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STAFF REPORT ACTION REQUIRED

36 Overlea Boulevard - Zoning Amendment Application - Preliminary Report

Date:	October 23, 2015
То:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 26 – Don Valley West
Reference Number:	15 194405 NNY 26 OZ

SUMMARY

This application proposes to amend the zoning by-law to permit three retail/commercial buildings totalling 6,495 square metres at 36 Overlea Boulevard. One 5,584 square metre building is proposed at the rear of the site, and buildings of 467 square metres and 456 square metres are proposed along the Overlea Boulevard frontage.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

The report recommends that a community consultation meeting be scheduled by City Planning staff, in consultation with the Ward Councillor. A Final Report will be scheduled following community consultation, and the resolution of outstanding issues.



RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff be directed to schedule a community consultation meeting for the lands at 36 Overlea Boulevard together with the Ward Councillor.
- 2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
- 3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of October 6, 2015, North York Community Council considered the alterations to the heritage property at 42-46 Overlea Boulevard in accordance with Section 33 of the Ontario Heritage Act, to allow for construction of a new development that includes a retail warehouse facility, Costco Warehouse Membership Club, and associated vehicle fuel station. This matter will be considered by Toronto City Council on November 3, 2015.

The decision document is available at the following web link:

(http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-83829.pdf)

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on July 25, 2014 to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The application proposes an amendment to City-wide Zoning By-law 569-2013 and former Borough of East York Zoning By-law 1916 (Town of Leaside) to permit three single storey retail/commercial buildings totalling 6,498 square metres of gross floor area with 298 surface parking spaces. The proposed gross floor area would result in a floor space index of 0.26.

The subject site is approximately 2.46 hectares (6.08 acres) in size, and is located on the north side of Overlea Boulevard between the east and west portions of Thorncliffe Park

Drive. It is currently occupied by a vacant one-storey warehouse building with surface parking to the rear.

The application proposes the demolition of the existing warehouse building on the site. The proposed retail/commercial building "C" (5575 square metres) is proposed at the rear of the triangular site, and two smaller "pad" commercial buildings (Building A- 467 square metres and Building B - 456 square metres) are proposed along the Overlea Boulevard frontage. Buildings A and B are both proposed to be single storey buildings and 8 metres in height. The main pedestrian entrances to Buildings A and B face Overlea Boulevard, and would be accessed via a pedestrian walkway that would link the buildings with the Overlea Boulevard public sidewalk and with the parking lot (See Attachment 1: Site Plan, and Attachment 2: Elevations).

Building C is proposed to be a one storey, 8.4 metre high commercial building situated in the northwest corner of the site. One Type "A" and two Type "B" loading spaces are proposed at the (rear) northwest corner of Building "C".

A 2 to 3 metre wide landscaped buffer is proposed adjacent to the north, east and west property lines, with a landscaped buffer having a minimum dimension of 7.5 metres wide along the Overlea Boulevard frontage. The proposed landscaping allows for the preservation of 6 mature trees in the front yard, together with the existing City street trees. Six new trees are also proposed in the front yard.

Buildings A and B would be treated with brick, stone and architectural block, with metal cladding, spandrel glass and glazing at building entrances. Building C is proposed to be treated with pre-cast panels along the south, east and west facades and brick along the north façade, with large formal exterior tile at the building entrance.

A total of 284 vehicular surface parking spaces are proposed. The parking areas would be accessed via the existing driveway from Thorncliffe Park Drive at the northesast corner of the site which is proposed to be maintained, and by a new proposed driveway from Overlea Boulevard near the southeast corner of the site, just west of Building B. The existing break in the median running along Overlea Boulevard is proposed to be relocated to the west to allow for a full movement access, aligned opposite a proposed new access to the East York Town Centre to the south.

A total of 23 short term and 13 long term bicycle parking spaces are proposed in proximity to all three buildings.

Detailed site statistics are provided in the Application Data Sheet (see Attachment 4).

