This application proposes to rezone lands to permit a commercial development consisting of a food store and ancillary uses. The proposed use would be in addition to the existing residential uses permitted on the subject vacant lands. The subject property is located at the northeast corner of McLevin Avenue and Pinery Trail and is known as 360 McLevin Avenue.

The proposed development is contemplated to function in conjunction with the proposed commercial development on the adjacent lands immediately to the east (1400 Neilson Road) in terms of access, vehicle circulation, parking and stormwater management.

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

The application should proceed through the normal planning process including the scheduling of a community consultation meeting. A final report will be prepared and a public meeting will be scheduled once the issues raised during the review of the development proposal have been satisfactorily addressed.
RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 360 McLevin Avenue 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
In July 1998, the Ontario Municipal Board approved amendments to the 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 2 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, but no construction has begun. The westerly undeveloped parcel (360 McLevin Avenue) is the subject of the current rezoning application.

Pre-Application Consultation
A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal
The proposed rezoning application would add permission for a food store to lands currently zoned for residential uses, in order to construct a 3,183 m² food store (No Frills) with ancillary uses such as a financial institution and retail store. The proposed commercial
development is contemplated to be integrated with the adjacent commercial lands (1400 Neilson Road) regarding access, vehicle circulation, parking and stormwater management.

The proposed one-story building is oriented towards McLevin Avenue and to the east, with the primary entrance facing the interior parking area. The 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 a right-in and right-out primarily to provide access to the loading area. Service trucks would either exit via the Neilson Road driveway through the adjacent commercial development or the proposed full turn driveway on McLevin Avenue within the subject lands. 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, albeit in a different location than currently proposed. No access to Pinery Trail is proposed.

A parking ratio of 4.5 spaces per 100 m² of gross floor area is being requested which, in this case, results in a minimum parking requirement of 144 parking spaces. A total of 142 parking spaces are provided within the subject lands, with an additional 9 spaces provided on the adjacent lands. A total of 151 parking spaces are proposed to support the food store development. Overall, a total of 220 parking spaces are proposed between the 2 properties.

The proposed development, including the overall development scheme, is illustrated on Attachments 1, Site Plan, Attachment 2, Approved Site Plan – 1400 Neilson Road, Attachment 3, Overall Concept Plan, Attachment 4, Building Elevations. Specific details for the subject proposal are contained in Attachment 6, Application Data Sheet.

**Site and Surrounding Area**

The subject 1.2 hectares are undeveloped lands within the Malvern Community. The lands have an approximate 145 metre frontage along McLevin Avenue and an approximate 81 metre frontage along Pinery Trail. A row of approximately 13 mature trees exist on the west side of the property. Prior to the Malvern Community being developed, these trees were adjacent to the original Neilson Road.

Abutting uses include:

- **North:** A townhouse development and vacant residential land, with the CPR rail line beyond;
- **South:** The McLevin Woodlot, the Malven Town Centre and 2 vacant residential properties: one at the southwest corner of Neilson Road and McLevin Avenue and, the other at the southeast corner of Tapscott Road and McLevin Avenue;
- **East:** Vacant commercial land (1400 Neilson Road), condominium apartments and office/commercial buildings; and,
- **West:** Residential development of semi-detached units and townhouses.
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.

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 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 planned context and to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The Healthy Neighbourhoods policies in Policy 2.3.1.5 promote environmental sustainability by investing in naturalization and landscaping improvements, and tree planting and preservation. The Natural Environment policies in Policy 3.4 support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment based on protecting and improving the health of the natural ecosystem and preserving and enhancing the urban forest by providing suitable growing environments for trees, increasing the tree canopy and regulating the injury and destruction of trees.
Zoning
The majority of the subject lands are zoned Apartment Residential (A), with a small strip of land adjacent 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 not submitted and will be required to ensure the proposed development complies with the policies in the Official Plan, the Design Guidelines for Greening of Surface Parking Lots and good urban design principles.

Tree Preservation
The submitted arborist report and tree preservation plan are under review by Urban Forestry staff. In particular, they will provide comments on the potential preservation of the existing row of mature trees that were adjacent to the original Neilson Road.

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

COMMENTS

Application Submission
The following reports/studies were submitted with the application: a planning rationale, a noise impact study, a transportation impact study, a functional servicing and stormwater management report, and an arborist/tree preservation report.

A Notification of Complete Application was issued on March 28, 2014.

Issues to be Resolved
Land Use
Commercial uses are not permitted by the zoning by-law, but are contemplated by the Official Plan by the Mixed Use Areas designation.

The applicant is seeking to add a food store permission, and ancillary uses of financial institutions and retail stores. A food store is a retail use. Zoning by-law permissions are
generic in order to provide flexibility in use and tenancy without the need for further rezoning or minor variance. Zoning by-law permissions are not intended to be user specific as proposed.

