

## 5789 to 5951 Steeles Avenue East - Removal of “Holding” Provision Application - Final Report

<b>Date:</b>	June 11, 2007
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward No. 41 - Scarborough - Rouge River
<b>Reference Number:</b>	File No. 07 221580 ESC 41 OZ

### SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The purpose of this report is to review and recommend approval of an application to amend the zoning by-law to remove the holding designation for the property at 5789 to 5951 Steeles Avenue East to allow the development of the site for retail and industrial development, previously approved by Council and the Ontario Municipal Board (OMB), to proceed.

The applicant proposes a large two-storey, retail condominium building located at the southern portion of the site, and a number of smaller retail and personal service use buildings at the northern portion of the site. The development also preserves two historical houses and incorporates them into the overall design. The site is located on the south side of Steeles Avenue East, between Middlefield Road and Markham Road. The site is approximately 17 ha (41 acres) with a proposed total gross floor area of approximately 49,000 square metres (529,000 square feet).



## **RECOMMENDATIONS**

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

1. City Council amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Tapscott Employment District), as amended, by By-law No. 158-2007 (OMB), with respect to lands municipally known as 5789 to 5951 Steeles Avenue East, to delete the Holding Provision (H) from the subject lands substantially in accordance with the draft zoning by-law amendment attached as Attachment 4.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

In May 2005 applications were filed for official plan amendment, zoning by-law amendment, and draft plan of subdivision approval for the entire landholding and for site plan control for the first phase of a proposed two-phased mixed commercial and industrial development. These applications were appealed to the Ontario Municipal Board in November 2005.

In January 2006 the proponent filed a zoning by-law amendment application for the easterly portion of the site to rezone the site from Agricultural to both Special District Commercial and General Industrial Uses. A concurrent site plan application was also filed for these lands. The rezoning application was appealed to the Ontario Municipal Board in May 2006.

The official plan amendment, zoning by-law amendments, and draft plan of subdivision were approved subject to conditions by the Ontario Municipal Board in Decision No. 3184 dated November 10, 2006. The site plan appeal was adjourned with the expectation that the City would consider site plan approval.

In March 2007, a new site plan was submitted which reconsidered what portion of this development would be Phase 1 and what portion would be Phase 2. Basically the whole site is now Phase 1 except for the south-east corner now considered as future development and zoned Industrial. Phase 1 includes a large two-storey, retail condominium building located at the southern portion of the site, and a number of smaller retail and personal service use buildings at the northern portion of the site. The development also preserves two historical houses and incorporates them into the overall design.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant proposes to amend the zoning by-law to remove the Holding Provision (H) to allow for the development of phase 1 and 2 to proceed. City of Toronto By-Law No. 158-2007 (OMB) includes a Holding Provision (H) which is to be removed when Council is satisfied as to the availability of all infrastructure and servicing requirements necessary to accommodate the proposed development, and that all necessary transportation improvements have been secured to the satisfaction of the City of Toronto.

Lifting of the Holding Provision (H) will allow the applicant to proceed with the development for a large two-storey, retail condominium building located at the southern portion of the site, and a number of smaller retail and personal service use buildings at the northern portion of the site. The development also preserves two historical houses and incorporates them into the overall design. The site is located at the south side of Steeles Avenue East, between Middlefield Road and Markham Road. The site is approximately 17 ha (41 acres) with a proposed total gross floor area of approximately 49,000 square metres (529,000 square feet) (Attachment 1: Site Plan).

### **Site and Surrounding Area**

The site is largely cleared and rectangular in shape measuring approximately 17 ha (41 acres). Two historical houses will be preserved and integrated into the design.

North: Steeles Avenue and Town of Markham (low density residential)  
South: Industrial  
East: Baif Development (similar to Landmark – large retail plus smaller commercial retail units)  
West: Norstar Development (food market plus retail and service outlets)

### **Official Plan**

The lands are designated Employment Areas (Map 22 – Land Use), providing for business and economic activity, and Employment Districts (Map 2 – Urban Structure) in the Official Plan. Steeles Avenue East is a major street.