Site and Surrounding Area

The property is located within the Thorncliffe Park community in the former Borough of East York. It forms part of the Leaside Business Park which extends west to Laird Drive and north to Eglinton Avenue East. The site is situated on the north side of Overlea Boulevard in the area west of Don Mills Road. It has a site area of 2.46 hectares (6.08

acres) and a frontage of approximately 84 metres on the north side of Overlea Boulevard and approximately 20 metres on the south side of Thorncliffe Park Drive. The site is currently occupied by a vacant one-storey warehouse/office building, formerly operated by Add Ink, a division of Atlantic Packaging Products Limited.

Surrounding uses include:

- North: To the immediate north is a surface parking lot and the associated single storey strip mall containing retail, service and office uses, including ISA Pharmacy, Iqbal Halal Foods and Quantum Crossfit (2 Thorncliffe Park Drive). North of the strip mall is a Hydro One utility corridor, with the CP Rail line beyond.
- South: A *Mixed Use Area* including the East York Town Centre which contains over 100 retail stores and restaurants and is anchored by a newly vacant Target store, Shoppers Drug Mart and Food Basics. Further south, lands designated *Apartment Neighbourhoods*, containing a mix of apartment buildings ranging in size from 6-20 storeys.
- East: 42-46 Overlea Boulevard which is the subject of a rezoning application to permit a large scale stand alone retail store (Costco) including a vehicle fuel station (File No. 13 190927 NNY 26 OZ). Further east are employment lands developed with a 1-storey funeral home establishment then commercial uses including retail, service and restaurant establishments; and
- West: A local cultural community centre, retail, service and restaurant uses.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement, 2014, (PPS) provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that Provincial interests are upheld. 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 be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates these lands (and the employment lands associated with the Leaside Business Park) as *Employment Areas*. This land use designation is intended to protect and enhance employment uses.

Policy 4.6.1 of the Official Plan states *Employment Areas* are places of business and economic activity. Uses that support this function consist of restaurants and small scale stores and services that serve area businesses and workers, as well as offices, manufacturing, warehousing, distribution, research and development facilities, media facilities and hotels.

Policy 4.6.3 of the Official Plan states consideration may be given to permit large scale and stand alone retail stores and "power centres" in *Employment Areas* in locations on major streets which form the boundary of an employment area (as Overlea Boulevard does for the lands comprising the Leaside Business Park). Where a site meets this locational requirement, new large scale, stand alone retail stores and "power centres" may be permitted if it can be demonstrated that:

- a) 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
- b) The function of other economic activities within the *Employment Areas* and economic health of nearby shopping districts are not adversely affected.

The Official Plan provides criteria to review development proposed within *Employment Areas* (Section 4.6). The objective of these criteria is to ensure that proposed developments: contribute to the creation of competitive, attractive, highly functional employment areas; avoid excessive car and truck traffic on the road system within *Employment Areas* and adjacent areas; provide adequate parking and loading on-site, share driveways and parking areas wherever possible; mitigate certain effects (i.e., noise, dust, odours, etc.) that will be detrimental to other businesses or the amenity of the neighbouring areas and provide landscaping on the front and flanking yards to create an attractive streetscape.

Among the other relevant policies in evaluating the proposal are the policies related to Built Form (3.1.2). This policy requires new development to be located and organized to fit within its existing and/or planned context, to frame and support adjacent streets, and to locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk.

As noted previously, at its meeting of October 6, 2015, North York Community Council considered the alterations to the heritage property at 42-46 Overlea Boulevard in

accordance with Section 33 of the Ontario Heritage Act, to allow for construction of a new development that includes a retail warehouse facility, Costco Warehouse Membership Club, and associated vehicle fuel station. This matter will be considered by Toronto City Council on November 3, 2015.

Section 3.1.5.1.states the Heritage Register will be maintained and include all properties of cultural heritage value or interest that are designated under Parts IV and V of the Ontario Heritage Act. Section 3.1.5.26 provides that new construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it. Section 3.1.5.22 states that a Heritage Impact Assessment will address all applicable heritage conservation policies of the Official Plan and the assessment will demonstrate conservation options and mitigation measures consistent with those policies.

