

4675 Steeles Avenue East - Zoning and Site Plan Control Applications - Request for Direction Report

Date:	September 18, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Ward:	Ward 39 – Scarborough Agincourt
Reference Number:	File No 05 195360 ESC 39 OZ and 05 195356 ESC 39 SA

SUMMARY

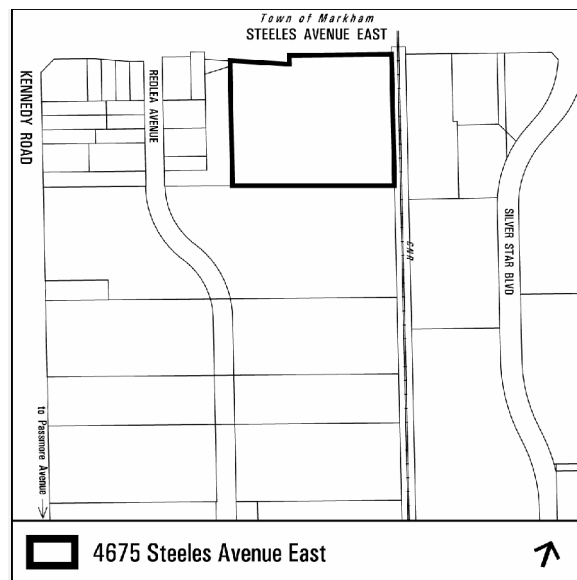
The purpose of this report is to inform City Council of the status of the subject zoning by-law amendment application and to seek direction from Council for an upcoming Ontario Municipal Board (OMB) hearing on appeals by the owner. This report recommends that the City Solicitor and appropriate staff attend the OMB hearing and bring forward the position outlined in this report to the hearing scheduled for December 3, 2007.

The applicant proposes the expansion of the existing retail mall with a 3-storey retail addition and an integrated 5-level parking structure where surface parking is currently located. This report recommends that the City Solicitor be authorized to attend the OMB hearing in support of this application as outlined in the conditions to this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the OMB hearing to ensure that the City’s interests are appropriately represented.



2. City staff be authorized to finalize the Section 37 benefits and Section 37 Agreement which shall provide for the following community benefits:
 - a) the provision and permanent use of 464 square metres (5,000 sq. ft.) of on-site, at-grade community space in the proposed development based on the term sheet attached as Attachment 5. The Section 37 Agreement will provide for a potential cash-in-lieu option to be used to expand the L'Amoreaux Community Centre; and
 - b) provision of speed humps in the Heathwood Community.
3. The applicant submit a revised site plan application that addresses outstanding issues including: elevations, bicycle parking, landscaping, vehicular and pedestrian connections, lighting, vehicular access, stormwater management.
4. That City staff be authorized to support the application subject to Recommendation 2 and 3 being fulfilled, including amendments to the Milliken Employment Zoning By-law #24982, to permit an expansion of the existing retail mall, to a maximum density of 1.13 times the area of the lot and that such implementing zoning by-law include performance standards such as: a blended parking ratio, maximum density, maximum restaurant floor area and Section 37 provisions.
5. Should the Board approve the application, the City Solicitor request the OMB to withhold its Final Order approving the zoning by-law amendment until the following matters have been addressed to the satisfaction of the City:
 - (a) the owner entering into an agreement for the construction of all improvements to the municipal infrastructure to the satisfaction of the Executive Director of Technical Services;
 - (b) all transportation improvements identified in this report be secured, at no cost to the City, to the satisfaction of the Executive Director of Technical Services;
 - (c) the execution of a site plan control agreement between the owner and the City, secured by appropriate letters of credit to the satisfaction of the Director, Community Planning, Scarborough District; and
 - (d) the owner entering into a Section 37 Agreement to the satisfaction of the Director, Community Planning, Scarborough District; and,
 - (e) dedication of all required lands, public easements and/or rights-of-way for public access, to the satisfaction of the Executive Director of Technical Services and the City Solicitor.

6. The applicant submit a condominium application once zoning and site plan approval are in place.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

In January 1989, the former City of Scarborough adopted a site-specific zoning by-law amendment to permit the construction of a commercial building and accessory gas bar on the subject lands. The site was later developed with a 8 545 square metre (91,980 square feet) retail facility (previously operated by Canadian Tire) with a density of 0.35 the area of the lot.

In 1999, Canadian Tire proposed an expansion to its operations which included lands immediately south of the subject lands and applied for an amendment to the zoning by-law for the entire area to permit the construction of a 10 033 square metre (108,000 sq. ft.) larger format Canadian Tire store. In 2000, Council amended the zoning by-law and rezoned the entire consolidated site, including the lands to the south, to permit a range of retail and office uses at a density of 0.30 times the area of the lot which permitted a 15 642 square metre (168,375 sq. ft.) commercial development.

The lands to the south were never developed for commercial facilities. Canadian Tire later ceased its retail operations on the subject lands. Lands to the south subsequently were sold to GO Transit for the new Milliken GO Transit Station which is now fully operational. The applicant purchased the original Canadian Tire lands and proceeded to file planning applications for a specialized retail mall known as Splendid China Square.

Phase 1A of this retail development included interior renovations of the existing former Canadian Tire building. Appropriate building approvals were issued and construction is complete. The applicant submitted a site plan approval application for Phase 1B in February 2005, for the construction of retail facilities on the second floor of the existing building and the introduction of restaurant uses on the ground floor.

The Committee of Adjustment approved a minor variance in September 2005, to increase the gross floor area from 0.30 times the area of the lot to 0.37 times the area of the lot.

On January 30, 2006, the Director, Community Planning, Scarborough District, approved the site plan for Phase 1A. On February 10, 2006, the Director, Community Planning, Scarborough District, approved the site plan for Phase 1B.

Phase 1C represented the final component of the Phase 1 Splendid China Square project. It proposed an additional 587 square metres (6,320 sq. ft.) of retail-commercial and restaurant gross floor area to the second floor of the existing building and the construction of two external staircases for a total gross floor area of 8 922 square metres (96,040 sq. ft.). These revisions were achieved through the September 2005 decision of the Committee of Adjustment.

On March 7, 2006, the Director, Community Planning, Scarborough District, approved the site plan for Phase 1C. Approvals for Phase 1 are now complete and built.

