

1966 - 1972 Eglinton Avenue East – Zoning Application – Final Report

Date:	May 21, 2009
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 37 – Scarborough Centre
Reference Number:	09 104879 ESC 37 OZ

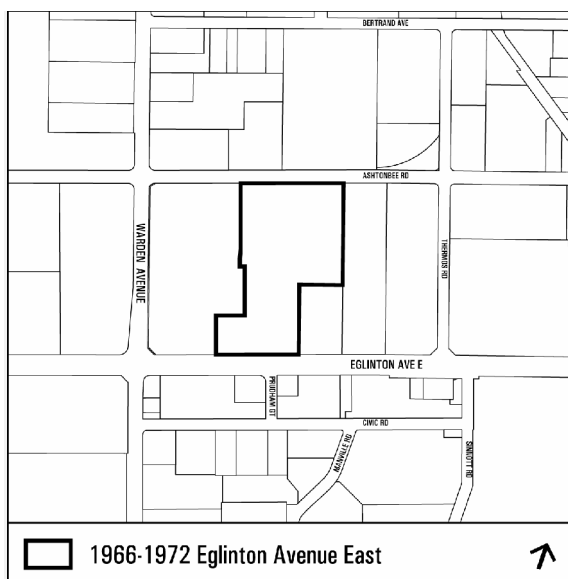
SUMMARY

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.

This application proposes a zoning by-law amendment to delete the zoning performance standard which limits the retail sale of food to a maximum of 700 square metres in any retail store at 1966 – 1972 Eglinton Avenue East.

The zoning by-law amendment requested by the applicant for the existing commercial development is consistent with the Mixed Use Area policies of the City’s Official Plan and Site Specific Policy Number 129, which permits retail and service uses, including stand-alone retail stores and/or “power centres.” The existing development is also compatible with the surrounding land uses in the Golden Mile Employment District.

This report reviews and recommends approval of the application to amend the Golden Mile Employment Districts Zoning By-law No. 24982.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council determine that as the proposed zoning amendment does not involve any new development at 1966 – 1972 Eglinton Avenue East and overall infrastructure is unaffected, the proposed zoning amendment can proceed prior to the completion of an Avenue Study.
2. City Council amend the Employment Districts Zoning By-law No. 24982 for the former City of Scarborough substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 4.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into an amending site plan agreement under Section 41 of the Planning Act and Section 114 of the City of Toronto Act to address site plan matters including pedestrian circulation and improving the site in accordance with the City's Guidelines for Greening Surface Parking Lots.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The zoning on the subject property was amended a number of years ago from an industrial zone to a mixed employment zone. During a review of retail permissions in the Golden Mile area, a dispute amongst retailers arose regarding the permitted number and scale of food stores. As a settlement at the Ontario Municipal Board, a gross floor area limit of 700 square metres was established for the retail sale of food in retail stores in the Golden Mile.

ISSUE BACKGROUND

Proposal

The applicant has applied for an amendment to the zoning by-law to delete the performance standard which specifies that the “gross floor area of all or any parts of any retail store dedicated to the sale of food shall not exceed a cumulative total of 700 square metres.” The site currently supports an existing and vacant (formerly RONA) 11,623 square metre (125,108 square foot) building. No alterations are proposed to the site or building at the present time.

Refer to Site Plan – Attachment No. 1 and the Application Data Sheet – Attachment No. 3 for additional project information.

Site and Surrounding Area

The subject property is approximately 5.7 hectares (14.1 acres) in size and is located on the north side of Eglinton Avenue East, east of Warden Avenue. Currently on the site is a 359 square metre (3,865 square foot) McDonald's with drive through, a 469 square metre (5,044 square foot) Kelsey's with outdoor patio, and an 11,623 square metre (125,108 square foot) former Rona home improvement store. A total of 730 surface parking spaces are provided.