The Toronto Official Plan is available on the City's Website at: <u>http://www.toronto.ca/torontoplan/index.htm</u>

OPA 231

On December 16, 2013, City Council adopted Amendment No. 231 to the Official Plan, which strengthened Employment Areas policies concerning the protection and preservation of strategic areas for employment uses, and replaced the classification "Employment Districts" with "Employment Areas". In addition to amending the Urban Structure section of the Official Plan, the Land Use designation Employment Areas has been replaced with two new land use designations : Core Employment Areas and General Employment Areas. The subject lands are designated General Employment Areas, which applies to lands largely on the periphery of *Employment Areas* on major roads where retail stores, service shops and restaurants can serve workers in the Employment Area and would also benefit from visibility and transit access to draw the broader public. Retail complexes on the periphery of employment areas frequently serve as a buffer between industries in the interior of *Employment Areas* and nearby residential uses. Policies respecting sensitive uses have been introduced under OPA 231 and sensitive uses such as Places of Worship, Daycare Centres and Educational Facilities are no longer permitted. Further evaluative criteria have been introduced under OPA 231 when considering major retail developments of 6,000 square metres in *General Employment Areas* outside of the Downtown and Central Waterfront on lots that front onto and have access to major streets as shown on Map 3. These criteria include but are not limited to: parking located between retail uses and public sidewalks to be minimized and located at the flank or rear of the building; and buildings are to be a minimum of two storeys.

OPA 231 was approved by the Minister of Municipal Affairs and Housing on July 9, 2014 and has been appealed to the Ontario Municipal Board. On June 22, 2015, the OMB issued an Order partially approving OPA 231. Most of the in-force policies deal on a broad basis with such matters as Toronto's economic health and economic development strategies; continued investment in key infrastructure to support employment needs; directing office and employment growth on transit routes; updating population and

employment forecasts and density targets in conformity with the Growth Plan; and fostering the growth of public institutions that are a large source of employment.

Other policies, including the *Core Employment Areas* and *General Employment Areas* designations and maps for employment lands in OPA 231, are still under appeal and are relevant but not determinative. The next pre-hearing conference at the Board has been scheduled for October 22, 2015.

Zoning

Former Borough of East York Zoning By-law No. 1916

The site is zoned Business Centre Zone – BC(H) by former Borough of East York (Town of Leaside) Zoning By-law 1916 (see Attachment No 10).

The BC zoning category permits business and professional offices, data processing and business services uses (i.e., a bank, financial institution, barber shop, beauty salon, restaurant, dry cleaners, office supplies stores, printing establishments, day nursery, private clinic, a hotel or motel) to a maximum floor area of 0.5 x the lot area. In addition to the foregoing, a drug store, banquet hall and a variety/convenience store are also permitted (as a business service use) if they are located on the ground floor of an office building and the total amount of these business service uses must exceed 20% of the gross floor area of the office building.

The holding symbol (H) is appended to the BC zoning of the site to regulate development of business and professional offices beyond 0.5 x of the lot area.

Performance standards in the BC zoning include a maximum building height permission of 30 metres, minimum front yard setbacks of 15 metres from Overlea Boulevard and a maximum Floor Space Index of 2.0 x the lot area.

The BC(H) zoning also allows all of the uses that are permitted in the Light Industrial Zone - M1 which permits a wide range of light industrial uses including retail uses to a maximum of 20% of the gross floor area of the building.

City of Toronto Zoning By-law No. 569-2013

Under the new Zoning By-law, which is under appeal, the site is zoned Employment Industrial Office Zone EO (e0.75; o2.0)(x22), (see Attachment No 3), which permits a range of employment and office related uses including conditional permissions for retail store uses. The zoning permits a maximum floor space index of 0.75 for employment uses, a maximum floor space index of 2.0 for office uses, a maximum building height of 30 metres and the following minimum yard setbacks: 9 metre front yard, 7.5 metre rear yard, 6 metre side yards. The by-law also requires a minimum 3 metre wide strip of land of soft landscaping along the entire length of the street lot line (exclusive of driveways and walkways). The EO zoning conditionally permits a retail store. The gross floor area of the retail store is limited to the greater of 300 m^2 (3,330 sq.ft.) or 10% of the gross floor area of the buildings on the lot to a maximum of 500 m^2 (5,382 sq.ft.).

