



STAFF REPORT INFORMATION ONLY

Information Report - Large-Format Retail in Employment Areas

Date:	May 21, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward No. 15 – Eglinton-Lawrence
Reference Number:	File No. 10 105227 NNY 15 OZ

SUMMARY

This report provides background information, as directed by North York Community Council, on what is being investigated in the review of the *Employment Areas* policies in the Official Plan “to prevent the incursion of big box retail into *employment lands*”.

Financial Impact

There are no financial implications.

DECISION HISTORY

Official Plan’s Employment Areas Policy

At its May 6, 2009 meeting, the Planning and Growth Management Committee requested the Chief Planner and Executive Director, City Planning to:

1. Review *Employment Area* Policy 4.6.1 of the Official Plan with respect to the provision for "restaurants and small scale stores and services that serve area businesses and workers" in order to assess the impact of these provisions on the prime economic function of *Employment Areas*, and report back to the Planning and Growth Management Committee;
2. Review *Employment Area* Policy 4.6.2 of the Official Plan in order to assess the impact of this policy (which permits at certain locations uses such as places of worship, recreation and community colleges) on the prime economic function of *Employment Areas*, and report back to the Planning and Growth Management Committee;

3. Review *Employment Area* Policy 4.6.3 of the Official Plan in order to assess the impact of this policy (which permits at certain locations subject to conditions, major retail uses) on the prime economic function of *Employment Areas*, and report back to the Planning and Growth Management Committee; and
4. Report separately on the Liberty Village and South of Eastern *Employment Districts*.

In response to this direction City Planning staff prepared a Request for Direction Report considered by Planning and Growth Management at its May 19, 2010 meeting, discussed later in this report.

1100 - 1150 Caledonia Road – Interpretation Report

On May 25, 26 and 27, 2009, City Council directed the Chief Planner and Executive Director, City Planning to report to the North York Community Council and Planning and Growth Management Committee on the interpretation of the *Employment Areas* policies of the Official Plan as they apply to 1100-1150 Caledonia Road.

On September 16, 2009, the Planning and Growth Management Committee received an information report (dated August 19, 2009) from the Chief Planner and Executive Director, City Planning responding to this direction. This report was also considered by North York Community Council on October 13, 2009. In this report, City Planning staff, in consultation with the General Manager, Economic Development and the City Solicitor provided the opinion that *Employment Areas* Policy 4.6.3 would generally apply to an application proposing major retail uses on these lands. It was also identified that a proposal for major retail uses would also be subject to other Official Plan policy matters that would have to be addressed in order for City Planning staff to support a rezoning of the site. The report can be found at:

www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-23651.pdf.

At this meeting, North York Community Council adopted the following motion and referred it to the Planning and Growth Management Committee for its consideration:

- “1. That the Planning and Growth Management Committee, in reviewing the Official Plan as it applies to employment areas, give consideration to:
 - a. excluding main streets that bisect employment areas, as areas permitting big box retail; and
 - b. excluding from consideration as the "boundary" of employment areas that abut residential zones or whose access is limited by physical barriers, like railways, and limited access highways.”

On November 4, 2009, the Planning and Growth Management Committee referred the above motion to the Chief Planner and Executive Director, City Planning, for consideration.

1100 - 1150 Caledonia Road – Development Application

A preliminary report for the rezoning application at 1100-1150 Caledonia Road was approved by North York Community Council at its April 27, 2010 meeting. The report provided background information on the proposal and recommended that a community consultation meeting be held and notice be given according to the regulations of the *Planning Act*. The preliminary report is available at:

www.toronto.ca/legdocs/mmis/2010/ny/bgrd/backgroundfile-28986.pdf.

At this meeting, North York Community Council directed:

- The Director, Community Planning, North York District, do a presentation on “the edges of industrial lands” at the May 25, 2010 North York Community Council meeting.
- As background for the presentation, the Director, Community Planning, North York District, abstract those amendments to the Official Plan designed to prevent the incursion of big box retail into employment lands for consideration at that time.

This information report responds to the above direction.

COMMENTS

Official Plan

In the Official Plan the term *Employment District* refers to one of the structural elements of the growth management strategy of the Official Plan. *Employment Districts* form part of the urban structure of the City and comprise lands reserved for employment uses that are to be protected from encroachment of non-economic functions to ensure the long-term economic viability of these areas.

Chapter Four of the Official Plan provides for the land use designations which are the key implementing tool for achieving the growth management strategy of the Official Plan. Lands included in the *Employment Districts* are largely comprised of lands designated *Employment Areas*. *Employment Areas* are places of business and economic activity. Offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, hotels and retail outlets ancillary to the preceding uses are the primary uses that support *Employment Areas*. Restaurants and other small scale stores and services are permitted, that serve area businesses and workers.

The *Employment Areas* policies restrict certain uses that are extensive land users from the interior of *Employment Areas*, such as large scale, stand-alone retail stores that are not directly supportive of the primary employment function of these areas. However, the Plan

recognizes that these types of uses have special locational needs, and as such the Official Plan has limited provisions for these uses in *Employment Areas*.