The surrounding land uses in the vicinity of the site can be described as follows:

North: employment uses;

East: large format retail;

South: industrial and retail/service uses; and

West: employment 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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe. The existing development is located within a Mixed Use Area of the City's Official Plan, which permits retail and services uses, including stand alone retail stores under Site Specific Policy Number 129. It is keeping growth in an established area and away from significant and sensitive resource areas.

Official Plan

The site is designated as a Mixed Use Area in the City's Official Plan. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The subject property also falls within Site Specific Policy No. 129 – Lands South and North of Eglinton Avenue. This policy states that “retail and service uses, including stand-alone retail stores and/or ‘power centres’ are permitted.”

The site is also located within an “Avenue” on the City’s Urban Structure Map – Map No. 2. Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

The Avenue policies of the City’s Official Plan state as follows: “Development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council’s satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.” The review referenced in this policy is to consider the incremental effects of the proposed form of development along the entire Avenue segment. It is to consider impacts on adjacent Neighbourhoods or Apartment Neighbourhoods, and it is to assess infrastructure implications. In this particular case, the proposal will utilize an existing building, and no additional development is proposed. Overall infrastructure is already available and there are no adjacent Neighbourhoods or Apartment Neighbourhoods in close proximity. Accordingly, no Avenue segment study was requested in connection with this zoning amendment application.

Zoning

The subject property is zoned Mixed Employment (ME) in the Golden Mile Employment District Zoning By-law No. 24982. The mixed employment zone permits day nurseries, educational and training facility uses, financial institutions, industrial uses, offices, personal service shops, places of worship, recreational uses, restaurants, and retail stores. This zone also requires that “all uses shall be conducted wholly within an enclosed building.” Refer to Zoning Map – Attachment No. 2 for additional details regarding the surrounding zoning.

Site Plan Control

The property is subject to site plan control. Before introducing the necessary Bills to City Council for enactment, the City shall require the applicant to enter into an amending site plan agreement under Section 41 of the Planning Act and Section 114 of the City of Toronto Act to advance the City’s green initiatives by improving the site with respect to the City’s Guidelines for Greening Surface Parking Lots, and to address potential additional pedestrian activity in association with the proposal to permit a major food store at this location.

Reasons for Application

The zoning amendment is requested to provide flexibility in the zoning by-law to permit a large grocery retailer in the existing vacant Rona building.

Community Consultation

A community consultation meeting on the zoning by-law amendment application was held on May 14, 2009, attended by the Ward Councillor, the owner's representatives and Community Planning staff. No members of the public or area businesses were present at the meeting.

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

Land Use

The applicant is requesting a zoning by-law amendment to delete a performance standard which limits the retail sale of food to a maximum of 700 square metres in any retail store. This amendment would provide flexibility in the zoning by-law to permit a large grocery retailer in the existing vacant Rona building.

The zoning by-law amendment requested by the applicant is consistent with the Mixed Use Area policies of the City's Official Plan and Site Specific Policy Number 129, which permits retail and service uses, including stand-alone retail stores and/or "power centres." This Policy does not differentiate between retail items.

The compatibility of this existing development with the function and character of the surrounding area was considered and reviewed by staff. The location of this existing development is within the Golden Mile Employment District, where a number of the surrounding properties support retail and service uses, including stand-alone retail stores and "power centres", such as the use proposed in this existing development.

Design Guidelines for Greening Surface Parking Lots

The site currently supports three commercial buildings with a large asphalted parking area, especially in front of the former Rona store. Opportunities to "green" this extensive asphalted parking area will be pursued. These opportunities will be based on the City's Design Guidelines for 'Greening' Surface Parking Lots. Greening a surface parking lot involves a number of items, such as: planting trees, providing good quality soil and generous landscape areas, enhancing pedestrian and cycling infrastructure, managing stormwater on-site, reducing the urban heat island effect, and using sustainable materials and technologies. Before introducing the necessary Bills to City Council for enactment, the City shall require the applicant to enter into an amending site plan agreement under Section 41 of the Planning Act and Section 114 of the City of Toronto Act to improve the site with respect to the City's Guidelines for Greening Surface Parking Lots.