The EO zoning also conditionally permits a vehicle fuel station with a retail store. A vehicle fuel station together a retail store must comply with the following conditions:

- i) The retail store must be a convenience store;
- ii) The gross floor area of the vehicle fuel station and retail store may not exceed 300 m²; and
- iii) The convenience retail store may remain on the lot as long as the vehicle fuel station exists.

Exception x22 under the zoning denotes the site is subject to a Holding Zone (H) provision. The exception has been carried forward from the former Borough of East York (Town of Leaside) Zoning By-law 1916.

Site Plan Control

A site plan control application is required but has not been submitted.

Tree Preservation

City of Toronto By-laws provide for the protection of qualifying trees situated on both private and City property. An Arborist report and Tree Preservation Plan were submitted with the application and are currently under review by City staff.

Design Guidelines for 'Greening' Surface Parking Lots

The City of Toronto has adopted Design Guidelines for 'Greening' Surface Parking Lots. These Design Guidelines implement Built Environment and Natural Environment policies of the Official Plan (Chapters 3.1 and 3.4). This includes policies related to improving the public realm, enhancing pedestrian safety and comfort, increasing shade, enhancing on-site stormwater management, and promoting the use of sustainable material and technologies. The Guidelines also provide design options and strategies to implement many environmental targets of the Toronto Green Development Standard.

Toronto Green Standard

The Toronto Green Standard is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry. The applicant has submitted the TGS Checklist which is currently under review by City staff.

Reasons for the Application

Amendments to the new City of Toronto Zoning By-law 569-2013 and former Borough of East York Zoning By-law No. 1916 (Town of Leaside) are required to permit the proposed retail stores and establish appropriate development standards including setbacks, parking and landscaping.

COMMENTS

Application Submission

The following plans, drawings, reports/studies were submitted with the application:

- Tree Preservation Plan
- Arborist Report
- Draft Zoning By-laws
- Planning Rationale
- Traffic Impact Study
- Parking and Loading Study
- Functional Servicing Report
- Green Development Standards Checklist
- Heritage Impact Statement.

A Notification of Incomplete Application was issued on August 16, 2015 which identifies the outstanding material required for a complete application submission as follows:

• Retail Market Impact Study

A revised Notice of Incomplete Application was issued on September 3, 2015 which identifies further outstanding material required for a complete application submission as follows:

• Employment Area Economic Impact Study

On September 14, 2015, a Notice of Motion for Request for Direction pursuant to subsection 34 (10.5) of the Planning Act was served upon the city by the applicant to be determined by the Ontario Municipal Board. The applicant seeks an Order of the Board declaring that the zoning by-law amendment application filed by the applicant is complete. A Motion date had been set for October 19, 2015 however, with the City's consent, the applicant's new solicitor requested and was granted an adjournment. The motion has not yet been rescheduled.

On September 21, 2015 the applicant contacted City Planning to inquire about the possibility of amending the current rezoning application to permit a residential care facility in place of the existing application which seeks permission for three retail/commercial buildings totalling 6,495 square metres.

As the lands are designated Employment Areas in the City's Official Plan, a rezoning application to permit a residential care facility would constitute a conversion of employment lands to non-employment uses.

The Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe both provide that municipalities may permit the conversion of lands within employment areas to non-employment uses through a Municipal Comprehensive Review only where it has been demonstrated that a number of criteria are met.

The City has recently concluded a Municipal Comprehensive Review of its Official Plan/Employment Lands in 2013 through adoption of OPA 231 (By-Law 1714-2013). Following the Province's partial approval of OPA 231 in 2014, the Ontario Municipal Board received 178 appeals of the OPA. Appeals of OPA 231 are currently before the OMB. The Planning Act requires a municipality to review its Official Plan every five years, and as such staff do not anticipate the commencement of the next Municipal Comprehensive Review in the near future.

Accordingly, the applicant was informed on September 28, 2015 that a conversion of employment lands to non-employment uses could only be considered in the context of the next Municipal Comprehensive Review of the Official Plan.

The applicant was asked to confirm whether or not they wished to continue with the existing rezoning application. To date, no response has been received to this correspondence.

