



REPORT FOR ACTION

3501, 3621, 3625, 3633, 3639 Dufferin Street and 719, 721, 725 Wilson Avenue – City Initiated Zoning By-law Amendment and Results of Interim Control By-law Study – Final Report

Date: June 15, 2018

To: Planning and Growth Management Committee

From: Chief Planner and Executive Director, City Planning

Wards: Ward 9 – York Centre

SUMMARY

This report summarises the results of an Interim Control By-law Study and recommends amendments to the former City of North York and the City of Toronto Zoning By-laws for lands at 3501, 3621, 3625, 3633, 3639 Dufferin Street and 719, 721, 725 Wilson Avenue to remove permission for certain automobile related, manufacturing, parking and self storage uses from the lands. An interim control by-law was enacted on these lands to prohibit certain land uses pending completion of the Dufferin-Wilson Regeneration Area Study. The Interim Control By-law expires on January 31, 2019.

The Dufferin-Wilson Regeneration Area Study was completed and reported to City Council on November 7, 8, and 9th, 2017 and resulted in a planning framework for the Study area to support future growth as set out in Section 4.7 of the Official Plan for *Regeneration Areas*, and in Council's adopted Site and Area Specific Policy (SASP) 388 of Official Plan Amendment (OPA) 231.

The proposed Zoning By-law Amendments for the Study area removes zoning permissions for manufacturing, automotive-related and self storage uses for the study area lands, and in particular: car washing establishment, gasoline station, motor vehicle body repair shop and dealership, manufacturing, contractor's establishment, custom workshop, car rental agency with surface parking, parking lot, public self-storage warehouse, individual retail establishments over 5,000 square metres, service station, transportation terminal and warehouse uses. These permissions were temporarily suspended through the enactment of Interim Control By-law #63-2017 on January 31, 2017, and Extension of Interim Control By-law #1347-2017 on December 5, 2017.

These permissions are considered incompatible with the City Council approved vision for the Study area outlined in Official Plan Amendment No. 362. The City Council approved vision for the study area will unlock these underutilized lands for a mix of transit supportive land uses and public realm improvements. The Study area lands were redesignated *Mixed Use Areas* north of Billy Bishop Way and *General Employment Areas* south of Billy Bishop Way.

The vision will introduce new green spaces, an improved public realm, and new pedestrian and road connections will establish the foundation for the development of a new and complete community with enhanced cycling and pedestrian connections and access to local businesses, recreation and transit options.

The amendments to the Zoning By-laws discussed in this report are consistent with the results of the regeneration study and City Council approved Official Plan Amendment No. 362. The land uses proposed to be removed are low intensity automobile and manufacturing related uses and large floor plate retail that conflict with the City Council approved vision for the lands which promotes compact, transit supportive development.

The proposed zoning by-law amendment is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

This report reviews and recommends approval of the City initiated application to amend the Zoning By-laws.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning, recommends that:

1. City Council amend former City of North York Zoning By-law #7625, for the lands bounded 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, known Municipally as 3501, 3621, 3625, 3633, 3639 Dufferin Street and 719, 721, 725 Wilson Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to report dated June 15, 2018.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments 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.

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>

Planning Study and Interim Control By-laws

At its meeting of January 31, 2017, Toronto City Council directed City Planning staff to complete the Regeneration Area Study that had been initiated as per the requirements for *Regeneration Areas* set out in OPA No. 231 for the lands bounded 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, and in connection with the study, to complete the review of the zoning regulations and permitted uses in the Dufferin Wilson Regeneration Area.

At the same meeting, City Council enacted Interim Control By-law 63-2017 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 a period of one year to study the land use permissions contained within the former City of North York Zoning By-law No. 7625 as they apply to the study area.

City Council's decision can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM24.40>

On December 5, 2017, City Council approved a one-year extension of the Interim Control By-law for the Dufferin-Wilson Study area to enable completion of the review and assessment of the zoning permissions and to ensure their compatibility with the Council approved planning framework for the Dufferin-Wilson Regeneration Area Study. The Interim Control Extension By-law #1347-2017 expires on January 31, 2019.

The Council decision and staff report is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM35.43>

The Dufferin-Wilson Regeneration Area Study and Official Plan Amendment (OPA) 362 was adopted by City Council on November 7, 8, and 9 2017.

The Council decision and staff reports are available at:

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

Ontario Municipal Board Appeal

On November 24, 2017 Official Plan Amendment #362 was appealed to the Ontario Municipal Board by Davies Howe LLP, solicitors acting on behalf of owners of lands located within the Dufferin-Wilson Study Area at 725 Wilson Avenue.

On April 11, 2017 the Interim Control By-law 63-2017 was appealed to the Ontario Municipal Board (OMB) by McCarthy Tetrault LLP and Aird and Berlis LLP, solicitors acting on behalf of the owners and parties with an interest in 3621 Dufferin Street.

On February 5, 2018 the solicitors for 3621 Dufferin Street also appealed the Extension of the Interim Control By-law (By-law 1347-2017) to the Ontario Municipal Board.

On May 29, 2017, Site Plan Application No. 16-271500 NNY 09 SA (discussed below) was appealed to the OMB by McCarthy Tetrault LLP, solicitors acting on behalf of the owner of 3621 Dufferin Street, citing the City's failure to make a decision within the prescribed timeframe of the *Planning Act*.