On October 20, 2005, the applicant submitted a zoning by-law amendment and site plan approval application (Phase 2) to expand the existing retail mall that resulted in a density of 1.32 times the area of the lot. A Preliminary Report, dated December 21, 2005 was adopted by Community Council. The following issues were identified in the Preliminary Report:

- Traffic Impact Assessment, parking demand
- Vehicular access (from Steeles, Redlea)
- Vehicular and pedestrian consent for right-of-way use with GO Transit, easements
- Future Steeles Avenue underpass
- Density, landscaping, urban design issues and,
- Storm water management

A Status Report recommending that staff continue discussions with the applicant to resolve the outstanding issues and report back to Community Council prior to the commencement of the Ontario Municipal Board hearing, was considered by Scarborough Community Council on June 26, 2007 and adopted by Toronto City Council on July 16/17, 2007.

As a result of consultation, with staff, the local Councillor, residents and businesses, the proposal was revised on August 14, 2007 and is the subject of this report.

Ontario Municipal Board

On September 8, 2006, the subject zoning by-law amendment application was appealed by the applicant to the Ontario Municipal Board on the basis of the 'failure of the City Council to approve the application in a timely manner', pursuant to section 34(11) of the Planning Act.

A pre-hearing was scheduled for February 16, 2007 which staff attended. A second pre-hearing was held on July 13, 2007, where it was agreed that revised plans and traffic studies will be submitted to staff for review. A third and final pre-hearing will take place on October 19, 2007, while the full Board hearing has been scheduled to begin on December 3, 2007 for a duration of 4 weeks.

The Town of Markham, GO Transit, Pacific Mall, Market Village, Kennedy Corners and the owners of the Doctors office at 4631 Steeles Avenue all have Party Status at the hearing. The parties to this hearing expressed concerns at the pre-hearing that included traffic, parking and density.

ISSUE BACKGROUND

Proposal

The current proposal (Phase 2) is to expand the existing 8 922 square metre (96,040 sq. ft.) commercial building with a 3-storey, 18 343 square metre (197,450 sq. ft.) commercial addition, including approximately 3 000 square metres (33,000 sq. ft.) of restaurants. The addition is intended to be located in the westerly area of the site, where surface parking is currently located. The main pedestrian entrance to the commercial mall will be provided along the Steeles Avenue East frontage and a secondary entrance will be provided along the southern (rear) wall of the building.

Approximately 600 commercial retail units are proposed. Each proposed commercial-retail unit is intended to be individually owned as a condominium unit, while the hallways, washrooms, parking area, electrical room etc, would be maintained and managed as 'common areas' by a Condominium Board. The applicant will be submitting a condominium application once zoning and site plan approvals are in place.

The total development (Phase 1 and Phase 2) will result in a total gross floor area of approximately 27 265 square metres (293,490 sq. ft.) of retail, food court, restaurant and banquet hall uses, at a density of approximately 1.13 times the area of the lot. The previous proposal contemplated a gross floor area of 31 900 square metres (343,400 sq. ft.) at a density of 1.32 times the area of the lot.

A total of 1,437 parking spaces would be provided. Approximately 708 parking spaces would be accommodated in a 2-level underground parking structure. A proposed 5-level integrated, above-ground parking structure located at the western end of the building and starting on the second floor would accommodate 652 parking spaces. Finally, 77 surface parking spaces would be provided along the southern (rear) portion of the site.

The proposal provides for three new loading spaces, to be located along the west side of the building in addition to the existing loading space retained at the southeast corner of the existing building.

Vehicular access would be provided through the retention of one at-grade driveway along Steeles Avenue located at the west end of the site. Another vehicular access would be provided for by means of a mutual access point off Redlea Avenue which would be shared with the Milliken GO Transit Station. The site plan shows two vehicular access points south to the GO lands as well as pedestrian connections to the mall.

Site and Surrounding Area

The site is approximately 2.6 hectares (6.4 acres) in area, having 174 metres (571 feet) of frontage on Steeles Avenue with an average depth of 140 metres (459 feet). The site contains an existing commercial building with a gross floor area of 8 922 square metres (90,039 sq. ft.) and 331 surface parking spaces. The site is flat and treeless, except for trees planted in the boulevard along Steeles Avenue East.

- North: North of Steeles Avenue is the Town of Markham. Immediately across Steeles Avenue are the Pacific Mall, Market Village and Kennedy Corners with retail commercial and restaurant uses.
- South: Milliken GO Transit Station including parking facilities (completed August 2005).
- East: GO Transit right-of-way, retail-commercial and restaurant buildings.
- West: 4-storey medical office building.

Lands between Kennedy Road and Midland Avenue along the north and south side of Steeles Avenue East, are defined by a wide range of commercial and office uses. These commercial uses include plazas, large enclosed commercial malls, low-rise office buildings, financial institutions, a large format grocery stores, business supply stores and automobile related services. East of Midland Avenue and west of Kennedy Road are stable residential areas comprised primarily of grade related housing forms. Industrial uses characterize the area further south of the site in the Milliken Employment District.

On July 2007, the Milliken Main Street Secondary Plan, in the Town of Markham, was approved. This secondary plan is bounded by Kennedy Road, Denison Street, Old Kennedy Road and Steeles Avenue East and allows for approximately 1,900 new residential units and about 55 740 square metres (600,000 sq. ft.) of new commercial gross floor area.

Provincial Policy Statement and Provincial Plans

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

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

The subject application is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Toronto Official Plan designates the property as Employment Areas on Map 19, Land Use Plan which provides for uses such as office, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels,

retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

Site Specific Policies #104 and #133 are applicable to the subject lands. Site Specific Policy #104 permits the following additional uses: business and trade schools, libraries, fraternal organizations, long term care facilities, recreational uses and places of worship. Site Specific Policy #133 permits retail and service uses, including stand-alone retail stores and/or 'power centres'.

Large-scale, stand-alone retail stores and "power centres" are only permitted in Employment Areas fronting onto major streets as shown on Map 3, Right-of-Way Widths Associated with Existing Major Streets of the Official Plan that also form the boundary of the Employment Areas through the enactment of a zoning by-law. Where permitted, new large-scale, stand-alone retail stores and "power centres" will ensure that:

1. sufficient transportation capacity is available to accommodate the extra traffic generated by the development resulting in an acceptable level of traffic on adjacent and nearby streets; and
2. the functioning of other economic activities within the Employment Areas and the economic health of nearby shopping districts are not adversely affected.

