

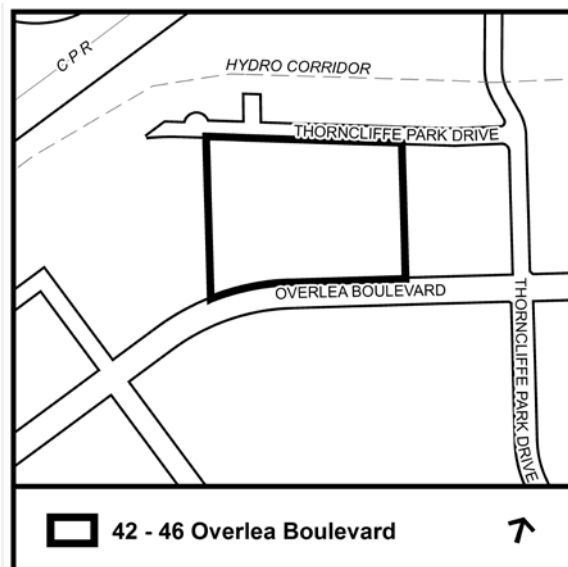
**42-46 Overlea Boulevard – Zoning By-law Amendment
Application – Final Report**

Date:	September 18, 2015
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 26 – Don Valley West
Reference Number:	13 190927 NNY 26 OZ

SUMMARY

The application proposes an amendment to City of Toronto Zoning By-law 569-2013 and former Borough of East York Town of Leaside Zoning By-law 1916 to permit a 15,402m² (165,787 sq.ft.) large scale stand alone retail store (Costco Warehouse Membership Club) with an ancillary 3-island, 18-pump vehicle fuel station and 625 surface parking spaces on the former Coca-Cola Refreshments Canada head office and bottling plant site located at 42 and 46 Overlea Boulevard. The proposal now incorporates portions of the existing heritage listed office building into the design of the proposed Costco store and all parking is now accommodated on the site rather than proposing a portion of the spaces on the hydro lands north of Thorncliffe Park Drive.

A separate report from Heritage Preservation Services staff recommending alterations to the listed building and designation of the property under Part IV, Section 26 of the Ontario Heritage Act is being considered concurrently by North York Community Council at this meeting.



The applicant's proposal for a new large-format retail store is consistent with the Provincial Policy Statement and in conformity with the Growth Plan for the Greater Golden Horseshoe. The proposal also conforms to the general objectives of the Official Plan.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former Borough of East York Town of Leaside By-law No. 1916 for the lands at 42-46 Overlea Boulevard substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 13.
2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 42-46 Overlea Boulevard substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 14.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner of the lands at 42-46 Overlea Boulevard to:
 - a) Enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - i) a \$650,000.00 cash payment to be used towards the cost of capital improvements that will benefit the community in the vicinity of Thorncliffe Park such as, parks, a community centre or recreational facility to the satisfaction of the General Manager, Parks, Forestry & Recreation in consultation with the local Councillor, to be paid prior to the issuance of the first above-grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment; and
 - ii) alterations to the listed heritage building on the property including entering into a Heritage Easement Agreement with the owners in accordance with Section 33 of the Ontario Heritage Act to allow for the construction of the proposed retail warehouse facility.

The following matters are also recommended to be secured in the Section 37 Agreement in support of the development:

- i) the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council in October 2009;
 - (ii) the owner shall provide a financial guarantee in the form of an irrevocable letter of credit or certified cheque in the amount of \$175,000.00 to the City of Toronto for installation of signal priority at five intersections on Overlea Boulevard, or in the vicinity of the site, with transit priority capability; and
 - (iii) the owner shall submit a revised Transportation Demand Management Plan to the satisfaction of the Director, Transportation Services, North York District.
- b) The owner shall provide written confirmation to the Director, Community Planning, North York District, formally withdrawing the Zoning By-law Amendment and associated Site Plan Control application filed in connection with the surface parking lot proposed north of Thorncliffe Park Drive.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting held on May 7, 2013, City Council adopted a report from the Director, Urban Design, City Planning Division, recommending the property at 42-46 Overlea Boulevard be included on the City of Toronto Inventory of Heritage Properties for its cultural values (Item NY23.27).

