

360 Mclevin Avenue Zoning Amendment Application – Final Report

Date:	May 29, 2015
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 42 – Scarborough-Rouge River
Reference Number:	14 122758 ESC 42 OZ

SUMMARY

This application proposes a commercial development consisting of a food store and ancillary uses at 360 Mclevin Ave. The proposed land use would be in addition to the existing residential uses permitted on the subject vacant lands.

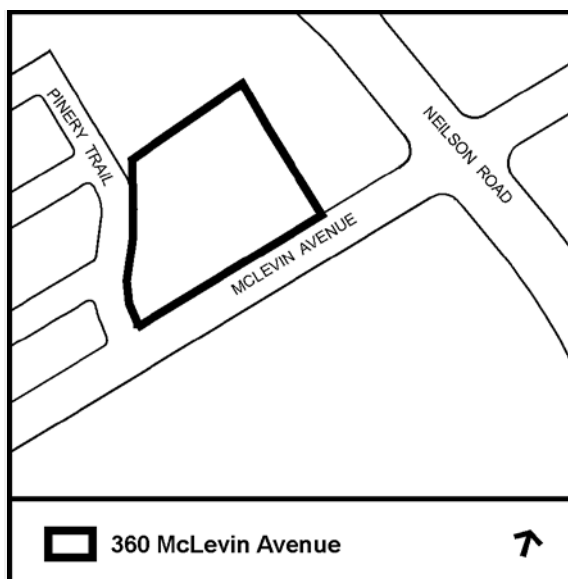
The development consists of retail use(s) on an underutilized site within a comprehensively planned development with access to a major arterial road. The development will add vitality to the vicinity of Neilson Road and McLevin Avenue, providing commercial uses that meet the needs of the local community.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 14402 for the lands at 360 McLevin Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to report dated May 29, 2015.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In July 1998, the Ontario Municipal Board approved amendments to the former Scarborough Official Plan and Malvern Community Zoning By-law to provide for a mixed use development of residential, office and commercial on 1.89 hectares at the northwest corner of Neilson Road and McLevin Avenue. The westerly 1.2 hectares are the subject of the current application. These lands have remained undeveloped.

More recently, the 1.89 hectares have been the subject of two planning applications. In 2012, a site plan application (12 234790 ESC 42 SA) was filed to seek approval for a commercial development on the easterly portion of the lands, while the westerly portion has remained undeveloped. In 2013, a consent application (B008/13 SC) was approved to create 2 separate land parcels and mutual rights-of-way for access between the parcels. The easterly parcel, containing the proposed commercial development (1400 Neilson Road), was sold to a new owner. The site plan application was approved for commercial development on the easterly parcel in January 2014, and a Shoppers Drug Mart has been constructed and is now open. A small, approved 232 square metre commercial building immediately adjacent to both McLevin Avenue and Neilson Road is approved but not yet constructed. The westerly undeveloped parcel (360 McLevin Avenue) is the subject of the current rezoning application.

ISSUE BACKGROUND

Proposal

The proposed rezoning application would add permission for a retail store to lands currently zoned for residential uses, in order to construct a 3,180 m² food store (No Frills) with ancillary uses such as a financial institution and retail store(s) within the food store. The proposed retail development will be integrated with the adjacent commercial lands (1400 Neilson Road) regarding access, vehicle circulation, parking and stormwater management.

The proposed one-storey building is oriented towards McLevin Avenue and to the east, with the primary entrance facing the interior parking area. The uncovered loading area is located on the west side of the building and is screened from view by a solid wing wall and a roll-up door at the entrance to the loading area.

Access to the development is proposed via two driveways from McLevin Avenue, one of which is proposed as right-in and right-out primarily to provide access to the loading area. The consent (B008/13 SC) created mutual rights-of-way between the subject property and the adjacent lands. The consent provides access to Neilson Road from the subject lands and to McLevin Avenue on a temporary basis. This existing McLevin Avenue access, currently utilized by the commercial lands at 1400 Neilson Road, just east of the easterly proposed access for the

subject lands, will be stopped up and closed at ultimate build out. No access to Pinery Trail is proposed.

