



STAFF REPORT ACTION REQUIRED

2512-2540 Bayview Avenue & 291-311 York Mills Road – Rezoning, Site Plan Applications – Final Report

Date:	January 12, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	08 112171 NNY 25 OZ

SUMMARY

This application was made on February 19, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

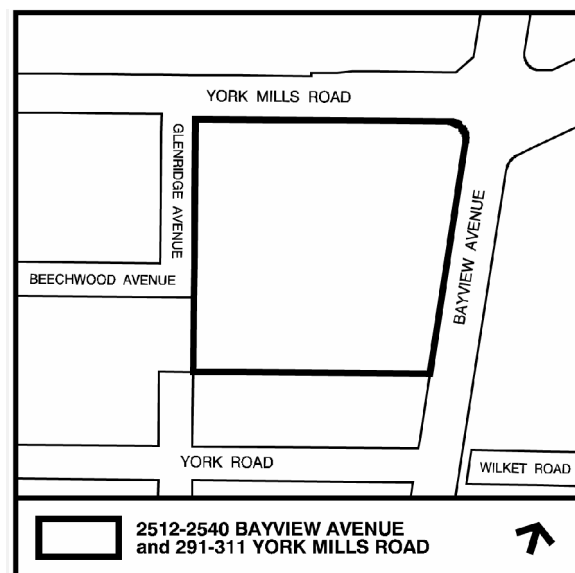
This application proposes to construct a second storey addition above the existing Shoppers Drug Mart located within the York Mills Shopping Centre at 2512-2540 Bayview Avenue and 291-311 York Mills Road.

This application was reviewed by Planning Staff and circulated divisions to assess the impact of the proposal. The application is consistent with the Official Plan and will have negligible impacts from a transportation perspective.

This report recommends approval of the applications to amend the Zoning By-law and Site Plan.

RECOMMENDATIONS

The City Planning Division recommends that:



1. City Council amend the Site Specific Zoning By-law No. 29589 substantially in accordance with the draft Zoning By-law Amendment in Attachment No. 5;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to draft Zoning By-law Amendment as may be required;
3. Approve in principle the conditions set out in Attachment 6 to this report, the proposal for a second storey addition to the Shoppers Drug Mart, located at 2512-2540 Bayview Avenue and 291-311 York Mills Road, as indicated on the plans listed in Attachment 1;
4. Delegate back to the Chief Planner or his designate the authority to issue Site Plan Approval and the final Site Plan Approval not be issued until the amending Zoning By-law is in effect.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1956, the former Township of North York agreed to close the portion of Beechwood Avenue between Glenridge Avenue and Bayview Avenue, and convey those lands to the owners of the York Mills Shopping Centre creating the parcel of land on the southwest corner of York Mills Road and Bayview Avenue that exists today. As part of this land conveyance, the rezoning of the lands from R3 to C2 was approved. The rezoning and conveyance were approved by the Township on condition that certain undertakings, as set out in an agreement registered on title on November 5, 1956, would be carried out by the York Mills Shopping Centre. The agreement implemented a maximum gross floor area of 3,948 m² (ground floor plus 104 m² mezzanine level) and a maximum height limit of one storey (the mezzanine was exempt), as well as requiring specific traffic and landscaping measures to minimize impacts on the abutting residential neighbourhood.

In 1984, the owners obtained a building permit to expand the plaza. The approved addition resulted in a total Gross Floor Area (GFA) of 7,566.5 m². A site plan agreement was registered on title to replace the existing 1956 agreement. In 1985, Council for the former City of North York passed By-law 29589, which, among other matters, set out maximum gross floor areas for the York Mills Shopping Centre.

In 2005, the Committee of Adjustment approved a minor variance application which increased the permitted maximum GFA to 7,873 m², including increasing the mezzanine GFA to 138m². Variances were also approved to acknowledge an existing parking aisle width deficiency.

ISSUE BACKGROUND

Proposal

The application is for a proposed second storey addition to the Shoppers Drug Mart located within the York Mills Shopping Centre (Attachment 1) at the south-east corner. The existing Shoppers Drug Mart has a gross floor area of 664 m², with a 411 m² underground storage area. The proposed addition would expand the store and plaza's retail space by 740 m², for a total proposed gross floor area of 8,613 m² on site.

Existing east and south side yard setbacks would not be affected. The shopping centre's parking layout would be reconfigured to provide nine additional parking spaces near the Shoppers Drug Mart.