The proposed expansion of the existing retail store is located at the edge of the Employment Areas designation of the Official Plan and is located on a major street, Steeles Avenue, as identified on Map 3, Right-of-Way Widths Associated with Existing Major Streets of the Official Plan. The use of the subject lands is consistent with Site Specific Policy #133.

Policy 5, of Section 4.6 Employment Areas of the Official Plan indicates that 'large scale, stand-alone retail stores and 'power centres' legally established prior to the approval date of this Official Plan within Employment Areas are permitted'. The use of the subject lands as a stand-alone retail centre has been established prior to the approval of the Official Plan.

The site is identified as an Employment District on Map 2, Urban Structure of the Official Plan. Section 2.2.4 "Employment Districts: Supporting Business and Employment Growth" Policy 1, of the Official Plan identifies the need to protect and promote these areas for economic activity in order to: maintain and grow the City's tax base; attract new and expand existing employment clusters that are key to Toronto's competitive advantage; develop quality Employment Districts that are global and nurture Toronto's diverse economic base; provide a range of employment opportunities for Toronto residents that can be reached by means other than the private automobile.

Section 2.2.4, Policy 2, of the Official Plan states that Employment Districts will be enhanced to ensure they are attractive and function well, through actions such as: permitting a broad array of economic activity and facilitates firms with functional

linkages to locate in close proximity to one another; investing in key infrastructure or facility investment through special tools, programs or partnerships in order to promote the distinctive character or specialized function of a District to attract firms within a particular targeted cluster of economic activity.

The subject site was designated Special District Commercial in the former Milliken Employment District Secondary Plan of the former Scarborough Official Plan. The Special District Commercial designation permits a wide range and variety of goods and services, especially comparison shopping goods and services (department store type merchandise). Although the Scarborough Official Plan is no longer in force and effect, no amendment would have been required.

Zoning

The subject lands are zoned Special District Commercial (SDC) in the Milliken Employment District Zoning By-law which allows for a wide range of uses including restaurants, retail stores, service shops, offices and financial institutions. The maximum gross floor area of all buildings is restricted to 0.37 times the area of the lot, as varied by the Committee of Adjustment. Further, the maximum gross floor area of all restaurants is restricted to 929 square metres (10,000 sq. ft.).

Site Plan Control

The subject lands are under site plan control. An application for site plan control approval has been submitted with the zoning by-law amendment application and is currently being evaluated by staff. The proposed site plan and elevations are provided in Attachment 1: Site Plan and Attachment 2: Elevations. The site plan application has also been appealed to the Ontario Municipal Board.

Reasons for Application

The zoning by-law restricts the gross floor area of all buildings to a maximum of 0.37 times the area of the lot. Also, the gross floor area of all restaurants is restricted to a maximum of 929 square metres (10,000 sq. ft.). The proposal includes a gross floor area of 1.13 times the area of the lot, including approximately 3 000 square metres (33,000 sq. ft.) of restaurants and food courts. Amendments to the zoning by-law will be required with regard to density and gross floor area of all restaurants.

Community Consultation

Prior to receipt of the zoning and site plan applications, an Open House, hosted by the applicant and attended by staff, the local Councillor and area residents was held on November 8, 2004. Approximately 100 residents from both the City of Toronto and the Town of Markham attended.

Residents concerns included increases in traffic volume and vehicular infiltration into the surrounding residential communities.

A community consultation meeting, hosted by Planning staff, was held on March 6, 2006 where the applicant presented a proposed expansion of the existing retail mall that resulted in a density of 1.32 times the area of the lot. Approximately 15 residents were in attendance along with staff and the local Councillor. The major issues discussed during the meeting involved anticipated increases in traffic volumes, vehicular infiltration through the Heathwood Community, density and adequate parking supply. As indicated earlier in this report, the zoning by-law amendment and site plan approval applications were subsequently revised on August 14, 2007, resulting in a reduced density of 1.13 times the area of the lot.

Agency Circulation

The subject application was circulated to all appropriate agencies, City divisions and the Town of Markham. Responses received to date have been used to assist in evaluating the applications and to formulate appropriate by-law standards.

COMMENTS

Issues and concerns that were raised in the Preliminary Report, community consultation, the Status Report and through the circulation process are addressed in the remainder of this report.

Land Use

The intensification of the subject lands for a large-scale, specialty retail mall is appropriate and would complement other retail-commercial uses in the area. Stand-alone retail stores and 'power centres' legally established prior to the approval date of this Official Plan within Employment Areas are permitted. Policies in the Official Plan support the land uses and is consistent with the PPS and the application conforms to the Growth Plan for the Greater Golden Horsehoe.

Although this is not a new use, the proposed intensification of the existing retail store is located at the edge of an Employment Areas designation of the Official Plan and is located on a major street, Steeles Avenue, as identified on Map 3, Right-of-Way Widths Associated with Existing Major Streets of the Official Plan. The use of the subject lands is consistent with the policies of the Official Plan.

Sufficient transportation capacity will be available once the necessary traffic improvements are completed in order to accommodate the extra traffic generated by the expansion. These traffic improvements are discussed later in this report.

Over the years this section of the City has become a unique shopping area offering culturally themed speciality shopping. The applicants Planning Justification Report, suggest these centres "make up the largest indoor Chinese mall complex in North America".

The development will contribute to a strong economy by providing local investment opportunities in small business enterprises and by improving transportation infrastructure in the employment area.

Density / Level of Intensification

This application proposes a density of 1.13 times the area of the lot. This density represents a reduction of approximately 4 640 square metres (50,000 sq. ft.) from the original proposal. The application was revised in order to address density, urban design issues, access and parking supply.

Staff looked at a number of existing and proposed commercial projects, with and without parking structures and compared densities and parking standards. The densities for these projects ranged from 0.35 to 0.75 times the area of the lot.

While the proposed density is higher than similar and proposed projects in the area, staff consider the proposed density appropriate and can be adequately accommodated on site. This recommendation is subject to the implementation of transportation improvements, including the extension of Redlea Avenue to Passmore Avenue and traffic signal improvement measures at key intersections.