The Decision Document is available at the following web link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY23.37>

A Preliminary Report on the rezoning application for a Costco Warehouse Membership Club at 42-46 Overlea Boulevard was considered by North York Community Council at its September 10, 2013 meeting (item NY26.47). The report provided background information on the proposal and recommended that a community consultation meeting be scheduled with the Ward Councillor. The community consultation meeting was held on November 7, 2013.

The Decision Document is available at the following web link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY26.47>

On December 23, 2014, the applicant filed another rezoning application to permit an ancillary surface parking lot to accommodate 124 parking spaces on lands located opposite the site on the north side of Thorncliffe Park Drive. A Preliminary Report on the application was considered by North York Community Council at its February 18, 2015 meeting (item NY4.18). The report provided background information on the proposal and recommended that a community consultation meeting be scheduled with the Ward Councillor. The community consultation meeting was held on March 30, 2015.

The Decision Document is available at the following web link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY4.18>

On July 17 and 22, 2015, the City received a revised Zoning By-law Amendment and Site Plan Control application for the 42-46 Overlea Boulevard site. This is the applicant's fourth submission and the subject of this report. The applications were revised, among other matters, to accommodate additional parking on the site. Subsequently, the above noted Zoning By-law Amendment and Site Plan approval for the ancillary surface parking on the lands on the north side of Thorncliffe Park Drive are no longer proposed by the applicant.

ISSUE BACKGROUND

Proposal

The revised application proposes an amendment to City of Toronto Zoning By-law 569-2013 and former Borough of East York (Town of Leaside) Zoning By-law 1916 to permit a 15,402 m² (165,787 sq.ft.) large scale stand alone retail store (Costco Warehouse Membership Club) and a 3-island, 18 fuel pump vehicle fuel station and 625 surface parking spaces (refer to Attachment 1: Site Plan). The proposed floor area would result in a floor space index of 0.29.

The proposed building would function in a similar manner as other Costco establishments where both the storage of product stock and retailing of goods are performed on the same floor area. Internally, the Costco would include ancillary uses such as a tire installation centre, pharmacy, optician and film processing service. External to the building ancillary uses would include the vehicle fuel station, propane dispensing area and a seasonal garden centre. All of the sales and service at a Costco Membership Club are offered exclusively to Costco members, including the vehicle fuel station.

The revised proposal locates the Costco store on the westerly portion of the site and now incorporates portions of the existing listed office building (refer to Attachment 3: Perspective). The front bay and an extension of the east and west walls of the existing listed office building are proposed to be integrated with the proposed Costco store including the original granite front wall, columns, curtain wall and sun control louvres on the east and west facades. The interior would be altered to suit the requirements of the proposed use including the fast food restaurant component of the store having direct access from the street for Costco members and non-members.

Surface parking would occupy the northerly and easterly portion of the sites save and except the proposed gas bar which would be located at the northeast corner of the site next to Thorncliffe Park Drive. The vehicle fuelling station would have three islands with three dispensers on each island for a total of 18 fuel pump positions.

The building would be set back a minimum of 15.6 metres from Overlea Boulevard, 4.5 metres from the west property line and 24 metres from Thorncliffe Park Drive. The main entrance would be located at the southeast corner of the building facing Overlea Boulevard and the parking area to the east. The tire centre and seasonal garden centre operations would be located along the east elevation facing the surface parking lot. Loading operations would occur at the northeast corner of the building in proximity to Thorncliffe Park Drive.

The site design includes 10,444 m² (112,419 sq.ft.) of landscape area representing approximately 20% of the site area. The buildings would occupy 30% and the surface parking lot occupies 50%. Landscaped areas are proposed along the entire Overlea Boulevard frontage (ranging from a depth of approximately 13 to 34 metres); landscaped islands within the parking lot; within a 6 metre strip along the entire east property line and along the Thorncliffe Park Drive frontage (ranging from 3 to 8 metres). The design of the Overlea Boulevard landscaped frontage would include a heritage garden courtyard and pedestrian seating area in front of the building.

