

**2890 and 2900 Markham Road – Zoning Application –
Final Report**

Date:	October 30, 2008
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Ward:	Ward 41 – Scarborough-Rouge River
Reference Number:	07 256519 ESC 41 OZ

SUMMARY

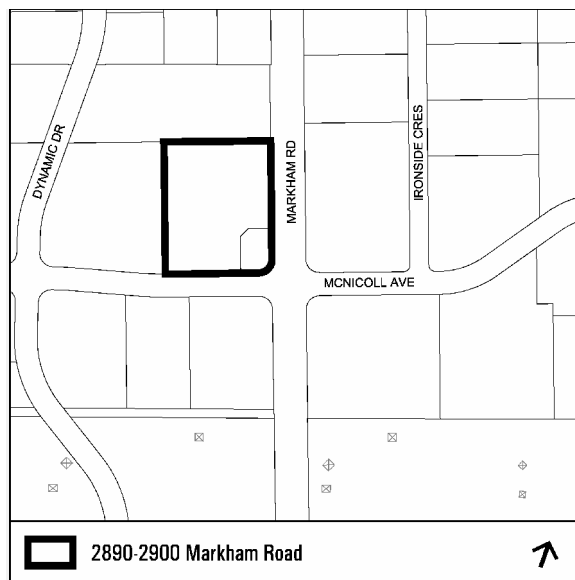
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applicant proposes to rezone the lands at 2890 and 2900 Markham Road to permit a 3-storey mixed use building that will include a convention centre, office, restaurant uses and retail permissions. The current zoning by-law for the site permits retail and restaurant uses and the proposed floor area for these uses would be maintained at current permissible levels. The rezoning would only permit an increase in other employment uses (including office, convention centre, financial institutions, etc.) for an overall density of 1.13 times the area of the lot. The existing 3 buildings on the subject lands will be demolished in order to accommodate the proposed development.

This report reviews and recommends approval of the application to amend the zoning by-law.

RECOMMENDATIONS

The City Planning Division recommends that:



1. City Council amend the zoning by-law for the Tapscott Employment District West Zoning By-law No. 24982 substantially in accordance with the draft zoning by-law amendment, Attachment No. 5.
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.
3. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an agreement pursuant to Section 37 of the Planning Act to secure the following public benefits and matters for convenience:
 - i) prior the issuance of the first above-grade permit, pay the City the sum of \$400,000 towards the works associated with the expansion of the Milliken Park Community Recreation Centre;
 - ii) require that the cash amount identified above be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 agreement to the date of submission of the funds by the owner to the City.
 - iii) the Owner(s) shall construct or provide securities equal to 100 percent of the cost of the implementation, of transportation improvements identified in the Traffic Impact Study, as may be revised to the satisfaction of the Executive Director, Technical Services.
4. Authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report was before Community Council on February 12, 2008, recommending that the application proceed through the planning review process including the scheduling of a community consultation meeting.

The original proposal contemplated a density of 1.3 times the area of the lot for the entire project in one, 3-storey, 23 372 square metre (251,586 square feet) mixed use building that included a convention centre, office, restaurant uses and retail permissions with a total of 1,195 parking spaces.

ISSUE BACKGROUND

Proposal

The current proposal contemplates developing the subject lands with one, 3-storey, 20 788 square metre (223,767 square feet) mixed use condominium building that will include a convention centre, office, restaurant uses and retail permissions. Specifically, the project would include 8 486 square metres of retail including restaurant uses, 656 square metres of office and a 2 628 square metre convention centre. The remainder of the proposed floor area will be used as common areas for circulation including hallways, atrium, stairs, etc. A density of approximately 1.13 times the area of the lot is being contemplated.

A total of 965 parking spaces are proposed as follows: 96 at-grade; 333 below-grade; and 536 on the proposed 5-storey parking deck.

Right in, right out vehicular access is proposed from Markham Road while full vehicular access/egress will be provided from McNicoll Avenue. The main pedestrian entrance is proposed from McNicoll Avenue.

Site and Surrounding Area

The site is approximately 1.8 hectares (4.4 acres) in area, having approximately 122 metres (400 feet) of frontage on McNicoll Avenue with an average depth of about 150 metres (492 feet). The site contains an existing service station at the north-west corner of Markham Road and McNicoll Avenue and two industrial buildings. The existing two industrial buildings as well as the service station will be demolished to accommodate the proposed development.

The site is generally flat and treeless, except for trees planted in the boulevard along Markham Road and McNicoll Avenue.

