

**5789-5951 Steeles Avenue East
Zoning Amendment Application – Final Report**

Date:	May 31, 2013
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 41 – Scarborough-Rouge River
Reference Number:	12 275488 ESC 41 OZ

SUMMARY

This application proposes to amend the zoning of the lands at 5789-5951 Steeles Avenue East, a 16.4 hectare (40.5 acre) tract of land on the south side of Steeles Avenue East just west of Markham Road. The lands would remain in the Special District Commercial zone (SDC), but the uses and performance standards would be altered.

This report reviews and recommends approval of the application to amend the Zoning By-law. The development consists of some large scale retail stores and retail pads on a major road at the edge of an employment area. The rezoning is consistent with the overall development scheme for the lands and provides for the comprehensive redevelopment of the subject lands as a power centre commercial destination.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Employment Districts Zoning By-law 24982 for the lands at 5789-5951 Steeles Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the



report from Director, Community Planning, Scarborough District (May 31, 2013).

2. Before Introducing the necessary Bill to City Council for enactment, City Council require the owner of the lands to enter into one or more agreements pursuant to Section 37 of the Planning Act to secure the Section 37 matters as set out in the underlying Zoning By-law, and have such agreement (s) registered on title to the subject lands.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

This application proposes amendments to an earlier zoning by-law approval respecting the comprehensive redevelopment of lands at 5789-5951 Steeles Avenue East. Under a previous landowner, for a project known as the Landmark, permissions were granted at the Ontario Municipal Board in 2006 for redevelopment of a large 16.4 hectare (40.5 acre) tract of land. The majority of the lands, approximately 12.5 hectares (31 acres), were rezoned to Special District Commercial (SDC) to allow 44,026 square metres (473,907 square feet) of retail/commercial development. The southeast portion of the lands was rezoned to Industrial (M) to permit 19,484 square metres (209,735 square feet) of industrial uses.

The entire 16.4 hectare (40.5 acre) parcel of land has been the subject of a recent consent application (Application No. B028/12SC) approved by the Committee of Adjustment which severed the lands into three parts and required the applicant to enter into a development agreement with the City of Toronto regarding certain improvements for the widening of Steeles Avenue East and a northerly extension of State Crown Boulevard. Two large blocks, one each to the east and west of the northerly extension of State Crown Boulevard were created. The westerly block is 8.4 hectares (20.7 acres) in size, while the easterly block is 8.0 hectares (19.9 acres) in size. The third part or block of the Consent application includes the lands to be conveyed to the City for the northerly extension of State Crown Boulevard. The applicant is now in the process of fulfilling the consent conditions.

A rezoning application (File No. 12 153078 ESC 41 OZ) was submitted in April, 2012 to rezone a 3.7 hectare (9.1 acre) block at the rear of the overall land holdings to be developed with retail buildings with a total gross floor area of 13, 889 square metres (149,500 square feet). This zoning by-law amendment application for the rear portion consisted of a zone change from Industrial (M) to Special District Commercial (SDC) in order to match the existing zoning for the remaining portion of the overall property. The purpose of the requested zone change is to increase the range of commercial uses on the subject lands. This zoning amendment has been approved by City Council, and the Special District Commercial (SDC) Zoning is now in place for the entire parcel.

Two site plan applications have been submitted for portions of the overall land holdings. These site plan applications (File Nos. 12 258095 ESC 41 SA and 12 227457 ESC 41 SA) are currently being reviewed by City staff.

ISSUE BACKGROUND

Proposal

The application seeks to amend a number of performance standards on the subject lands. The application seeks to:

- include as permitted uses the retail sale of pets, pet food, and accessories, grooming, boarding, pet day care, animal training and obedience classes, pet adoption, and veterinary services
- Include as permitted uses open storage, vehicle service garage, vehicle service stations and mechanical or automatic car washes
- amend the parking ratio requirements
- reduce the parking setback from Steeles Avenue East

Site and Surrounding Area

Site Description

The property is approximately 16.4 hectares (40.5 acres) in size including the extension of State Crown Boulevard. The site is generally rectangular in nature with a frontage of 235 metres (771 feet) along Steeles Avenue East. The property is relatively flat, but it does have a gentle increase in elevation towards the north of the property.