The provision of 1,437 parking spaces, consisting of 2 levels of underground parking and a 5 level above-grade parking deck allows for a more efficient site plan that functions well. It also presents creative urban design opportunities along the Steeles Avenue frontage. While the parking supply exceeds the current parking standards, access to additional parking from the GO Transit lands will adequately absorb any over flow parking demands that may occur.

It should be noted that the Pacific Mall in the Town of Markham has no density restrictions, although the parking supply standard effectively limits the ultimate size of the development.

Traffic Impact

In regards to Section 4.6, Employment Areas Policy 3, of the Official Plan, where permitted, new large-scale, stand-alone retail stores and “power centres” will ensure that “sufficient transportation capacity is available to accommodate the extra traffic generated by the development resulting in an acceptable level of traffic on adjacent and nearby streets”.

Staff received the initial Transportation Impact Study (TIS) in October 2005. The study recommended a number of transportation improvements. Based on staff's initial review, revisions were requested. The revised TIS was received on May 24, 2007. Staff subsequently requested further amendments to the May TIS. Addenda for the Trip and Parking Generation Surveys and the TIS were received on August 14, 2007.

The recommendations in this report are based on the applicant's material and the City's Class Environmental Assessment Study which comprehensively reviewed transportation capacity in the area.

In order to support the proposed level of intensification on the subject lands, the following comprehensive transportation improvements have been identified and will be required to be in place prior to the issuance of building permits:

- extension of Redlea Avenue to Passmore Avenue;
- traffic signals at the new intersection of Redlea Avenue and Passmore Avenue;
- traffic signal timing changes at key nearby intersections such as: Redlea and Steeles Avenue, Silverstar Boulevard and Steeles Avenue, and Kennedy Road and Passmore Avenue;
- new advanced green traffic signal phases for turning movements (Silverstar Boulevard and Steeles Avenue; and, Kennedy Road and Passmore Avenue) and,
- extensions to some turning lanes to provide additional storage for waiting vehicles at Redlea Avenue and Steeles Avenue and Redlea Avenue and the north GO Transit Station driveway.

Approval of this project will require the provision of these improvements by the owner, at no cost to the City.

The City's Class EA study for the Redlea Avenue Extension is expected to be reported to the October 3, 2007 meeting of the Public Works & Infrastructure Committee for endorsement and filing with the Minister of the Environment for public comment and approval.

The extension of Redlea Avenue south from Steeles Avenue is intended to occur in 3 Phases. Phase 1 will include the extension of Redlea Avenue to Passmore Avenue; Phase 2 will include the extension of Redlea Avenue south to McNicoll Avenue; and Phase 3 will include the ultimate extension of Redlea Avenue south to Finch Avenue.

Once the project is approved, the design of the road to Passmore Avenue will be completed based on the study recommendations and at the expense and responsibility of the owner. Construction of the road south of Passmore Avenue can proceed based on the availability of City funds.

It should be noted that developers in Markham, who are beginning to implement the Milliken Mills Main Street Secondary Plan, are conducting a Class EA study for the extension of Midland Avenue, and are funding an upgrade to the Steeles and Midland Avenues intersection. Staff will continue to monitor development applications in this area of Markham and may request improvements such as the southbound left turn phase at Old Kennedy Road and Steeles Avenue. Approval of this application is conditional upon the extension of Redlea Avenue south to Passmore and other transportation improvements indicated earlier in this report.

In order to ensure orderly development two options are being explored to secure the necessary transportation improvements. One is that a Holding (H) provision be placed on the land until such time as the owner has satisfied several matters. Another option is that a clause be incorporated into the zoning by-law requiring that all municipal services and transportation improvements be installed prior to the installation of any buildings or structures and secured as a matter of convenience in the Section 37 Agreement.

The report recommends approval of this application, including amendments to the Milliken Employment Zoning By-law, to permit an expansion of the existing retail mall, to a maximum density of 1.13 times the area of the lot. This report also recommends that such implementing zoning by-law include performance standards as:

- a blended parking ratio,
- maximum density,
- maximum restaurant floor area,
- Section 37 Provisions including; cash contribution towards the future expansion of a local community centre or provision and permanent use of on-site community space in the proposed development; provision of speed humps in the Heathwood Community and, a parking management plan.

Staff are satisfied that these transportation improvement measures will work and that no unacceptable levels of infiltration would occur to the nearby residential communities. The zoning by-law will incorporate provisions to ensure the timely provision of services.

Parking

Parking for the proposed mall will be accommodated in an integrated five-level, above-grade parking garage, 2 levels of underground parking and 77 surface parking spaces. In total 1,437 parking spaces will be provided.

In addition to the supply of on-site parking, staff are advised that the applicant and GO Transit have entered into an open boundary agreement which entitles both parties to share their respective parking spaces during evenings, weekends, and statutory holidays. This shared parking agreement entitles the Splendid China project to an additional 700 GO Transit parking spaces located to the immediate south of the site.

A parking needs analysis was done for Landmark (a similar themed mall at Steeles and Markham Road) which recommended a range of 4.7 to 5 parking spaces/100 square metres. This range blended the retail, commercial, industrial and restaurant uses of the mall and was incorporated into the approved by-law.

The current proposal produces a parking rate of approximately 5.1 parking spaces per 100 square metres of gross floor area, exceeding the recommendations of the Traffic Impact Study. Staff are satisfied that the parking standards proposed are acceptable and they will be incorporated into the amending by-law subject to the submission of verified site data to confirm the blended parking rate is achieved.

With the restriction on the amount of restaurant use, gross floor area and the transportation improvements mentioned in this report, the blended parking ratio will work. This approach is preferred due to the simplicity of its application to all uses within the complex as a whole, rather than the standards for individual types of use such as retail, restaurant and food court. Changes of occupancy and products for sale at individual units would entail continual reviews of the by-law and the parking supply under the separate use system.

Parking Design

The applicant is providing almost all the parking in underground or structured parking. Staff will require a Parking Management Plan. Issues to be considered include parking for owners of the individual commercial-retail units; parking availability information; good lighting; higher design standards and the provision of bicycle parking.

The proposed above-deck parking structure will have exposure to Steeles Avenue East. As such, staff will ensure that the above-deck parking structure is of a high quality design and that the elevations and roof are enhanced. Staff recommend that these site plan measures be secured and reflected in revised detailed elevation drawings.

Staff are recommending that should the Board approve this development that the Board Order be withheld until Site Plan approval has been finalized.