Surrounding land uses:

North: Industrial uses

South: Industrial uses with limited retail uses (ie. coffee shop, restaurant, retail-convenience, service station)

East: Vacant industrial lands, further east industrial uses

West: Industrial uses

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The development will provide for the greater intensification of land uses thereby serving to generate increased employment opportunities and takes advantage of existing services and infrastructure. It also promotes economic development and competitiveness by providing an appropriate mix of uses. Staff have reviewed the proposal and have concluded that it is consistent with the PPS and conforms with the Growth Plan of the Greater Golden Horseshoe.

Official Plan

The Toronto Official Plan designates the property as Employment Areas on Map 22, 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.

The site is identified as an Employment District on Map 2 Urban Structure. Policy 1 of the Employment District identifies the need to protect and promote these areas for economic activity in order to 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.

Employment Districts will be enhanced to ensure they are attractive and function well, through actions such as: permitting a broad array of economic activity that encourages existing businesses to branch out into new areas of 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.

Employment Areas are places of business and economic activity. Uses that support this function consist of offices, 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 Policy #139 is applicable to the subject lands as well as the following arterial intersections: southwest, southeast, northeast and northwest corners of Markham Road and McNicoll Avenue; northeast and northwest corners of Markham Road and Finch Avenue; and, southeast corner of Steeles Avenue and Middlefield Road. Site

Specific Policy #139 restricts new automobile service stations within 150 metres of these arterial intersections.

It should be noted that the current zoning for the lands was put in place in the 1980's and the 1990's prior to the adoption of the current Official Plan. As such, the existing retail, restaurant and service permissions do not conform to the current Employment Areas policies which only allow small scale stores and services that serve area businesses and workers.

Zoning

The subject lands have multiple zoning. The portion of the subject lands known as 2900 Markham Road was zoned Special District Commercial (SDC) by amending by-law #24277, passed September, 1994 which has been consolidated into the Tapscott Employment District West Zoning By-law #24982. The 1994 by-law effectively allowed for a wide range of uses including banks, day nurseries, educational and training facility uses, offices, places of entertainment, personal services shops, recreational uses, restaurants, retail stores, service shops and agencies, studios. The maximum gross floor area of all buildings is restricted to 0.65 times the area of the lot. The maximum gross floor area of all uses except recreational uses and places of entertainment is restricted to 0.4 times the area of the lot. Further, the gross floor area of all restaurants is restricted to 558 square metres (6,000 square feet).

Exception #202 prohibits non-accessory ground signs (excluding market place signs) and wall signs which are non-accessory. Exception #392 also allows this portion of the subject lands to be used for mall food court retail outlets.

The remainder of the subject lands known as 2890 Markham Road and developed with a service station, was zoned Industrial District Commercial Zone (MDC) by amending by-law #20298, passed March, 1983 which has been consolidated into the Tapscott Employment District West Zoning By-law #24982. Permitted uses include: day nurseries, financial institutions offices, places of worship, restaurants, vehicle repair garages, vehicle sales operations, vehicle service garages, vehicle service stations.

The gross floor area of all buildings is restricted to 0.4 times the area of the lot. Exception #99 restricts uses to the following: marketplace signs, places of worship and vehicle service stations. Exception #207 which is also applicable to this portion of the subject lands prohibits open storage.

The above zoning by-laws were put in place prior to the adoption of the current Official Plan and do not comply with the current Employment Areas policies which only allow small scale stores and services that serve area businesses and workers. Specifically, the SDC and MDC zoning categories permit a full range of retail, restaurant and service uses on the lands generally at a maximum density of 0.4 times the area of the lot.

Site Plan Control

The subject lands are under site plan control. The applicant has submitted a site plan control application which staff are currently reviewing.

Reasons for Application

The current SDC and MDC zoning categories allow for retail and restaurant uses. The applicant proposes to maintain these uses at current permissible levels (0.4 times the area of the lot). An amendment to the zoning by-law is required to add a convention centre use along with increases in floor area for employment uses. Provisions to limit the amount of retail, restaurant and service uses to their current levels will also be provided.

Further site specific amendments are required to the minimum parking standards, height and coverage.

The Special District Commercial zoning which applies to the larger 2900 Markham Road lands would be maintained and extended over all the lands.

Community Consultation

A community consultation meeting was held on April 17, 2008. No members of the public attended.

Staff did receive a telephone enquiry from a representative of Owens Corning Canada Inc. located to the west, expressing concerns regarding increase in both vehicular and pedestrian traffic in the area and potential conflicts with existing truck traffic.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Official Plan

As mentioned previously, the currently permitted zoning uses were put in place prior to the adoption of the Official Plan. The subject application is seeking to maintain the existing uses and levels permitted by the existing zoning of the site and expand the floor area of the following uses: offices, financial institutions, recreational, service shops and agencies in accordance with the Employment Areas policies of the official plan.