To date the appeals have not been scheduled to be heard by the Local Planning Appeal Tribunal.

Current Development Applications within the Study Area

An application for site plan approval was received on December 29, 2016 for the lands at 3621 Dufferin Street within the study area for a 15,841 square metre public self storage warehouse with 5,440 square metres of retail uses (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.

Subsequently, prior to City Council approval of Official Plan Amendment No. 362 and as per City Council's direction, Planning Staff and representatives of Dymon Investments Limited (3621 Dufferin Street) arrived at an agreement, that allows for the introduction of self storage uses upon the lands at 3621 Dufferin Street when combined with residential and/or office uses within a mixed-use building. Amongst other issues, it was agreed that a revised site plan and a Zoning By-law Amendment application would be submitted to the City by the applicant for Dymon Investments at 3621 Dufferin Street.

A revised site plan application and a Zoning By-law Amendment application (File # 17 280210 NNY 09 OZ) for a 10-storey mixed-use development incorporating 166 residential units, ground floor retail, 2nd floor office, and self-storage uses, with 553 parking spaces and 161 bicycle parking spaces in a 3-storey below grade garage, was

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submitted to the City on December 29, 2017 and is currently under review. The applicant was notified on January 21, 2018 that the application was determined to be incomplete as information required for a fulsome review of the zoning amendment application was not provided with the submission. The applicant subsequently submitted the required information and revised plans on April 27, 2018, and it was determined to be complete on June 1, 2018.

On May 10, 2018 an application for Draft Plan of Subdivision (File # 18 156478 NNY 09 SB) was received by the City proposing to create a new public park and north-south public street required to service the proposed mixed-use development at 3621 Dufferin Street, referenced above. A notice of complete application for the Draft Plan of Subdivision application was issued on May 25, 2018.

At the northern edge of the Study area lands an application for site plan approval is presently being reviewed by the City for a three-storey commercial development at 719-725 Wilson Avenue (File No 17-135535 NNY 09 SA).

There are also inactive development applications previously filed for the lands at 3621 Dufferin Street which proposed an 11-storey residential building, 186 townhouse units, a park and public road. A Notice of Impending File Closure was issued to the landowner on file, on January 13, 2017 (File Nos. 11-259406 09 NNY 09 OZ & 11-259417 NNY 09 SB). These files have since been closed.

ISSUE BACKGROUND

Study Area subject to Interim Control By-law

The Dufferin-Wilson Regeneration Area is 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 west of 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 is approximately 3.64 hectares in area and includes lands comprised of the following uses:

- vacant lands at 719-725 Wilson Avenue for which a site plan application is presently being reviewed proposing a three storey commercial development (File # 17 135535 NNY 09 SA);
- a gas station at the southeast corner of Dufferin Street and Wilson Avenue (3639 Dufferin Street);
- a vacant parcel at 3633 Dufferin Street;
- a five storey office building (3625 Dufferin Street);
- a vacant parcel at 3621 Dufferin Street used partially as surface parking for the abutting property at 3625 Dufferin Street, for which rezoning, subdivision, and site plan applications are currently being reviewed for a 10 storey mixed use

development (File # 17 280210 NNY 09 OZ, File # 18 156478 NNY 09 SB, and File # 16 271500 NNY 09 SA); 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 were designated *Regeneration Areas* in the City's Official Plan following City Council's adoption of OPA No. 231. As a result of City Council's adoption of OPA No. 362 on November 7, 8, and 9th 2017 lands within the study area at 3621, 3625, 3633 and 3639 Dufferin Street and 719, 721 and 725 Wilson Avenue were redesignated to *Mixed Use Areas*, and lands at 3501 Dufferin Street were redesignated as *General Employment Areas*. A minimum of 3 metres along the easterly portion of the study area lands at 3621 Dufferin Street and 719-725 Wilson Avenue were redesignated to *Parks and Open Space*.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space;
- Transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial, policy-led, planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed City-initiated Zoning By-law Amendment for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

This City-initiated Zoning By-law Amendment has been reviewed against the policies of the City of Toronto Official Plan, and City Council adopted Official Plan Amendment No. 362 as outlined below.

In 2013, Official Plan Amendment #231 to the Official Plan for the City of Toronto redesignated the Dufferin-Wilson Study area as a *Regeneration Area* and introduced Site and Area Specific Policies to guide future development. *Regeneration Areas* open up unique areas of the City to a wide array of uses to help attract investment, re-use of buildings, encourage new construction and bring life to the streets.

These areas are key to the Official Plan's growth strategy, reintegrating areas of the City that are no longer in productive urban use due to shifts in the local or global economies. In *Regeneration Areas*, commercial, residential, live/work, institutional and light industrial uses can be mixed within the same block or even the same building.

As outlined in Section 4.7.1 of the Official Plan, *Regeneration Areas* will provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form to:

- a) Revitalize areas of the City that are largely vacant or underused;
- b) Create new jobs and homes that use existing roads, transit, sewers, social services and other infrastructure and create and sustain well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) Restore, re-use and retain existing buildings that are economically adaptable for re-use, particularly heritage buildings and structures, through the use of incentives;
- d) Achieve streetscape improvements and the extension of the open space network;
and
- e) Promote the environmental clean-up and re-use of contaminated lands.