Site and Surrounding Area

The subject lands are located at the southwest corner of the intersection of Bayview Avenue and York Mills Road, with 139 m frontage along Bayview Avenue and 150 m frontage along York Mills Road. The property has an area of 22,588 m².

The site is currently occupied by the York Mills Shopping Centre which is a one storey retail plaza with a small mezzanine level above a portion of the plaza. The shopping centre would remain as constructed save for the proposed second storey above Shoppers Drug Mart and the nine additional parking spaces.

Land uses surrounding the site are as follows:

North: a two storey retail plaza and single detached houses across York Mills Road
South: single detached houses
East: York Mills Arena and Windfields Park across Bayview Avenue
West: single detached houses

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 proposal is consistent with the PPS and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan designates the property as *Mixed Use Areas*, which provides for a broad range of commercial, residential and institutional uses subject to a number of development criteria.

Zoning

Under former City of North York Zoning By-law 7625, the subject site is zoned Local Shopping Centre (C2), which permits shopping centres, parking lots and a variety of other commercial uses. The entire site is also subject to site specific By-law 29589, passed in 1985, which:

- set a maximum gross floor area of 7,566.5 m² for the site (maximum ground floor area of 5,668.5 m², maximum mezzanine GFA of 104 m² and a maximum basement GFA of 1,794 m²), this was later the subject to a minor variance that increased the maximum GFA to 7,873.0 m² (maximum ground floor area of 5,941.01 m², maximum mezzanine GFA of 138 m², maximum basement GFA of 1,794 m²);
- limits the range of permitted uses within the York Mills Shopping Centre;
- restricts the building to a height of 1 storey (except for the existing mezzanine);
- requires a minimum of 339 parking spaces;
- restricts vehicular access points to York Mills Road and Bayview Avenue only; and
- requires landscaping features be provided along the west and south property lines.

Site Plan Control

This application is subject to Site Plan Control and a Site Plan Application has been submitted by the applicant. The application has been reviewed concurrently with the Zoning By-law Amendment.

Reasons for the Application

The proposed second storey addition to the York Mills Shopping Centre (above Shoppers Drug Mart only) does not comply with existing site specific Zoning By-law 29589 requirements with respects to maximum gross floor area and building height.

Community Consultation

A community consultation meeting was held on June 17, 2008 which was attended by seven people. Additional correspondence has been received on the project. Members of the community have raised concerns about the lighting on the proposed signage, the height of the building and some concerns about 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 and conditions of Site Plan Approval.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS as the proposed addition to the existing retail use constitutes an efficient land use and reinforces an appropriate mix of land uses in the area.

Land Use

The proposed site already contains a large retail plaza. The proposed addition to the existing Shopper's Drug Mart reinforces this use within a mixed-use area.

Density, Height, Massing

The proposed is to increase the Gross Floor Area (GFA) by 740 m² for a total site GFA of 8,613 m², whereas a maximum of 7,873.0 m² is currently permitted. This constitutes an increase in the total GFA of 9.3 % which is appropriate within the context of the area. The proposed height is increased by one storey to create a 2 storey building over the existing Shoppers Drug Mart Store. This height is consistent with development on adjacent corners of the building and will not adversely impact the surrounding residents as substantial setbacks (45 m) are maintained from the nearest residential use. The building footprint remains unchanged.

Traffic Impact, Access, Parking

A traffic impact study was submitted which concluded that York Mills Rd and Bayview Ave are presently operating near capacity. The study also found that the proposed expansion would have a minimal impact on the operation of signalized intersection nor have any significant traffic impact implications. Transportation Staff support the conclusions of the study and recommend that the use of paid officers continue for the purposes of facilitating ingress and egress from the plaza. Furthermore, the use of paid officers should be made a condition of site plan approval.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people.

Parks, Forestry and Recreation staff has advised that the parkland contribution that would apply to this site is 2 %. The required parkland dedication will be satisfied through cash in lieu.

York Mills Ratepayers Association

The applicant has advised City Staff that a settlement has been reached in regards to this development application between the applicant and the York Mills Ratepayers association, City Staff are in receipt of the settlement document. City Staff are also in receipt of a resolution by the York Mills Ratepayers Association indicating their support of the proposal.