These lands are currently vacant, except for the two historic, designated structures that have been preserved as part of the 2006 Ontario Municipal Board decision. These two historic homes are to be incorporated into the overall development and adaptively reused as commercial establishments.

The property is surrounded by the following land uses:

- North: Steeles Avenue East and the Town of Markham (with residential development comprised primarily of single-detached dwellings located on streets parallel to Steeles Avenue);
- South: Existing industrial facilities zoned General Industrial (MG) and Vehicle Service (VS);
- East: Commercial uses zoned Special District Commercial (SDC); and
- West: Commercial uses zoned Special District Commercial (SDC).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are identified as 'Employment District' on the Urban Structure Map (Map 2) of the Official Plan. The site is designated 'Employment Areas' on the Land Use Map 21 which provides for uses such as office, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, and retail outlets ancillary to the preceding uses, and restaurants and small-scale stores and services that serve area businesses and workers. The property fronts onto Steeles Avenue East which is an arterial road that has been identified on Map 3 of the Official Plan.

Policy 4.6.3 provides that large-scale, stand-alone retail stores and "power centres" are only permitted on the boundary of 'Employment Areas' which front onto major streets as shown on Map 3. Where permitted, new large-scale, stand-alone retail stores and "power centres" will ensure 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 functioning of other economic activities within the 'Employment Areas' and the economic health of nearby shopping districts are not adversely affected.

Zoning

The subject lands are zoned Special District Commercial (SDC) by the Employment Districts Zoning By-law No. 24982, as amended (Tapscott). Generally permitted uses within the Special District Commercial Zone include Day Nurseries, Educational and Training Facilities, Financial Institutions, Offices, Personal Service Shops, Places of Entertainment, Recreational Uses, Restaurants, Retail Stores, Service Shops and Studios.

Section 37 matters previously negotiated through the 2006 Ontario Municipal Board settlement included

- the relocation, restoration and reuse of the buildings located at 5933 Steeles Avenue East and 5951 Steeles Avenue East (the two historic designated structures)
- the provision and use of 464.5 square metres of gross floor area for community space
- the design and installation of one or more pieces of public art, with a value of not less than \$250,000
- provisions regarding the phasing of development, providing for minimum development along the Steeles Avenue frontage within three years of the issuance of a building permit for the main building on site.

A site specific Exception on the site further permits community space, operated by the City of Toronto, or a non-profit organization. A second site specific exemption prohibits Places of Worship.

City Council enacted Zoning Bylaw No. 569-2013 at its meeting on May 9, 2013. As this application was deemed complete prior to May 9, City Planning is evaluating the application under the former City of Scarborough Employment Districts Zoning Bylaw No. 24982

Site Plan Control

Two site plan applications have been submitted as part of the overall phased development of the subject lands. They are being processed in due course, and one of the applications for all of the lands along the Steeles Avenue frontage, is nearing completion.

It is anticipated that further site plan applications will come forward from the applicant as part of the normal course of the development of the site.

As a condition of approval of this application (s), the owner will be required to enter into the Section 37 agreement (s) necessary to secure these matters, and arrange to have the agreements registered on title.

Reasons for Application

The existing Special District Commercial (SDC) Zoning on the site permits a range of commercial uses. A site specific Zoning By-law amendment is requested by the applicant to permit changes to the Zoning By-law that will allow the landowner to compete in the marketplace with their neighbours to the east and west, and attract a wider range of users to the commercial lands similar to the adjacent lands to the east.

Community Consultation

A community consultation meeting, as directed by Scarborough Community Council, was held on February 28, 2013. One landowner from the surrounding area was in attendance. Issues discussed at the community consultation included, but were not limited to, traffic, parking, access, land use compatibility and noise.

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 Employment Areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. Employment Areas should provide for an appropriate mix and range of employment, including industrial, commercial and institutional uses, to meet long term needs.

The proposal represents appropriate intensification on an underutilized site, where services and road networks exist, and will provide commercial services to the community.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

Steeles Avenue is designated as a Major Street on Map 3 of the Official Plan, and the parcel does form the boundary of an Employment Area.

Large scale stand alone retail stores and a power centre are currently permitted as part of the existing Special District Commercial (SDC) zoning that currently exists on site. Part of the lands were recently rezoned from Industrial (I) to Special District Commercial (SDC) and have undergone a planning analysis and evaluation contemplated under Section 4.6.3 of the Official Plan.