As a result of City Council's adoption of OPA No. 362 on November 7, 8, and 9th, 2017 lands within the study area (3621, 3625, 3633 and 3639 Dufferin Street and 719, 721 and 725 Wilson Avenue) were redesignated to *Mixed Use Areas*, and lands at 3501 Dufferin Street were redesignated as *General Employment Areas*. A minimum of 3 metres along the easterly portion of the study lands at 3621 Dufferin Street and 719-725 Wilson Avenue were redesignated to *Parks and Open Space*.

Mixed Use Areas are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale.

City Council's adoption of OPA No. 362 allows the presently underutilized subject lands to be redeveloped with a mix of transit supportive development, new parks and green spaces, an improved public realm and new pedestrian and road connections that will establish the foundation for a new and complete community.

OPA No. 362 provides a planning framework for the subject lands that establishes the foundation for a new mixed use community, with a mixture of land uses, pedestrian and cycling connections to transit, and an enhanced open space and public realm that will make the subject lands attractive and a desirable place to live, work and do business. Development applications that are presently with the City for review are expected to create the first buildings on the subject lands that will bring the City Council approved planning framework into reality.

Official Plan Amendment #231 to the Official Plan for the City of Toronto as well as Site and Area Specific Policy #388 as they apply to the Dufferin Wilson Study area lands are not yet in force as they have been appealed to the Local Planning Appeal Tribunal (LPAT), previously known as the Ontario Municipal Board (OMB).

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The Dufferin-Wilson Regeneration Area Study and Official Plan Amendment (OPA) 362 was adopted by City Council on November 7, 8, and 9th, 2017. The Council decision and staff reports can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.6>

On November 24, 2017 Official Plan Amendment #362 was appealed to the Local Planning Appeal Tribunal (LPAT), formerly known as the Ontario Municipal Board, by Davies Howe LLP, solicitors acting on behalf of owners of lands located within the Dufferin-Wilson Study Area at 725 Wilson Avenue.

Zoning

Under the former City of North York Zoning By-law #7625, the majority of the study area lands are zoned MC(H), Industrial-Commercial Zone, which permits a variety of

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manufacturing, commercial and retail uses, including self-storage warehouses and motor vehicle dealerships and related uses, and allows for a maximum floor space index (FSI) of 1.0 times the lot area. The Holding (H) provision restricts retail stores, personal service shops and office uses to a maximum of 5,000 square metres or 0.5 F.S.I.

A portion of the study area lands along the Wilson Avenue frontage at 719-725 Wilson Avenue are zoned MC(29)(H), which in addition to the permitted uses described above, adds a height restriction of 15 metres to that portion of the site.

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

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

The Study area lands are not subject to City of Toronto By-law # 569-2013.

Toronto City Council's enactment of Interim Control By-law 63-2017 on January 31, 2017, and Extension of Interim Control By-law 1347-2017 on December 5, 2017, temporarily removed zoning permissions for manufacturing, automotive-related and self storage uses for the study area lands, and 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 uses.

COMMENTS

Community Consultation

Through the Dufferin-Wilson Regeneration Area Study several meetings were held with the surrounding residential community, the Wilson Village Business Improvement Association, affected landowners and local stakeholders.

The community has strongly demonstrated its support for the vision outlined for the Study Area lands and has continued to voice its support for moving forward on implementation, at community consultation meetings held for the mixed use proposal at 3621 Dufferin Street, as well as recently at a community meeting held on May 28, 2018,

to discuss the City Initiated Zoning By-law Amendment which is the subject of this report.

There was strong support for amending the Zoning By-laws to ensure the vision for the Dufferin-Wilson Area is able to be realized. There was a general consensus within the community that automobile related uses, transportation and manufacturing type uses are not compatible with the City Council adopted vision for the lands.

It was suggested at the May 28, 2018 Community Meeting that perhaps additional use permissions should also be removed, such as funeral establishment, golf course(s), industrial sales and service and place of worship. Discussions also outlined a concern that land uses, such as car rental agency, should perhaps continue to be permitted to ensure future economic opportunity and vitality for the lands.

Discussions held with affected landowners on June 4, 2018 indicated concern that other than automobile related uses and transportation terminal activities, removing too broad a range of zoning permissions would hamper the opportunity for future economic success and vitality, particularly as some of the uses temporarily removed through the Interim Control By-law, such as car-washing establishment, contractor's establishment, custom workshop, car rental agency and parking lot could be operated for instance, within the proposed mixed use building at 3621 Dufferin Street, with little or no impact to the broader community or to the implementation of the City Council approved vision for the lands.

Representatives of affected landowners have also indicated concern that the proposed restriction of retail over 5,000 square metres be restricted to individual and stand alone retail stores and not aggregately. It was also pointed out that rather than remove existing uses from the Zoning By-laws the City could bring forward Zoning By-laws that would reflect the mixed-use vision of City Council approved OPA 362 for the lands.

Land Use

The City Council approved vision for the Dufferin-Wilson Study area encourages transit supportive development that allows for a balance of land uses that will attract new economic opportunities and encourage new residential and commercial uses necessary to create and sustain a vibrant new community. Encouraging compact, mixed use development, that is pedestrian and transit oriented will also provide for the employment and people targets of a minimum of 200 jobs and/or people per hectare as outlined in OPA #362. This will bring new residential and economic opportunities to the Study area lands that will invigorate the community.