Development Charges

It is estimated that the development charges for this project will be \$73,482.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Giulio Cescato, Assistant Planner
Tel. No. (416) 395-7044
Fax No. (416) 395-7155
E-mail: gcescat@toronto.ca

SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York 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 6: Notice of Approval Conditions

YORK MILLS ROAD

GLENRIDGE AVENUE

BAYVIEW AVENUE

EXISTING FULL MOVEMENT

EXISTING RI/RO

EXISTING DOMINION STORE
EXISTING GFA
+/- 2,320.06 sq. m
+/- 25,046.01 sq. ft.

LOT 12

LOT 13

REGISTERED PLAN 1839
PN 10027-000H8(LT)

ONE (1) STOREY COMMERCIAL BUILDING
EXISTING GFA
+/- 3,854.05 sq. m
+/- 38,902.56 sq. ft.

PROPOSED 2ND FLOOR ADDITION
+/- 2,740.00 sq. m
+/- 29,400.00 sq. ft.

SHOPPERS DRUG MART

165 SIDE SPACES

63 REAR SPACES

145 SIDE SPACES

BLOCK A
REGISTERED PLAN 4054

HOLLYWOOD AVENUE
CLOSED BY BY-LAWS 11712 AND 12060

EXISTING FULL MOVEMENT

NOT TO SCALE

01/06/2009

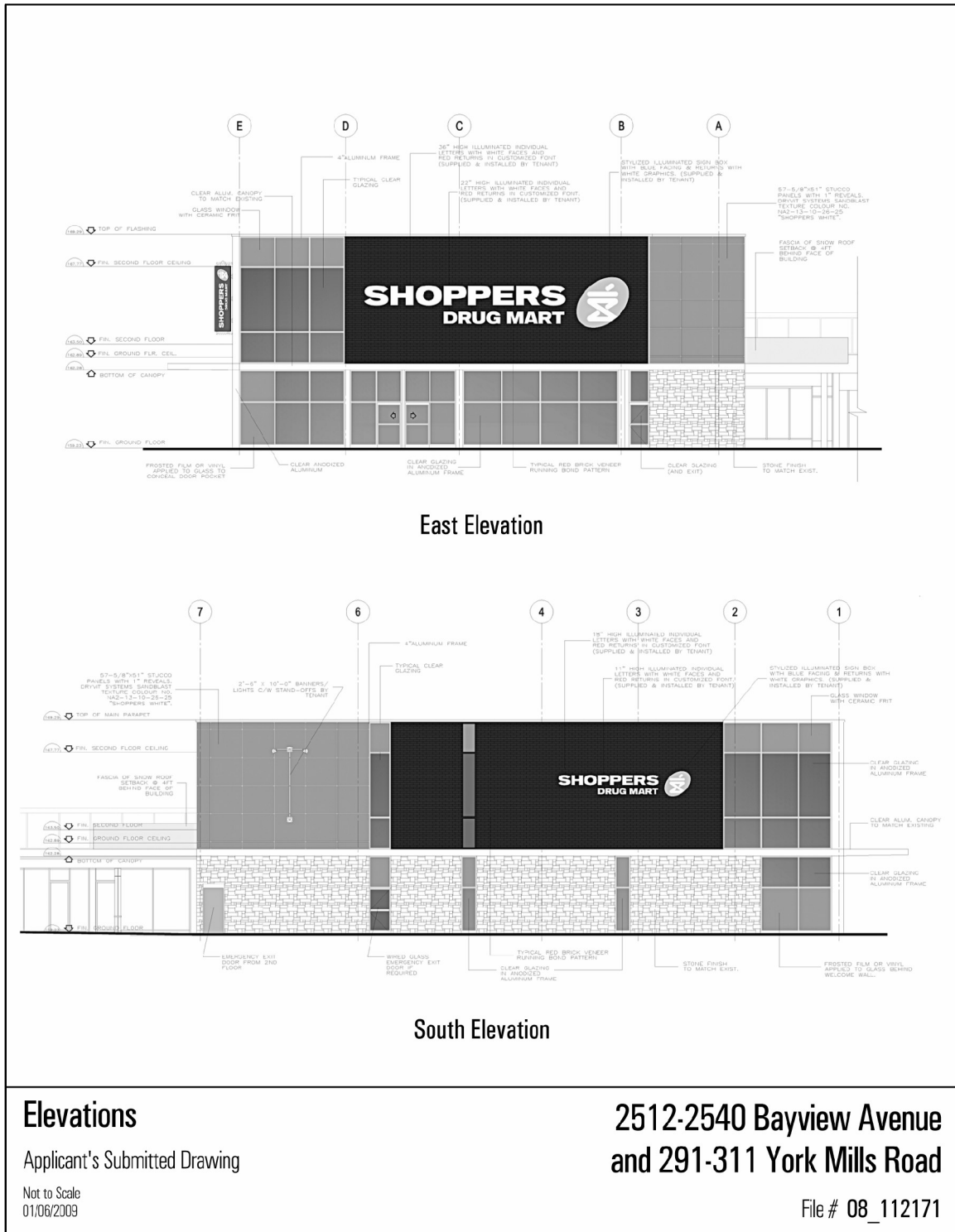
Site Plan

Applicant's Submitted Drawing

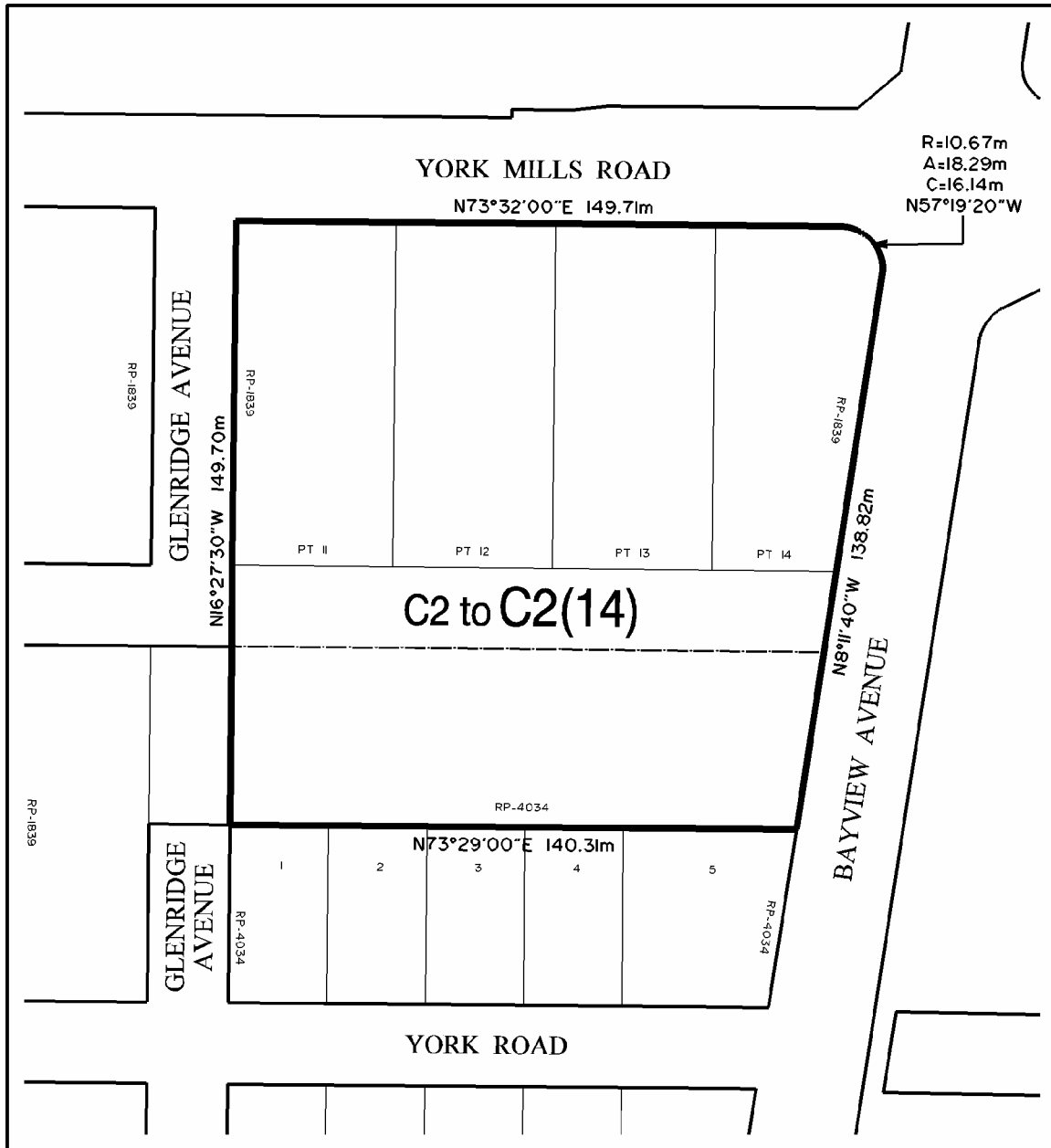
2512-2540 Bayview Avenue and 291-311 York Mills Road