The proposed convention centre use would add to the attractiveness and competitiveness of this area by accommodating trade shows, special events, conferences, banquets, and conventions. A mix of employment opportunities will be provided in keeping with the Employment Areas policies of the official plan.

The proposed condominium commercial units would be sold individually thereby making business ownership and/or investment opportunities possible. The proposed development ensures a strong employment base is maintained and the expansion of the office and convention centre area is consistent with the Employment Areas policies of the Official Plan.

Site Specific Policy #139 is applicable to the subject lands and restricts new automobile service stations within 150 metres of these arterial intersections. As the subject application does not propose any new service stations and removes an existing service station, it supports and is consistent with Site Specific Policy #139.

The applicant proposes to retain the existing “as-of-right” uses and expand the range of uses and density on the subject lands in accordance with the Employment District and Areas policies. With controls in the draft by-law that restrict any increase in retail, restaurant and service uses from the present permissions and restrictions on the size of individual retail units, staff find the proposed development to be in conformity with the official plan designation and consistent with applicable official plan policies.

Land Use

The subject application contemplates developing the subject lands with additional employment uses and associated floor area increases in a mixed use building that will include a convention centre, office, restaurant uses and retail permissions. With the exception of the convention centre, all proposed uses are currently permitted.

The redevelopment of the subject lands will provide for the greater intensification of the land thereby serving to generate increased employment opportunities. Further, the proposed development can take advantage of existing municipal infrastructure with greater efficiencies.

The retention and expansion of as-of-right employment uses should not result in any negative impacts to the surrounding community. The inclusion of a convention centre will complement the retail, restaurant and other employment uses currently permitted.

Density, Height, Massing

The proposed development would be restricted to 21 063 square metres (226,728 square feet) or 1.13 times the area of the lot and 3-storey’s in height.

The intensity of the development is similar to recently approved developments in employment areas (ie. Splendid China Square Inc. and 2761 Markham Road). The draft zoning by-law restricts the amount of retail, restaurant and service floor area. This scale of development, in the context of the surrounding area is appropriate, and staff do not anticipate any negative impacts to the surrounding employment community.

Traffic Impact, Access, Parking

The Traffic Study prepared by BA Group, dated November 2007 and revised August 2008, recommends a number of road improvements to support the proposed uses on the

subject lands. These improvements include widening of McNicoll Avenue at the primary driveway to provide for a 3.25 metre wide eastbound left turn storage lane; provision of two, 3.0 metre wide exit lanes at the primary driveway and a 5.5 metre wide inbound lane; provision of a minimum distance of 25 metres from the primary driveway to Markham Road; and, provision of appropriate on-site directional signage to guide drivers to utilize both the Markham Road and McNicoll Avenue access driveways.

Primary vehicular access is provided from McNicoll Avenue while a secondary right-in, right-out driveway is provided from Markham Road. Transportation Services staff are generally satisfied with the proposed access/egress points to the subject lands, however, they have requested additional information. Should this information identify other required transportation improvements they will be secured through a Section 37 Agreement, as a matter of convenience.

The proposed parking supply is based on a blended rate of 4.25 parking spaces/100 square metres of gross floor area which staff agree is acceptable. The draft zoning by-law will reflect this minimum parking standard with restrictions on maximum restaurant floor space.

The draft zoning by-law will also include a provision for bicycle parking at a minimum rate of 0.25 bicycle spaces /100 square metres of gross floor area. Details regarding location of bicycle parking will be finalized during the site plan approval stage.

Urban Design

The proposed building elevations, placement and massing are generally acceptable. Details of the elevations, landscaping and the building's relationship to the street will be considered in further detail during the site plan approval process.

As part of site plan approval, the owner(s) would be providing a Letter of Credit in the amount of \$100,000 to secure public art on site. The public art location will be considered along the McNicoll Avenue and Markham Road frontages or at the corner of McNicoll Avenue and Markham Road.

Heritage Preservation

There was prior soil disturbances of the subject property and the probability of archaeological deposits being found intact is extremely low. Heritage Preservation Services reports that an archaeological assessment is not necessary.

Tree Preservation

The lands are subject to the City's Tree Preservation By-law. There are nine existing City street trees and several private trees involved with this application. All of the City trees and most of the private trees are shown to be removed and replaced because of their location and condition. As part of the site plan approval process, the applicant is required to submit a recent arborist report, which is to include a tree preservation plan. The certified or consulting arborist retained by the applicant must include tree protection

measures in the report. All City trees will be identified on the site plan, as well as private trees with a diameter of 30 centimetres or greater.

