

Clause embodied in Report No. 7 of the Midtown Community Council, as adopted by the Council of the City of Toronto at its meeting held on October 2, 3 and 4, 2001.

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**Final Report - Application to Amend the
Official Plan and Zoning By-law - North-East Corner
of Don Mills Road and Eglinton Avenue East -
Vincent Planning Consultants on Behalf of
Loblaw Properties Ltd.
(Don Valley West - Ward 26)**

(City Council on October 2, 3 and 4, 2001, adopted this Clause, without amendment.)

The Midtown Community Council, based on the findings of fact and conclusions, recommends adoption of the report (August 21, 2001) from the Director, Community Planning, North District.

The Midtown Community Council reports having held a public meeting in accordance with the Planning Act and notice of this meeting was given pursuant to section 17(15(c) of the Planning Act.

The Midtown Community Council advises Council that Councillor Pitfield has agreed to:

- (i) hold a further community meeting in October;
- (ii) invite Councillors Flint and Minnan-Wong to such meeting;
- (iii) advertise the meeting in her newsletter and the Don Mills Residents' Association Inc. Newsletter; and
- (iv) forward information resulting from this meeting to Planning staff so that it may be taken into consideration in the preparation of the site plan for this application.

The Midtown Community Council submits the following report (August 21, 2001) from the Director, Community Planning, North District:

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 14,610 m² food store, ancillary retail and service commercial uses at the north-east corner of Don Mills Road and Eglinton Avenue East.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8;
- (2) amend the Zoning By-law for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required; and
- (4) before introducing the necessary Bills to City Council for enactment, the owner is required to obtain site plan approval from the Director, Community Planning, North District.

Background:

Proposal

The applicant is proposing to amend the Official Plan and zoning by-law to permit a 14,610 m² food store, ancillary retail and service commercial uses on this site with 588 parking spaces.

Proposal	
Site Area	31,700 m ² (3.17 ha)
Gross Floor Area	14,610 m ² (157,000 ft ²)
Density	0.46 FSI
Parking Spaces	255 spaces below the retail store 333 surface spaces Total 588 spaces

The proposed Loblaws store will be comprised of several retail components:

- large supermarket of up to 7,000 m² plus drug store and pharmacy;
- restaurant/outdoor café;
- garden centre and liquor store;
- department store type merchandise (DSTM);
- personal services to include shoe repair, financial services, photo processing, dry cleaning depot, travel services, car wash; and
- mezzanine level for demonstration kitchen, fitness club, staff facilities and offices.

The original application included the provision of 264 required parking spaces on the adjacent City road right-of-way. The applicant has since revised their proposal to provide all the required parking spaces on their own lands.

The applicant has also submitted a request to Corporate Services, Facilities & Real Estate, to lease an 11,340 m² road right-of-way along Eglinton Avenue for landscaped open space and possibly for parking. This request is being processed separately through the appropriate City committees.

Site History

The site previously had an office building on it, which served as the head office of Imperial Oil. The office building was demolished in 1993, and since that time, the site has remained vacant. In 1995, North York Council approved Official Plan and Zoning By-law amendments permitting a motor vehicle dealership on the site.

Site and Surrounding Area

The site is located at the north-east corner of Don Mills Road and Eglinton Avenue and includes most of the land in the block bounded by Wynford Drive and Gervais Drive. The site, which is currently vacant, slopes down 3-4 metres from Wynford Drive south towards Eglinton Avenue.

The site is separated from Eglinton Avenue by an expanded road right-of-way. At the corner of Don Mills Road and Wynford Drive is an existing service station site that is not part of this application. The lands on the north side of Wynford Drive and on the east side of Gervais Drive are developed with office buildings, a medical centre and place of worship. On the west side of Don Mills Road is the Celestica (formerly IBM) site. On the south side of Eglinton Avenue are residential uses, offices and place of worship. The Ontario Science Centre is located on the south-west corner of Eglinton Avenue and Don Mills Road.

Official Plan

The property is designated Industrial in the Official Plan and is located in the Flemingdon Park Business Park. Business Parks are intended to be high quality prestige employment areas. The Business Parks Secondary Plan permits the following uses: industrial, office, commercial, limited retail and service commercial uses provided they form part of a larger complex and limited to 20 percent of the gross floor area of the largest floor. The Plan permits a maximum density of 1.5 FSI. The site is also subject to a site specific Official Plan policy (Part D.13 Section 3.1.2), which permits a motor vehicle dealership on the site.

