Regeneration Area – Interim Control By-law – Final Report

Date:	January 31, 2017
To:	City Council
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward No. 9
Reference Number:	File No. 14 101834 NPS 00 OZ

SUMMARY

Staff are in the process of completing a Council directed planning study (Dufferin-Wilson Regeneration Area Study) for the area bound by Dufferin Street to the west, Wilson Avenue to the north, the retail centre known as the Downsview Power Centre to the east, Billy Bishop Way and the parcel of land abutting Highway 401 to the south. The study will make recommendations on a planning framework for the Dufferin Wilson Regeneration Area to support future growth in the study area set out in Section 4.7 of the Official Plan for 'Regeneration Areas', and matters set out in Council's adopted Site and Area Specific Policy 388 of OPA 231. The study will also include an assessment of the as-of-right use permissions that exist through the in-force zoning.

This report proposes that an Interim Control By-law be adopted to prohibit new manufacturing, automotive-related and self storage uses for the lands, in particular: car washing establishment, gasoline station, motor vehicle body repair shop and dealership, manufacturing, contractor's establishment, custom workshop, car rental agency, parking lot, public self storage warehouse, retail over 5,000 square metres, service station, transportation terminal and warehouse for a period of one year.



The Dufferin Wilson Regeneration Area Study will include a review of zoning regulations and permitted uses, and an analysis of land use permissions, and bring forward recommendations setting out changes to the land use policies, and zoning and/or recommend uses, that are more complementary to Council's adopted Official Plan vision and the emerging vision for the study area, including the street and block network. This Interim Control By-law will enable City Planning staff an opportunity to complete the Dufferin Wilson Regeneration Area Study currently underway and bring forward recommendations on a planning framework for the Dufferin Wilson Regeneration Area to support future growth in the study area.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Council direct the Chief Planner and Executive Director of the City Planning Division to complete the Regeneration Area Study that is underway pursuant to the requirements for *Regeneration Areas* as set out in OPA 231 for the lands bound by Dufferin Street to the west, Wilson Avenue to the north, the retail centre known as the Downsview Power Centre to the east, Billy Bishop Way and the parcel of land abutting Highway 401 to the south, as identified in Attachment 1 to this report, and in connection with the ongoing study, to complete its review of land use permissions in the Dufferin Wilson Regeneration Area, and to review the zoning regulations and permitted uses that apply to the proposed study area.
2. If it is determined through the Regeneration Area Study that new zoning standards and land use policies are required to reduce land use conflict and to ensure uses are complementary to the vision of the study, Council direct the Chief Planner and Executive Director of the City Planning Division to bring forward new zoning regulations and land use policies for the study area.
3. Pursuant to Section 38 of the Planning Act, City Council enact the Interim Control By-law, for the lands within the Dufferin Wilson Regeneration Area as identified in Attachment 1 (Schedule 1) to this report, from the Chief Planner and Executive Director, City Planning Division, for a period of one year to prohibit the following uses: car washing establishment, gasoline station, motor vehicle body repair shop and dealership, manufacturing, contractor's establishment, custom workshop, car rental agency, parking lot, public self storage warehouse, retail over 5,000 square metres, service station, transportation terminal and warehouse, for the period of one year to study the permitted uses permissions contained within the former City of North York Zoning By-law No. 7625 as they apply to the proposed study area.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the Interim Control By-law Amendment, as may be required.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on December 16-18, 2013, City Council adopted OPA 231 at the conclusion of the Municipal Comprehensive Review of Employment Lands as part of the City's Five Year Official Plan review. OPA 231 brought forward amendments to the Official Plan for economic health and employment lands policies, designations and Site and Area Specific policies. Through the adoption of OPA 231, the lands within the study area were re-designated to *Regeneration Areas* and Site and Area Specific Policy 388 was adopted to provide additional direction for future change on these lands.