Urban Forestry, Tree Protection & Plan Review are supportive of the subject application provided all outstanding tree issues are addressed during the site plan approval process. A revised site plan, Arborist Report, and the applications to destroy trees are to be submitted to Urban Forestry, Tree Protection and Plan Review, for review and acceptance.

Toronto 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. As part of site plan control review, staff will pursue further opportunities for tree plantings.

Section 37

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 by the applicant in a letter dated October 19, 2008. Should this application be approved, the City will request they be outlined in the amending zoning by-law and secured in a Section 37 agreement:

- the provision of a \$400,000 cash payment to the City of Toronto, prior to the issuance of above-grade building permits for works associated with the expansion of the Milliken Park Community Recreation Centre;
- require that the cash amounts identified above shall be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 agreement to the date of submission of the funds by the owner to the City;
- should the funds not be utilized for the expansion project within five years of receipt, or should surplus funds remain, the funds be redirected to another community benefit to the satisfaction of the Director, Community Planning, Scarborough District and the local Ward Councillor;

- the Owner(s) shall provide a Letter of Credit in the amount of \$100,000, in conjunction with site plan approval to secure the provision of public art. The public art will be subject to approval by the City;
- the Owner(s) shall construct or provide securities equal to 100 percent of the cost of the implementation, of other transportation improvements identified in the revised Traffic Impact Study to the satisfaction of the Executive Director, Technical Services; and,
- authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Development Charges

It is estimated that the development charges for this project will be \$711,262. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Site Plan

A site plan control application has been submitted. The site plan review will address details including access, traffic, building placement and built form as well as site circulation, storm water management issues and tree protection.

Draft Zoning By-law Amendment

The draft zoning by-law amendment sets out performance standards which will define the project as proposed with some slight flexibility in regards to density, land use, parking and height (Attachment 5: Draft Zoning By-law). The draft zoning by-law also sets out restrictions on the maximum floor area of retail, restaurant and services uses at levels which are currently permitted in order to not contravene Official Plan policies. Completion of the review of the site plan control application will ensure compliance with the approved zoning by-law.

Conclusions

The applicant proposes to rezone the lands at 2890 and 2900 Markham Road to permit a 3-storey mixed use building that will include a convention centre, office, restaurant uses and retail permissions. The current zoning by-law for the site permits retail, restaurant and service uses and the proposed floor area for these uses would be maintained at current permissible levels through restrictions in the draft by-law. The rezoning would only permit an increase in other employment uses (including office, convention centre, financial institutions, etc.) for an overall density of 1.13 times the area of the lot. The existing 3 buildings on the subject lands would need to be demolished in order to accommodate the proposed development

The proposed convention centre and additional office uses would support the employment area. The extent and type of retail and restaurant uses proposed is consistent with existing as-of-right permissions. The proposal complies with the Employment

Areas policies of the Official Plan and is consistent with the Provincial Policy Statement and conforms with the Growth Plan for the Greater Golden Horseshoe.

It is recommended that City Council approve the draft zoning by-law amendment to the Tapscott Employment District Zoning By-law as generally illustrated on Attachment 5: Draft Zoning By-law, once a Section 37 agreement is signed by the applicant.

CONTACT

Renrick Ashby, Senior Planner
Tel. No. (416) 396-7022
Fax No. (416) 396-4265
E-mail: rashby2@toronto.ca