Toronto Green Development Standard

The Toronto Green Development Standard (GDS) contains voluntary performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development. Many of the measures which can be considered under “greening the parking lot” will also address measures identified in the Toronto Green Development Standard.

Traffic Impact, Access and Parking

The zoning by-law amendment’s only impact is with respect to the type of retail merchandise that can be offered for sale in the former Rona store. Technical Services staff has no concerns or requirements with respect to the proposed reuse of the existing retail building. Planning staff are of the opinion that enhanced pedestrian amenities on the site would be desirable in association with the proposed new retail focus. Additional pedestrian traffic may be expected with food retailing in comparison to the previous building supply retail store.

The existing development is located on the planned “Eglinton Crosstown” light-rail transit (LRT) project. The development of the LRT may limit and alter future traffic operation for the existing development and the Eglinton corridor. For example, the driveway entrances on Eglinton Avenue East will be limited to in-right, out-right operation, and drivers wishing to make left turns will need to make U-turns at the nearest available signalized intersection. The project is still early in the planning phase and it is not known at this time whether any alterations to the site will be required. Any required changes will be pursued when the Eglinton Crosstown LRT moves forward.

CONTACT

Perry Korouyenis, Planner
Tel. No. (416) 396-4927
Fax No. (416) 396-4265
E-mail: pkorouy@toronto.ca

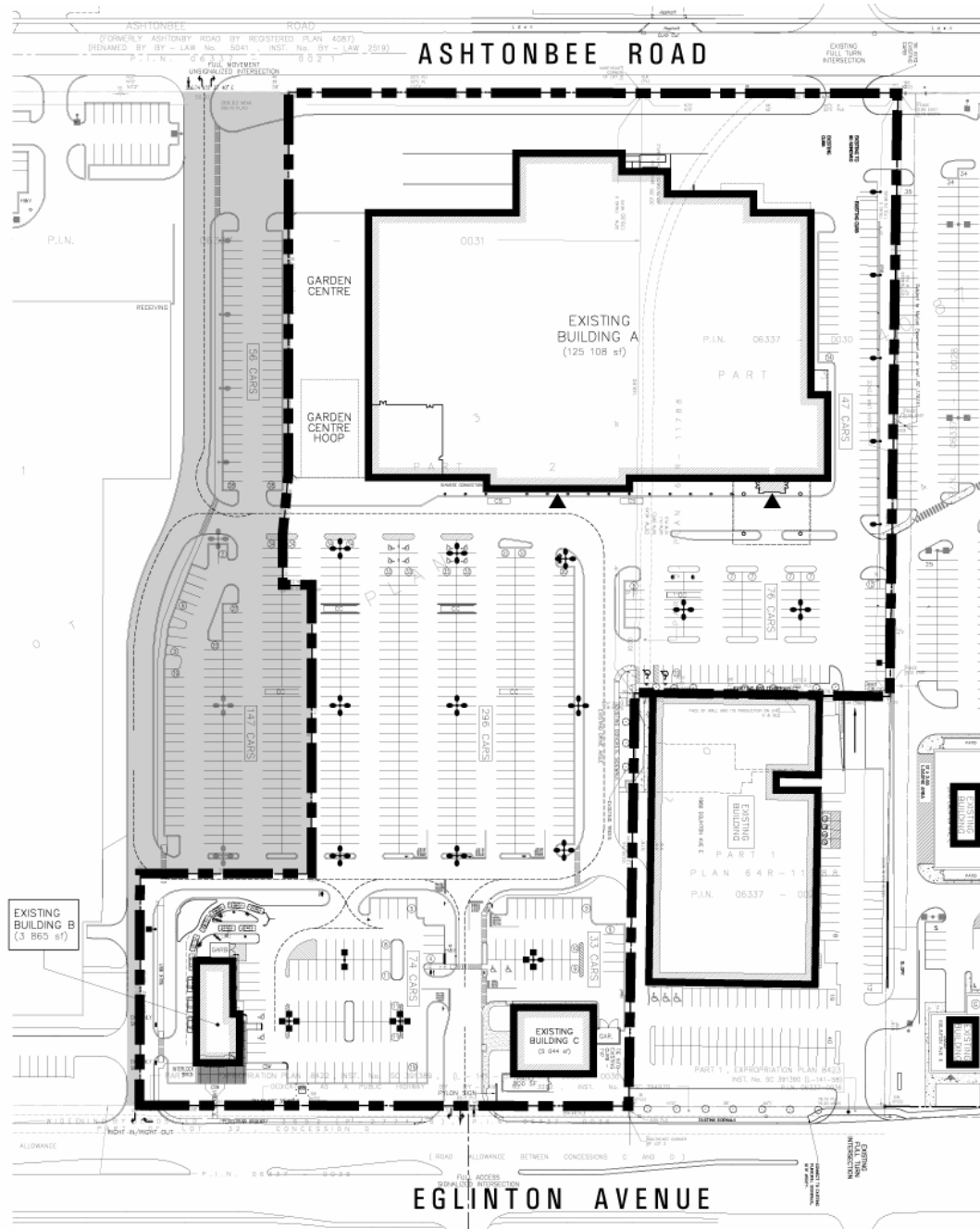
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