Vehicular Access

Primary vehicular access would be provided through the retention of one at-grade driveway along Steeles Avenue East, located at the west end of the site. Secondary vehicular access would be provided for by means of a mutual access point off Redlea Avenue which would be shared with the GO Transit Station. The site plan also illustrates two vehicular access points south to the GO Transit lands.

The original proposal indicated a secondary access to the parking garage from the proposed grade separation (underpass) on Steeles Avenue which was not acceptable to staff. This secondary access has been eliminated. The revised access points to the subject lands are now acceptable and help to mitigate traffic infiltration.

Pedestrian Connections

The main pedestrian entrance to the subject lands will be provided at the front of the building, along the Steeles Avenue frontage. This will encourage street level pedestrian activity on what now is a hostile pedestrian environment.

A secondary pedestrian entrance is provided to the rear of the building along the south wall, next to the GO Transit Station. Staff are advised that the applicant has entered into an executed agreement with GO Transit to integrate and provide this pedestrian access from the subject lands to the adjacent GO Transit Station. The details of the entrances and connections will be secured as part of the Site Plan approval.

Green Development Standard

City Council approved a set of recommendations that work towards the implementation of the Toronto Green Development Standard. The use of the term 'Green' is intended to be associated with the concept of 'sustainability' or 'sustainable development'. Based on the applicant's submission, the proposed development is intended to achieve the following targets: Minimum Energy Performance, Urban Heat Island Reduction (Roof), Storm Water Management, Storage and Collection of Recyclables and Compostables.

Section 37

The subject lands are located within the Steeles-L'Amoreaux Priority Neighbourhood. Priority Neighbourhoods were identified by Council as having poor access to local services, particularly for youth. Neighbourhood Action Teams (NAT) were formed to develop a more coordinated approach in the planning and delivery of local services for each of the Priority Neighbourhoods with key representatives from local community agencies, federal and provincial bodies, school and library boards and City staff.

The objective of the NAT is to build the community's capacity through various local initiatives such as developing new programs and services and finding innovative ways to secure community space to run such programs and services.

Staff have been in communication with the Neighbourhood Action Team (NAT) and the local Councillor in determining the needs of this neighbourhood.

Pursuant to Section 37 of the Planning Act, zoning by-laws may be enacted to permit more height and/or density for a use than is otherwise permitted by the zoning by-law for that use in return for the provision of community benefits. These community benefits can take the form of capital facilities, community services and facilities, arts and cultural facilities.

Staff have had discussions with both the applicant and the local Councillor in addressing Section 37 benefits. The following specific community benefits have been agreed upon in principle by the applicant. Further discussions are underway to determine details of these improvements. Should this application be approved, the City and applicant will request they be outlined in the amending zoning by-law and secured in a Section 37 Agreement:

- Provision and permanent use of 464 square metres (5,000 sq. ft.) of on-site, at-grade community space in the proposed development. The Section 37 Agreement will also provide for a potential cash-in-lieu option to be used to expand the L'Amoreaux Community Centre.
- Provision of speed humps in the Heathwood Community

While the owner has agreed to the permanent use of 464 square metres (5,000 sq. ft.) of on-site community space, they have expressed a desire to providing the community benefit off-site.

The owner has agreed to the provision of 464.5 square metres (5,000 sq. ft.) of secured space to accommodate existing and/or future community services that could locate their operations within the main mall. This space will be considered 'bonus' space, over and above the maximum permitted gross floor area for the site, and also will not be counted in the parking requirement. Staff will be looking to secure the use and location of such space as a community benefit as part of the City's Section 37 Agreement with the owner. The space is to be provided fully finished, furnished and equipped as generally outline in the Community Facility Term Sheet found in Attachment 5 of this report. Ongoing

expenses, including maintenance, heating/air conditioning and janitorial services are to be included in the provision of the secured space.

Conclusions

This area of Kennedy Road and Steeles Avenue East has emerged as a shopping destination.

Intensification of the subject lands with additional retail, commercial and restaurant uses is an appropriate use at this location. The proposed density is supportable subject to the transportation improvements identified in this report and the provision of Section 37 community benefits.

Staff are satisfied that this proposal has addressed outstanding issues and would recommend support at the OMB hearing, subject to the conditions contained in this report.

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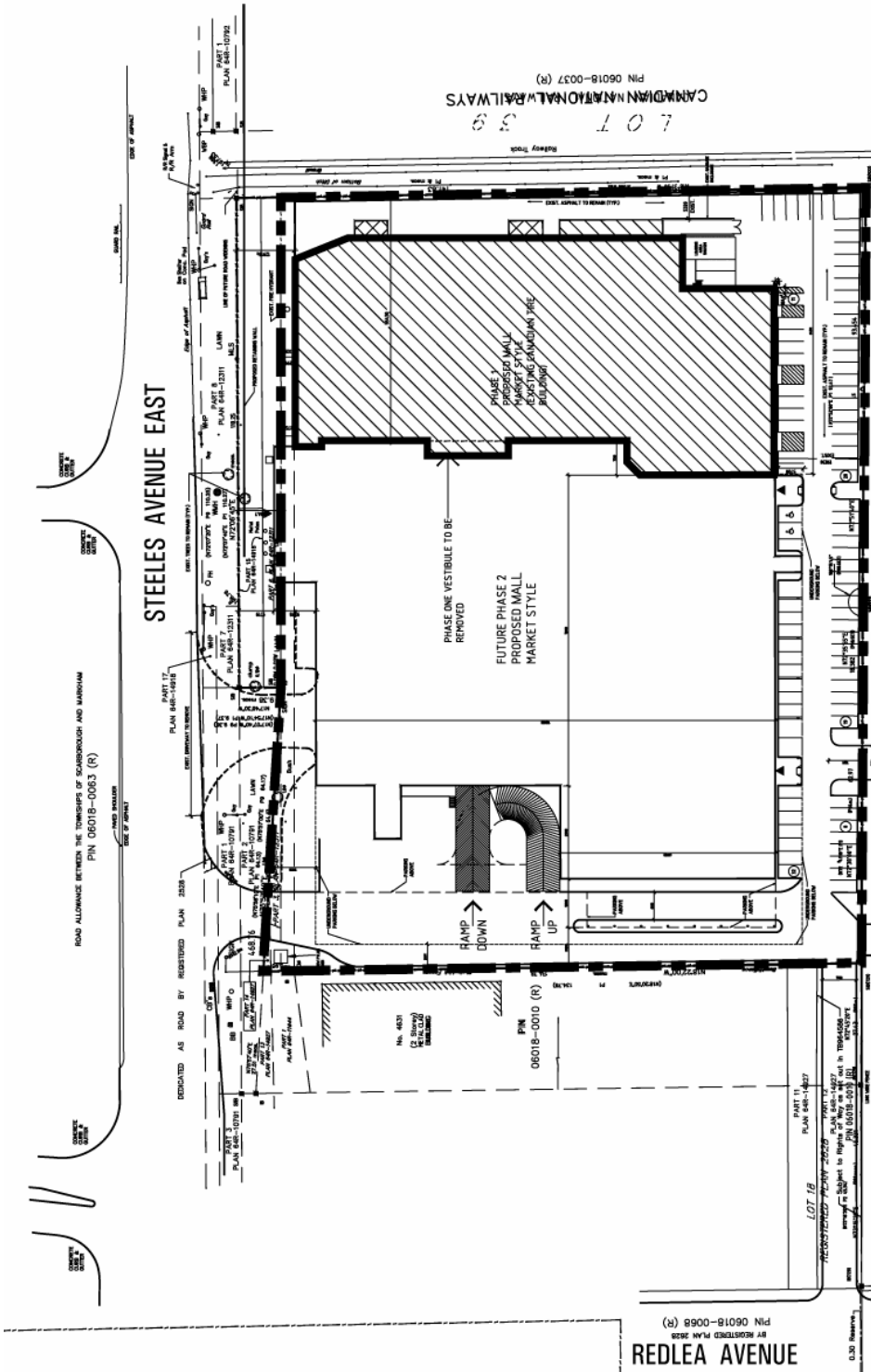
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Community Facility Term Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