The main vehicular entrance on Overlea Boulevard is now proposed at the east end of the site utilizing the existing signalized driveway of the East York Town Centre. Access/egress would also be provided by way of three driveways from Thorncliffe Park Drive.

Detailed site statistics are provided in the Application Data Sheet (refer to Attachment 12).

Site and Surrounding Area

The property is located within the Thorncliffe Park community in the former Borough of East York. It forms part of the Leaside Business Park which extends west to Laird Drive and north to Eglinton Avenue East. The site is situated on the north side of Overlea Boulevard in the area west of Don Mills Road. It has a site area of 5.24 hectares (12.96 acres) and a frontage of 270 metres on the north side of Overlea Boulevard and 267 metres on the south side of Thorncliffe Park Drive. The Thorncliffe Park Drive right-of-way terminates into a cul-de-sac along the north edge of the site. The site was formerly occupied by Coca-Cola Refreshments Canada head office and bottling plant. The operations closed approximately 12 years ago. The bottling plant, which occupied the central and eastern portions of the site, has been demolished. The 3-storey office building has been retained and is located on the southwest portion of the site.

Surrounding uses include:

North: Thorncliffe Park Drive, then a surface parking lot on City-owned/Hydro One lands formerly used by Coca Cola for tractor trailer parking, then a Hydro One utility corridor/ravine, then a Canadian Pacific Railway corridor further north;

South: Overlea Boulevard, then a *Mixed Use* area including the East York Town Centre which contains over 100 retail stores and restaurants and recently vacated Target store, Shoppers Drug Mart and Food Basics, then further south, lands designated *Apartment Neighbourhoods*;

East: employment lands developed with a 1-storey funeral home establishment then commercial uses including retail, service and restaurant establishments; and

West: employment lands developed with an office and warehouse facility then a local cultural community centre, retail, service and restaurant uses.

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

Policy 4.6.1 of the Official Plan states *Employment Areas* are places of business and economic activity. Uses that support this function consist of restaurants and small scale stores and services that serve area businesses and workers, as well as offices, manufacturing, warehousing, distribution, research and development facilities, media facilities and hotels. The Plan notes some uses that are extensive land users, and not directly supportive of the primary employment function such as places of worship, post secondary schools and large scale, stand alone retail stores, are uses that can detract from

the economic function of the employment area and are not permitted in *Employment Areas*.

Notwithstanding policy 4.6.1, policy 4.6.3 of the Official Plan states consideration may be given to permit large scale and stand alone retail stores and “power centres” in *Employment Areas* in locations on major streets which form the boundary of an employment area (as Overlea Boulevard does for the lands comprising the Leaside Business Park). Where a site meets this locational requirement, new large scale, stand alone retail stores and “power centres” may be permitted if it can be demonstrated that:

- a) Sufficient transportation capacity is available to accommodate the extra traffic generated by the development, resulting in an acceptable level of traffic on adjacent and nearby streets; and
- b) The function of other economic activities within the Employment Areas and economic health of nearby shopping districts are not adversely affected.

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

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

As noted previously the subject property was listed and included on the City’s Inventory of Heritage Properties on May 7, 2013. Policy 3.1.5 outlines policies relating to the conservation of Toronto's heritage resources. Section 3.1.5.1 a) states significant heritage resources will be conserved by first listing properties of architectural and/or historic interest on the City’s Inventory of Heritage Properties then designating them and entering into conservation agreements with owners of designated heritage properties. Section 3.2.5.2 provides that these resources on the inventory will be conserved and a Heritage Impact Assessment required where development entails an amendment to the Official Plan and/or Zoning By-law.

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

Emerging Policy of OPA 231

On December 18, 2013, City Council adopted Amendment No. 231 to the Official Plan, which strengthened the *Employment Districts* policies concerning the protection and preservation of strategic areas for employment uses, and replaced the classification "Employment Districts" with "Employment Areas". In addition to amending the Urban Structure section of the Official Plan, the Land Use designation *Employment Areas* has been replaced with two new land use categories: *Core Employment Areas* and *General Employment Areas*.