A total of 137 parking spaces are proposed to support the food store development. Overall, a total of 217 parking spaces are proposed to serve the two properties.

The proposed development, including the overall development scheme, is illustrated on Attachment 1: Overall Site Plan, Attachment 2: Site Plan, Attachment 3: Elevations, Attachment 4: Rendering Looking Northwest, and Attachment 5: Rendering Looking Northeast. Specific details for the subject proposal are contained in Attachment 7: Application Data Sheet.

Site and Surrounding Area

The subject 1.2 hectares are undeveloped lands within the Malvern community. The lands have an approximate 137 metre frontage along McLevin Avenue and an approximate 105 metre frontage along Pinery Trail. A row of approximately 13 mature trees exist on the west side of the property.

Abutting uses include:

North: A townhouse development and vacant residential land, with the CPR rail line beyond;

South: The McLevin Woodlot, the Malvern Town Centre and 2 vacant residential properties: one at the southwest corner of Neilson Road and McLevin Avenue that is the subject of a commercial rezoning and site plan application, and, the other at the southeast corner of Tapscott Road and McLevin Avenue, that is the subject of a residential site plan application;

East: Related commercial development at 1400 Neilson Road, condominium apartments and office/commercial buildings on the east side of Neilson Road; and,

West: Residential development of semi-detached units and townhouses.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 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 conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated as Mixed Use Areas in the Official Plan on Map 22, Land Use Map. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings.

Development criteria in Policy 4.5.2 for Mixed Use Areas states that development will: locate and mass new buildings to provide a transition between areas of different intensity and scale to provide appropriate setbacks and/or stepping down of heights particularly lower scale Neighbourhoods; locate and mass buildings to frame the edges of streets with good proportion; provide an attractive, comfortable and safe pedestrian environment; provide good site access and circulation and an adequate supply of parking; and locate and screen service areas and garbage storage to minimize impact on adjacent streets and residences.

The Built Form policies in Policy 3.1.2 specify that new development be located and organized to fit with its context and to frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. New developments are to locate and organize vehicular parking, vehicular access and service areas and utilities to minimize their impact on the property and on surrounding properties to improve the safety and attractiveness of adjacent streets, parks and open spaces. New developments are to be massed to fit harmoniously into their existing and/or planned context and to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Zoning

The majority of the subject lands are zoned Apartment Residential (A), with a small strip adjacent to Pinery Trail being zoned Street Townhouse (ST), within the Malvern Community Zoning By-law No. 14402. The Apartment Residential zone permits apartment buildings, day nurseries and group homes, and by Exception 34, multiple-family dwellings and a sales office for the residential units. The zoning by-law permits a maximum of 249 apartment dwelling units to a maximum height of 14-storeys and 12 multiple-family dwellings.

The Street Townhouse zone permits single and semi-detached dwellings, street townhouses, group homes and correctional group homes.

The subject lands are not contained within Toronto Zoning By-law 569-2013.

Site Plan Control

Site plan control is applicable to the proposed development. An application was submitted in March 2015, and has been circulated to appropriate City departments for review and comment.

Reasons for Application

Retail uses are not permitted on the subject lands and appropriate development standards would be required to be established to support the proposal.

Community Consultation

A community consultation meeting, as directed by Scarborough Community Council, was held on June 23, 2014. Approximately eighteen members of the public from the surrounding area were in attendance. Issues discussed at the community consultation included, but were not limited to, traffic, parking, access, noise, and the size of the retail operation proposed. These issues will be discussed further in this report.

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

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

The application represents efficient use of land, resources and public investment in infrastructure and public service facilities. The development is in an area where there are transportation choices that facilitate pedestrian mobility and other modes of travel. In the opinion of City Planning staff, the proposal is consistent with the Provincial Policy Statement.

The proposal represents intensification of an underutilized site, where services exist, and will provide commercial opportunities in the community. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The site is designated Mixed Use Areas, which provides for a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. Mixed use areas are designated to absorb most of the anticipated increase in retail, office and service employment uses in the City in the coming decades.