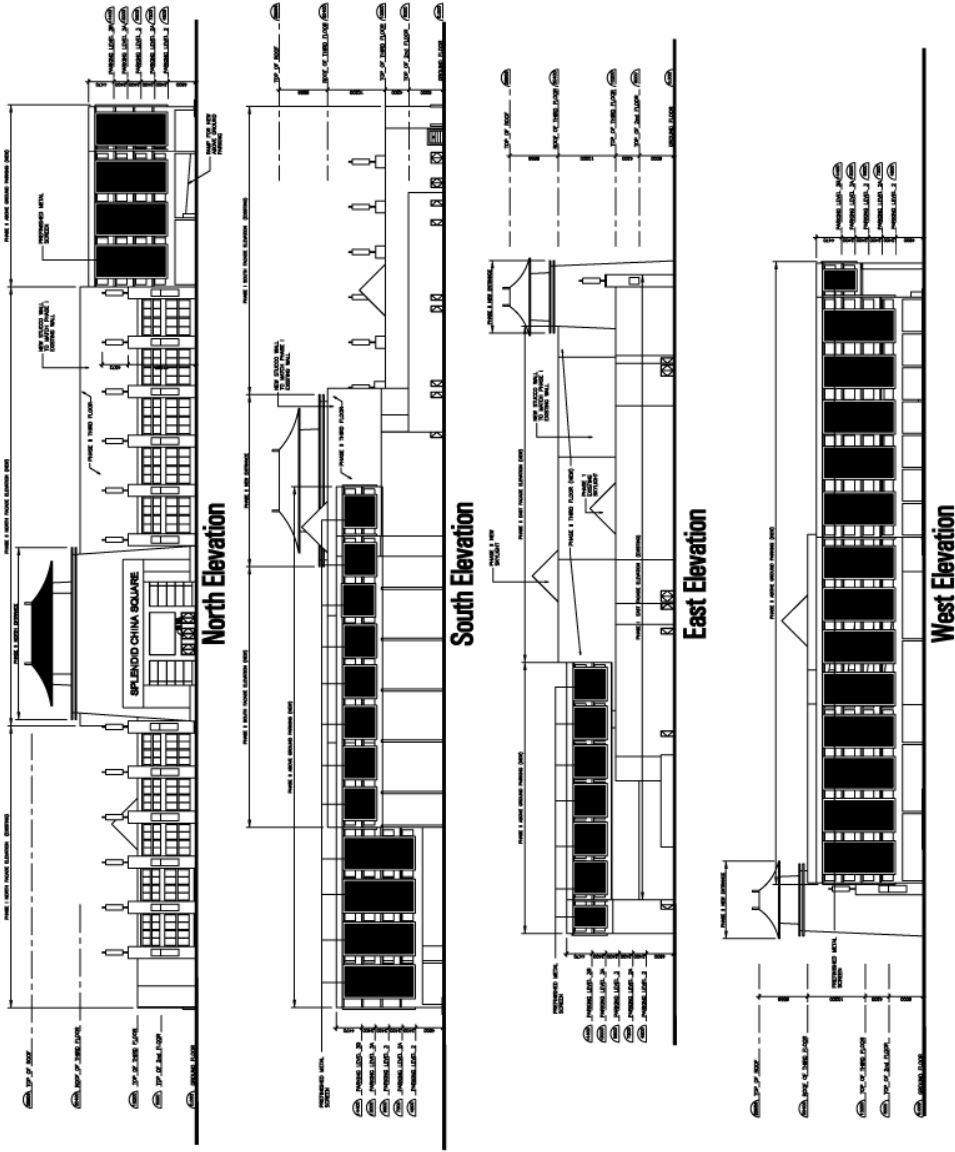
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08/13/07