What is currently being considered is a number of smaller changes to the original approvals that will bring the development in line with and permit a similar range of uses and permissions that are currently enjoyed by the BAIF development immediately adjacent to the east.

The addition of the permission for the retail sale of pets and other associated services including grooming, boarding and training is appropriate in the Special District Commercial Zone. Retail sales are currently permitted in the zone. The lands immediately south of the subject lands are zoned industrial (M). There are no residential zones in the immediate vicinity on the Toronto side that may feel any noise impact associated with this use, such as barking dogs overnight, as lands to the south are zoned Industrial. The residential lands on the north side of Steeles Avenue East in the Town of Markham are a sufficient distance from these lands so as to reduce any potential noise impacts.

Vehicle service Garage, Vehicle Service Stations and mechanical or automatic car washes would be appropriate as part of the overall commercial development, and are permitted and exist on the large development to the east.

Open storage and display of goods ancillary to a retail store, such as seasonal garden centres, or lumber, would be appropriate provided that the open storage and display areas are sufficiently removed from the Steeles Avenue frontage. It is recommended that the open storage and display areas are restricted to uses ancillary to retail stores, and that they be located a minimum of 140 metres from the street line of Steeles Avenue East, which effectively restricts them to the large format users at the rear of the site.

Staff conclude that the applicant's proposal represents balance between intensification of a site and respect for the local context.

Urban Design

New development is to be located and organized to fit with the existing or planned context, and frame and support adjacent streets. New development is to locate and organize vehicular parking to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets.

Site Plan applications submitted to date illustrate appropriate urban design principles, including a consistent built edge along the Steeles Avenue East 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.

Accordingly, staff support the reduction in the required 20 metre setback from Steeles Avenue East for parking spaces, to a minimum of 16 metres. This provides for consistency along the Steeles Avenue frontage as commercial development to the east has the same parking setback requirement.

Parking

Staff support the amendment of the parking ratio requirement from a minimum of 4.7 and a maximum of 5.0 per 100 square metres, to a minimum of 4.0 and a maximum of 5.0 per square metres of gross floor area. The commercial development to the east has the same 4.0 to 5.0 requirement, and there is sufficient parking available on site to meet the requirement. Continuing to apply a maximum rate is in keeping with the City's desire to limit the extent of paved parking areas and control the parking supply in support of greater transit use in areas well served by public transit.

Parking demand for the site has been evaluated by staff and the applicant's transportation engineers. Based on the analysis carried out for the Parking Study, the consultants recommend a minimum supply of 4.0 spaces and a maximum of 5.0 spaces per 100 square metres of gross floor area for mixed retail, restaurant, office, and commercial uses. Under the existing Employment Districts By-law, a blended rate is appropriate. The existing by-law standard is 3 spaces per 100 square metres of gross floor area for a number of the permitted uses including educational and training facilities, offices, personal service shops, retail stores and service studios. Some uses such as places of entertainment, and restaurants have higher parking standards. Given the wide range of uses permitted on the site and proposed in this development, the blended rate of a minimum of 4.0 spaces per 100 square metres of gross floor area, and a maximum of 5.0 per 100 square metres of gross floor area is appropriate for the orderly development of the lands.

The new City of Toronto Zoning By-law 569-2013, enacted on May 9, 2013, is current City policy with respect to parking supply in the City of Toronto. The new Zoning By-law suggests different minimum parking rates categorized by building type and size of each building, as larger stores typically have higher parking demand.

Based on the new City of Toronto Zoning By-law 569-2013, the overall development, as currently constituted, would be required to supply an average of 5.96 parking spaces per 100 square metres of gross floor area. Based on the ultimate blend of retail, restaurant, entertainment, or other uses and the ability to share parking supply, the range of 4.0 to 5.0 parking spaces per 100 square metres is appropriate for the orderly development of the lands.

Traffic Impact and Access

A number of traffic improvements were secured during the original approvals associated with the lands in 2007.

A traffic impact study was submitted in support of File No. 12 153078 ESC 41 OZ indicating that the existing road network can accommodate the proposed development with the recommended roadway improvements and signal timing adjustments, which will provide additional capacity along the external road network.