The site fronts on McLevin Avenue and Neilson Road, both designated as Major Streets on Map 3 of the Official Plan, and is proximate to an existing rail line designated as Higher Order Transit Corridor on Map 4 of the Official Plan.

The proposal contains retail uses. This site is an appropriate location to provide for these kinds of uses given its proximity to other retail uses in the vicinity of the site, and the accessible road network and existing and planned public transit.

The proposal represents intensification on an underutilized site where reurbanization can create opportunities to revitalize the streetscape while improving the pedestrian environment and look of the street, and provide retail employment.

The retail permissions recommended are in addition to the existing residential permissions on the subject lands. The retention of the existing residential permissions on the lands provides opportunities for future intensification.

Parking

A total of 137 parking spaces are proposed on the site, including 4 barrier free spots. The proposed parking supply is adequate for the proposed development. The barrier free spots are appropriately located on site. The existing zoning by-law requirements for parking have been exceeded by 47 spaces. Accordingly, a number of surplus parking spaces must be provided for priority parking (hybrid/electric/carpooling) and this will be determined through the site plan approval process. The parking supply for the overall site including the lands to the east is adequate for the proposed development, as is the provision of priority parking spaces and barrier free parking. Further refinements to the parking area and numbers may occur during site plan review.

The surface parking lot has been designed to comply with the Green Surface Parking Lot Guidelines, and will be subject to further review during the site plan approval process. Notable features of the design include the utilization of lighter, more reflective asphalt coatings, the creation of direct, comfortable and safe pedestrian routes, the provision of quality landscaping, the provision of short parking rows perpendicular to the main building and the sharing of driveway access with the commercial site to the east.

Traffic Impact and Access

Neilson Road is a 4 lane minor arterial road in this location with a centre median, and McLevin Avenue is a four lane minor arterial road. The intersection of Neilson Road and McLevin Avenue is signalized, as is the intersection of McLevin Avenue and Pinery Trail. A Traffic Impact Study (including Traffic Operations Assessment) was submitted in support of this application indicating that the existing road network can accommodate the proposed development with no roadway improvements or signal timing adjustments along the external road network required. Transportation Services staff concur with the Traffic Impact Study.

The owner of the subject lands is Neilson Road Holdings Inc. Neilson Road Holdings and Shoppers Realty Inc., the owner of the lands immediately adjacent to the east, have entered into a detailed and comprehensive Easement and Operations Agreement pertaining to both parcels. This agreement provides for shared access, common parking and driveway areas, and shared services on their respective lands.

Access to the overall site will be provided via one right-in right-out access on Neilson Road and two proposed accesses on McLevin Avenue. The subject lands will be accessible via a right in right-out access to the west of the proposed retail building, and a full movement access to the east of the structure, both onto McLevin Avenue (see Attachment 1: Overall Site Plan). The existing access onto McLevin Avenue for the existing Shoppers Drug Mart will be closed and the curb reconstructed. At the site plan

stage for the subject lands, amendments will also need to be made to the existing site plan approval for the lands at 1400 Neilson Road (File No. 12 234790 ESC 42 SA) to reflect the Easement and Operations Agreement, which will include some changes to the existing parking location, orientation and drive aisles. The adjacent property owner concurs with these proposed site alterations.

Noise

Loading is provided for on the southwest portion of the site, and is visually screened by both building and landscape features. An Environmental Noise and Impact Study and addendum prepared by Valcoustics Canada Limited has been provided to address noise impacts associated with the loading area.

Mitigation measures proposed include a partial enclosure, 7 metres in height with no roof, of the loading dock area complete with an operable acoustic door at the north side which would be acoustically treated on the interior surface areas. The loading dock area is set back approximately 20 metres from Pinery Trail, and screened from McLevin Avenue and Pinery Trail by a landscape strip containing deciduous trees and a mix of deciduous and coniferous shrubs.