Employment Areas are places of business and economic activity and development will contribute to the creation of competitive, attractive, and highly functional Employment Areas. Large scale, stand alone retail stores and power centres are only permitted in Employment Areas fronting onto major streets and located at the edge of Employment Areas.

### **Zoning**

The lands are zoned Special District Commercial with a Holding Provision SDC (H) and Industrial with a Holding Provision M (H) in Employment Districts Zoning By-law No. 24982 (Tapscott Employment District), as amended.

City of Toronto By-Law No. 158-2007(OMB) states that the Holding Provision (H) used in conjunction with the Special District Commercial Zone (SDC) and the Industrial Zone (M) shall be removed, in whole or in part, by amending by-law when Council is satisfied as to the availability of all infrastructure and servicing requirements necessary to accommodate the proposed development, and that all necessary transportation improvements have been secured to the satisfaction of the City.

### **Site Plan Control**

A site plan was submitted for review in early 2006 and a revised site plan was submitted in early 2007 which delineated Phase 1 and Phase 2 developments for this site. Phase 1 comprises the entire site except for the south-east corner considered to be future development (Phase 2). Phase 1 is under staff review with site plan approval anticipated shortly.

### **Reasons for Application**

This application proposes to amend the zoning by-law to remove the Holding Provision (H) which applies to the entire site to allow for the development to proceed.

### **Community Consultation**

Community consultation is not required for the lifting of a Holding Provision (H). However, public notice is required and was provided. Previous community meetings took place with respect to the earlier planning applications which dealt with land use issues.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application with respect to lifting of the Holding Provision (H).

### **COMMENTS**

A list of transportation and servicing improvements required to lift the Holding Provision (H) for this site was developed as part of the OMB hearing. Clearances from Technical Services Division and the Toronto Transit Commission (TTC) are required to remove the Holding Provision (H).

### **Technical Services**

Transportation and servicing requirements include construction of a new road, sanitary and storm sewers, storm water pond and outlet, watermain extensions to the site, new traffic signals and intersection improvements.

The proponent's engineering consultants have worked closely with Technical Services Division to ensure the City's transportation and servicing requirements are satisfied. Technical Services has indicated that the construction of the services in the Tapscott Industrial Area is proceeding as planned and satisfactory arrangements have been made

with respect to transportation improvements, infrastructure, financial guarantees, and servicing necessary to accommodate the proposed development. As such, Technical Services has no objection to removing the Holding Provision (H) from the current zoning to allow the development to proceed.

### **Toronto Transit Commission**

Toronto Transit Commission (TTC) has indicated that transit priority measures will need to be implemented to offset the delays to transit vehicles caused by the traffic which will be generated by the proposed development, and the proponent has agreed to provide the necessary funding. The TTC has indicated that the proponent coordinate the related TTC requirements, including the necessary funding, with Technical Services.

### **Conclusion**

It is timely for Council to lift the Holding Provision (H) now that the City is satisfied that the applicant has satisfied the transportation and servicing conditions related to this proposal in accordance with the zoning by-law. Removal of the Holding Provision (H) will allow for the orderly development of this site in accordance with the approved official plan and zoning amendments.