The subject lands are designated *General Employment Areas*, which applies to lands largely on the periphery of *Employment Areas* on major roads where retail stores, service shops and restaurants can serve workers in the *Employment Area* and would also benefit from visibility and transit access to draw the broader public. Retail complexes on the periphery of employment areas frequently serve as a buffer between industries in the interior of *Employment Areas* and nearby residential uses. Policies respecting sensitive uses have been introduced under OPA 231 and sensitive uses such as Places of Worship, Daycare Centres and Educational Facilities are no longer permitted.

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

Other policies, land use designations and maps for employment lands that are in OPA 231 are still under appeal. The next pre-hearing conference at the Board has been scheduled for October 22, 2015.

OPA 231 is not yet in full force and is relevant but not determinative.

Zoning

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

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

The BC zoning category permits business and professional offices, data processing and business services uses (i.e., a bank, financial institution, barber shop, beauty salon, restaurant, dry cleaners, office supplies stores, printing establishments, day nursery, private clinic, a hotel or motel) to a maximum floor area of 0.5 x the lot area. In addition to the foregoing, a drug store, banquet hall and a variety/convenience store are also

permitted (as a business service use) if they are located on the ground floor of an office building and the total amount of these business service uses must exceed 20% of the gross floor area of the office building.

The BC zoning does not permit automobile services stations (or vehicle fuel stations) on the site.

The holding symbol (H) is appended to the BC zoning of the site to regulate development of business and professional offices beyond 0.5x the lot area. Pre-conditions for the removal of the holding symbol include demonstrating the local and arterial roads serving the area can adequately service the traffic generated by the development and that the existing sewage capacity is adequate to accommodate the development.

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

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

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

Under the new Zoning By-law, which is under appeal, the site is zoned Employment Industrial Office Zone EO (e0.75; o2.0)(x22), (see Attachment No 11), which permits a range of employment and office related uses including conditional permissions for retail store uses. The zoning permits a maximum floor space index of 0.75 for employment uses, a maximum floor space index of 2.0 for office uses, a maximum building height of 30 metres and the following minimum yard setbacks: 9 metre front yard, 7.5 metre rear yard and 6 metre side yards. The by-law also requires a minimum 3 metre wide strip of land of soft landscaping along the entire length of the street lot line (exclusive of driveways and walkways).

The EO zoning conditionally permits a retail store. The gross floor area of the retail store is limited to the greater of 300 m² (3,330 sq.ft.) or 10% of the gross floor area of the buildings on the lot to a maximum of 500 m² (5,382 sq.ft.).

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

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

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

Site Plan Control

An application for Site Plan Control under Section 114 of the *City of Toronto Act, 2006* was filed on June 19, 2013 (13 190948 NNY 26 SA) and has been reviewed concurrently with the Zoning By-law Amendment application.

Tree Preservation

City of Toronto By-laws provide for the protection of qualifying trees situated on both private and City property. An Arborist report and Tree Preservation Plan were submitted with the application and have been reviewed by Urban Forestry Services staff.

Heritage Resources

The property currently contains the former Coca-Cola office building. Research and evaluation conducted by staff in Heritage Preservation Services (HPS) determined the heritage values of the property are represented by the office building, adjacent courtyard and bronze sculpture of interlocking Coke bottles. The bottling plant on the property was not identified as a heritage attribute or identified as demonstrating cultural heritage value.

The design of the Coca-Cola Building is associated with the architectural partnership of Mathers and Haldenby, which was one of the best known and most successful firms in Toronto throughout most of the 20th century. Built in 1964, the office building is considered to be a fine representative example of a suburban office building designed as part of the post-World War II Modern Movement in architecture and is historically and contextually linked to the development of Thorncliffe Park as a planned community in Toronto. The bronze sculpture was designed by noted Canadian Sculpture Walter Yarwood, co-founder of "The Painters Eleven" group of artists who introduced abstract expressionism to Toronto.

The Official Plan states that heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved. The owner has provided a Heritage Impact Assessment prepared by a qualified heritage consultant to ascertain the impact that the current proposal will have on the heritage attributes identified for this property.