The report also recommends a 1.8 - 2 m property line sound barrier be incorporated into the development in the northwest corner of the site. The sound barrier would run along a portion of the Pinery Trail frontage as well as a portion of the north property line adjacent to the nearby residential areas. The sound barrier is augmented and appropriately screened by a mixture of trees and shrubs along the north property line and the Pinery Trail frontage. Staff concur with these recommendations, and will secure these mitigative measures, including appropriate design treatments, through site plan approval.

Urban Design

The built-form policies of the Official Plan encourage new development to frame and support adjacent streets, parks and open spaces. These policies seek to locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions to provide an attractive, comfortable and safe pedestrian environment.

Landscaping is proposed throughout the site including trees and shrubs throughout the site on landscape islands, and a mixture of trees and shrubs along McLevin Avenue and Pinery Trail. A substantial corner landscape feature is proposed at the corner of Pinery Trail and McLevin Avenue. This will be secured through the site plan approval process.

The site plan application submitted illustrates appropriate urban design principles, including a consistent built edge along the McLevin Avenue frontage, not permitting surface parking between the front face of a building and the public street, and providing coordinated landscaping improvements in setbacks to create attractive transitions from the private to public realm. The building presents as an appropriately sized new format retail building, with some clear glazing along the south and east elevations. These features will be secured through site plan approval.

Trees

There are fifteen existing private trees on the subject lands, thirteen of which are of sufficient size to be protected by the City's private tree by-law. The removal of ten protected sugar maple trees is proposed, all located along the Pinery Trail frontage. Urban Forestry advises that due to the proposed development

and related grading changes, along with the fair to poor condition of the trees and the sensitive nature of the species, 9 of these 10 trees will not survive post construction.

Urban Forestry requires the retention of one large, 60 cm diameter sugar maple at the corner of McLevin Avenue and Pinery Trail. The tree is a large healthy specimen and can be retained with modifications to the plans, particularly the removal, alteration or omission of the landscape signage feature at the corner of McLevin Avenue and Pinery Trail. In addition, Urban Forestry staff do not support any grade change within the tree protection zone of this tree. The applicant has indicated a willingness to redesign the corner landscape signage feature in concert with the retention of this tree prior to site plan approval.

In addition to the above noted sugar maple, the retention of three private, protected trees is proposed. Due to the proposed site works, condition of the trees and species, Urban Forestry staff indicates these trees will not survive post construction. Therefore, an Application to Destroy will be necessary and replacement trees will be required.

A total of 77 trees are proposed to be planted by the applicant, including a total of 21 street trees proposed on the road allowance of McLevin Avenue and Pinery Trail. The 21 street trees proposed are acceptable to Urban Forestry, however most of the proposed private plantings do not meet Urban Forestry's growing space and soil requirements. The applicant will need to refine their tree planting plan during the site plan approval process in order to meet Urban Forestry's tree planting specifications.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features:

- Cycling Infrastructure: Bicycle parking rates have been established.

Other applicable TGS performance measures will be secured through the site plan approval process. These include pedestrian infrastructure (walkways, connection to TTC stop, sidewalks, lighting), landscaping, priority parking, tree planting, and stormwater management.