### **CONTACT**

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### **SIGNATURE**

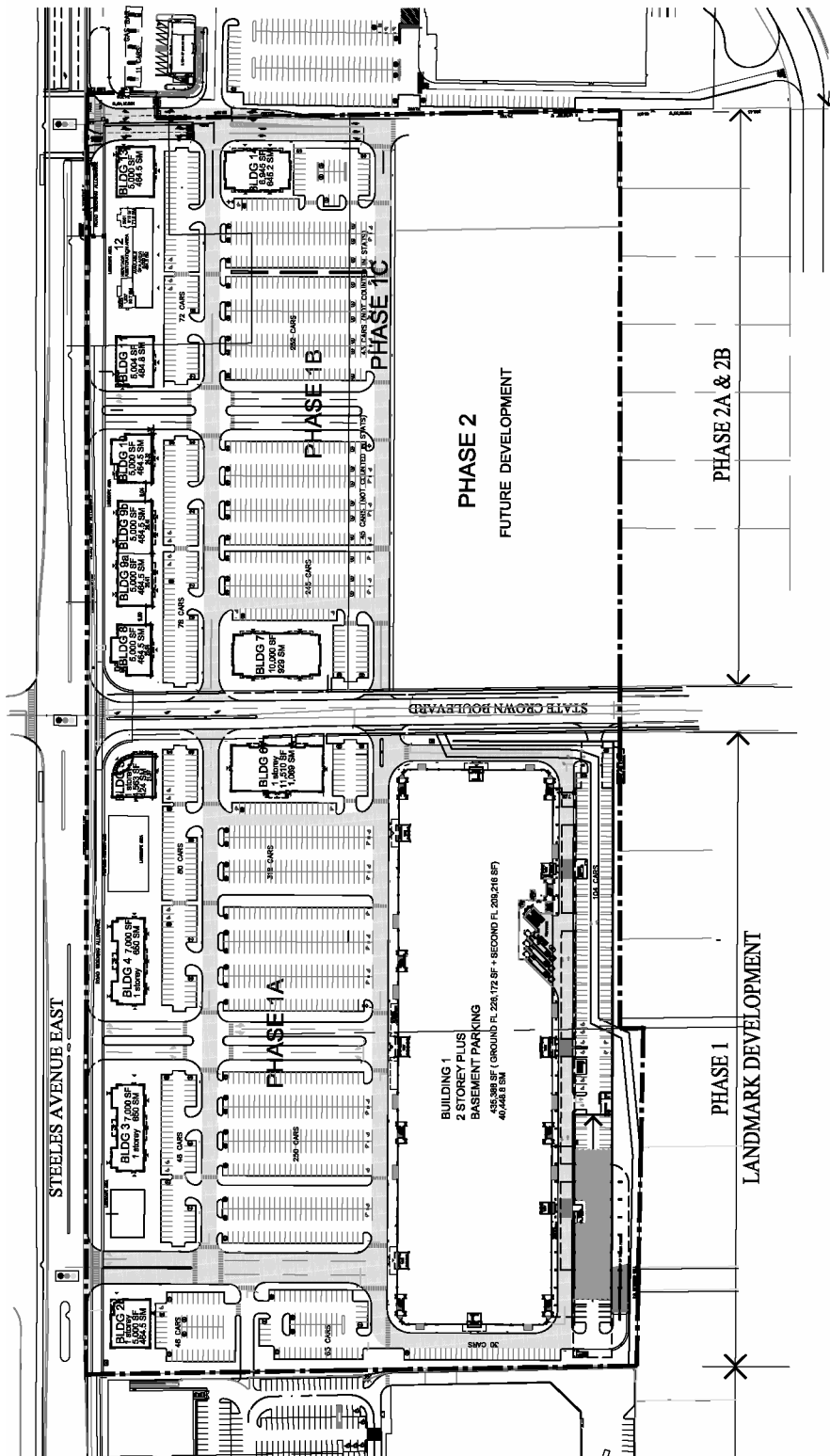
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Allen Appleby, Director  
Community Planning, Scarborough District

### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Zoning  
Attachment 3: Draft Zoning By-law Amendment  
Attachment 4: Application Data Sheet