As indicated previously, the front bay and an extension of the east and west walls of the existing listed office building are proposed to be integrated with the proposed Costco store including the original granite front wall, columns, curtain wall and sun control louvres. The interior would be altered to suit the requirements of the proposed use.

It should also be noted Coca-Cola Canada, the owner of the bronze sculpture of interlocking Coke bottles, has recently removed the piece from the site and it is in temporary storage at Coca Cola's Brampton facility (15 Westcreek Boulevard). In a letter to the City dated June 18, 2015, Coca-Cola Canada has indicated there is no space

available for the artwork at their new location at 335 King Street East and offered to gift the piece to the City of Toronto as a public art donation.

HPS staff has advised the sculpture is no longer identified as a heritage attribute as it has been removed from the property. Coca-Cola did not require any heritage permits or permissions from the City to remove the sculpture because although the property is on the heritage registrar, it is not designated. HPS staff, in consultation with Arts & Cultural Services and City Planning staff, is exploring conservation opportunities with the applicant and the owner of the sculpture to determine if the piece can be acquired by way of a donation to the satisfaction of the City. Costs associated with moving, restoring and maintaining the piece have been estimated to be in the range of \$50,000. An appropriate location for the sculpture within the public realm in the vicinity of the site would also need to be determined as Costco has advised it is not able to return it in situ.

Reasons for Application

Amendments to the City of Toronto Zoning By-law 569-2013 are required to permit the type and size of the retail store and conditions associated with a retail store on a lot with a vehicle fuel station, a reduced west side yard setback to the retail store and to establish an appropriate parking rate for the retail store.

Amendments to the former Borough of East York (Town of Leaside) Zoning By-law No. 1916 are required to permit the proposed retail store and vehicle service facilities including the sale of fuel, and to establish appropriate building setbacks and parking standards for the retail use.

Community Consultation

The applicant's initial proposal was presented to local residents at a community consultation meeting held on November 7, 2013 at St. Clement of Ohrid Macedonian Orthodox Cathedral at 76 Overlea Boulevard. The meeting was attended by Councillor Parker, the applicant and consultants as well as City staff. Approximately 150 members of the public were in attendance.

A revised proposal for the proposed Costco Warehouse Membership Club and the proposal to develop the lands on the north side of Thorncliffe Park Drive with surface parking were presented to local residents at a Community Consultation meeting held on March 30, 2015 in the William Lea Room at Leaside Memorial Gardens. The meeting was attended by the Councillor Burnside, the applicant and consultants as well as City staff. Approximately 100 members of the public were in attendance.

City staff and the local Councillor have also met with community representatives on a number of other occasions during the application review stage to discuss the various studies and reports filed with the application and the application process.

The following is a summary of the concerns and opinions regarding the proposal that were expressed at these meetings:

- concern that the Official Plan permits retail uses on the site, particularly a retail use that would have a large regional customer draw to the site;
- concerns with the loss of traditional employment lands to accommodate a retail use;
- concerns the proposed retail use and gas bar will undermine the economic viability and survival of nearby shopping areas and gasoline service stations;
- concern with additional traffic volumes, particularly during peak rush hour periods and weekends, and the lack of capacity on Overlea Boulevard and Laird Drive to accommodate the increased volume;
- concerns that traffic infiltration will increase through the residential area west of Laird Drive, the residential area south of Overlea Boulevard, including the northerly residential areas in Ward 29 Toronto-Danforth (to the south);
- concerns that vehicles will by-pass the entrance to the site and cut through the Heritage Funeral Centre property located immediately east of the site at 50 Overlea Boulevard;
- the existing 3-storey Coca-Cola head office building should be preserved and protected;
- concerns that long queues associated with the operation of the gas bar will extend out onto Thorncliffe Park Drive thereby creating operational issues on the street including, creating adverse impacts on the neighbouring Heritage Funeral Centre business to the east;
- concerns that the large number of vehicles entering the site from the signalized entrance driveway at Overlea Boulevard will create vehicle queues and congestion resulting in delays and safety concerns on the street and Overlea Boulevard municipal sidewalk;
- the proposal would result in a dramatic increase in air pollution in the community; and,
- a number of members of the public expressed support with the application and the employment opportunities it will create.