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

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

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>
<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

On June 22, 2015 the OMB issued an order partially approving OPA 231. The partial approval brought into effect the *Regeneration Areas* designation for the Dufferin-Wilson study area, with the exception of the lands at 3621 Dufferin Street. The owner of 3621 Dufferin Street has appealed OPA 231, including SASP 388 that applies to 3621 Dufferin Street and the study area lands. SASP 388 remains under appeal before the OMB and is not yet in force.

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

[http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860Signed%20Board%20Order%20\(June%202022%202015\).pdf](http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860Signed%20Board%20Order%20(June%202022%202015).pdf)

Dufferin-Wilson is one of seven areas that were re-designated to *Regeneration Areas* resulting from City Council's adoption of OPA 231. In advance of the Minister's decision on OPA 231, City Planning initiated six of the seven *Regeneration Areas* studies, including Dufferin-Wilson. At its meeting on August 25-28, 2014, City Council received a *Regeneration Areas* Studies Status Report from the Chief Planner. The report summarized work and consultation completed and identified emerging issues for this study. The report also identified matters each *Regeneration Area* would address. This Status Report can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.17>

ISSUE BACKGROUND

City Staff are in the process of completing a Council directed planning study for the area bound by Dufferin Street to the west, Wilson Avenue to the north, the retail centre known as the Downsview Power Centre to the east, Billy Bishop Way and the parcel of land abutting Highway 401 to the south (see Attachment 1 (Schedule 1)).

Official Plan

The lands within the study area are designated *Regeneration Areas*. With the exception of the lands at 3621 Dufferin Street that are designated as *Employment Areas*. *Regeneration Areas* are unique areas of the City that present an opportunity to attract investment, re-use buildings, encourage new construction and bring life to the streets. These areas are key to the Official Plan's population and employment growth strategy and offer the opportunity to reintegrate underutilized areas of the City. The Official Plan states that each *Regeneration Area* requires a tailor-made planning framework to help guide future growth that is informed by community consultation and a detailed planning study. Development should not proceed prior to the approval of a planning framework that is informed by that study.

Lands within the study area are also subject to Site and Area Specific Policies (SASP) 388 which requires that:

- Instead of a Secondary Plan, a Site and Area Specific Policy is required to set out a framework for new development on the lands to address those matters identified in Section 4.7.2 of the Plan and also matters such as the following:
 - a) Land use buffers to appropriately separate residential and sensitive non-residential uses from the abutting Employment Area lands directly to the east and from the Dufferin Street/Highway 401 interchange and Highway 401 to the south.
 - b) The design of any residential uses and buildings containing sensitive non-residential uses to mitigate noise and vibration from the Employment Area lands directly to the east and from the Dufferin Street/Highway 401 interchange and Highway 401 to the south.
 - c) A street and block plan that includes a public street to connect Billy Bishop Way to Wilson Avenue and other appropriate connections; and
 - d) A requirement that development proposing residential units also increase the non-residential gross floor area.

The *Regeneration Areas* Studies Status Report received by City Council in August 28, 2014, identified the following matters that each study should address to ensure a comprehensive planning approach was undertaken:

- Policies to ensure that there is a net gain of employment or employment gross floor area as well as any residential redevelopment;
- A streets and blocks plan;
- A greening strategy and parks and open space plan;
- A public realm improvement strategy to improve streets, sidewalks and boulevards;
- An affordable housing strategy;
- A community services strategy;
- Environmental policies to guide the clean-up of lands and policies for phasing;
- Transportation policies that encourage walking and transit, particularly direct and safe pedestrian routes to rapid transit stations; and
- The scale of development and transition to adjacent areas.

SASP 388 is subject to appeal before the OMB and is not yet in force.

STUDY AREA AND SURROUNDING CONTEXT

The Dufferin-Wilson Regeneration Area study area is generally located on the east side of Dufferin Street, south of Wilson Avenue, north of Billy Bishop Way and west of the retail power centre known as the Downsview Power Centre and is approximately 500-600 metres from the Wilson TTC Subway Station. The study area also includes a parcel of land abutting the Dufferin Street/Highway 401 interchange, fronting onto the east side of Dufferin Street and south of Billy Bishop Way.