# Attachment 1: Site Plan



Site Plan

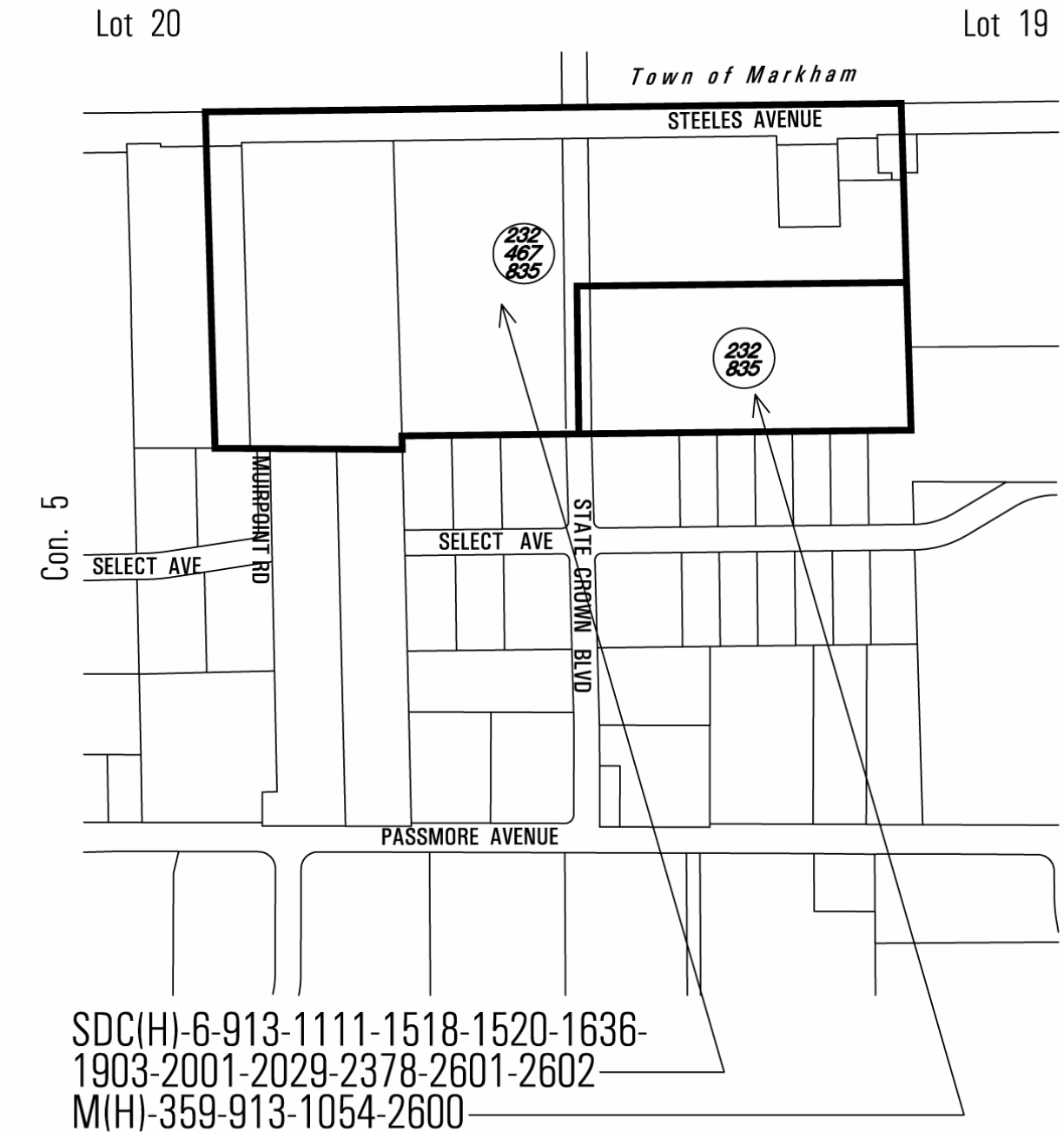
Applicant's Submitted Drawing

Not to Scale  
5/31/07

File # 07-221580\_OZ

## Attachment 2: Existing Zoning Map

### Schedule '1'



## Zoning By-Law Amendment

5789 to 5945 Steeles Ave. East

File # 05-141569 0Z



Area Affected By This By-Law

Tapscott Emp. Bylaw  
Not to Scale  
10/18/06

### **Attachment 3: Draft Zoning By-law Amendment**

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 2007  
Enacted by Council: ~, 2007

#### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2007**

**To amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Tapscott Employment District), as amended, by By-Law No. 158-2007 (OMB)**

**With respect to the lands municipally known as 5789 to 5951 Steeles Avenue East**

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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

**1. SCHEDULE “A”** of the Employment Districts Zoning By-law No. 24982 (Tapscott Employment District) is amended by deleting the holding symbol (H) from the Special District Commercial and Industrial Zones so that the amended zoning shall read as follows as shown on Schedule ‘~’:

SDC – 6 – 913 – 1111 – 1518 – 1520 – 1636 – 1903 – 2001 – 2029 – 2378 – 2601 – 2602

232 – 467

M – 359 – 913 – 1054 – 2600

232

**2. SCHEDULE “C” – EXCEPTIONS LIST** is amended by deleting Exception Number 835 from the lands as shown on Schedule ‘1’.

ENACTED AND PASSED this ~ day of ~, A.D. 2007.

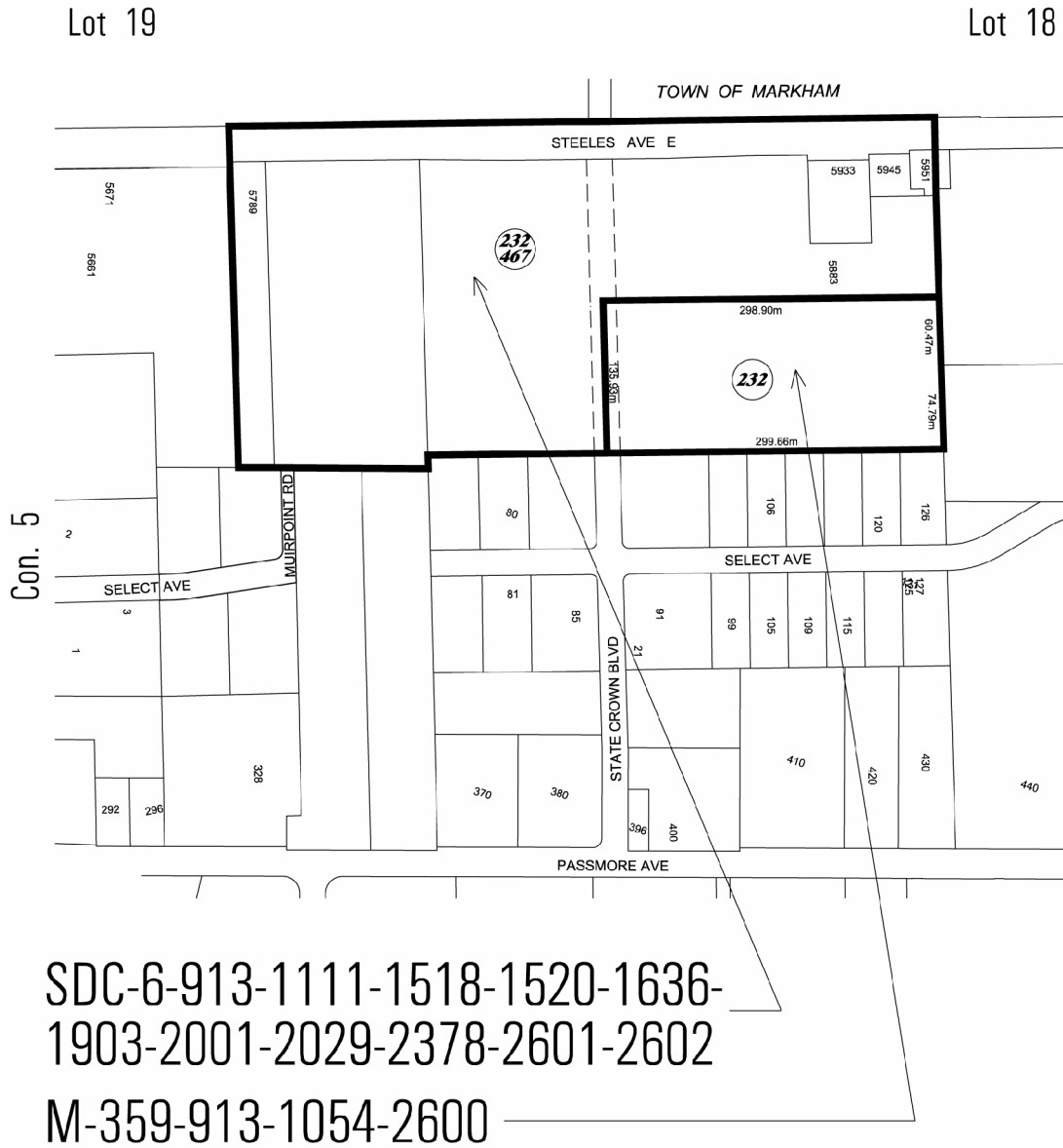
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