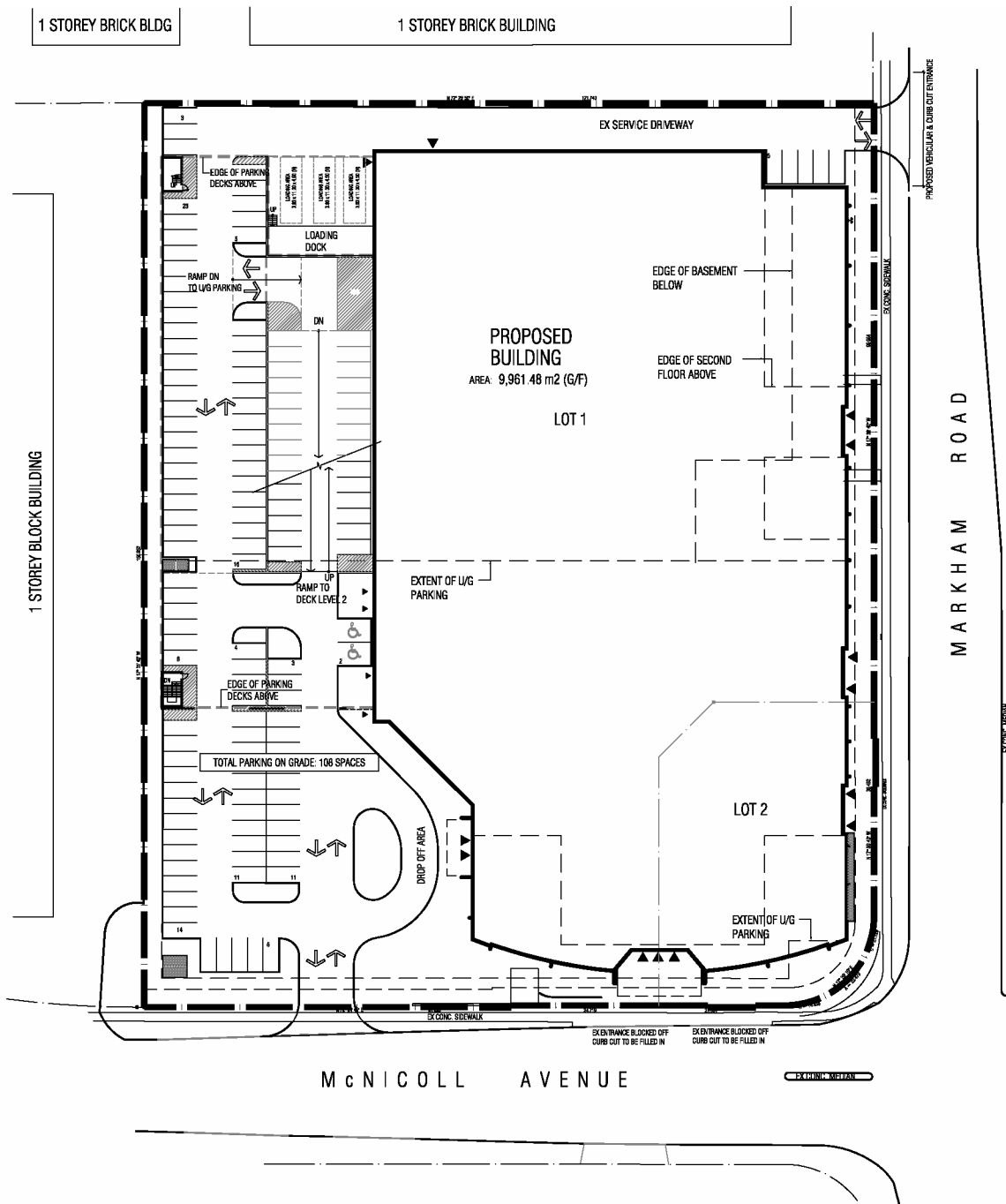
SIGNATURE

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: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