The study area comprises approximately 3.64 hectares of lands and includes parcels that are irregular in shape and a rectangular shaped parcel south of Billy Bishop Way. The lot depths range from 50 metres to 120 metres and all lots front onto either Dufferin Street, Wilson Avenue or Billy Bishop Way. Specifically, the lots from north to south comprise of the following:

- vacant lands at 719-725 Wilson Avenue;
- a gas station at the southeast corner of Dufferin Street and Wilson Avenue (3639 Dufferin Street);
- a vacant parcel (3633 Dufferin Street);
- a 5-storey office building (3625 Dufferin Street);
- a primarily vacant parcel at 3621 Dufferin Street being used partially as surface parking for the abutting property at 3625 Dufferin Street. The parcel was previously occupied by the Denison Armoury and used by the Department of National Defense; and,
- a temporary surface parking lot used for an automotive dealership south of Billy Bishop Way and just north of the Dufferin Street/Highway 401 interchange (3501 Dufferin Street).

All the lands in the study area are designated *Regeneration Areas* in the City's Official Plan, with the exception of the lands at 3621 Dufferin Street. City Council's adopted policy direction for the lands at 3621 Dufferin Street is expressed through OPA 231 and mirrors that of the remainder of the study area because it is also designated *Regeneration Areas*. There has been one appeal to OPA 231 and SASP 388 in the area from the owners of 3625 Dufferin Street, H&R Real Estate Investment Trust, who, at the time that this report was written, own 3621 Dufferin Street and use a portion of the latter as a parking lot. They also have a long term lease on 3501 Dufferin Street, which is being used as a temporary parking lot for new automotive vehicles.

Surrounding Context

The area contains a mix of uses including residential, commercial, institutional, retail and light industrial.

North: On the north side of Wilson Avenue are light industrial uses and an automotive dealership; north-east is the Downsview Airport (operated by Bombardier Aerospace).

South: Macdonald-Cartier Freeway (Highway 401) and the Dufferin Street/Highway 401 interchange. Further south, on the east side of Dufferin Street, is Yorkdale Shopping Centre, and on the west side is the Holiday Inn site (3450 Dufferin Street).

East: A retail centre, known as the Downsview Power Centre, which includes a Costco and Best Buy immediately abutting the subject lands, and a Home Depot and other retail, restaurant and service uses. Further to the east is the TTC Wilson Subway Station and William R. Allen Road.

West: Uses to the west of Dufferin Street include a six storey office building (3500 Dufferin Street), semi-detached residential dwellings and commercial uses fronting Dufferin Street. These lands are designated *Mixed Use Areas* and have an *Avenues* overlay in the Official Plan. Immediately to the west of the commercial strip are 3-storey apartment buildings designated *Apartment Neighbourhoods* and low rise residential dwellings designated *Neighbourhoods* (Anthony Road Community). Further to the west along Wilson Avenue are predominantly main street commercial uses with some apartment and townhouse development. Heights along this segment of Wilson Avenue to the CN rail line range between two to five storeys. Many buildings have commercial uses at grade and some residential above. To the north-west of the study area are low rise residential dwellings (Ancaster Community).

Ministry of Transportation Transit-Supportive Guidelines

Ontario's Transit-Supportive Guidelines (OTSG) are based on a collection of transit-friendly land-use planning, urban design and operational best-practices. Their aim is to help urban planners, transit planners, developers and others working in communities of all sizes, in creating an environment that is supportive of public transit and developing services and programs to promote transit ridership.

The OTSP, among other matters, provides direction on the boundaries of 'nodes', which generally reflect a 5 to 10 minute (400-800 metres) walk to a transit system. These nodes are areas where more intense density, use and activity are appropriate and where transit supportive local street and block patterns should be established (Guideline 2.2.1). The OTSG directs that an appropriate transition of use, intensity and scale be provided from higher-density nodes to surrounding areas and where automobile-oriented uses such as drive-throughs, which detract from the character and function of nodes and negatively affect the pedestrian environment, be discouraged. The OTSG notes that detailed secondary or district plans for nodes will guide their development into more transit-supportive places.