Issues to be Resolved

On a preliminary basis, the following issues have been identified:

- A Retail Market Impact Analysis and an Employment Area Economic Impact Study must be submitted and assessed regarding conformity of the proposal to Policy 4.6.3 (b) of the Official Plan.
- The Heritage Impact Assessment must be assessed to ensure the proposal will respect the scale, character and form of the adjacent heritage building and landscape at 42-46 Overlea Boulevard.
- Appropriate parking requirements will be determined and the surface parking area will also be reviewed in accordance with the City's 'Greening Surface Parking Lots' guidelines.
- The location and organization of buildings/structures will be assessed to define and support the public streets.
- Assessment of loading area and parking area circulation and design.
- Assessment of proposed vehicular access to ensure proper configuration, location and safety measures.
- Vehicular parking areas, vehicular access, and loading areas will be assessed so as to minimize their impact on the public realm and to improve the

attractiveness of Overlea Boulevard and Thorncliffe Park Drive.

- Appropriate on-site pedestrian circulation and connections will be assessed to ensure safe, comfortable pedestrian access to the proposed retail buildings, to public transit stops and to Overlea Boulevard.
- Assessment of site servicing including stormwater management.
- The applicability of Section 37 of the *Planning Act* for the increase in retail floor space and the appropriate community benefits will be determined should a redevelopment be recommended for approval.
- The location and organization of driveways and pedestrian connections between the retail stores, including connectivity to a network of public streets serving pedestrians, cyclists, transit, cars and trucks.
- Evaluation of the application in light of the emerging policy framework of OPA 231.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the applications, agency comments and the community consultation process.

CONTACT

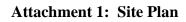
John Lyon, Senior Planner Tel. No. (416) 395-7095 Fax No. (416) 395-7155 E-mail: jlyon@toronto.ca

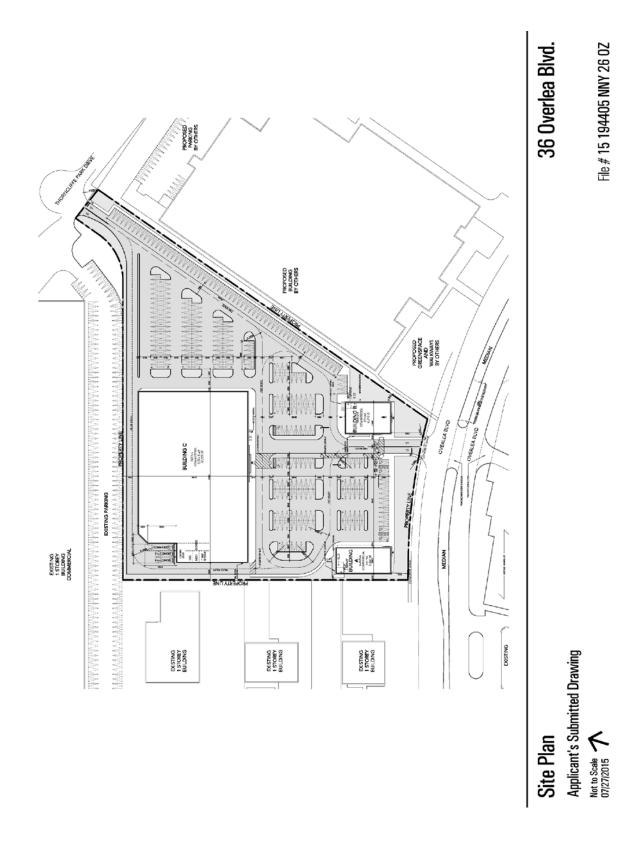
SIGNATURE

Joe Nanos, Director Community Planning, North York District

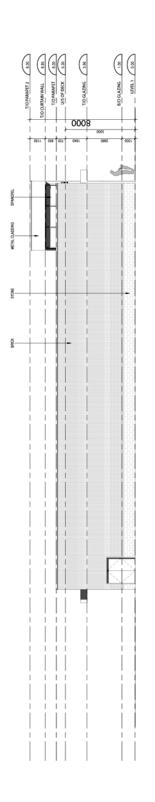
ATTACHMENTS

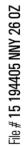
Attachment 1:	Site Plan
Attachment 2A:	West Elevation Building 'A'
Attachment 2B:	East Elevation Building 'A'
Attachment 2C:	South Elevation Building 'A'
Attachment 2D:	South Elevation Building 'B'
Attachment 2E:	West Elevation Building 'B'
Attachment 2F:	East Elevation Building 'C'
Attachment 2G:	North Elevation Building 'C'
Attachment 3:	Zoning By-law No. 569-2013
Attachment 4:	Leaside Zoning By-law 1916
Attachment 5:	Application Data Sheet