Large-Format Retail

Two *Employment Areas* policies addressed large-scale, stand-alone retail stores and “power centres” when the Official Plan came into force in 2006. Policy 4.6.3 permits these uses in *Employment Areas* through rezoning if they front onto a major street on Map 3 which also forms the boundary of an *Employment Area* and subject to meeting certain criteria. Policy 4.6.4 provided for the consideration of large-scale and stand-alone retail uses on *Employment Areas* lands on major streets on Map 3 that do not form the boundary of an *Employment Areas*, by way of an Official Plan Amendment and subject to specific criteria.

At its May 27, 2009 meeting, City Council deleted Policy 4.6.4 by enacting Official Plan Amendment No. 72, as part of the City’s response to bring the Official Plan into conformity with the Province’s Growth Plan for the Greater Golden Horseshoe. Deletion of Policy 4.6.4 removes the potential consideration of large-scale and stand-alone retail stores on lands located on major streets on Map 3 in the interior of *Employment Areas*, thereby protecting these lands for certain types of business and economic activity to the exclusion of other uses. Accordingly, the deletion of Policy 4.6.4 addresses the October 2009 request from North York Community Council to consider excluding large-scale retail uses from main streets that bisect *Employment Areas*.

It should be noted that OPA 72 was appealed by a number of parties to the Ontario Municipal Board and is currently at a pre-hearing conference stage.

Review of Employment Areas Policies

At its May 19, 2010 meeting, Planning and Growth Management Committee considered City Planning’s Request for Direction report responding to Planning and Growth Management Committee’s May 2009 request to examine the *Employment Areas* policies with respect to certain land use permissions.

The report reviews various undertakings with respect to planning and promoting employment lands; highlights findings from the Toronto Employment Survey 2009; and identifies potential amendments to the Official Plan to strengthen and clarify Council’s intent of the *Employment Areas* land use designation. The report can be found at:

www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-29918.pdf

With respect to Policy 4.6.3 dealing with large-scale retail stores and power centres at the boundary of *Employment Areas*, the report identifies potential amendments that would:

- clarify the existing transportation and economic impact criteria required to be satisfied prior to permitting large-format retail uses in *Employment Areas*;
- provide direction to maintain the rear portion of large, deep lots for employment uses;
- insert definitions for large scale, stand-alone retail stores and power-centres;

- encourage better built form and site design; and
- address the issue of “lot creep” whereby proponents may seek to apply the policy permissions to larger parcels of land by consolidating interior lots with a lot located on a major street.

Attachment 1 provides a black lined version of Policy 4.6.3 with the proposed amendments as well as the proposed definitions for large scale, stand-alone retail stores and power-centres.

The proposed amendments coupled with the deletion of Policy 4.6.4, regarding consideration of large-scale and stand-alone retail stores in the interior of *Employment Areas*, will further protect *Employment Areas* for their intended business and economic activity.

Planning and Growth Management Committee adopted the report’s recommendation and directed City Planning staff to schedule community consultation to obtain public and stakeholder comments on the *Employment Areas* policies and the proposed Official Plan Amendment.

This report has been prepared in consultation with City Planning’s Policy and Research staff.

CONTACT

Cassidy Ritz
Tel. No. 416-395-7053
Fax No. 416-395-7155
E-mail: critz@toronto.ca

Corwin Cambray
Tel. No. 416-397-0244
Fax No. 416-397-4080
E-mail: ccambra@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Black Lined Version of *Employment Areas* Policy 4.6.3 and Definitions

Attachment 1: Black Lined Version of Employment Areas Policy 4.6.3 and Definitions

Large scale, stand-alone retail stores and power centres are not permitted in *Employment Areas* in the *Central Waterfront* and are only permitted in other *Employment Areas* **on lots** fronting onto major streets as shown on Map 3, 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:

- a) **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, **and minimal traffic infiltration within *Employment Areas***;
- b) **ensure that** the functioning of other economic activities within the *Employment Areas* is not adversely affected;
- c) **ensure** the economic health of nearby shopping districts is not adversely affected;
- d) **maintain for the primary uses of *Employment Areas* the rear portion of large, deep lots**;
- e) **provide driveways on large sites organized and designed to meet the design objectives for new streets**;
- f) **be encouraged to have the majority of vehicle parking located below grade and/or in a parking structure with limited visibility from the street; and**
- g) **be encouraged to be in buildings with a minimum of two storeys.**

This Section 4.6.3 only applies to those lands that, as of (insert date of OPA adoption), form a lot that fronts onto a major street as shown on Map 3, that also forms the boundary of the *Employment Areas*.

Major Retail Definitions for *Employment Areas*

Within *Employment Areas*, a large scale, stand-alone retail store is a single retail unit that is 6,000 square metres in area or greater and is the only retail unit on the lot.

Within *Employment Areas*, a power centre is a single lot with one or more retail units that are each 6,000 square metres in area or greater, and may also include retail units on the same lot that are smaller than 6,000 square metres in area.

Within *Employment Areas*, large scale, stand-alone retail stores and power centres are the “major retail uses” referred to in the Province’s Growth Plan for the Greater Golden Horseshoe.