While the Dufferin-Wilson Regeneration Study was underway, City Council adopted Interim Control By-law #63-2017 and Extension of Interim Control By-law #1347-2017, which prohibited a range of uses considered incompatible with the emerging vision for the area.

The uses proposed to be removed were identified in the City Council approved Interim Control By-law 63-2017, and City Council approved extension of the Interim

Control By-law #1347-2017, which expires on January 31, 2019, for both of which public notice was given.

Some of the additional uses suggested to be retained, such as a car rental agency, could operate on the Study area lands provided that automobile storage was maintained elsewhere, and could demonstrate that the use was not land consumptive or overly dependent on related automotive uses or parking. Restricting individual retail units over 5,000 square metres is also consistent with the vision to limit big-box retail outlets which are overly dependent on parking availability. This is consistent with the vision of OPA #362.

To support compact, transit supportive development and encourage future development applications that reflect Council's vision, it is appropriate to permanently remove the uses considered incompatible from the Zoning By-laws.

The uses recommended to be removed include: car washing establishment, gasoline station, motor vehicle body repair shop and dealership, manufacturing, contractor's establishment, custom workshop, car rental agency with surface parking, parking lot, public self-storage warehouse, individual retail establishments over 5,000 square metres, service station, transportation terminal and warehouse uses.

Automobile oriented uses, manufacturing and big box type retail over 5,000 square metres are not considered the type of uses that will encourage and support the desired compact, transit supportive and mixed use neighbourhood intended for the study area. Automobile oriented uses in particular tend to be low intensity, non-pedestrian focused activities that generally require significant surface parking and discourage transit use.

Removing these incompatible uses will ensure that as the Study Area lands transition to the range of future uses as outlined in OPA No. 362, potential land use conflicts are avoided and City Council's vision for the area is realized. Existing uses which will no longer be permitted by this City Initiated Zoning By-law Amendment, such as the gasoline station located at the north-west corner of the Study Area lands will be permitted to continue as a legal non-conforming use, until such time as they cease operation and the lands are redeveloped consistent with the mixed-use vision of OPA No. 362.

There is a wide range of as-of-right use zoning permissions remaining on the Study Area lands including offices and small scale retail that provide the opportunity to utilize the lands within a mixed-use, transit oriented neighbourhood as envisioned by OPA No. 362. For example, with the proposal at 719, 721 and 725 Wilson Avenue which utilizes as of right commercial and retail uses. As outlined in OPA No. 362, future zoning amendment applications for the lands will be the appropriate process to evaluate if proposed development and additional uses such as residential are compatible with the mixed use vision for the lands as is demonstrated by the zoning amendment application for a mixed-use development, including residential, retail, office and self-storage uses at 3621 Dufferin Street, presently under review.

Provincial Policy Statement and Provincial Plans

The proposed City-initiated zoning by-law amendment has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposed zoning By-law amendment has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

One of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, the PPS contains a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well-served by public transit.

The proposed City-initiated zoning By-law amendment subject of this report supports the Provincial Policy Statement polices, particularly in the following:

Section 1.1 of the PPS focuses on "Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns". Policy 1.1.1 describes how healthy, livable and safe communities are sustained;

Policy 1.1.1.a requires that efficient development and land use patterns be promoted which sustains the financial well-being of the Province and municipalities over the long term;

Policy 1.1.1.b requires an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long term needs;

Policy 1.1.1.c requires the avoidance of development and land use patterns which may cause environmental or public health and safety concerns;

Policy 1.1.1.e promotes cost-effective development patterns and standards to minimize land consumption and servicing costs; and

Policy 1.1.1.h promotes development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

The proposed City-initiated Zoning By-law amendment will remove uses not considered compatible with the vision expressed in OPA #362, allowing a mix of uses to be introduced that are compatible to each other, and efficiently utilize the lands for safe pedestrian and transit oriented development.

Section 1.2.6 of the PPS focuses on "Land Use Compatibility". Policy 1.2.6.1 requires land uses to be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. The proposed City-initiated Zoning By-law amendment will remove manufacturing and automobile related uses in order to allow for the future introduction of residential uses in this planned Mixed Use area.

Section 1.6 of the PPS focuses on "Infrastructure and Public Service Facilities".

Policy 1.6.7.4 requires the promotion of land use patterns, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

The proposed City-initiated Zoning By-law amendment will remove manufacturing and automobile related uses that are land intensive and traffic generators and encourage future economic activities within a mixed use area that will be pedestrian and transit oriented.

Section 1.8 of the PPS focuses on "Energy Conservation, Air Quality and Climate Change". Policy 1.8.1 requires that planning authorities support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit; and
- e) Improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.

The proposed City-initiated Zoning By-law amendment will remove manufacturing and automobile related uses that do not support a compact, transit and pedestrian oriented mixed use area.

The proposed City Initiated Zoning By-law amendment which is the subject of this report promotes the Vision outlined in OPA #362 by ensuring the opportunity for future development of a mixed-use community on the Study area lands. Limiting the permissions of the Zoning By-law restricts the opportunity that incompatible manufacturing that could generate unsafe traffic, emit noxious odours or noise could be proposed for the Study area lands. Similarly, automotive related uses, transportation terminals or individual large box retail units over 5,000 square metres which generate expansive land needs and traffic congestion could otherwise be proposed as they are "as-of-right" under the present Zoning By-law.