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 application supports and is consistent with the 2014 Provincial Policy Statement direction. The proposed development will supply the surrounding area with employment opportunities and has excellent accessibility to existing and proposed public transportation routes. The proposed development will promote economic development and competitiveness as it would make efficient use of lands which have been underutilized for many years. The proposal also supports the cultural heritage policy of the PPS by incorporating portions of the listed heritage resource, the former Coca Cola office building.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal promotes economic development and competitiveness where employment lands are concerned and makes efficient use of existing infrastructure. The proposed large-format retail store conforms to the Official Plan as outlined below and as such conforms and does not conflict with the Growth Plan.

Land Use

As stated above, the Official Plan contains policy direction with respect to large scale, stand-alone retail stores and ‘power centres’ in *Employment Areas*. While these uses are not directly supportive of the primary employment function of these areas, the Plan recognizes that limited permissions in these areas may be needed to accommodate this form of retailing in the City. The limited locations for these permissions are set out in Policy 4.6.3 and are discussed below. It should be noted that this permission for retail is conditional and is only permitted through a rezoning if all the criteria have been met.

Policy 4.6.3 of the Official Plan provides that large scale, stand-alone retail stores and “power centres” are only permitted on sites in *Employment Areas* fronting onto major streets as shown on Map 3, that also form the boundary of the *Employment Area*. Where a site meets this locational requirement, they may be permitted if it can be demonstrated that: sufficient transportation capacity is available to accommodate traffic generated by the development; and the functioning of other economic activities within the *Employment Areas* and the economic health of nearby shopping districts are not adversely affected.

In addition, the Official Plan requires development to contribute to the creation of competitive, attractive, highly-functional areas by supporting the economic function of the Employment Areas and the amenity of adjacent areas; providing adequate parking and loading on-site; and providing landscaping to create attractive streetscapes and screening of parking, loading and service areas. The proposal’s compliance with these principles and Policy 4.6.3 are discussed below.

Location

The site is located along the southern boundary of the Leaside Business Park in an area currently developed with a range of industrial and commercial uses. Consistent with Policy 4.6.3 noted above, Overlea Boulevard is a major street shown on Map 3 of the Official Plan. Therefore, development of the site with a new large scale, stand alone retail use on this site addresses the locational criteria for development within *Employment Areas*.

Transportation Capacity

Policy 4.6.3 of the Official Plan states that subject to meeting a locational requirement, new large scale, stand alone retail stores and “power centres” may be permitted if it can be demonstrated that 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.

A Traffic Impact Study was filed with the application and a number of revisions have been made to the initial study including further analyses to respond to concerns raised by Transportation Services staff during the review process. The transportation work examines turning movements at a series of intersections in the vicinity of the site, existing traffic conditions in the area, future background traffic generation, trip distribution, site traffic and driveway access options. The report estimates that the project will generate approximately 917 and 1,175 two-way trips during the p.m. and Saturday peak hours respectively.

The following is a list of the signal modifications and road improvements necessary to accommodate site traffic volumes:

Laird Drive / Millwood Road

- Increase cycle length from 100 to 120 seconds during the weekday afternoon peak period; and
- Increase cycle length from 90 to 100 seconds during the Saturday peak period.

Millwood Road/Overlea Boulevard

- Increase cycle length from 90 to 100 seconds during the Saturday peak period.

Thorncliffe Park Drive (west)/Overlea Boulevard

- Increase cycle length from 90 to 120 seconds during the weekday afternoon peak period; and
- Increase cycle length from 80 to 100 seconds during the Saturday peak period.

Thorncliffe Park Drive (east)/Overlea Boulevard

- Increase cycle length from 90 to 120 seconds during the weekday afternoon peak period; and
- Increase cycle length from 80 to 100 seconds during the Saturday peak period.

William Morgan Drive/Overlea Boulevard

- Increase cycle length from 90 to 120 seconds during the weekday afternoon peak period; and
- Increase cycle length from 80 to 100 seconds during the Saturday peak period.