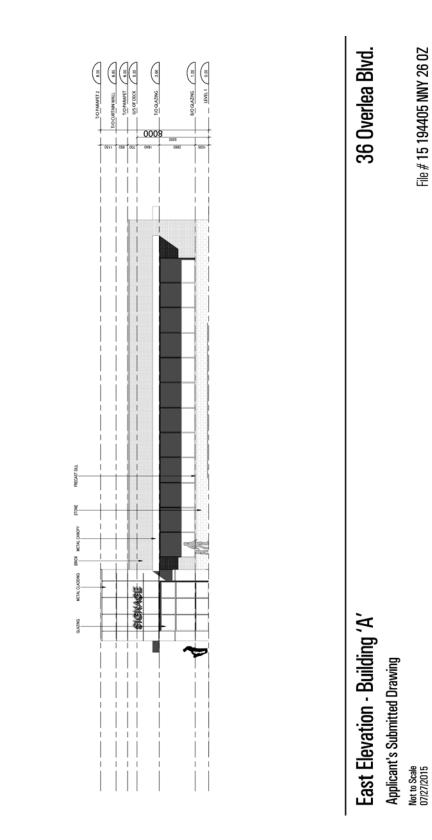


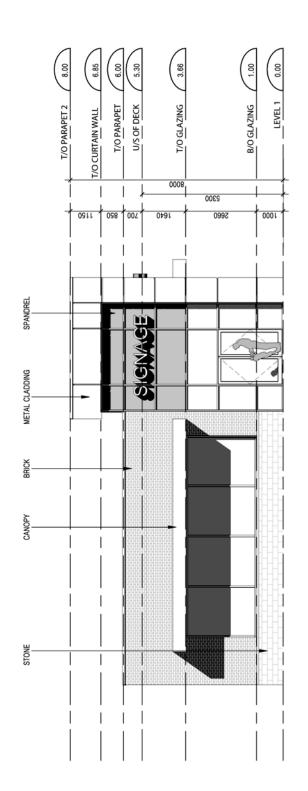




36 Overlea Blvd.

West Elevation - Building 'A' Applicant's Submitted Drawing Not to Scale 07(27)2015





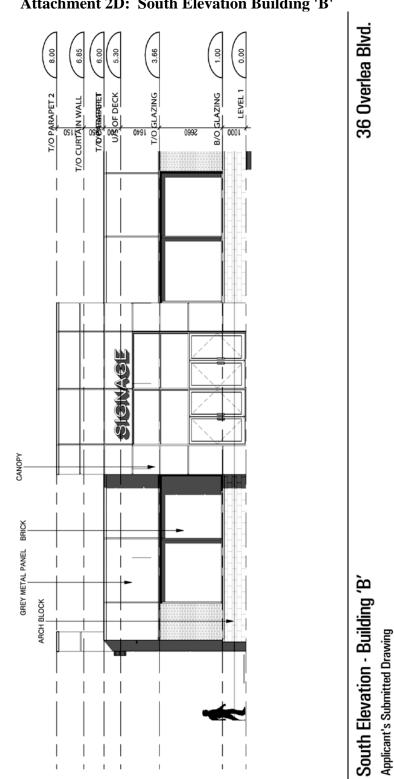


File # 15 194405 NNY 26 0Z

36 Overlea Blvd.

South Elevation - Building 'A' Applicant's Submitted Drawing Not to Scale 07/27/2015