CONTACT

John Lyon, Senior Planner
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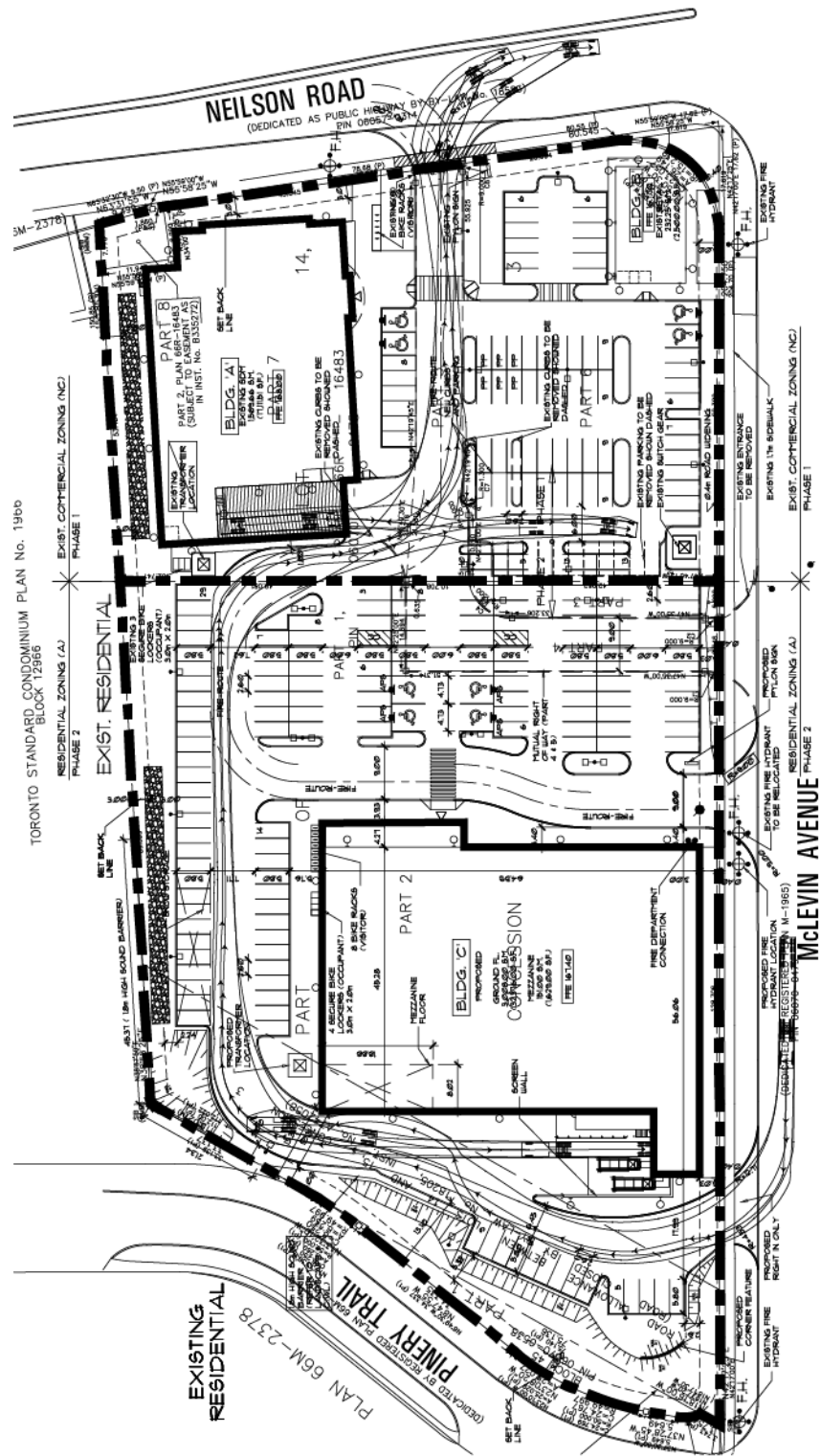
SIGNATURE

Joe Nanos, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Overall Site Plan
Attachment 2: Site Plan
Attachment 3: Elevations
Attachment 4: Rendering – Looking Northwest
Attachment 5: Rendering – Looking Northeast
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Overall Site Plan