Overlea Boulevard driveway access

- Increase cycle length from 90 to 120 seconds during the weekday afternoon peak period;
- Increase cycle length from 80 to 100 seconds during the Saturday peak period;
- Install signal heads for the southbound movements;

- Install an eastbound left turn lane at the intersection; and,
- Install an advanced phase for the eastbound left turn movements during the weekday afternoon and Saturday peak periods.

In addition to the above improvements, Transportation Services requires the applicant to convey to the City, 1.24m along the entire frontage of the site adjacent to Overlea Boulevard to achieve the planned right-of-way width of 33 metres as identified on Map 3 of the Official Plan. The conveyance would be secured through the Site Plan process.

Transportation Services staff concurs with the above noted road improvements and advise the applicant will be required pay for all costs associated with the proposed road improvements and signal modifications. Financial securities to guarantee the above work and the required conveyance along the Overlea Boulevard frontage will be secured through the Site Plan process.

The surrounding community have expressed concerns that the large number of vehicles entering the site from the signalized entrance driveway at Overlea Boulevard will create vehicle queues and congestion resulting in infiltration, delays and safety concerns on the street and Overlea Boulevard municipal sidewalk. In response to these concerns, an east-to-northbound left turn lane would be constructed within the existing centre median on Overlea Boulevard westerly from the site driveway. Transportation Services staff has confirmed the proposed length of the lane has been designed to accommodate the anticipated pm peak hour and Saturday peak hour queues. Transportation Services staff further advises the existing 1.5m wide municipal sidewalk along Overlea Boulevard would be replaced and shifted further away from the street with a new 2.4m wide sidewalk to improve pedestrian safety.

The traffic impact study concludes that the immediate study area intersections will operate with residual capacity whereas the broader study area will have capacity issues with or without the proposed development. Transportation Services staff has reviewed the incremental impacts that the traffic generated by this development will have on the levels of service at local intersections and find them acceptable. The methodology and findings of the study have been accepted by Transportation Services staff. As a result, the objective of Policy 4.6.3(a) of the Official Plan would be met.

Economic Impacts

As noted previously, the two economic impact considerations identified by Policy 4.6.3 of the Official Plan are the functioning of other economic activities within the *Employment Areas* and the health of nearby shopping districts. The Plan states the proposed development should have no adverse effects to these areas. Two economic impact assessments (Employment District Economic Analysis and Retail Market Impact Analysis) were submitted by urbanMetrics Inc. in support of the application to address the requirements of Policy 4.6.3. A peer review of both impact assessments was undertaken by John Winter Associates Limited (JWAL).

The overall objective of the external peer review was to provide a professional opinion regarding the sufficiency and accuracy of the submitted analysis, as well as a statement whether or not the Peer Reviewer concurs with or disagrees with the conclusions of the reports that were filed with the application.

The Peer Reviewer was retained by the City in March 2012 and filed the peer review report on the consultant's reports on July 7, 2014. During the course of the 4 month review the applicant's consultant's responded to information requests including further analysis to respond to issues raised by the Peer Reviewer. It is staff's view the reports filed by applicant's consultants have undergone a thorough analysis and a summary of that review is set out below.

Employment Area Impact Assessment

The Economic Impact Assessment prepared by the applicant's consultant, urbanMetrics (uM), examines the economic impact of the proposed development and assesses potential employment area impact. The analysis reviewed employment trends, industrial real estate market trends, industrial space, vacancy rates, sale price, rents and employment job generation in East York and Leaside and the City as a whole.

The consultant's analysis determined the proposed Costco store would not conflict with the existing range of uses located in proximity to the site and would complement the retail uses that have recently been established in the Leaside Business Park. The consultant goes on to state the expected attraction of the Costco in the area will help revitalize the East York Town Centre.

It is also the consultant's professional opinion that the addition of a Costco store would not adversely affect the employment activities in the local area and the overall health of the Leaside Business Park and notes it will also serve the existing traditional employment uses in the area. It is the consultant's view the local area and Leaside Business Park are becoming increasingly oriented to retail/service commercial uses as an alternative to the traditional manufacturing and warehousing-based employment activities that have historically occupied these lands.

