

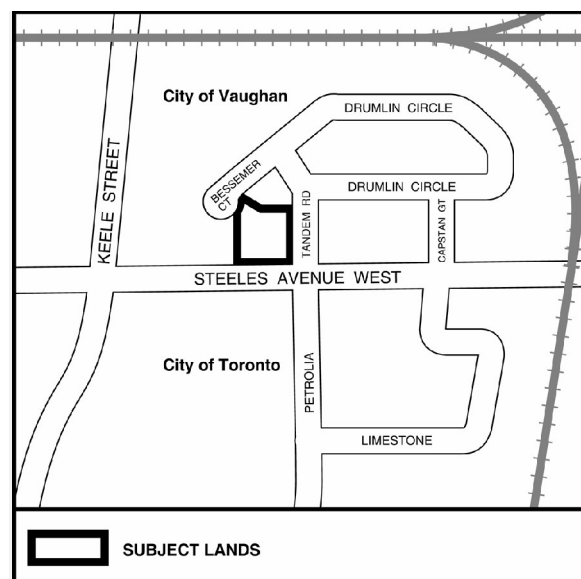
Northwest Corner of Steeles Avenue West and Tandem Road, East of Keele Street, City of Vaughan

Date:	March 26, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	n/a
Reference Number:	File No. 09 101146 NPS 00 TM

SUMMARY

A 1974 Agreement with York Region grants the City of Toronto limited planning authority over lands within York Region that are located within 45 metres of Steeles Avenue. The agreement originated with Metro Toronto when it took over sole responsibility for Steeles Avenue and is intended to provide Metro Toronto (now the City) with the ability to control access and influence adjacent development in so far as it has transportation implications for Steeles Avenue. This authority can only be exercised in compliance with the relevant Official Plans and requires the City to notify and seek agreement from York Region Council before zoning lands north of Steeles Avenue or controlling access to Steeles Avenue. The Agreement also sets out a process for the City and York Region to circulate Official Plan amendments, zoning by-law amendments and subdivision approval applications on lands adjacent to Steeles Avenue for review and comment.

This report reviews a zoning amendment to permit a veterinary clinic in two units of an existing industrial condominium. The subject lands are currently occupied by a 24 unit industrial condominium building with a variety of uses including retail, used car sales and a regulated health professional. The lands are designated as Prestige Area by OPA #450 (Employment Area Plan) in



the City of Vaughan's Official Plan and are zoned EM1 Prestige Employment Area Zone in Vaughan's Zoning By-law.

RECOMMENDATION

That this report be received for information.

Financial Impact

There are no financial implications.

ISSUE BACKGROUND

At its meeting of April 8, 2008, North York Community Council directed the City Solicitor to submit a report providing further clarification of the City of Toronto's planning authority as it relates to lands in York Region. An information report from the City Solicitor was considered by City Council at its meeting on April 28 and 29, 2008 and can be found at <http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/ny14.53a.pdf>.

The report confirms that, as a result of owning the full Steeles Avenue right of way, the City of Toronto has limited planning authority over lands within York Region located immediately adjacent to Steeles Avenue (within 45 metres of Steeles Avenue) which can only be exercised in compliance with the relevant Official Plans and subject to the terms of a 1974 Agreement.

The 1974 Agreement requires the City to notify and seek agreement from York Region Council before exercising its authority to zone lands north of Steeles Avenue or control access to Steeles Avenue.

The agreement also sets out a process for the City and York Region to circulate Official Plans and amendments, zoning by-law amendments and subdivision applications affecting lands adjacent to Steeles Avenue to each other for review and comment.

The report further remarks that Metro Toronto (and subsequently the amalgamated city of Toronto) has never exercised its zoning authority north of Steeles Avenue. However, Metro staff routinely reviewed proposed Official Plan and Zoning By-law amendments to ensure conformity with the Metro Official Plan and to identify mitigating measures (e.g. traffic signals, turning lanes, etc.) required to serve new development. This practice has continued within the amalgamated City of Toronto. A requirement for a report to Council was not included in the original agreement.