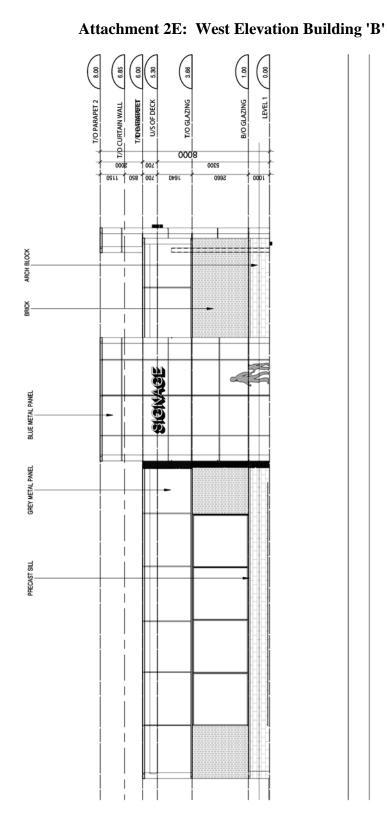
Staff report for action - Preliminary Report - 36 Overlea Boulevard



Attachment 2D: South Elevation Building 'B'

Not to Scale 07/27/2015

File # 15 194405 NNY 26 0Z

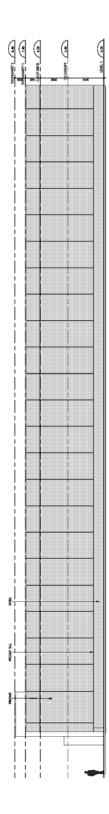


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36 Overlea Blvd.

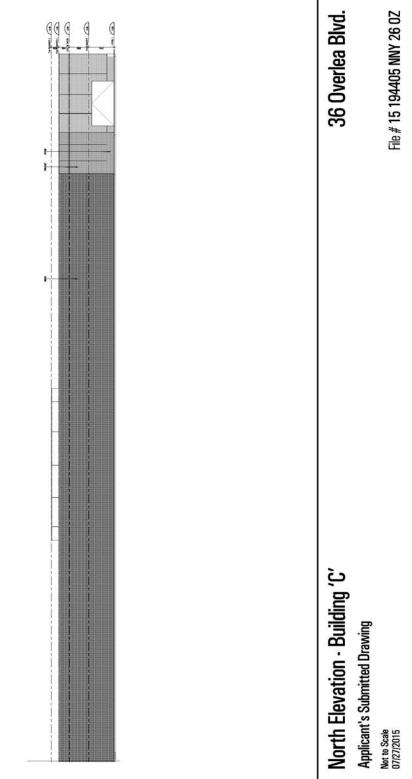
West Elevation - Building 'B' Applicant's Submitted Drawing Not to Scale 07/27/2015

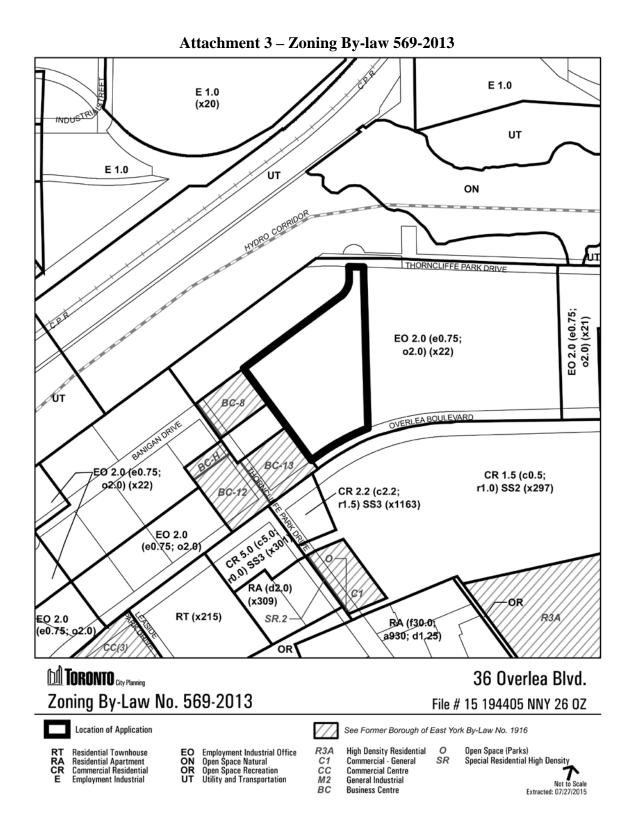
Attachment 2F: East Elevation Building 'C'