360 McLevin Avenue

File # 14 122758 ESC 42 0Z

Overall Site Plan

Applicant's Submitted Drawing

Not to Scale
05/22/15



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360 McLevin Avenue

File # 14 122758 ESC 42 0Z

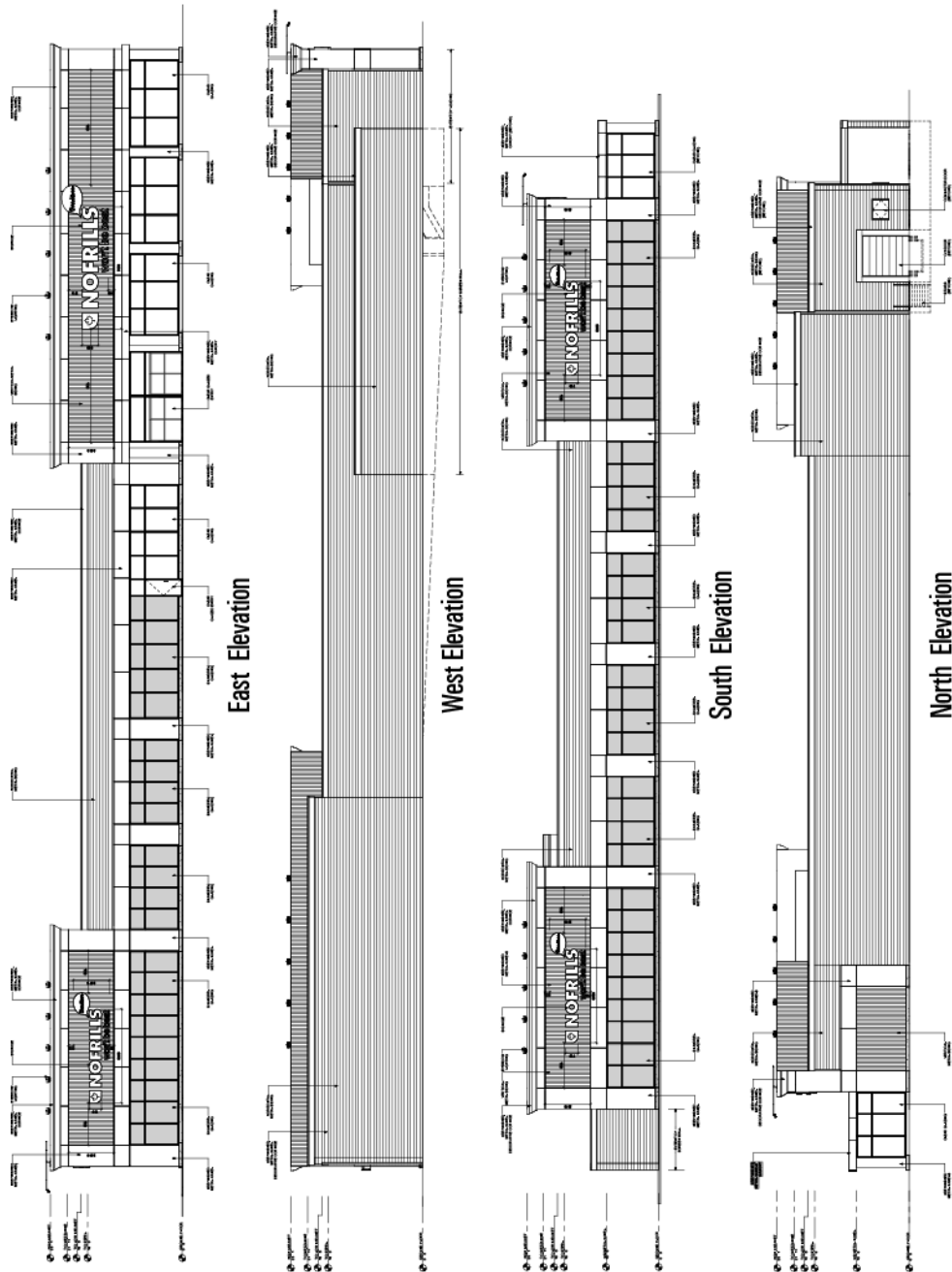
Site Plan

Applicant's Submitted Drawing

Not to Scale
05/22/15



Attachment 3: Elevations



Elevations

Applicant's Submitted Drawing

Not to Scale
05/11/15

360 McLevin Avenue

File # 14 122758 ESC 42 0Z

Attachment 4: Rendering – Looking Northwest



Rendering - Looking Northwest