Removing the Zoning permissions proposed by this City-initiated Zoning By-law amendment would support the conditions for a mixed use community to take root, offering new economic and employment opportunities along with a mixture of residential uses that would support safe, active pedestrian movement, and support and encourage transit use. This would create the conditions to encourage a mixed use and vibrant new community that would create connectivity throughout the area.

Growth Plan for the Greater Golden Horseshoe (GGH)

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. The plan is about accommodating forecasted growth in "complete communities", designed to "meet people's needs for daily living through an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities and a full range of housing to accommodate a range of incomes and household sizes".

Policy 2.2.1.1 of the Growth Plan provides that population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the Greater Golden Horseshoe (GGH) to the horizon of the Plan. The proposed City initiated Zoning By-law Amendment will remove manufacturing and automobile related uses in order to promote a diversified economic base, residential development and compact built form.

Policy 2.2.1.2 provides that forecasted growth be directed to settlement areas, where it will be focused in the delineated built-up areas, locations with existing or planned transit, with a priority on higher order transit where it exists or is planned, and areas with existing or planned public service facilities.

The proposed City initiated Zoning By-law amendment supports the Growth Plan's growth allocation directive by focusing new compatible growth through intensification in close proximity to Higher Order Transit.

Policy 2.2.4.10 states that lands adjacent to or near existing and planned frequent transit should be planned to be transit-supportive of active transportation and a range and mix of uses and activities. The proposed City initiated Zoning By-law amendment will remove as of right zoning permissions that are considered too land consumptive and automobile dependent.

Staff have determined that the proposed Zoning By-law amendment is supportive, compatible and consistent with the long-term objectives of the Provincial Policy Statement and the Growth Plan.

Conclusion

The recommended Zoning By-law Amendment permanently removes certain non-compatible uses from the list of permitted uses in the zoning for the Dufferin-Wilson Study Area. Removing these non-compatible uses is supportive and consistent with the City Council adopted vision for the Dufferin-Wilson Regeneration Area Study as outlined in Official Plan Amendment No. 362.

The use permissions to be removed are as follows: car washing establishment, gasoline station, motor vehicle body repair shop and dealership, manufacturing, contractor's establishment, custom workshop, car rental agency with surface parking, parking lot, public self-storage warehouse, individual retail over 5,000 square metres, service station, transportation terminal and warehouse uses.

The proposed zoning has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff are of the opinion that the proposed City-initiated Zoning By-law amendment is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposed zoning is

in keeping with the intent of the Toronto Official Plan, particularly as it relates to creating a planning framework that supports future growth as set out in Section 4.7 of the Official Plan for *Regeneration Areas*.

CONTACT

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SIGNATURE

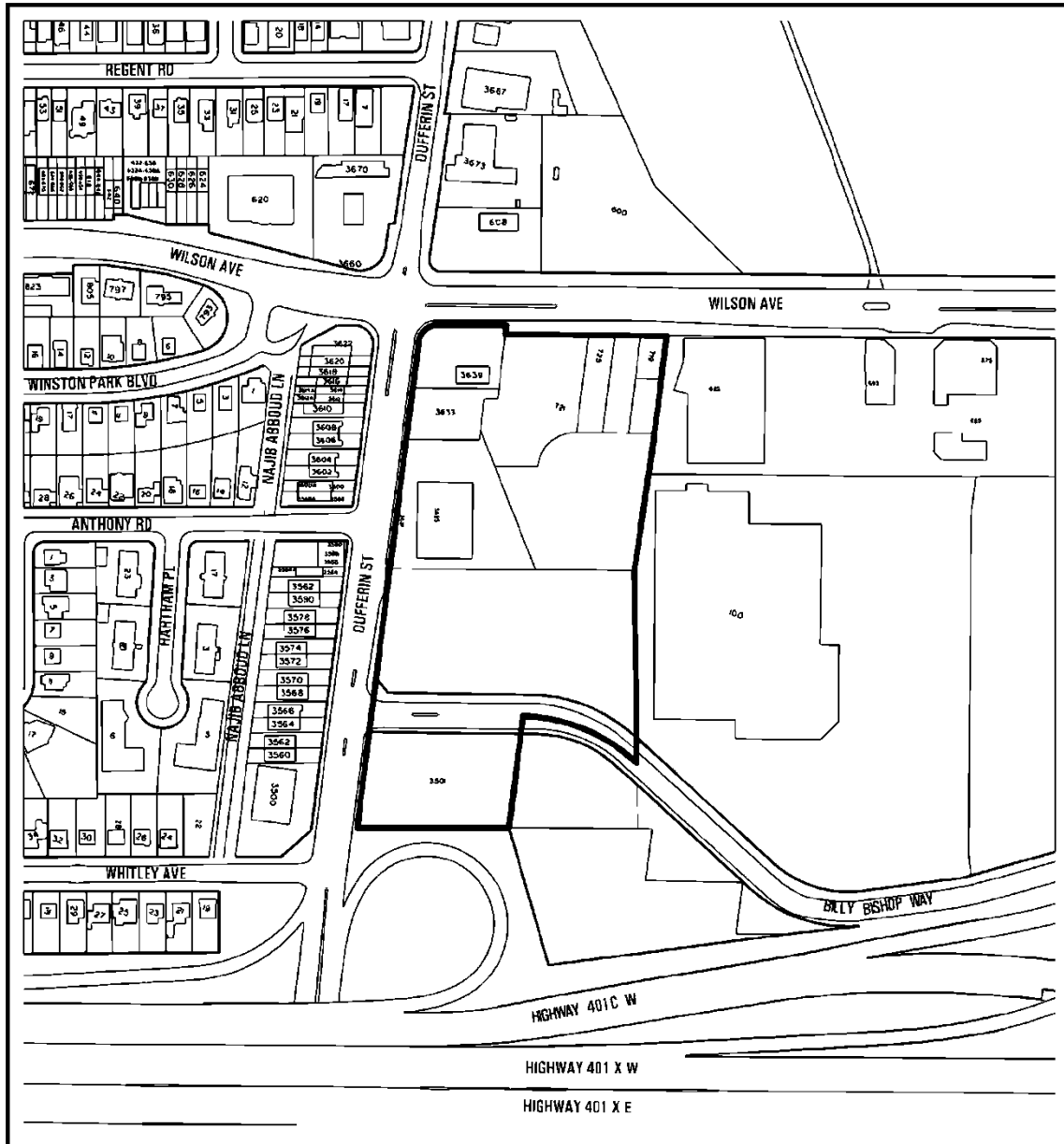
Gregg Lintern MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Boundary of the Dufferin Wilson Regeneration Area Study
Attachment 2: Official Plan Amendment 362 – Revision to Land Use Map 16
Attachment 3: Zoning Bylaw #7625 for the former City of North York
Attachment 4: Draft Zoning By-Law Amendment (By-law #7625)