At its meeting of November 18, 2008 North York Community Council "Directed the Director, Community Planning, North York District and the Director, Transportation Services, North York District, to report all planning applications abutting the North York District which the City of Toronto receives in regard to the lands on the north side of Steeles Avenue in York Region, to North York Community Council".

The subject application to amend the City of Vaughan Zoning By-law 1-88 to permit a veterinary clinic in two units of an existing industrial condominium was circulated to the City of Toronto City Planning, Policy and Research on December 19, 2008, requesting comments by January 16, 2009. The request for comments was forwarded to North York District Community Planning on January 5, 2009 where Community Planning Staff reviewed the proposal and contacted City of Vaughan Planning staff for further information. An information report was considered by North York Community Council on February 9, 2009, regarding this application.

In its decision, North York Community Council “requested the Director, Community Planning, North York District, in consultation with the City Solicitor, to report to the North York Community Council meeting on April 21, 2009 on the validity of this development in an Employment District with an opinion on the City of Toronto’s rights with respect to the same.”

On March 26, 2009 North York Community Council considered a planning report providing information on a rezoning application at 378 Steeles Avenue East in the Town of Markham. It was the direction of Community Council that on this application, and other similar applications in the Town of Markham and the City of Vaughan, that Markham and Vaughan:

- Forward copies of preliminary planning reports to North York Community Council at the time they are tabled at the respective Councils;
- Include properties in the City of Toronto in the statutory circulation area for these developments; and
- Notify the City of Toronto and the corresponding local Councillor(s) of any community meetings being held to discuss the relevant application.

North York Community Council also directed North York planning staff to discuss the matter with Markham and Vaughan staff with a view to developing a common protocol for handling all development applications within 300 metres of Steeles Avenue and report back to the May 14, 2009 Community Council meeting.

PROPOSAL

The application seeks to permit a veterinary clinic in two units of an existing industrial condominium. The site is located on the north side of Steeles Avenue West, east of Keele Street in York Region, adjacent to Ward 8 – York West.

The subject lands are currently occupied by a 24 unit industrial condominium building with a variety of uses including retail, used car sales and a regulated health professional. The lands are designated as Prestige Area by OPA #450 (Employment Area Plan) in the City of Vaughan Official Plan and are zoned EM1 Prestige Employment Area Zone in Vaughan’s Zoning By-law.

COMMENTS

As noted previously, Community Planning staff contacted City of Vaughan staff to discuss this proposal and its conformity with the City of Vaughan Official Plan. City of Vaughan planning staff advise that service uses, such as the proposal, are permitted in certain circumstances within the Prestige Area designation, particularly at intersections, and that the existing plaza contains a number of similar service oriented uses. On this basis, City Planning staff do not have concerns with the proposed use, its conformity with the City of Vaughan's Official Plan, or its potential traffic impact.

CONCLUSIONS

The entire right-of-way of Steeles Avenue was assumed by Metro Toronto between 1975 and 1989 and it is now a City of Toronto road. In a 1974 Agreement, York Region consented to the assumption of Steeles Avenue by Metro, and both parties agreed to act in a consultative and co-operative manner to plan development along Steeles Avenue. Planning applications on both sides of the boundary are to be circulated to the other municipality for review and comment, as necessary.

This application to allow a veterinary clinic within a Prestige Area designation was circulated to the City of Toronto, reviewed by planning staff in both the Policy and Research and Community Planning divisions, and staff do not have concerns with the proposal.

This report has been reviewed by the City solicitor who concurs with the information presented in this report.