Access to the overall site will be provided via Steeles Avenue East and the proposed State Crown Boulevard extension north to Steeles Avenue. The subject lands will be accessible via a right in/right-out intersection to the north on Steeles Avenue East (east of State Crown Boulevard) and share the

existing controlled signalized intersection to the northeast of the site with the BAIF development to the east.

Along the proposed State Crown Boulevard, the subject lands will be accessible through three accesses with the north most access allowing right in right out movements only. The current access arrangement is consistent with the previously approved plans for the subject site (see Attachment 1 – Site Plan).

Open Space/Parkland

The proposal is subject to a 2 % cash-in-lieu of parkland dedication payment required under By-law 1020-2010. The parkland dedication for the subject site is too small to be functional therefore the applicant is required to satisfy the parkland requirement through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of the issuance of the building permit.

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 attached draft zoning by-law requires bicycle spaces to be provided at a rate of 3 spaces, plus 0.38 spaces per 100 square metres of gross floor area, as per the bicycle parking requirements in the new City of Toronto Zoning By-law. For a development of this size, 170 bicycle spaces would be provided.

Applicable TGS performance measures will be secured through the Site Plan Approval process. These include pedestrian infrastructure (walkways, sidewalks, lighting), landscaping and tree planting, stormwater management and retention, glass treatments to minimize bird collisions, and soil quality and planting conditions.

CONTACT

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SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Zoning

Attachment 3: Application Data Sheet

Attachment 4: Draft Zoning By-law Amendment

Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	12 275488 ESC 41 OZ
Details	Rezoning, Standard	Application Date:	November 7, 2012

Municipal Address: 5789-5951 STEELES AVE E
 Location Description: CON 5 PT LOT 20 **GRID E4104
 Project Description: Zoning bylaw amendment for use only

Applicant:	Agent:	Architect:	Owner:
MADY STEELES 2011 LTD			MADY STEELES 2011 LTD

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	
Zoning:	SDC	Historical Status:	2 Designated Structures
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	36844.7	Height:	Storeys:	1	
Frontage (m):	298.97		Metres:	9.8	
Depth (m):	123.45				
Total Ground Floor Area (sq. m):	13899				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	2461	
Total Non-Residential GFA (sq. m):	13899		Loading Docks	22	
Total GFA (sq. m):	13899				
Lot Coverage Ratio (%):	37.8				
Floor Space Index:	0.38				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	13889	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, Planner**
 TELEPHONE: **(416) 396-7018**

Attachment 4: 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 former City of Scarborough Employment Districts Zoning By-law No. 24982, as amended, (Tapscott Employment District) respecting lands municipally known as 5789-5951 Steeles Ave E

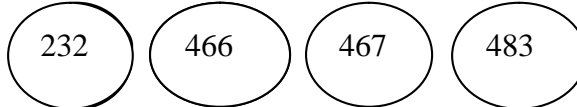
WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. SCHEDULE "A" of the Employment District Zoning By-law 24982, as amended, is amended for the lands outlined in the attached Schedule '1' by deleting the existing zoning and replacing it so that the amended zoning shall read as follows:

SDC-6-913-1111-1520-1524-1637-1640-1903-2001-2029-2378-2601-2602



2. SCHEDULE "B" – PERFORMANCE STANDARDS CHART of the Employment Districts Zoning By-Law No. 24982, as amended, is amended by adding Performance Standard No. 1524, as follows, on lands shown on Schedule "1":

1524. Notwithstanding the provision of **CLAUSE V – GENERAL PROVISIONS**, Section 7.2, **Table of Required Parking Rates**, parking shall be provided for all uses as follows:

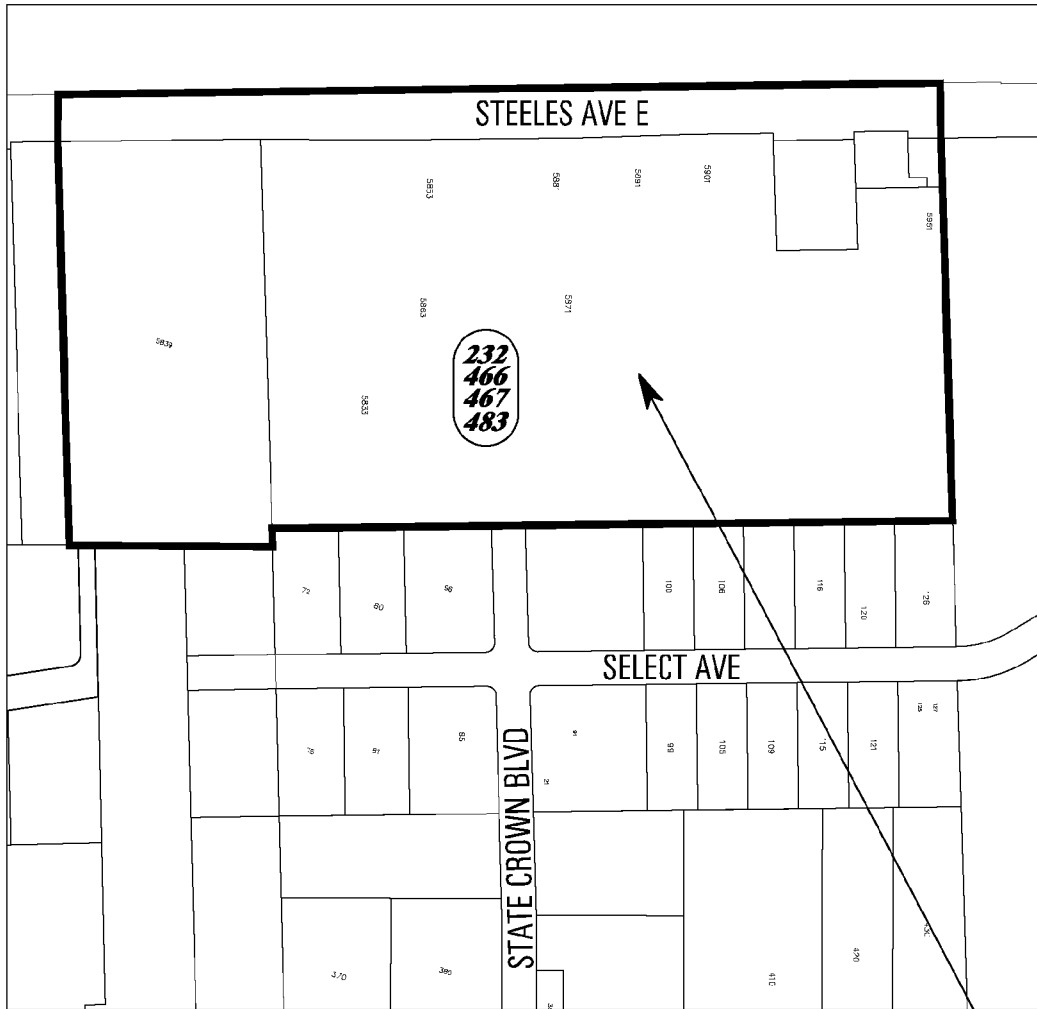
- Minimum 4.0 parking spaces per 100 square metres of **gross floor area** for **Special District Commercial** uses, and maximum 5.0 spaces per 100 square metres of **gross floor area** of **Special District Commercial** uses. Notwithstanding this requirement, no parking spaces shall be required for 464.5 square metres of **gross floor area** of Community Space and 1,160 square metres of **gross floor area** for the existing heritage buildings.

3. SCHEDULE "C" EXCEPTIONS LIST of the Employment Districts Zoning By-law No. 24982, as amended, is amended by adding Exception No. 483 as follows, on lands shown in Schedule "1":

483. (i) The retail sales of pets, pet foods, pet accessories, and other products relating to pets and animals, such as grooming, boarding, pet day care, animal training and obedience classes, pet adoption and veterinary services, and office and storage uses incidental to these uses.

(ii) **Bicycle parking spaces** shall be provided at a rate of 3 spaces, plus 0.38 spaces per 100 square metres of **gross floor area**.

Schedule '1'



**SDC-6-913-1111-1519-1520-1637-1640-
1903-2001-2029-2378-2601-2602**

TORONTO City Planning
Division
Zoning By-Law Amendment

5789-5951 Steeles Avenue East
File # 12 275488 ESC 44 OZ

 Area Affected By This By-Law

Tampscott Employment District
Not to Scale
05/24/13


Attachment 7: Application Data Sheet

Attachment 8: Agency Comments

Attachment 9: Draft Official Plan Amendment

Attachment 10: Draft Zoning By-law Amendment