4675 Steeles Avenue East

File # 05-195360 0Z

Attachment 2: Elevations



Elevations

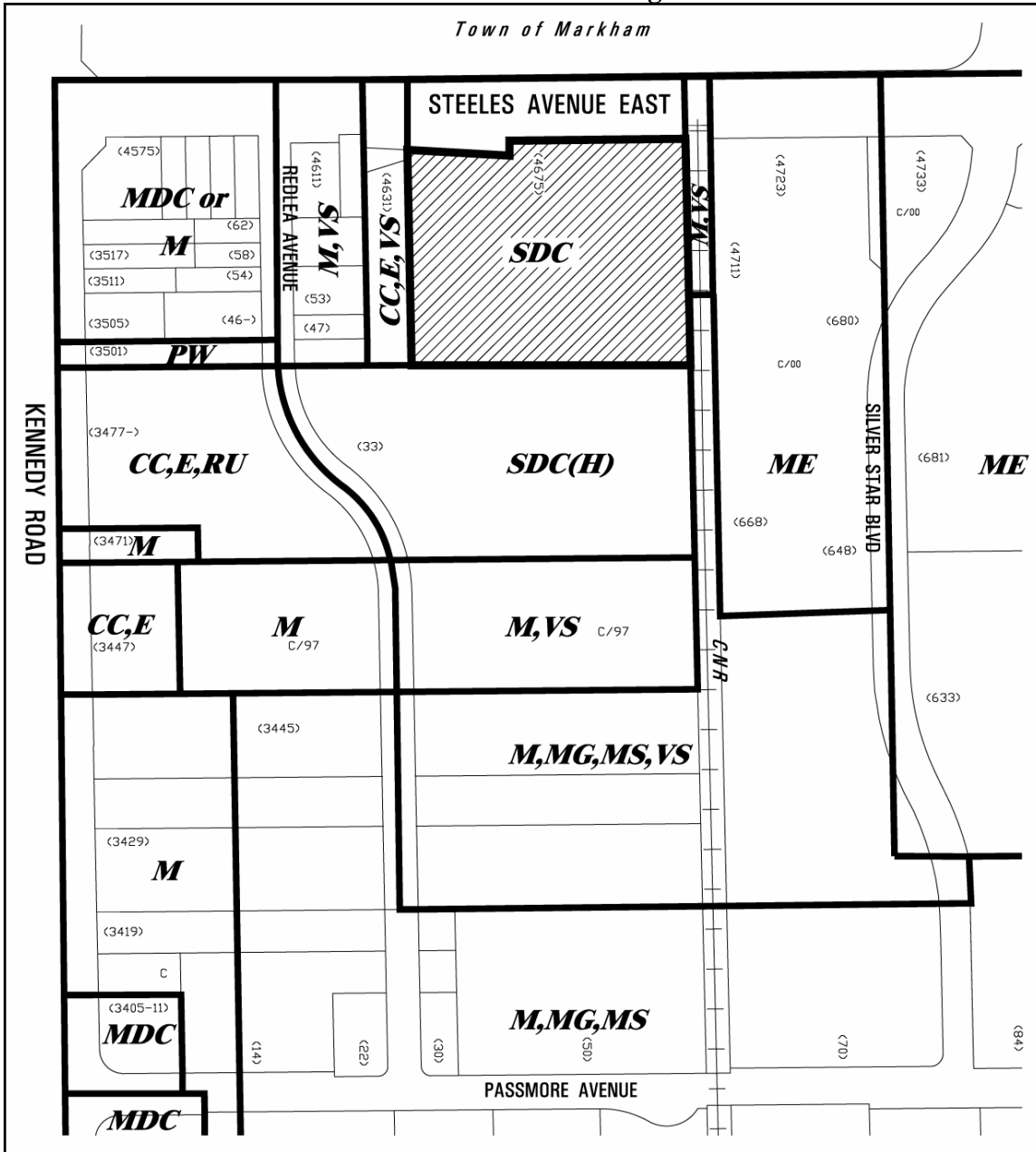
Applicant's Submitted Drawing

Not to Scale
08/13/07

4675 Steeles Avenue East

File # 05-195360 0Z

Attachment 3: Zoning



TORONTO City Planning
Division
Zoning

4675 Steeles Avenue East
File # 05-195356 SA, 05-195360 OZ

CC Community Commercial Zone	RU Recreational Zone	MDC Industrial District Commercial Zone	Milliken Employment Bylaw Not to Scale 11/08/05
E Employment Zone	VS Vehicle Service Zone	MG General Industrial Zone	
ME Mixed Employment Zone	(H) Holding Provision	MS Special Industrial Zone	
PW Places Of Worship Zone	M Industrial Zone	SDC Special District Commercial	

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	05 195360 ESC 39 OZ
Details	Rezoning, Standard	Application Date:	October 20, 2005

Municipal Address: 4675 STEELES AVE E, TORONTO ON
 Location Description: PL 2628 PT LT27 PL 9828 RCP PT LT2, & 3 NOW RP 64R12311 PT 1 T0 6
 **GRID E3903
 Project Description: retail/commercial uses - Splendid China Phase 2. See also Site Plan folder (05 195356 ESC 39 SA)

Applicant:	Agent:	Architect:	Owner:
BRUCE MCMINN		Stone McQuire Vogt	SPLENDID CHINA SQUARE INC

PLANNING CONTROLS

Official Plan Designation:	Special District Commercial	Site Specific Provision:
Zoning:	Special District Commercial	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	24106	Height:	Storeys:	3
Frontage (m):	174.42		Metres:	28.96
Depth (m):	141.8			
Total Ground Floor Area (sq. m):	9141			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	1437
Total Non-Residential GFA (sq. m):	27 265		Loading Docks	4
Total GFA (sq. m):	27 265			
Lot Coverage Ratio (%):	60.4			
Floor Space Index:	1.13			

DWELLING UNITS

Tenure Type:	
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	27 265	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Renrick Ashby, Senior Planner
TELEPHONE: (416) 396-7022

Attachment 5: Community Facility Term Sheet

Community Facility Term Sheet Without Prejudice – August 14, 2007 Draft

Section 37 community benefit to involve provision of on-site fully finished, furnished and equipped community space for a 465 square metre (5,000 square feet) Community Facility that meets the criteria noted below.

1. COMMUNITY FACILITY DESCRIPTION

- 1.1 Owner to design and construct entirely at his own costs, a complete 465 sq. m (5,000 sq. ft) Community Facility with all of the program elements included and functional for the intended purpose of providing community recreation/service programs (Attach Facility Program).
- 1.2 Owner is responsible for constructing, furnishing and finishing the Community Facility, including supplying all furniture fittings and equipment required for the operation of the community facility (See Attached Schedule A – Deliverables listing equipment and furnishings such as capital built-ins, security/signage systems, kitchen appliances, moveable office furniture, etc.).
- 1.3 The Community Facility space shall be made available for a minimum of 99 years at no cost to the City selected non-profit Operator (no property taxes or utility costs).