As this study area is within 800 metres of a subway transit system, the OTSP would apply.

Zoning

The former City of North York Zoning By-law No. 7625 zones all of the lands within the Dufferin-Wilson Regeneration Area a range of industrial and commercial uses. Most properties are 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. A Holding (H) provision restricts retail stores, personal service shops and office uses to a maximum of 5,000 square metres or 0.5 F.S.I.

There is site specific zoning on 721-725 Wilson Avenue (MC(29)) which ascribes maximum heights of buildings or structures to 4.0 metres (196.0 metres Above Sea Level) to 20 metres (214.0 metres Above Sea Level).

The MC Zone prohibits motor vehicle body repair shops uses on a lot across any street from an R or RM zone, and on all other MC zoned lands, the following is prohibited:

- Abattoir;
- Asphalt plant;
- Auto wrecking yard;
- Dead animal rendering;
- Explosives manufacturing;
- Fertilizer manufacturing;
- High impact energy production;
- Junk yard;
- Medium and high impact chemical manufacturing;
- Metal or mineral smelting or foundry;
- Paint or varnish manufacturing;
- Petrochemical refinery;
- Quarry;
- Tannery; and
- Waste Incinerator.

The easterly portion of the study area is also zoned Airport Hazard Area Zone (A). Section 35.2 of former City of North York By-law No. 7625 deems any land included within an Airport Hazard Area 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 study area 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 entire study area.

Current Development Applications Proposed in the Study Area

A site plan application was received on December 29, 2016 within the proposed study area for a 15,841 square metre public self storage warehouse with 5,440 square metres of retail uses (3621 Dufferin Street, File No. 16-271500 NNY 09 SA).

The applicant was notified via correspondence dated January 27th, 2017 that the application was determined to be incomplete as information required for a fulsome review of the proposal was not provided when the application was submitted to the City. An initial zoning review of the proposal has also determined that, as presently submitted, the proposal would require a Zoning By-law Amendment application to lift the 'H', as the proposal includes a retail component of 5,440 square metres, which is in excess of the threshold permitted in the by-law. The Holding (H) provision in the in-force zoning restricts retail stores, personal service shops and office uses to a maximum of 5,000 square metres or 0.5 F.S.I. An application to lift the Hold for the retail portion of the building has not been submitted by the applicant.

There are also inactive development applications within the study area at 3621 Dufferin Street for an 11-storey residential building, 186 townhouse units, a park and public road, submitted by

the Canada Lands Corporation. This site was sold to H&R Real Estate Investment Trust, a private sector landowner within the study area boundary. A Notice of Impending File Closure was issued to the landowner on file, on January 13, 2017 (see File No. 11-259406 09 NNY 09 OZ & 11-259417 09 SB)

To date, there has not been any application submitted to the City for any building permits and specifically for the proposed public self-storage warehouse and retail use at 3621 Dufferin Street.

COMMENTS

The Dufferin-Wilson Regeneration Area study will make recommendations on a planning framework to support future growth in the study area and will include recommendations on land use permissions. The appropriate range of complementary land uses are key issues to be examined through the Dufferin Wilson Regeneration Area study.

The emerging vision for the study area includes a road and block plan and mix of uses including residential, as well as appropriate land use buffers and mitigation measures. The study website can be accessed at this link:

www.toronto.ca/dufferin-wilsonstudy

As noted above, the former City of North York Zoning By-law No. 7625 zones most of the lands within the Dufferin-Wilson Regeneration Area 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. A Holding (H) provision restricts retail stores, personal service shops and office uses to a maximum of 5,000 square metres or 0.5 F.S.I. Several uses permitted under this zoning, such as manufacturing, motor vehicle body repair shop, car washing establishment, retail uses and the limitations regarding their size, public self storage warehouse, warehouse and transportation terminal, may not be compatible or complementary with the emerging vision for the Dufferin Wilson Regeneration Area.