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

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

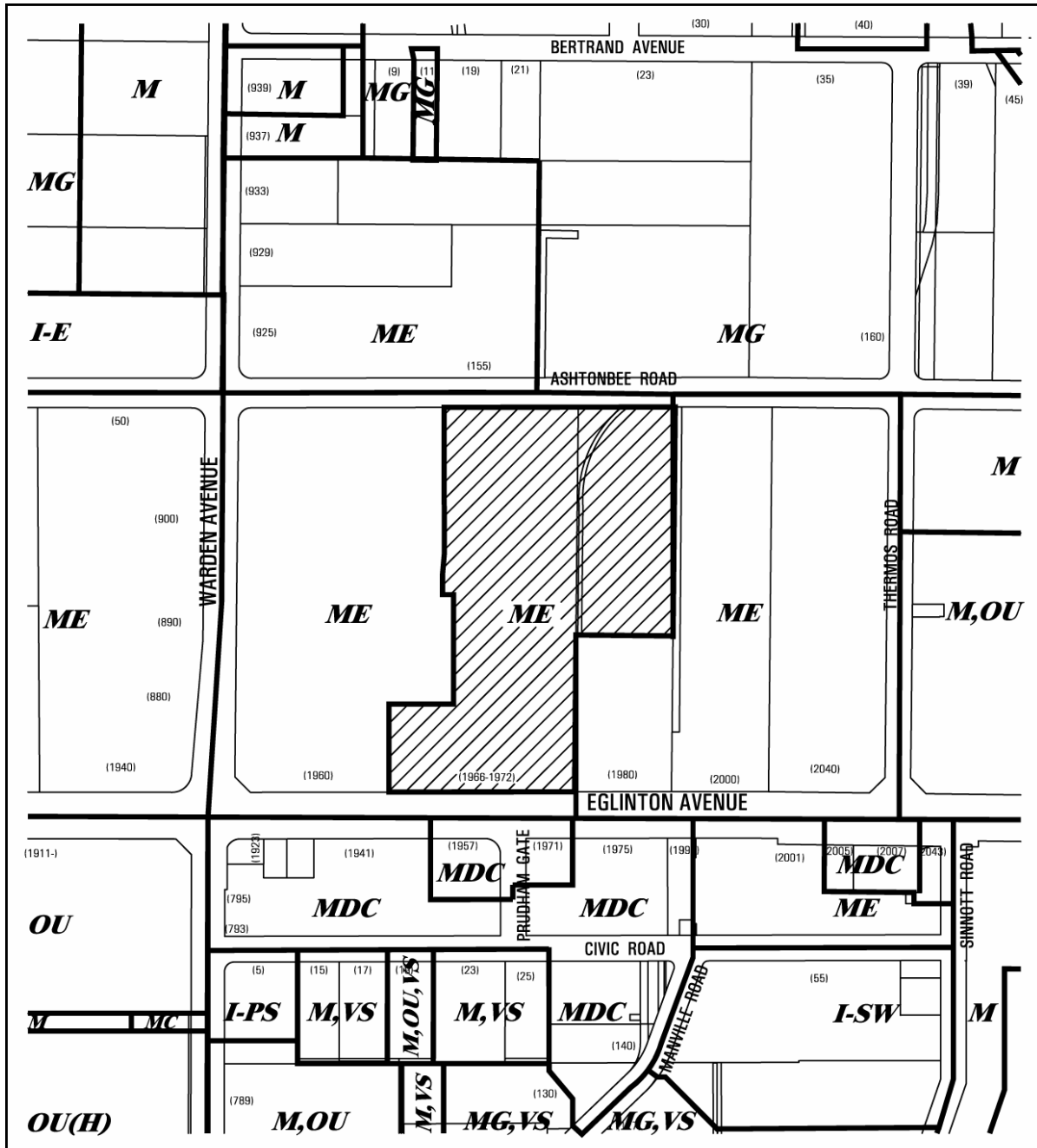
Not to Scale
05/15/09



1966-1972 Eglinton Avenue East

File # 09-104879 0Z

Attachment 2: Zoning



Toronto City Planning
Division
Zoning

1966-1972 Eglinton Avenue East
File # 09-104879 OZ

M Industrial Zone
MC Industrial Commercial Zone
MDC Industrial District Commercial Zone
ME Mixed Employment Zone

MG General Industrial Zone
OU Office Uses Zone
VS Vehicle Service Zone
(H) Holding Provision

I-E Institutional - Educational Zone
I-PS Institutional - Public Services Zone
I-SW Institutional - Social Welfare Zone

Golden Mile Emp. Bylaw
Not to Scale
02/13/09

Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	09 104879 ESC 37 OZ
Details	Rezoning, Standard	Application Date:	January 26, 2009

Municipal Address:	1966 – 1972 EGLINTON AVENUE EAST
Location Description:	North side of Eglinton Avenue East, East of Warden Avenue
Project Description:	Delete the by-law standard limiting the floor area of food sales on site.

Applicant:	Agent:	Architect:	Owner:
FOGLER RUBINOFF LLP			RIOCAN HOLDINGS INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	129
Zoning:	ME (Mixed Employment Zone)	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	57045	Height:	Storeys:	0
Frontage (m):	150		Metres:	0
Depth (m):	300			
Total Ground Floor Area (sq. m):	12451			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	730
Total Non-Residential GFA (sq. m):	12451		Loading Docks	0
Total GFA (sq. m):	12451			
Lot Coverage Ratio (%):	21.83			
Floor Space Index:	0.22			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	12451
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:	Perry Korouyenis, Planner
	TELEPHONE:	(416) 396-4927

Attachment 4: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 2009
Enacted by Council: ~, 2009

CITY OF TORONTO

Bill No. ~

BY-LAW No. --2009

**To amend the City of Scarborough Employment Districts Zoning By-law No. 24982
(Golden Mile Employment District), as amended, with respect to the lands
municipally known as 1966 – 1972 Eglinton Avenue East**

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 (Golden Mile Employment District – East) is amended by deleting Performance Standard No. 230 as it applies to the subject property at 1966 – 1972 Eglinton Avenue East and as shown on Schedule ‘1’ attached hereto.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