Attachment 1: Boundary of the Dufferin Wilson Regeneration Area Study




Zoning By-Law Amendment

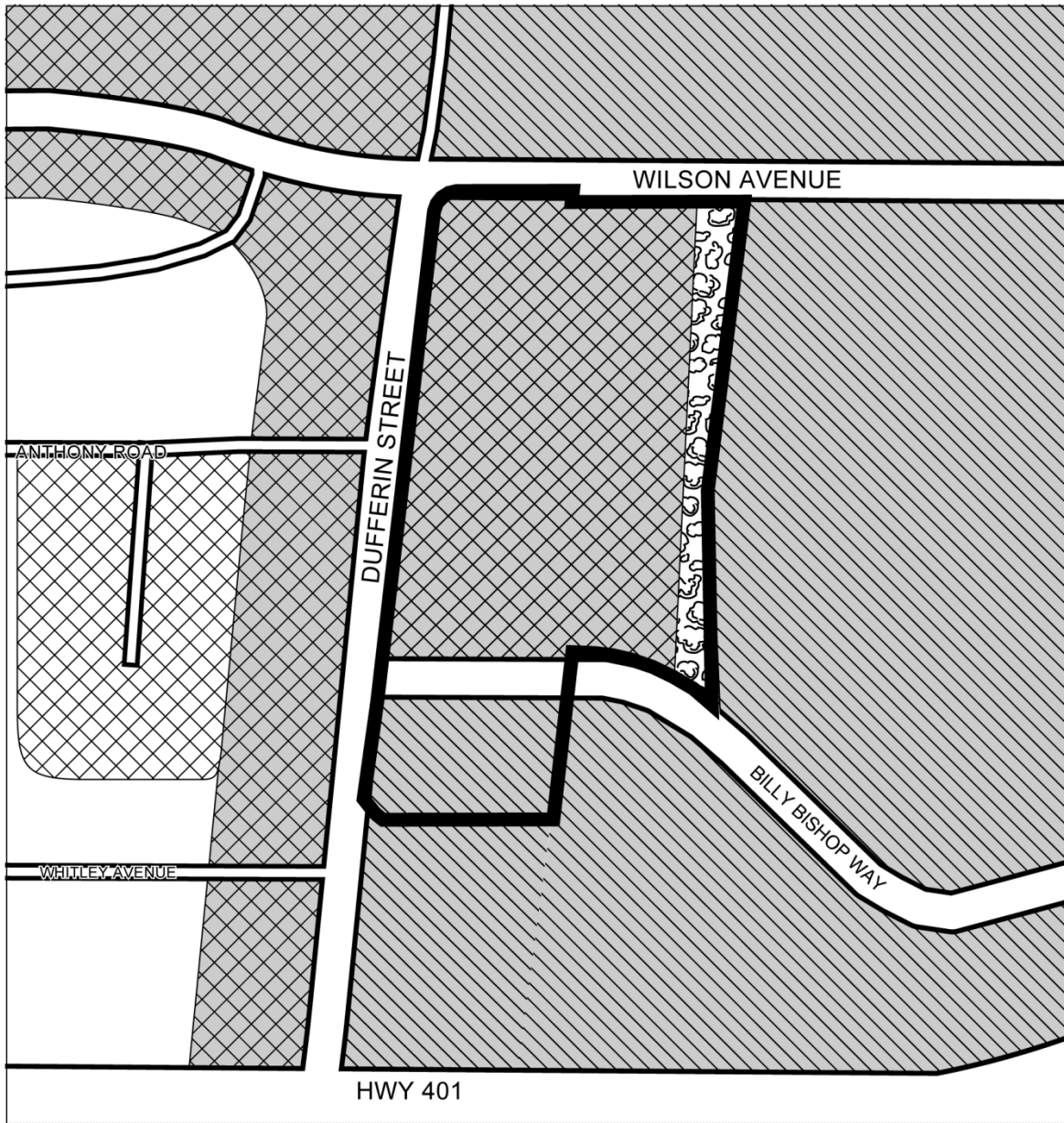
Dufferin - Wilson Area Study

File # 14 101834 NPS 00 02

 Area affected by this By-law


 Not to Scale
 Extracted 01/28/2017

Attachment 2: Official Plan Amendment 362 – Revision to Land Use Map 16



Official Plan Amendment 362

Revisions to Land Use Map 16 to Redesignate lands from Regeneration Areas to Mixed Use Areas, Employment Areas and Open Space Areas