The proposed Interim Control By-law contained in Attachment 1 applying to lands in the study area would prohibit for a period of one year new manufacturing, automotive-related and self storage uses for the lands, such as car rental agency, car washing establishments, gasoline stations, parking lots, motor vehicle repair shops and dealerships, public self storage warehouse, retail over 5,000 square metres, service stations, transportation terminals and warehouses.

The Dufferin Wilson Regeneration study area comprises approximately 3.64 hectares of lands. The property at 3621 Dufferin Street is centrally located within the study area and measures approximately 1.7 hectares, or 47% of the study area. Development of the lands at 3621 Dufferin Street, as proposed in the site plan application, including the proposed use and building footprint, would impact the emerging area transportation network, which has been presented to the community and stakeholders throughout the study process. The proposed self-storage land use may also be incompatible with the emerging land use vision for the study area.

City staff anticipate the final report for the Dufferin Wilson Regeneration Area Study, including the policy framework and draft urban design guidelines, will be reported in the second quarter of 2017. The final report may include recommendations such as: amendments to the City's Official

Plan, area specific Urban Design Guidelines and other area specific planning restrictions and/or requirements.

City staff also anticipate that the Interim Control By-law study on land use permissions, which may include amendments to the Zoning By-law affecting all or part of the lands in the Study Area, and final Urban Design Guidelines will be reported in the third quarter of 2017.

CONCLUSION

It is recommended that Council enact the attached proposed Interim Control By-law for the area set out in Attachment 1 to this report to prohibit new manufacturing, automotive-related and self storage uses for the lands, in particular: car washing establishment, gasoline station, motor vehicle body repair shop and dealership, manufacturing, contractor's establishment, custom workshop, car rental agency, parking lot, public self storage warehouse, retail over 5,000 square metres, service station, transportation terminal and warehouse, for the period of one year.

The Dufferin Wilson Regeneration Area Study will include a review of zoning regulations and permitted uses, and an analysis of land use permissions, and bring forward recommendations setting out changes to the land use policies, and zoning and/or recommend uses, that are more complementary to Council's adopted Official Plan vision, the emerging vision for the study area, including the street and block network. This Interim Control By-law will enable City Planning staff an opportunity to complete the Dufferin Wilson Regeneration Area Study currently underway and bring forward recommendations on a planning framework for the Dufferin Wilson Regeneration Area to support future growth in the study area.

CONTACT

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SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Draft Interim Control By-law

Authority: PG28.2, as adopted by City of Toronto Council on December 16, 17, and 18, 2013, and MM24.____, by Councillor _____, seconded by Councillor _____ as adopted by City of Toronto Council on January 31, February 1 and 2, 2017

CITY OF TORONTO

Bill

BY-LAW -2017

To effect interim control for lands bounded generally on the east side of Dufferin Street, immediately south of Wilson Avenue, and south of Billy Bishop Way and Highway 401, as detailed in Schedule "1" to this By-law.

Whereas Council of the City of Toronto has, by adopting PG28.2 at its meeting of December 16, 17, and 18, 2013, and by adopting MM24.____ at its meeting of January 31, February 1 and 2, 2017, directed that a study be undertaken reviewing land use permissions for the lands identified in Schedule "1" to this By-law; and

Whereas authority is given to Council by Section 38 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass an Interim Control By-law for a period of time not exceeding one year from the date of passage of the By-law for such purposes as set out in the By-law;

The Council of the City of Toronto enacts:

1. For the lands within the Dufferin Wilson Regeneration Area shown within the heavy lines on the attached Schedule '1' to this By-law, for a period of one year the following uses shall be prohibited: car washing establishment, gasoline station, motor vehicle body repair shop and dealership, manufacturing, contractor's establishment, custom workshop, car rental agency, parking lot, public self-storage warehouse, retail over 5,000 square metres, service station, transportation terminal and warehouse.
2. This By-law shall expire one year from the date of enactment by City Council.