File # 08_112171

Attachment 2: Elevations



Attachment 3: Zoning



Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	08 112171 NNY 25 OZ
Details	Rezoning, Standard	Application Date:	February 19, 2008

Municipal Address:	2512-2540 BAYVIEW AVE and 392-311 YORK MILLS RD
Location Description:	**GRID N2503
Project Description:	To permit a second floor addition to the existing Shoppers Drug Mart tenant space

Applicant:	Agent:	Architect:	Owner:
RICK PENNYCOOKE			EMTWO PROPERTIES

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	C2	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	22587.74	Height:	Storeys:	2
Frontage (m):	138.82		Metres:	0
Depth (m):	149.71			
Total Ground Floor Area (sq. m):	5941			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	373
Total Non-Residential GFA (sq. m):	8613		Loading Docks	2
Total GFA (sq. m):	8613			
Lot Coverage Ratio (%):	26.3			
Floor Space Index:	0.38			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	6,819.01
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT:	PLANNER NAME:	Giulio Cescato, Assistant Planner
	TELEPHONE:	(416) 395-7044

Attachment 5: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend City of North York Zoning By-law No. 29589, as amended,
With respect to the lands municipally known as
2512-2540 Bayview Avenue and 291-311 York Mills 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” By-law No. 29589 of the former City of North York is removed and replaced with Schedule C2(14) attached to this By-law;
2. By-law No.: 29589 of the former City of North York is removed and replaced with By-law C2(14) containing the following sections and sub-sections:

C2 (14)

PERMITTED USES

Despite Section 24.1 and 24.1.1 the following uses are not permitted:

Apartment hotels, taverns, theatres, assembly halls, banquet halls, clubs, commercial schools, billiard parlours, bowling alleys, motor vehicles sales buildings, or outdoor cafes shall be permitted; and no restaurants shall be permitted except one restaurant only which contains a maximum gross floor area of 624 square metres; which may sell wine and beer as articles incidental to the meal and which provides no entertainment.

EXCEPTION REGULATIONS

(a) Gross Floor Area

- (i) the aggregate gross floor area of all permanent and/or temporary buildings and structures on the subject property shall not exceed 8,613 square metres.
- (ii) Notwithstanding any other definitions in By-law No. 7625, Section 22.39.1 applies as the definition of gross floor area.

(b) Parking and Loading

- (i) there shall at all times be a minimum of 339 Parking Spaces.

(c) Yard Setbacks

- (i) The minimum front, side and rear yard setbacks shall be shown on Schedule C2(14).

(d) Building Height

- (i) The maximum height of all buildings and structures shall not exceed one storey, except for a mezzanine with a maximum gross floor area of 138 square metres and a second storey with a maximum gross floor area of 740 square metres as shown on Schedule C2(14) of this by-law.

(e) Access

- (i) Vehicular access shall be provided only from York Mills Road and Bayview Avenue.