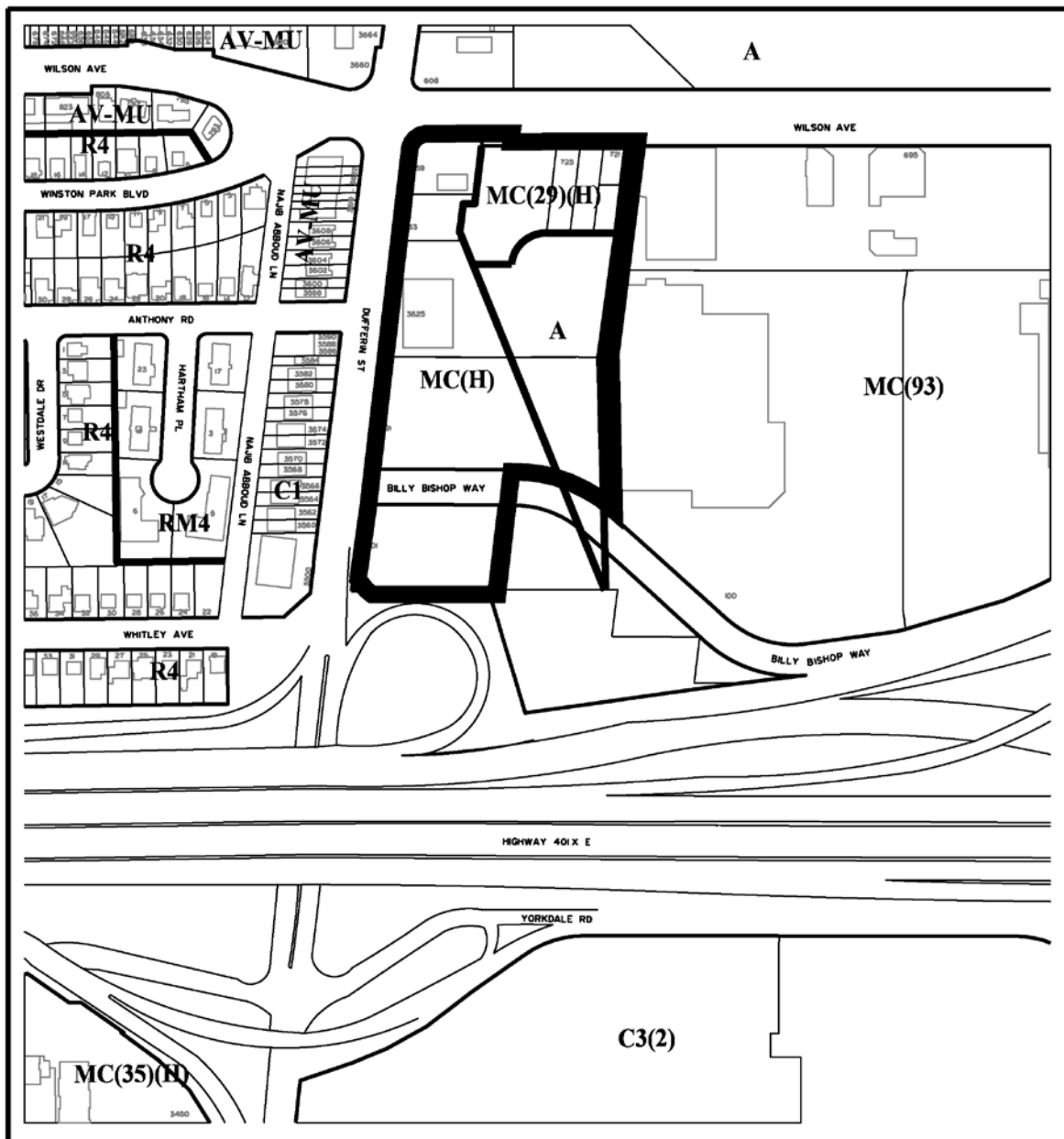
Dufferin Wilson Regeneration Study

File # 14 101834 NPS 00 02



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05/03/17

Attachment 3: Zoning Bylaw #7625 for the former City of North York



North York Zoning By-law 7625

Dufferin Wilson Regeneration Study

File # 14 101834 NPS 00 0Z

- AV-MU Avenues Mixed Use
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- MC Industrial-Commercial Zone