Zoning

The site is zoned MO(17) (Industrial-Office Business Park Zone) with a site specific exception that permits a motor vehicle dealership in addition to all other uses of the MO zone. The MO zone permits the following uses: industrial, office, limited commercial uses, retail store and service shop limited to 20 percent of the gross floor area of the largest floor of the building. The maximum gross floor area permitted in the MO Zone is 150 percent of the lot area.

Site Plan Control

The applicant has not yet submitted a site plan application, but will be required to receive site plan approval prior to the enactment by Council of the Official Plan and zoning by-law amendments.

Reasons for Application

An Official Plan and zoning by-law amendment is needed to exceed the 20 percent retail limitation and to permit a stand alone retail use.

Community Consultation

On December 12, 2000 a community consultation meeting was held attended by 9 members of the public. Issues raised at the meeting included the following:

- market impact of the proposal.
- large amount of outdoor parking.
- Don Mills Centre as the focus of Don Mills community.
- City lands should remain as open space.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards. Works and Emergency Services, Technical Services Division advise that the applicant will be required to pay for the removal and relocation of the sidewalks along Wynford Drive and Gervais Drive. The owner is also required to convey to the City a 3 metre widening across the Wynford Drive and Gervais Drive frontage. These matters will be secured through the site plan approval process.

Comments:

1. Land Use

Although the site is located in a Business Park, it is designated Industrial and subject to both the Business Parks Secondary Plan and the Industrial policies of the Official Plan. While the Business Parks Secondary Plan sets out the permitted uses, the Industrial policies provide the basis in which to review development applications for additional uses.

The Official Plan Industrial policies recognize that a range of retail and service commercial uses is compatible with and supportive of industrial uses. The Plan includes policies that Industrial areas are intended for a wide range of industrial and other employment uses, and that certain retail uses may be permitted where they provide needed services to industrial uses or where because of their scale or nature are appropriate and compatible with industrial areas. The Plan directs retail uses to locate on arterial roads. The Industrial policies also indicate that

employment uses which serve non-industrial uses or which benefit from being located along arterial roads should be located along arterial roads or on the edges of industrial areas.

The proposal for a large retail store and personal service uses responds to the objectives of the Official Plan Industrial policies. The site is located at the periphery of the Business Park along two arterial roads (Don Mills Road and Eglinton Avenue). This minimizes any potential impacts on the rest of the area. The proposal is an employment use thereby adding to the employment base of the Business Park.

The character of the Flemingdon Park Business Park has been undergoing a change. This area was one of the areas hardest hit by the recession of the early 1990's. Many companies left the area and the market for office space was depressed leading some companies, such as Shell on Wynford Drive, to demolish their office buildings. The subject site previously had an office building on it, which served as the head office of Imperial Oil. The office building was demolished in 1993, and since that time, the site has remained vacant. More recently, the Japanese Canadian Cultural Centre relocated from its site on Wynford Drive and that building is also vacant. Other office areas such as those located south of Eglinton Avenue were converted to residential uses or to places of worship.

The Don Mills area is noted as an employment area that is changing and it is unlikely that a significant office development could be constructed on this site in the foreseeable future. Economic Development staff advise that they support the proposal subject to concerns being addressed relating to traffic, impact on nearby existing local retail businesses, and a site plan that provides for a more attractive street frontage along Wynford Drive and encourages the use of the facilities by employees of nearby businesses.

2. Compatibility Criteria

The Official Plan Industrial policies include compatibility criteria, which enable Council to rezone lands within industrial areas to permit additional uses where the development proposal meets the compatibility criteria. The transportation, site design and landscaping criteria are addressed below.

A final criterion is that the proposed use not destabilize nearby residential neighbourhoods and remaining industrial uses. The site is located at the periphery of an industrial/business park area. Staff have not received any correspondence from industries in the area expressing concerns with the Loblaws proposal. There are no industrial uses immediately adjacent to the site. Employees from local businesses may find it a significant advantage to have a local shopping opportunity which does not require them to drive to other commercial centres. The proposal will also provide an additional service and an alternate retail choice to residential neighbourhoods in the area.

3. Economic Benefits

The City's Economic Development Department indicates that the Loblaws proposal offers the following economic benefits:

- increase in assessment to \$17.5 million from \$3.96 million as vacant land;
- tax revenues to the City of between \$1 million and \$1.3 million versus \$66,393 as vacant land; and
- creation of 370 to 425 new jobs. The applicant indicates that the proposal will result in over 500 new jobs being created.

In terms of tax revenue, job creation and quality of jobs created, the applicant's proposal is a very significant improvement on the current situation.