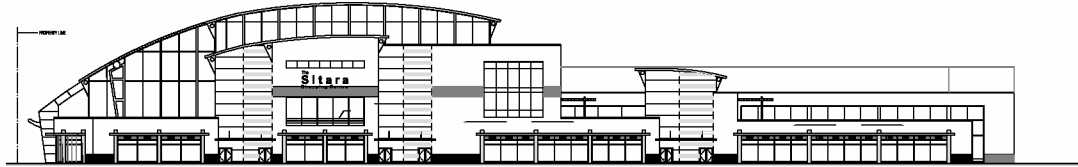
Not to Scale
1/23/08



2890, 2900 Markham Road

File # 07-256519 OZ

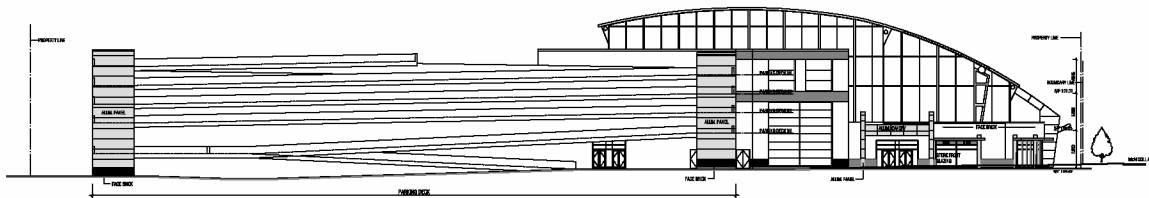
Attachment 2: Elevations



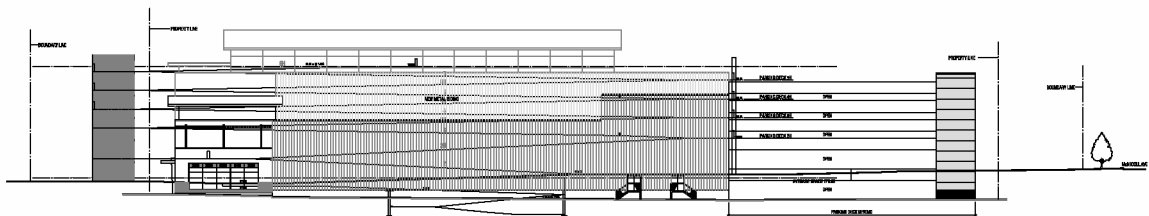
East



South



West



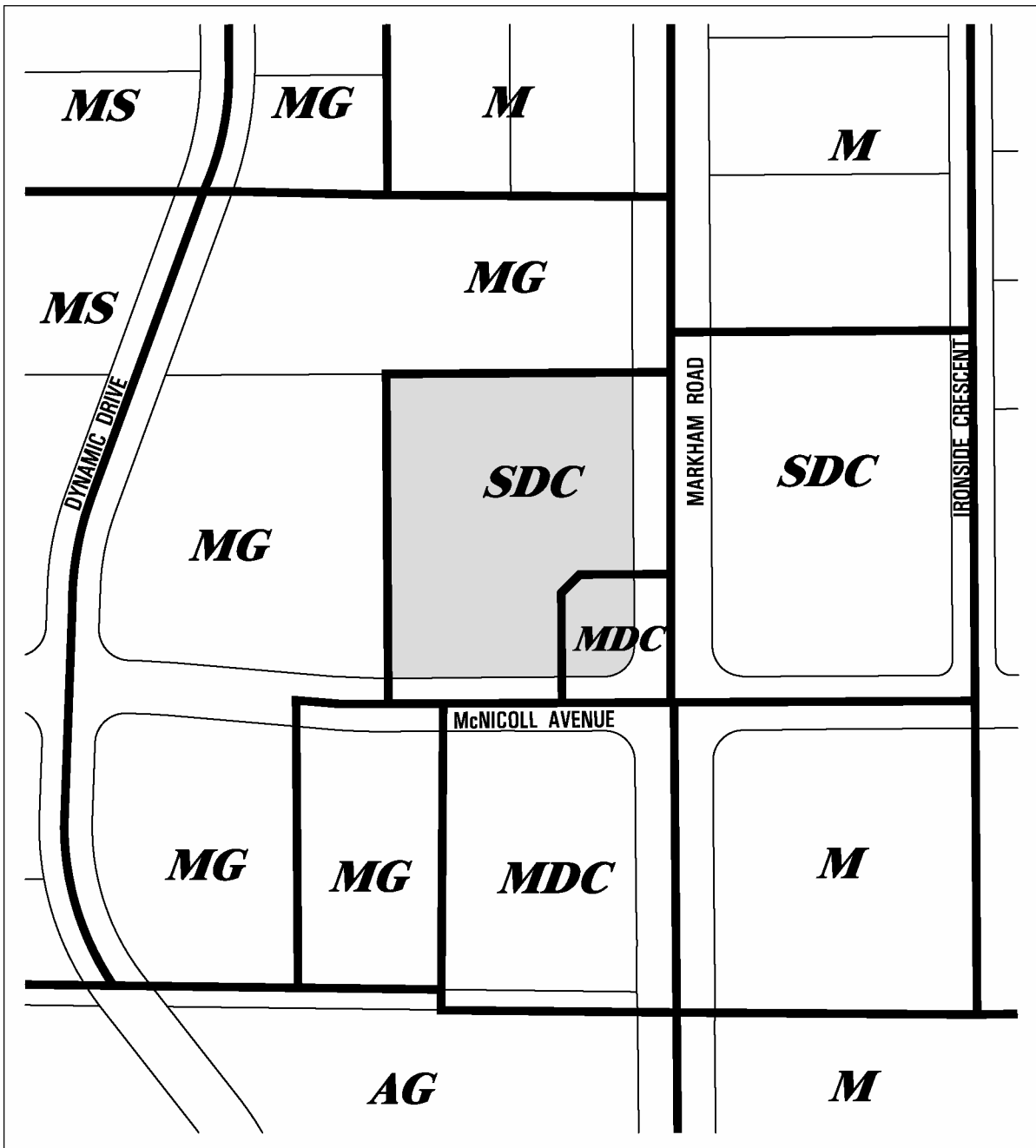
North

Elevation Plans
Applicant's Submitted Drawing
Not to Scale
1/23/08

2890, 2900 Markham Road

File # 07-256519 0Z

Attachment 3: Zoning



TORONTO City Planning Division
Zoning

2890, 2900 Markham Road
File # 07-256519 0Z

AG Agricultural Zone
M Industrial Zone
MDC Industrial District Commercial zone

MG General Industrial Zone
MS Special Industrial Zone
SDC Special District Commercial Zone

Tapscott Employment District Bylaw
Not to Scale
1/23/08



Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	07 256519 ESC 41 OZ
Details	Rezoning, Standard	Application Date:	August 27, 2007

Municipal Address: 2890 – 2900 MARKHAM RD

Location Description: PL M1773 PT LT9 RP 66R13543 **GRID E4104

Project Description: The applicant proposes to demolish the 3 existing buidings on the 2 properties and erect a 3-storey mixed use development consisting of convention center, retail, office, restaurant and food court facilities.