(f) Landscaped Open Space

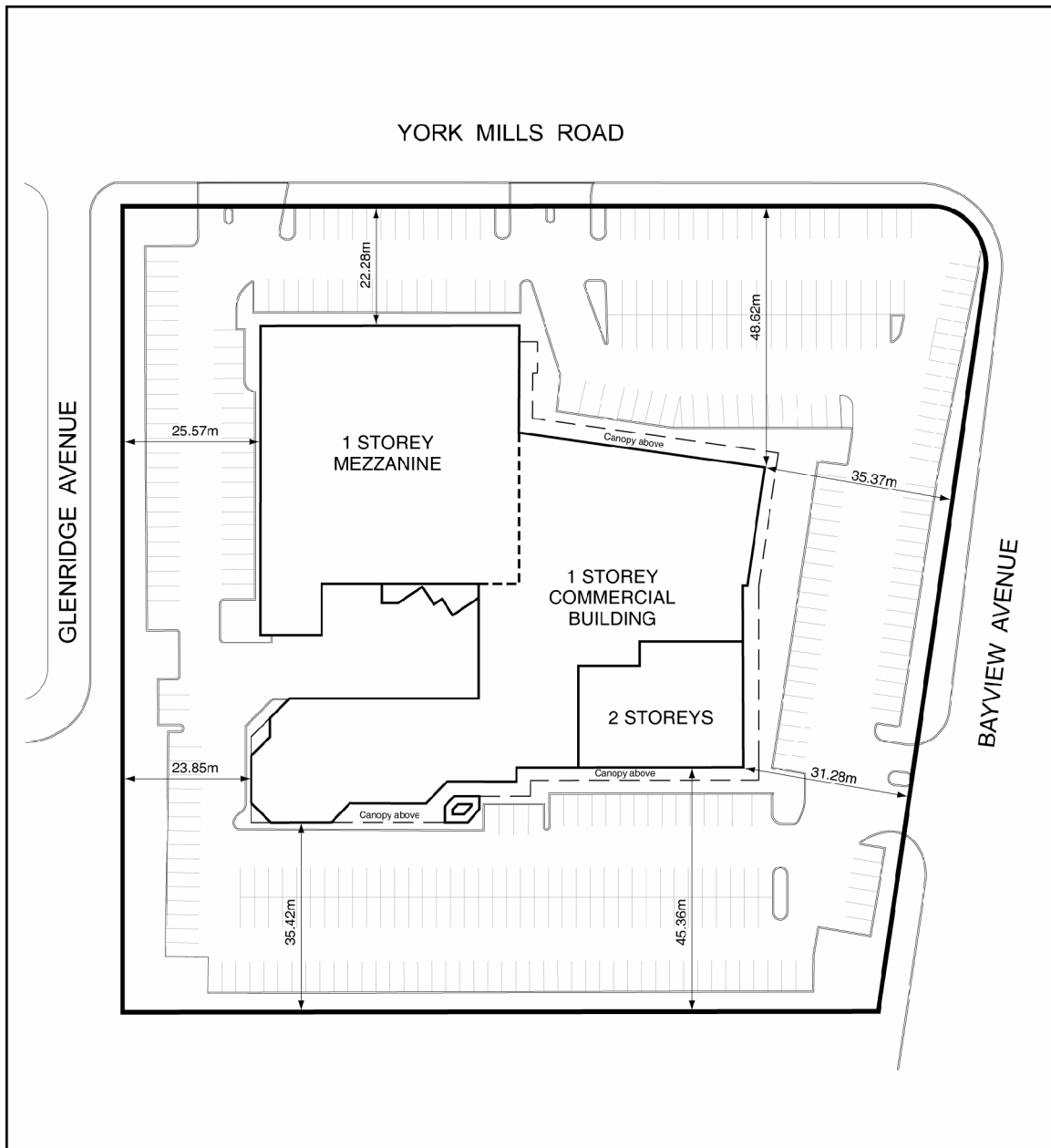
- (i) A landscaped strip with a minimum width of 4 metres shall be provided along the west lot line; and
- (ii) A landscaped strip with a minimum width of 3 metres shall be provided along the south lot line.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Attachment 6: Notice of Approval Conditions

The review of the proposal for the second storey addition to the Shoppers Drug Mart located within the York Mills Plaza, 2512-2540 Bayview Avenue and 291-311 York Mills Road, has been completed, as outlined in the following plans and drawings:

1. Site Plan Drawing No.: SA-001, prepared by Petroff Partnership Architects, dated January 7, 2009.
2. Elevation Drawing No.: SA-005, prepared by Petroff Partnership Architects, dated December 17, 2007.
3. Tree Preservation Plans and Landscape Details Nos.: L-1, L-2 and L-3, prepared by Terraplan Landscape Architects, dated July 23, 2008.

The issuance of the City's Notice of Approval Conditions letter does not constitute site plan approval. The Chief Planner's designate, the Director of Community Planning will be in a position to issue approval of the plans and drawings listed herein and to satisfy applicable law requirements of Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*, once the Owner has satisfied all of the pre-approval conditions set out herein.

It is the Owner's responsibility to work with the respective City divisions to satisfy the pre-approval conditions set out below. Please note that if the pre-approval conditions are not fulfilled within two (2) years of the date of this notice, then this notice is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Chief Planner or his designate.

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow (416) 397-5379

1. Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

CITY PLANNING – Giulio Cescato (416) 395-7044

2. Submission of a cost estimate for the proposed landscape improvements to the Site, to the satisfaction of the Director, Community Planning, North York District.
3. Submission of an irrevocable letter of credit representing 120% of the approved cost estimate for the proposed landscape improvement.