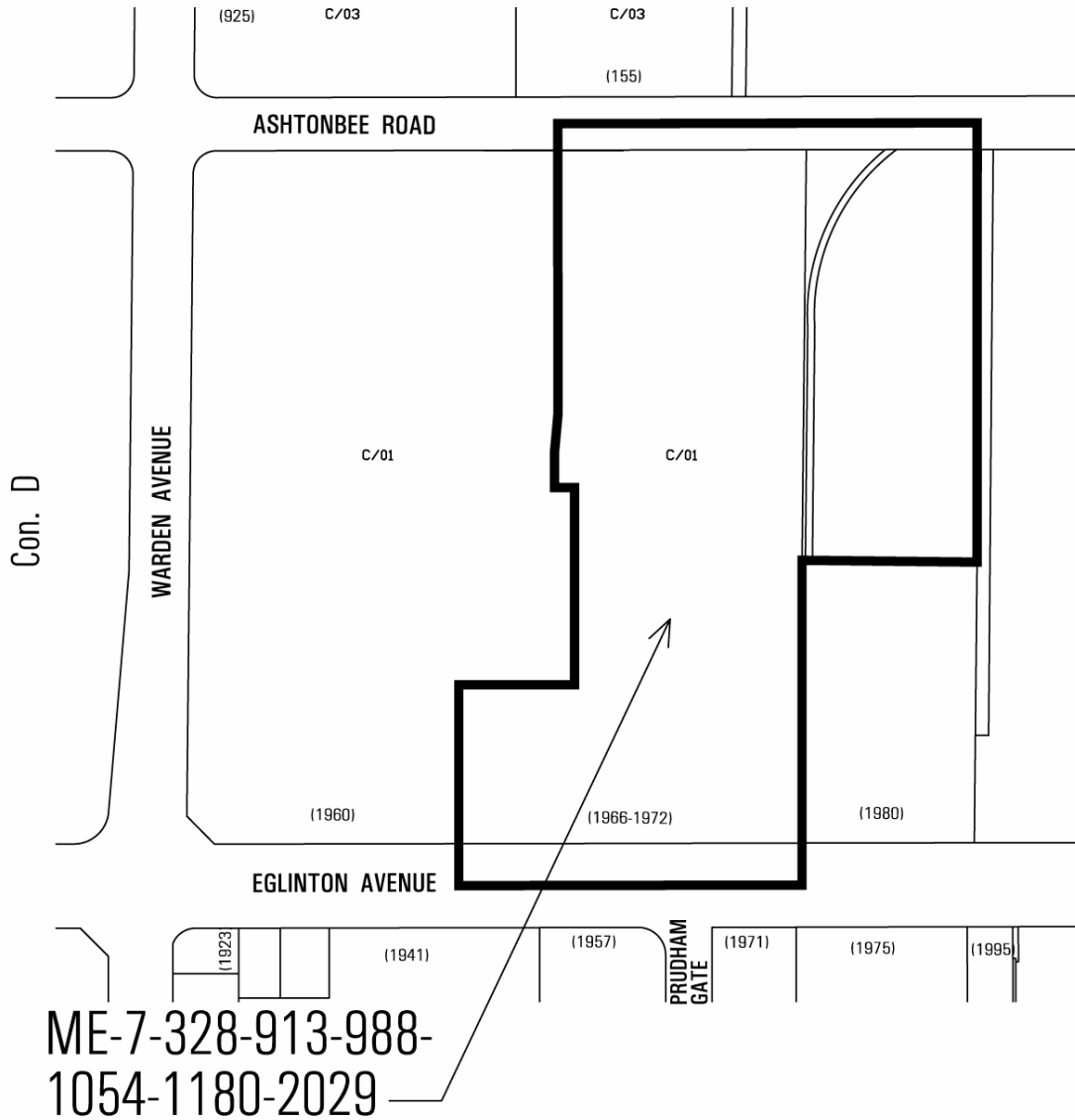
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 31



City Planning
Division

Zoning By-Law Amendment

1966-1972 Eglinton Avenue East

File # 09-104879 0Z



Area Affected By This By-Law

Golden Mile Emp. District Bylaw
Not to Scale
05/12/09