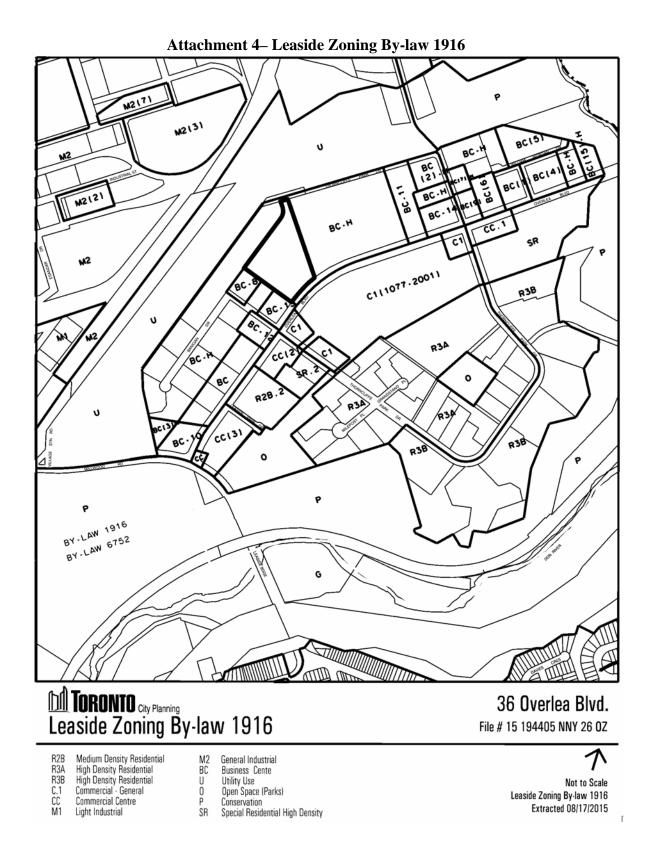












Attachment 5 – Application Data Sheet

Application Type	Rezoning	Rezoning		Application Number:			15 194405 NNY 26 OZ		
Details	Rezoning, Standard		Application Date:			July 21, 2015			
Municipal Address:	36 OVERLEA BLVD								
Location Description:	PLAN M736 PT BLK A RP R1766 PART 2 PART 5 **GRID N2605								
Project Description:	A commercial development consisting of three single-storey service commercial and retail use buildings - Buildings A, B & C								
Applicant:	Agent:		Architect:			Owner:			
RACKO DEVELOPMENTS 6 Cavotti Cres, Toronto M3H 4V1						ATLANTIC PACKAGING PRODUCTS 111 Progress Ave. Toronto, ON M1P 2YC			
PLANNING CONTROLS									
Official Plan Designation:	Mixed Use A	Mixed Use Areas		Site Specific Provision:		Ν			
Zoning:	BC (H) – Lea EO - Toronto	BC (H) – Leaside		Historical Status:		Ν			
Height Limit (m): 30		0	Site Plan Control Area:		Y	Y			
PROJECT INFORMATION	N								
Site Area (sq. m):	24	588	Height:	Storeys:	1				
Frontage (m):	83	83.6		Metres:		8.3			
Depth (m):	16	162							
Total Ground Floor Area (sq.	n): 6497					Total			
Total Residential GFA (sq. m): 0	0		Parking Space	es:	: 284			
Total Non-Residential GFA (s	sq. m): 64	q. m): 6497		Loading Dock	s	3			
Total GFA (sq. m):	64	97							
Lot Coverage Ratio (%):	26	.42							
Floor Space Index:	0.2	26							
DWELLING UNITS		FLOOR ARE	EA BREAK	DOWN (upon	project	t compl	etion)		
Tenure Type:				Abo	ove Gr	ade	Below Grade		
Rooms:	0	Residential GF	A (sq. m):	0			0		
Bachelor: 0		Retail GFA (sq. m):		649	6497		0		
1 Bedroom: 0		Office GFA (se	Office GFA (sq. m):		0		0		
2 Bedroom: 0		Industrial GFA	Industrial GFA (sq. m):			0 0			
3 + Bedroom: 0		Institutional/Ot	Institutional/Other GFA (sq. m): 0			0			
Total Units:	0								
	CR NAME: IONE/email:	John Lyon, Sen (416) <u>395-7095/</u>							