URBAN FORESTRY – Bruce Gordon (416) 395-6686

4. Provide suitable growing space for six (6) new city trees along the Bayview Avenue, City road allowance. The site plan drawing may be resubmitted or red-lined to indicate the new trees. Trees are to be selected from an approved list of local species to the satisfaction of the Supervisor, Tree Protection and Plan Review.
5. Provide a tree planting financial security for tree planting in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto, in the amount of \$3,498.00 for six new trees within the City road allowance to guarantee the healthy growth of the trees for a period of two years. The tree planting financial security must be submitted to the attention of Harold Moffat, Supervisor, Tree Protection and Plan Review. The financial security may be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year maintenance period.

B. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

TECHNICAL SERVICES – Dave Collins (416) 395-6274

1. the proposed driveway on City property must be graded downward towards the roadway and have a 2% to 6% slope.
2. The current use of paid-duty officers at the full-moves accesses shall be maintained.
3. Driveway curbs must be flush on either side of the sidewalk for a minimum of 0.45 metres.
4. Existing drainage patterns on adjacent properties shall not be altered and stormwater runoff from the subject development shall not be directed to drain onto adjacent properties.

URBAN FORESTRY – Bruce Gordon (416) 395-6686

City Owned Tree – Planting of New Trees

The owner shall plant six (6) new trees as will be shown on the Tree Preservation Plans and Landscape Details Nos.: L-1, L-2 and L-3, prepared by Terraplan Landscape Architects, dated July 23, 2008, within the City road allowance located along Bayview Avenue to the satisfaction of the General Manager of Parks, Forestry and Recreation and in accordance with Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002.

The owner shall ensure a clearance of 1.2 metres from the edge of a tree's root ball to the edge of the underground utility(s). For clearance less than 1.2 metres but greater than or equal to 0.6 metres, a root deflector must be installed in the tree pit between the tree's root ball and the utility(s).

The owner agrees that trees will be planted by a qualified arborist or nursery person. They must determine how much settlement, if any, may occur, to ensure trees are not planted too high, or settle too deeply. Trees are to be planted after final grading, and once the sod has been laid.

Prior to tree planting, the owner agrees to submit to Urban Forestry, a watering schedule for newly planted trees during the guarantee period.

The owner has provided a financial security to guarantee the street tree planting and maintenance. The tree planting financial security shall be held by the City of Toronto for the duration of the 2 year renewable maintenance period

The applicant will be responsible for providing a two-year renewable guarantee for all new trees planted within the road allowance. The Supervisor of Tree Protection & Plan Review must be notified in writing of the planting date prior to planting. This date is used to establish the anniversary date of the required two-year renewable guarantee. The applicant must maintain the subject trees in good condition; these trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees.

If during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement, the applicant will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation. The owner will be required to provide an additional two-year renewable guarantee period for any trees requiring replacement. The Supervisor of Tree Protection & Plan Review may be reached by Email at Hmoffat@toronto.ca.

The site plan agreement is being prepared by Legal Services. They will forward it to the applicant for their execution and return to the City.

Please find attached advisory comments to assist with the application.

Should there be any questions, please contact Giulio Cescato, Assistant Planner at 416-395-7044.

ATTACHMENT: 1

SITE PLAN ADVISORY COMMENTS

TECHNICAL SERVICES – David Collins (416) 395-6274

1. The owner will be required to obtain approval from the Transportation Services Division for any work within the City's right-of-way. For further information, please contact your district Right-of-Way Management Section at:

North York District (416) 395-6303

In order to obtain approval for work in the City's right-of-way the Owner will be required to provide up to date stake out information for most construction related work. For further information, please contact Ontario One Call at 1-800-400-2255 to arrange for an appointment;

2. The owner is required to obtain building location and access permits prior to constructing this project. Other permits associated with construction activities (such as hoarding, piling/shoring, etc.) may also be required. The applicant is responsible to contact Right-of-Way Management at (416) 395-6221, for further information in this regard;
3. The Owner will be required to provide the City with a Construction Management Plan outlining the following:
 - a. Dust/mud control on and offsite;
 - b. Location of truck loading points, trailer parking;
 - c. Location of temporary material storage areas;
 - d. Access/truck routing;
 - e. Provision of hoarding, temporary fencing & covered walkways;
 - f. Parking for construction trades;

for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District, at (416) 395-6221.