Applicant:	Agent:	Architect:	Owner:
EVANS PLANNING		Louis Cheung	DAVID CHI-LEUNG LAM

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	#139
Zoning:	SDC-Special District Commercial and MDC- Industrial District Commercial	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	18 331.36	Height:	Storeys:	3	
Frontage (m):	122		Metres:	0	
Depth (m):	150				
Total Ground Floor Area (sq. m):	10 043				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	965	
Total Non-Residential GFA (sq. m):	20 788		Loading Docks	3	
Total GFA (sq. m):	20 788				
Lot Coverage Ratio (%):	76				
Floor Space Index:	1.13				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Common Areas GFA (sq. m):	9 291	0
Bachelor:	0	Retail GFA (sq. m):	6 636	0
1 Bedroom:	0	Restaurant GFA (sq. m)	1 850	0
2 Bedroom:	0	Office GFA (sq. m):	656	0
3 + Bedroom:	0	Convention Centre GFA (sq. m):	2 626	0
Total Units:	0			

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

Attachment 5: Draft Zoning By-law

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the Employment Districts Zoning By-law No. 24982 (Tapscott Employment District), as amended,
With respect to the lands municipally known as,
2890 – 2900 Markham Road**

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. **SCHEDULE ‘A’** of the Employment Districts Zoning By-law No. 24982 (Tapscott Employment District), is amended by deleting the current zoning in its entirety for the lands shown on Schedule ‘1’ attached hereto and forming part of this By-law, and replacing them with the following letters and numerals:

SDC-254-255-256-257-258-259-260-501-1400-1640-2228-2229-2377-2703 (140)

2. **SCHEDULE ‘B’ - PERFORMANCE STANDARDS CHART** of the Employment Districts Zoning By-law No. 24982, as amended, is hereby further amended by adding the following Performance Standards:

INTENSITY OF USE

254. the maximum **gross floor area** (all uses) including common areas is restricted to 20 788 square metres
255. the maximum **gross floor area** of retail stores is restricted to 6 636 square metres
256. the maximum **gross floor area** of one individual retail unit is restricted to 400 square metres, the remaining **gross floor area** of any other individual retail units shall not exceed 300 square metres
257. the maximum **gross floor area** of mall food court retail uses is restricted to 488 square metres
258. the minimum **gross floor area** of convention centre uses is 2 600 square metres

259. the maximum **gross floor area** of **restaurant** uses is restricted to 1 912 square metres
260. the maximum **gross floor area** of any individual **restaurant** use shall not exceed 500 square metres

COVERAGE

501. the maximum building **coverage** is restricted to 76%.

REQUIRED PARKING

1400. Notwithstanding the provisions of **CLAUSE V – GENERAL PROVISIONS Section 7.2 Table of Required Parking Rates**, parking shall be provided for all uses as follows:

A minimum of 4.25 parking spaces per 100 square metres of **gross floor area**

HEIGHT

2703. Maximum number of storeys, - 3

MISCELLANEOUS

2211. Mall Food Court Retail Outlet shall mean a building or structure or part thereto which abuts an enclosed climate controlled public walkway or mall where food and beverages are prepared and offered for sale or sold to the public primarily for consumption on the premises, but does not include a **restaurant**.
2228. Convention Centre shall mean a premises used for trade shows, special events, conferences, banquets which may include but not be limited to meeting rooms, accessory office uses and other uses normal and incidental to the convention centre use.
2229. Common Areas shall include hallways, atrium, stairs, etc. These areas are not devoted to any other uses and shall be excluded from the **gross floor area** of all permitted uses.
3. **SCHEDULE ‘C’ – EXCEPTIONS LIST**, of the Employment District Zoning By-law No. 24982, as amended, is further amended by adding the following Exception Number:

ONLY THE FOLLOWING USES ARE PERMITTED

140. On those lands identified as Exception Number 140, the following uses are permitted:

Convention Centre
Day Nurseries
Financial Institutions
Offices
Mall Food Court Retail Outlet
Personal Service Shops
Restaurants
Retail Stores
Recreational Uses
Service Shops
Studios

SECTION 37

2377. On those lands identified as Exception 2377 on Schedule ‘C’ and matters to be provided pursuant to Section 37 of the *Planning Act*, the following provisions shall apply:

The density of development permitted by this By-law is subject to the Owner of the land, at its expense, and in accordance with and subject to entering into one or more agreements with the City of Toronto, pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, as amended, and that such agreement(s) be registered against the title of the lot, to secure capital facilities and/or cash contributions toward specific capital facilities as follows:

1. The provision of a \$400,000 cash payment to the City of Toronto, prior to the issuance of above-grade building permits for works associated with the expansion of the Milliken Park Community Recreation Centre;
2. The Owner(s) shall provide a Letter of Credit in the amount of \$100,000, prior to the issuance of above grade structural building permits to secure the provision of public art. The public art will be subject to approval by the City;
3. The Owner(s) shall construct or provide securities equal to 100 percent of the cost of the implementation, of transportation improvements identified in the Traffic Impact Study as may be revised to the satisfaction of the Executive Director, Technical Services.

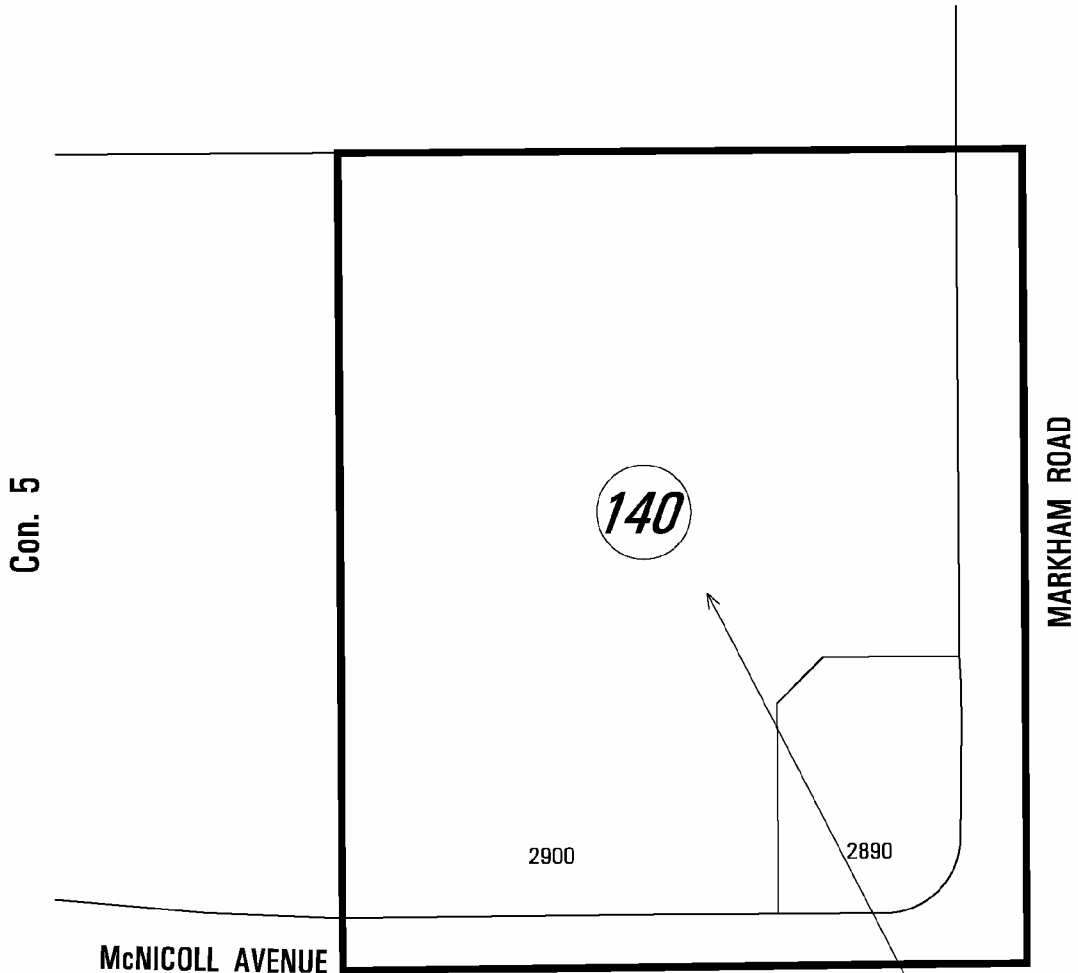
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'
Lot 18



**SDC-254-255-256-257-258-259-260-
501-1400-1640-2228-2229-2377-2703**

TORONTO City Planning
Division
Zoning By-Law Amendment

2890, 2900 Markham Road
File # 07-256519 0Z

 Area Affected By This By-Law

Tappscott Employment District Bylaw
Not to Scale
11/18/08