2. OPERATOR

- 2.1 Community Facility will be operated by a non-profit service provider (the “Operator”) selected by the City with a proven track record of providing local community services.

3. SELECTION PROCESS

- 3.1 The City shall conduct a selection process to identify non-profit service providers who will operate the Community Facility space. Priority will be to local service delivery with final selection informed by a City needs assessment process and/or input from the appropriate City operating division.

4. DESIGN INTENT

- 4.1 The Community Facility shall be designed to be:
 - Inspiring, welcoming, and befitting its context and the surrounding urban form;
 - Address the street with an appropriate degree of interest and animation;
 - Developed with the most current technologies and design principles, including green technologies and principles of sustainability and universal accessibility;

- Self-contained unit within the building or stand alone, located at grade (unless otherwise agreed to by the City) with direct entrance from the street;
 - Easily recognizable with appropriate signage and fully serviced;
 - Full accessibility for the disabled, in accordance with the City's Accessibility Guidelines; and
 - Designed to maximize the programming potential and use of the space.
- 4.2 The City must approve of and fully participate in all phases of the design and construction process for the Community Facility.

5. COMPARABLE EXAMPLES

- 5.1 Develop a high quality Community Facility based on comparable example such as the recently constructed Wellesley Community Centre in order to achieve the minimum level of design, materials, quality, fit and finish.

6. LOCATION AND PROGRAM

- 6.1 The location of the space, basic design considerations and facility program elements must be referenced in the final term sheet, including but not limited to:
- Program elements such as: multi-purpose program and meeting rooms, full kitchen, office and administration space and all associated and supporting circulation space, washrooms and all mechanical, storage and servicing space;
 - All vehicular access, vehicular parking, visitor pick-up/drop-off areas, service access and garbage pick-up required for the Community Facility in accordance with the most current by-laws, standards and codes;
 - All related open space, landscaped outdoor areas and pedestrian connections required for the Community Facility; and
 - All associated mechanical, plumbing, security and electrical systems and devices.

7. COSTS

- 7.1 All costs required to design and construct a complete, operational centre fully finished, furnished and equipped are the sole responsibility of the developer to standards of design and finish acceptable to the City.
- 7.2 Any increase in anticipated costs due to inflation or other factors are the sole responsibility of the developer.
- 7.3 The City shall not be responsible for any costs associated with the design and construction of the Community Facility.
- 7.4 The Owner will be obligated to pay all taxes and levies, unless otherwise exempt.
- 7.5 The Owner shall pay for all common space costs if the facility is located within another building.

- 7.6 The Owner agrees to maintain and repair the space/facility at no cost to the City, including utilities and any future improvements that may be required.
- 7.7 The Owner shall pay for all finishings, furnishings, equipment and supplies required by the Operator for the opening of the Community Facility to the satisfaction of the City.

8. FINISHING

- 8.1 Community Facility shall be finished with flooring, ceilings, partitions, cupboards, full kitchen, fully functioning electrical, security, plumbing, heating and air conditioning systems, and fixtures.
- 8.2 All materials, products, finishes, devices, appliances and systems shall be designed and specified with regard for the demands of an intensively used public building.

9. CONSTRUCTION

- 9.1 Community Facility shall be constructed in conjunction with construction of the building in which it is located
- 9.2 Community Facility operation shall commence in association with occupancy of the building in which it is located
- 9.3 Community Facility shall be constructed in compliance with all applicable provincial and municipal legislation, by-laws, regulations, guidelines and standards applicable at the time of construction and with the plans, drawings, and specifications

10. COMMUNITY FACILITY LEASE TERMS

- 10.1 Owner agrees to enter into a Lease with a non-profit Operator. The City shall review the lease and ensure that it meets the principles of this agreement.
- 10.2 On-going occupancy and maintenance costs shall be paid by the Owner for a term of 99 years, consisting of first term of 25 years, renewable at the Owner's option for a further two terms of 25 years and fourth term of 24 years, all at nominal rent to the Operator.
- 10.3 Owner to be responsible for all costs related to the repair and maintenance of the Community Facility and associated heating, ventilating and air conditioning systems; the building structure; outdoor spaces associated with the Facility; the cost of all utilities and municipal services supplied to the Facility; realty taxes; local improvement charges; property damage and liability insurance.
- 10.4 Provision for staff/visitors parking, drop off and pick up, and service access and garbage pick up area.

11. CODES AND GOVERNING BODIES

- 11.1 All components will be designed, constructed delivered and installed in accordance with all relevant governing legislation, regulations, guidelines and

standards applicable to the intended use for public buildings. The most current codes, standards and practices for good construction at the time of construction shall prevail.

SCHEDULE 'A'

DELIVERABLES

Included in the scope of work by the Developer are the following:

1. Complete, operational community centre fully equipped and functional for the intended purpose to the specified standard. All systems tested and demonstrated to be operational.
2. Complete exterior and interior structure, weather proof and secure.
3. All interior and exterior doors, windows and locks.
4. All cladding, roofing, weather proofing, finishes and protective coatings.
5. All floor coverings, wall and ceiling finishes, paint, protective coatings, floor markings for specialized rooms (e.g. court games in the gymnasium) floor coverings and treatments.
6. All trim, mouldings, and detailing.
7. All insulation, fireproofing and sound proofing as required through OBC and design process.
8. All interior structural, dividing or partition walls.
9. All utility and service connections sized and located as appropriate for the intended function of the facility.
10. All fixtures, equipment, appurtenances, built-in furniture, counters etc.
11. All window coverings, blinds, drapes etc.
12. All vehicular access, parking, service access and turn-rounds for garbage, delivery, visitor drop-off, etc .including all ancillary or related work (excavation, granular, paving, etc)
13. All related open space, landscaped out door areas, walkways and pedestrian connections, stairs, ramps, lights etc.
14. All related and supporting mechanical and electrical systems including heating, air conditioning, lighting, intercom, public address, security, elevating devices, fire detection and suppression, automated door openers, computer cables, telephone, Internet, wiring,
15. All pool circulation, heating and filtration, ventilation etc.
16. International standardized signs for washrooms, elevators, exits and emergency exists, stairs, meeting rooms, etc.
17. Any and all demolition, stripping, clearing and grubbing, excavation, removal and disposal, clean-up and soil remediation as required in order to complete the project in accordance with all codes, standards and practices.