CONTACT

Heather Inglis Baron, Senior Planner
Tel. No. 416-395-7073
Fax No. 416-395-7155
E-mail: hinglis@toronto.ca

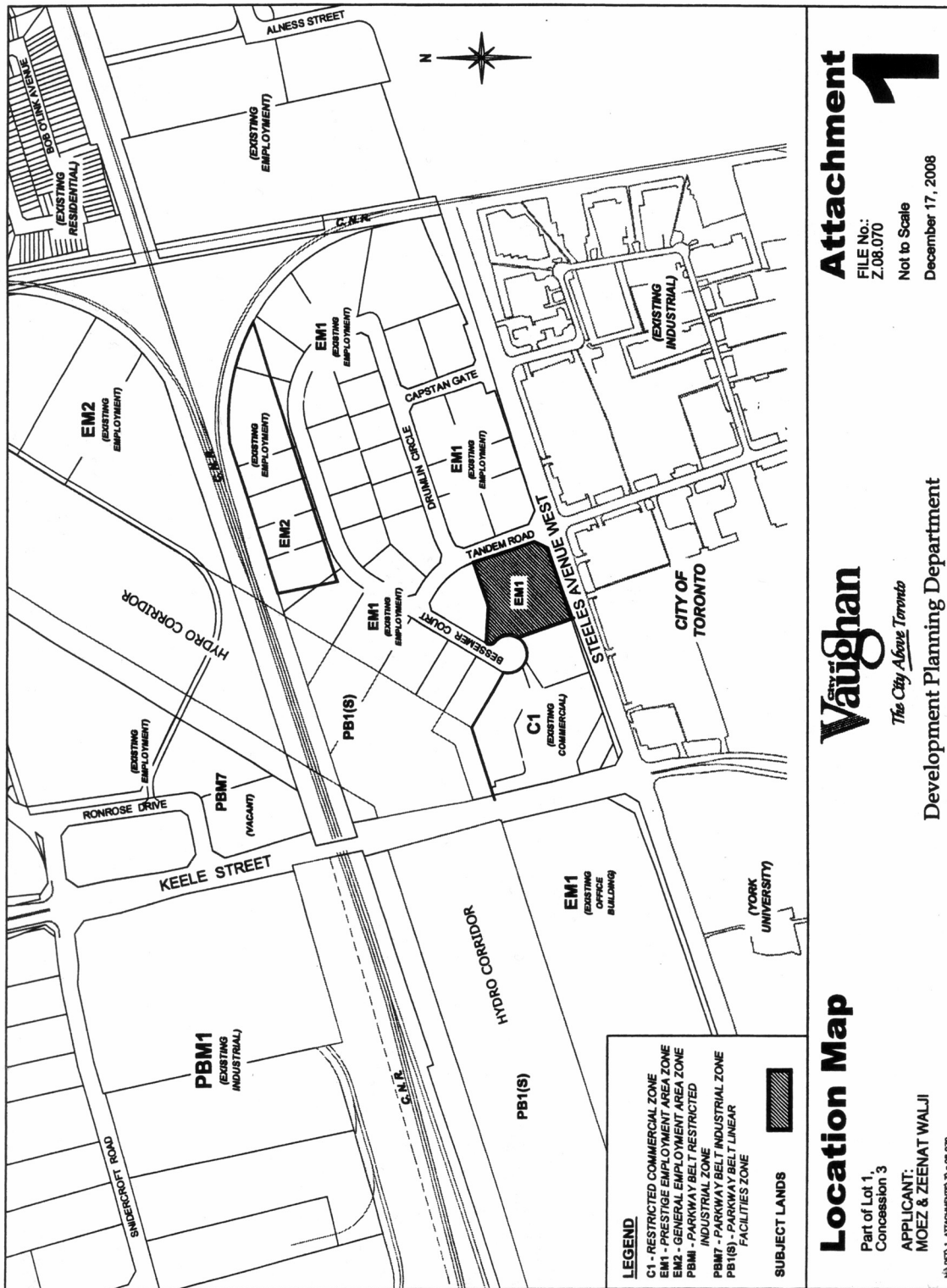
SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Site Plan

Attachment 1: Location Map



Attachment 2: Site Plan