Staff will evaluate the proposal against the relevant Official Plan policies to ensure the proposed commercial use is appropriate within the area context. Staff will evaluate the proposal in conjunction with the adjacent commercial development as the current proposal will necessitate changes to the existing development if it is to proceed. These changes would include amendment to the approved site plan and agreement, a new consent application to modify the mutual right-of-way for access, removal of the existing mutual right-of-way in whole or in part, and additional zoning permissions such as for shared parking, all of which may or may not be considered appropriate. In order to advance the application to a community consultation meeting and to continue to process the application, written receipt from the landowner indicating their agreement or authorization for the proposed changes would be required.

**Urban Design**

It is appropriate to review this development in terms of its design, landscaping, pedestrian access and its relationship to the surrounding area to ensure it is consistent with applicable urban design policies and guidelines. In particular the design of the building façade fronting McLevin Avenue should contain windows to promote active use along McLevin Avenue. Relocation of the principle entrance towards McLevin Avenue would provide easier pedestrian access from McLevin Avenue. A pedestrian walkway exists on the south side of McLevin Avenue through the Malvern Town Centre lands, opposite Pinery Trail.

As well, the proposal will be reviewed in conjunction with the Greening Surface Parking Lot Guidelines in regards to matters such as the provision of internal shade trees within the parking areas, adequate sized landscape islands and snow storage areas.

**Traffic, Access and Parking**

A traffic study is under review by Transportation staff in order to assess the proposed access driveways from McLevin Avenue and Neilson Road. Neilson Road contains a centre median and the access is right-in and right-out.

Staff will review the proposed parking rate of 4.5 parking spaces per 100 m² of gross floor area against the minimum requirement of 3.0 parking spaces per 100 m² of gross floor area for retail stores in the zoning by-law. If the existing by-law standard for retail stores of 3.0 parking spaces per 100 m² of gross floor area were applied, a minimum of 96 parking spaces would be required on the subject property. A total of 142 parking spaces are proposed within the subject property. Some of the surplus parking spaces could be eliminated in order to achieve other objectives such as additional tree planting within the parking areas and preservation of existing trees by Pinery Trail.

On the other hand, if the proposed parking rate of 4.5 parking spaces per 100 m² of gross floor area were applied, a parking shortfall of 2 parking spaces would occur within the subject property. The applicant has not provided a rationale for the requested parking rate other than
it would be required. While the adjacent development proposal at 1400 Neilson Road has an excess parking of 19 parking spaces based on the approved site plan, the current zoning by-law provisions applying to both properties do contain provisions to "share" parking spaces.

As well, if the applicant is proposing that the 2 properties be integrated regarding access, vehicle circulation, parking and stormwater management, modifications to the proposal at 1400 Neilson Road would be required.

**Toronto Green Standard**
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. A TGS template however was not provided. The proposal is also subject to the Green Roof By-law as the proposed gross floor area exceeds the 2,000 m² threshold.

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

**CONTACT**
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E-mail: Mullaste@toronto.ca

**SIGNATURE**

_______________________________
Raymond David, Director
Community Planning, Scarborough District

**ATTACHMENTS**
Attachment 1: Site Plan
Attachment 2: Approved Site Plan – 1400 Neilson Road
Attachment 3: Overall Context Plan
Attachment 4: Elevations [as provided by applicant]
Attachment 5: Zoning
Attachment 6: Application Data Sheet
Attachment 1: Site Plan
Attachment 2: Approved Site Plan – 1400 Neilson Road
Attachment 3: Overall Context Plan
Attachment 4: Elevations

360 McLevin Avenue

Elevations

Applicant's Submitted Drawing

File #: 14122789 ESC 42 OZ
Attachment 6: Application Data Sheet

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Municipal Address: 360 MCELVIN AVENUE (formerly part of 1400 NEILSON RD)
Location Description: CON 3 PT LOT 14 PT RD CLOSED NOW RP 66R16483 PART 1 TO 2 **GRID E4205
Project Description: Proposal to rezone lands to permit a 3,183 m² retail food store.

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

**Agent**
WALKER NOTT
DRAGICEVIC ASSOC LTD

**Architect**
NELSON ROAD HOLDINGS INC

**Owner**

**Municipal Address**
360 MCELVIN AVENUE (formerly part of 1400 NEILSON RD)

**Location Description**
CON 3 PT LOT 14 PT RD CLOSED NOW RP 66R16483 PART 1 TO 2 **GRID E4205

**Project Description**
Proposal to rezone lands to permit a 3,183 m² retail food store.

**PLANNING CONTROLS**
Official Plan Designation: Mixed Use Areas
Site Specific Provision: Site Plan Control Area: Y
Zoning: A & ST
Historical Status:

**PROJECT INFORMATION**
Site Area (sq. m): 11940
Height: Storeys: 1
Frontage (m): 145
Metres: 7.6
Depth (m): 115

Total Ground Floor Area (sq. m): 2984
Total Residential GFA (sq. m): 0
Parking Spaces: 220
Total Non-Residential GFA (sq. m): 3183
Loading Docks: 0
Total GFA (sq. m): 3183
Lot Coverage Ratio (%): 25
Floor Space Index: 0.27

**DWELLING UNITS**

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Total Units: 0

**CONTACT:**
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