Applicant's Submitted Drawing

Not to Scale
06/01/15

360 McLevin Avenue

File # 14 122758 ESC 42 0Z

Attachment 5: Rendering – Looking Northeast



Rendering - Looking Northeast

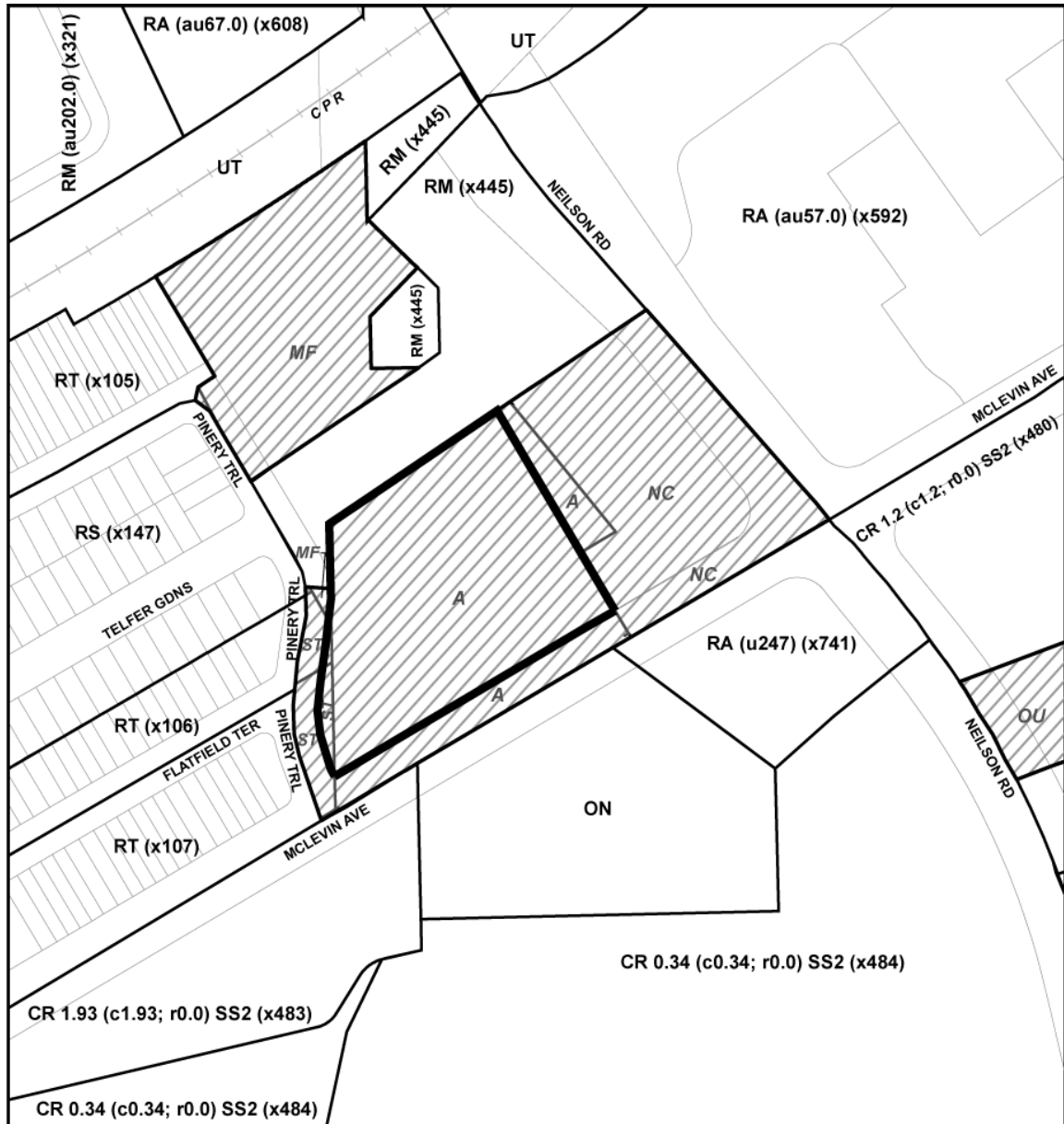
Applicant's Submitted Drawing

Not to Scale
06/01/15

360 McLevin Avenue

File # 14 122758 ESC 42 02

Attachment 6: Zoning



City Planning

Zoning By-law 569-2013

360 McLevin Avenue

File # 14 122758 ESC 02



Location of Application

RS
RM
RA
RT

Residential Semi-Detached
Residential Multiple
Residential Apartment
Residential Townhouse