- A Airport Hazard Area Zone
- C1 General Commercial Zone

Subject Site

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

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

BY-LAW No. ~-2017

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known in the year 2018 as 3501, 3621, 3625, 3633, 3639 Dufferin Street and 719, 721, 725 Wilson Avenue, bounded 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.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules B” and “C” of by-law #7625 of the former City of North York are amended in accordance with Schedule “1” of the By-law.
2. Section 64.31 of By-law #7625 is amended by adding the following subsection:
“64.31 (110) MC (110) (H), MC (110) (29) (H)

PERMITTED USES

The permitted uses are as listed in the Zoning By-law except for the following:

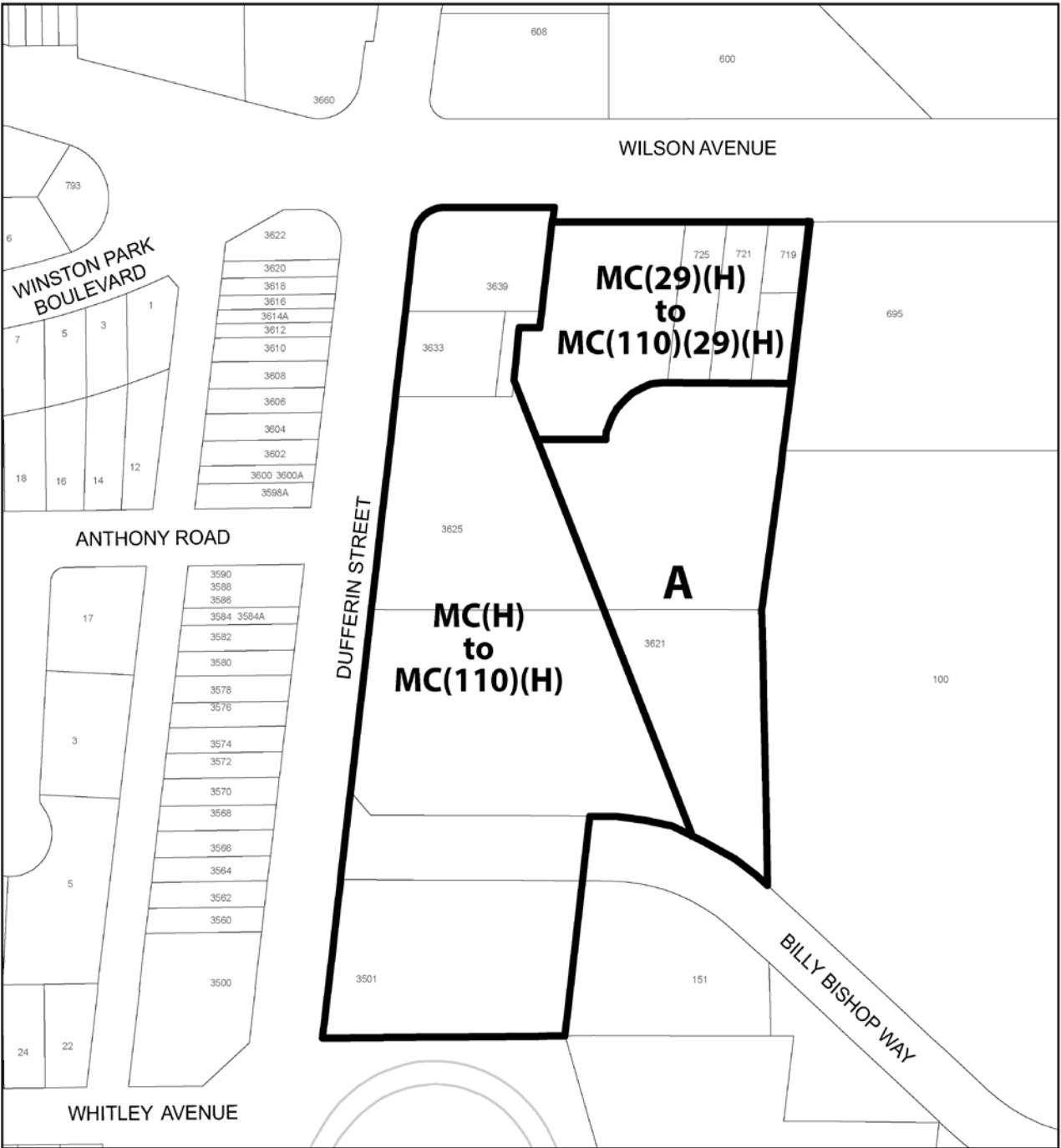
car washing establishment, gasoline station, motor vehicle body repair shop and dealership, manufacturing, contractor's establishment, custom workshop, car rental agency with surface parking, parking lot, public self-storage warehouse, individual retail establishments over 5,000 square metres, service station, transportation terminal and warehouse uses are not permitted.

3. Within the lands shown on Schedule "1" attached to this By-law, 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:
 - (a) 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
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
4. By-law No. 63-2017, and By-law No. 1347-2017 being “A By-law to effect interim control for lands generally bounded 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” is hereby repealed upon the coming into force of this by-law”.

ENACTED AND PASSED this ~ day of ~, A.D. 2018.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk



Schedule 1

3501, 3621, 3625, 3633, 3639 Dufferin Street
& 719, 721, 725 Wilson Avenue

File # 14 101834 NPS 00 0Z

Date: 05/04/2018
Approved by: B.D.

↑
Not to Scale