4. Market Impacts

One of the objectives of the Official Plan is that any increase in the amount of retail uses not threaten the long term planned function of existing commercial areas. There are three commercial centres in the immediate area (see Attachment 7) that include a supermarket:

- Dominion in the Don Mills Shopping Centre (Don Mills Rd. and Lawrence Ave.)
- Food Basics in the Flemingdon Park Shopping Centre (Don Mills Rd. and Gateway Blvd.)
- Wynford Marketplace in the Wynford Heights Plaza (Wynford Heights Crescent and Concorde Place)

The applicant has submitted a market impact study indicating that some commercial developments in the trade area will be impacted by the proposed Loblaws store. Overall, the study notes that "the magnitude of the impact on specialty food stores, drugs and cosmetics stores and selected DSTM stores is small and is expected to dissipate quickly. It should not cause any critical impacts." Copies of the study are available for review in the Planning Department during normal office hours.

The report notes that the impact on supermarkets is expected to be more significant. The 3 supermarkets nearest to this site are expected to experience an impact of between 10 percent to 17.5 percent in the first year (Wynford Marketplace, Food Basics, Dominion). Over a 10 year period, the 11 supermarkets in the larger Primary trade area are expected to have a sales decline of about 5.6 percent. The study notes however, that "we do not expect the closure of any supermarket in the trade area as a result of the new Loblaws store". Rather, the study states that "the new Loblaws store will likely encourage existing competitive retailers to upgrade their offerings, to the benefit of their customers".

With respect to department store type merchandise, facilities in the Don Mills Shopping Centre are expected to experience a decline in sales of 6 percent in the first year. The impact is expected to disappear by the third year.

The market impact study concludes that "the competitive changes caused by the new Loblaws store will not lead to store closures and that none of the impacts will be greater than those experienced typically in a competitive market economy when new facilities are built".

A peer review was undertaken of the market impact study (see Attachment 10). The peer review accepts the overall findings of the market impact study that the proposed supermarket should not

result in any critical impacts. The review also concludes, that “the proposed Loblaws store will not have any critical impact on the commercial structure of the community”.

5. Don Mills Centre

It is the intent of the Central Don Mills Secondary Plan that the Don Mills Centre located at Don Mills Road and Lawrence Ave. East function as the commercial and community centre of the Don Mills community. The Loblaws proposal for the corner of Don Mills Road and Eglinton Avenue is located outside of the Central Don Mills Secondary Plan area.

The Don Mills Centre includes a large shopping centre, office buildings, and City community centre. The Loblaws proposal includes retail and service commercial type uses. It does not include office buildings or a community centre facility. The market impact study submitted by the applicant notes that the Don Mills Shopping Centre performs a different function than that of the proposed Loblaws store. The Dominion store in the Don Mills Centre is a co-anchor in this large shopping centre which includes a Sears Outlet store and 115 other tenants. The report notes that the Don Mills Shopping Centre provides a much greater and more comprehensive retail selection than the Loblaws store would offer. Don Mills Road and Lawrence Avenue will remain as the commercial and community centre of the Don Mills community.

6. Summary of Analysis

As discussed above, the proposal meets the objectives of the Official Plan. The Loblaws proposal offers the City significant economic benefits and will provide employees in the area and residents in the nearby neighbourhoods a local shopping opportunity.

The existing site specific Official Plan policy for this site (Part D.13 Section 3.1.2) should be amended to permit a stand alone retail store and ancillary retail and service commercial uses. The existing MO(17) zoning for the site should also be amended to permit a retail store and accessory dry cleaning/laundry collection and car wash with a maximum gross floor area of 14,610 m². Staff are also proposing a technical change, to rezone the remnant lands located between the north-west corner of the site and the adjacent service station site, from MO(17) to MO. These remnant lands are not part of the Loblaws proposal and should revert back to the MO zone.

7. Urban Design

The site has four street frontages: Eglinton Avenue, Don Mills Road, Wynford Drive and Gervais Drive. There is a significant grade change on the site sloping down from Wynford Drive. This enables the proposed store to be at grade along Wynford Drive, and become elevated above a parking deck further south. Motor vehicle access to the site is to be from Don Mills Road, Wynford Drive and Gervais Drive. Pedestrian access will be by way of sidewalks along Wynford Drive, Don Mills Road, and Gervais Drive with walkways leading into the site to the store entrance.