CR
ON
UT

Commercial Residential
Open Space Natural
Utility and Transportation



See Former City of Scarborough Malvern Community By-law 14402

A
ST
MF
NC
OU

Apartment Residential
Street Townhouse Residential
Multiple-Family Residential
Neighbourhood Commercial
Office Uses



Not to Scale
Extracted 03/20/2014

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	14 122758 ESC 42 OZ
Details	Rezoning, Standard	Application Date:	February 27, 2014

Municipal Address:	360 MCLEVIN AVE
Location Description:	SCARBOROUGH CON 3 PT LOT 14 PT RD ALLOW RP 66R26858 PARTS 2 TO 4 AND 14 **GRID E4205
Project Description:	Proposal to rezone lands to permit a retail food store.

Applicant:	Agent:	Architect:	Owner:
WALKER NOTT DRAGICEVIC ASSOC LTD			NEILSON ROAD HOLDINGS INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	A & ST	Historical Status:	
Height Limit (m):	14 storeys	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	11940	Height:	Storeys:	1	
Frontage (m):	105		Metres:	7.6	
Depth (m):	137				
Total Ground Floor Area (sq. m):	3008				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	137	
Total Non-Residential GFA (sq. m):	3180		Loading Docks	0	
Total GFA (sq. m):	3180				
Lot Coverage Ratio (%):	25				
Floor Space Index:	0.26				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	3180	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT:	PLANNER NAME:	John Lyon, Senior Planner
	TELEPHONE:	(416) 395-7095

Attachment 8: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the Malvern Community Zoning By-law No. 14402, as amended,
With respect to the lands municipally known as
360 Mclevin Ave**

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 "C" EXCEPTIONS LIST, of the Malvern Community By-law No. 14402 is amended by adding the following Exception No. 46 as follows:

46. On those lands identified as Exception No. 46 on Schedule "1" the following provisions shall apply:

The following additional uses are permitted:

Retail Store (s) and accessory Financial Institution (s)

- a) Retail store(s) and Accessory Financial Institution (s) shall be permitted subject to the following provisions:
- i.) Maximum **coverage** for all buildings and structures shall not exceed 30% of the area of the **lot**.
 - ii.) **Gross floor area** of the retail store uses shall not exceed 3,250 square metres.
 - iii.) Minimum 3 metre **setback** from the McLevin Avenue **street lot line**.
 - iv.) Minimum 25 metre **setback** from the **side lot line**.
 - v.) Minimum 12.5 metre **setback** from the Pinery Trail **street lot line**.

- vi.) Minimum 40 metre **rear yard setback**.
- vii.) Minimum 3 metre strip of land abutting the McLevin Avenue **street lot line, side lot line**, and Pinery Trail **street lot line** shall be used for **landscaping** only, except for access driveways on McLevin Avenue and noise attenuation barriers along the Pinery Trail frontage and the side lot line.
- viii.) Minimum 0 metre **setback** for **parking spaces** and **driveways** from the **rear lot line**.
- ix.) Maximum 8.0 metre building **height**, excluding rooftop mechanical penthouses.
- x.) Bicycle parking shall be provided at a rate of 3 spaces plus 0.3 spaces per 100 square metres of **gross floor area**.
- xi.) For the purposes of this exception, the Pinery Trail frontage shall be considered the **front lot line**.
- xii.) Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'



 **Toronto** City Planning Division
Zoning By-Law Amendment

360 McLevin Avenue
File # 14 122758 ESC 42 0Z

 Area Affected By This By-Law

Malvern Community Bylaw
Not to Scale
05/26/15