# Schedule '1'



**TORONTO** City Planning  
Division  
**Zoning By-Law Amendment**

5789-5951 Steeles Avenue East  
File # 07-221580 OZ

 Area Affected By This By-Law

Tapscott Employment By-law  
Not to Scale  
5/31/07  


## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	07 221580 ESC 41 OZ	
Details		Application Date:	May 24, 2007	
Municipal Address:	5789-5951 STEELES AVE E, TORONTO ON			
Location Description:	CON 5 PT LT18, 19 AND PT RD ALLOW BETWN LT18, 19 NOW RP 66R12477 PT 1PT **GRID E4104			
Project Description:	<p>This application is for the removal of the Holding Provision (H).          The applicant proposes to amend the Zoning By-law to remove the Holding Provision (H) which applies to the entire site to allow for the retail and industrial development to proceed. City of Toronto By-Law No. 158-2007 (OMB) includes a Holding Provision (H) which shall be removed when Council is satisfied as to the availability of all infrastructure and servicing requirements necessary to accommodate the proposed development, and that all necessary transportation improvements have been secured to the satisfaction of the City of Toronto.</p>			
Applicant:	Agent:	Architect:	Owner:	
BOUSFIELDS INC. J.R. BOUSFIELD PLANNING CONTROLS			THE LANDMARK (CANADA) INC	
Official Plan Designation:	Employment Areas	Site Specific Provision:		
Zoning:	SDC(H)-Special District Commercial (Holding)	Historical Status:		
Height Limit (m):		Site Plan Control Area:	Y	
<b>PROJECT INFORMATION</b>				
Site Area (sq. m):	157,875.4	Height:	Storeys:	2
Frontage (m):	625.0		Metres:	0
Depth (m):	270.0			
Total Ground Floor Area (sq. m):	29,267.23			Total
Total Residential GFA (sq. m):	N/A		Parking Spaces:	2,362
Total Non-Residential GFA (sq. m):	48,703.4		Loading Docks	0
Total GFA (sq. m):	48,703.4			
Lot Coverage Ratio (%):	18.5			
Floor Space Index:	0.31			
<b>DWELLING UNITS</b>	<b>FLOOR AREA BREAKDOWN (upon project completion)</b>			
Tenure Type:			Above Grade	Below Grade
Rooms:	N/A	Residential GFA (sq. m):	0	0
Bachelor:	N/A	Retail GFA (sq. m):	48,703.4	0
1 Bedroom:	N/A	Office GFA (sq. m):	0	0
2 Bedroom:	N/A	Industrial GFA (sq. m):	0	0
3 + Bedroom:	N/A	Institutional/Other GFA (sq. m):	0	0
Total Units:	N/A			
CONTACT:	PLANNER NAME:	Sai-Man Lam, Planner		
	TELEPHONE:	(416) 396-4203		