The front of the store faces Eglinton Avenue with the rear along Wynford Drive. The main entrance to the store fronts along a new driveway and is comprised of a large galleria glass

entrance with retail units at grade and escalators leading up to the main store which will be located above the parking garage. All of the loading and garbage storage/collection areas are located within an enclosed area along Wynford Drive. In order to buffer the street from these activities, a decorative wall is proposed as well as an extensive landscape buffer. Efforts will be made at the site plan approval stage to reduce the impact of servicing along the Wynford Drive frontage and provide a more attractive street frontage.

8. Traffic

The site is located at a significant intersection: Eglinton Avenue and Don Mills Road. The Official Plan Industrial policies include transportation related Compatibility Criteria to ensure that the adequacy of transportation facilities, and that the traffic generated will not result in an unacceptable level of arterial road service. The applicant has submitted a traffic impact study, which has been accepted by Transportation Services. The study concludes that the surrounding road network can accommodate the traffic from the proposed store.

Transportation Services staff advise that the operation of the site access driveway off Wynford Drive (outbound left-turns) will be monitored for a period of one year to ensure that the westbound queue on Wynford Drive is operating appropriately. Additional matters dealing with driveway access and loading areas are to be secured as part of the site plan approval process.

9. Parking

The proposal includes a total of 588 parking spaces on site (255 parking spaces below the store and 333 outdoor parking spaces). The applicant has submitted a parking study recommending a parking rate of 1 space per 25 m² of gross floor area, which would result in a total of 557 parking spaces. Transportation Services support this parking rate, and advise that as the applicant is intending to provide 588 parking spaces on site, the recommended parking rate is satisfied. The floor area of enclosed loading, garbage and recycling areas is to be exempted from the parking calculation.

Conclusions:

It is appropriate to amend the Official Plan and zoning by-law to permit a 14,610.0 m² retail store and ancillary retail and service commercial uses at this location. The site has been vacant since 1993 and it is unlikely that a significant office development would locate at this site in the foreseeable future. The proposal offers the City significant economic benefits: increased assessment and tax revenues and the creation of several hundred new jobs. The proposal will provide employees from local businesses with a local shopping opportunity and will also provide an additional retail choice to residents in the area.

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(Attachments appended to the foregoing report were forwarded to all Members of the Midtown Community Council with the agenda for its meeting on September 12, 2001, and copies thereof are on file in the office of the City Clerk, North York Civic Centre.)

The Midtown Community Council also had before it the following communications:

- (i) (September 5, 2001) from Murray H. Chusid, Blaney McMurtry, addressing client concerns with respect to the Final Report;
- (ii) (September 7, 2001) from Ken Dunsmore, President, Don Mills Residents Association Inc., advising of motions passed at the September 5, 2001 Executive Meeting of the Don Mills Residents' Association Inc.;
- (iii) (August 29, 2001) from Marc Armstrong, Crowne Plaza Hotels, supporting the application; and
- (iv) (September 12, 2001) from A. M. Robinson.

The following persons appeared before the Midtown Community Council in connection with the foregoing matter:

- (i) Stan Stevenson, Toronto, and expressed concern respecting northbound traffic north of Wynford Drive and suggested the installation of an additional northbound lane on Don Mills Road;
- (ii) Murray H. Chusid, Barrister and Solicitor, on behalf of Cadillac Fairview Corporation, requesting a deferral of this matter, restating points contained in his letter (September 5, 2001) to the City Clerk, expressing concerns with the impact of the property development on the Don Mills Shopping Centre;
- (iii) Robert Truman, on behalf of Branston Holdings and H. and R. Developments, expressing concern regarding the impact of the property development on the smaller plazas in the area and certain site plan concerns;
- (iv) Karl Frank, Toronto, expressing concern respecting the location of the property development, suggesting the Loblaws store is too large for this area;
- (v) Ken Dunsmore, Don Mills Residents' Association Inc., suggesting a further meeting be held for the community;
- (vi) Sandy Robinson, Miller Thompson, requesting the matter be deferred to provide an opportunity to respond to the staff report and a further market study;

(vii) Adam Brown, Brown Dryer Karol, on behalf of the applicant, responding to concerns expressed by the foregoing deputants suggesting the proposed development will provide employment opportunities, indicating the density is below that permitted; and

(viii) Tom Smith, Toronto, on behalf of Cadillac Fairview, requesting a deferral.

(City Council on October 2, 3 and 4, 2001, had before it, during consideration of the foregoing Clause, a communication (September 21, 2001) from Mr. Murray Chusid, Blaney McMurtry, Barristers and Solicitors, forwarding comments with respect to a proposed development application for 825 Don Mills Road.)