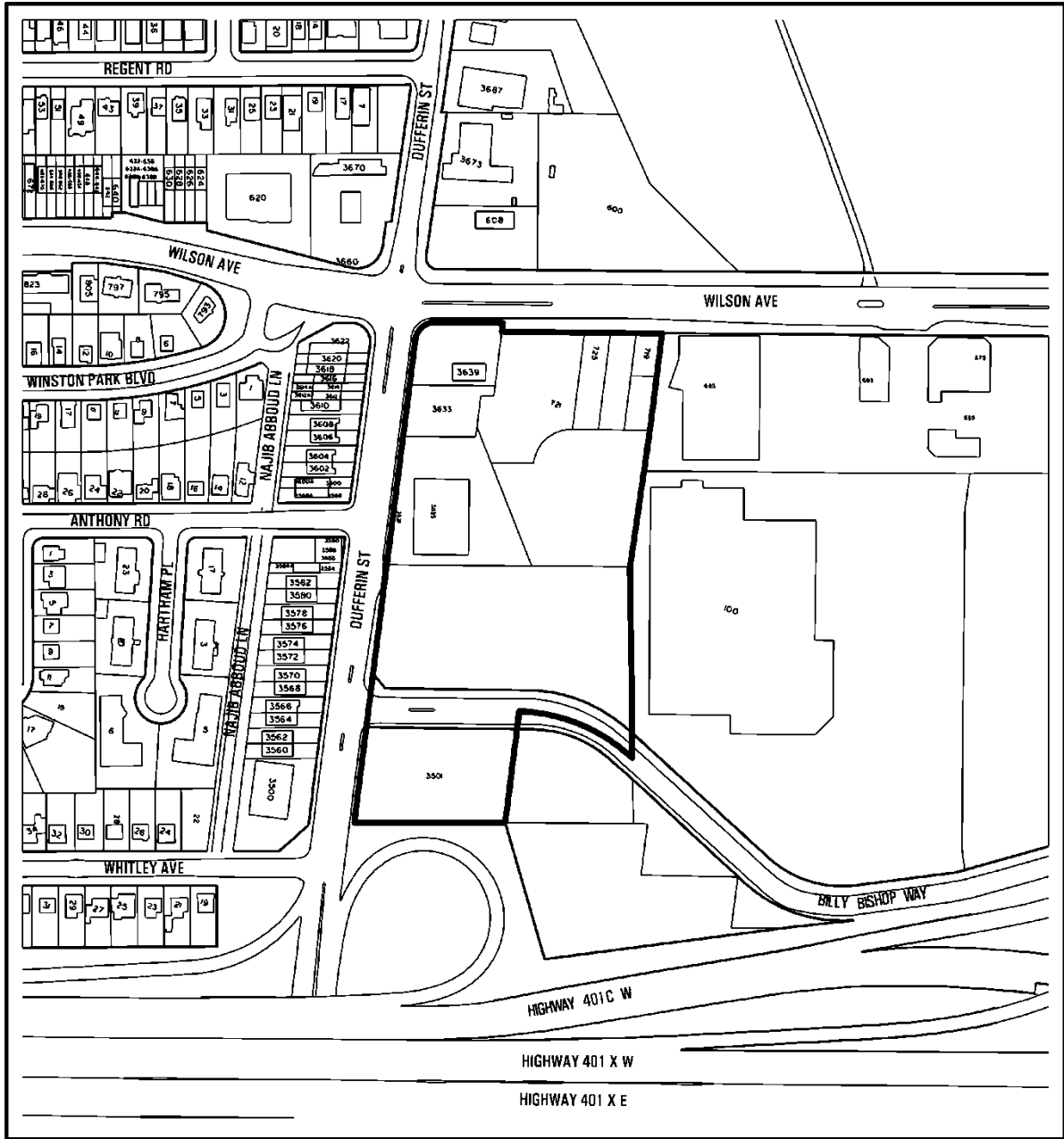
Enacted and passed on _____, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)


SCHEDULE "1"



TORONTO
 Zoning By-Law Amendment

Dufferin - Wilson Area Study
 File # 14 101834 NPS 00 0Z

 Area affected by this By-law


 Not to Scale
 Extracted 01/28/2017