The Peer Reviewer reviewed the initial assessment and met with the consultants to discuss the assessments. In response to various questions and comments raised by the peer reviewer including the consultant's inventory of existing space in the local area, their in-home telephone consumer survey, and their population and income estimates, the consultant prepared an updated Retail Market Demand and Impact Analysis and Employment District Economic Impact Analysis dated April 9, 2014.

While the peer reviewer agrees with the consultant's comments in the assessment that the Costco store has the potential to revitalize commerce in the vicinity of the site, it is the peer reviewer's opinion the assessment's conclusion that it will not adversely affect the continued operation of the existing and other employment uses in the area is "subject to some uncertainty". Additionally, while it is the opinion of the peer reviewer that the functioning of other economic activities in the *Employment District* would not be a

problem in year one of operation the peer reviewer notes it could be in subsequent years. The peer review notes a "major magnet" such as Costco attracts other commercial uses and it is his opinion that approval of a Costco store "is a virtual approval for big-box retail along the north side of Overlea Boulevard" thereby contributing to "retail contagion".

As noted previously in this report, the Official Plan contains policy direction with respect to large scale, stand-alone retail stores in *Employment Areas*. The Plan recognizes they are not directly supportive of the primary employment function however the Plan provides for this type of use subject to meeting locational requirements, in this instance, the employment lands fronting the north side of Overlea Boulevard between Millwood Drive and Don River to the east, and subject as well to meeting the impact criteria.

Economic Development Division staff had no comment on the Employment Area Impact Assessment.

Retail Market Demand and Impact Analysis

A Retail Market Demand and Impact Analysis was also filed by urbanMetrics (uM) to accompany the application to assess whether the proposed development will adversely affect the health of nearby shopping districts. Nearby shopping areas included the commercial-industrial areas within the Leaside Business Park as well as shopping areas along Bayview Avenue, Eglinton Avenue East, the East York Town Centre and in the Thorncliffe community.

The analysis determined that the proposed development would not conflict with the existing range of uses located in close proximity to the site, and would complement the retail uses that have developed in recent years in the vicinity of Eglinton Avenue East and Laird Drive, as well as along Overlea Boulevard near the site. The report also states the proposed store would support many of the existing employment and service commercial uses in the area, as this type of store historically serves the businesses as well as the residents in the trade or employment area.

The analysis concludes that the proposed retail development would not adversely affect the economic health of existing nearby shopping districts.

The peer reviewer has indicated this is a "fine report" and generally concurs with its findings and conclusions. The peer reviewer concurs with the statement in the assessment that the economic health of nearby shopping districts is not adversely affected noting the 'positive contributions' of a Costco store.

Economic Development Division staff had no comments on the Retail Market Demand and Impact Analysis.

City staff generally accepts the professional advice of the peer reviewer with respect to the methodology and conclusions of the retail assessment however staff does not share the same views and opinions of the peer reviewer on the matter concerning precedent

contained in his peer review of the employment assessment. It should be noted three other large scale stand alone retail store projects have been completed and approved within this employment area, along Laird Drive.

Parking

The parking requirements for the proposed development are governed by the applicable parking provisions contained in both the former Borough of East York (Town of Leaside) Zoning By-law No. 1916 and City of Toronto Zoning By-law No. 569-2013.

The former Borough of East York (Town of Leaside) Zoning By-law No. 1916 requires 1 space per 19 m² of gross floor area. Based on the proposed gross floor area the by-law would require a minimum of 807 parking spaces. The City of Toronto Zoning By-law No. 569-2013 requires 3.0 spaces per 100 m² of gross floor area resulting in a total parking supply of 460 parking spaces.

Transportation Services staff have indicated the parking demand for a Costco building is typically higher when compared to general retail buildings. As such, they are recommending a site specific parking rate for the proposed development.

In order to evaluate the actual parking demand for the proposed Costco and gas bar, Transportation Services staff directed the applicant to undertake a parking survey at two existing store and gas bar locations that are comparable to the proposed site. In response to the request the applicant's transportation consultant studied the facility in Etobicoke at 50 Queen Elizabeth Boulevard and a facility in Ancaster at 100 Legend Court. The study concluded the peak parking demand for both sites was 623 and 655 parking spaces respectively.

A revised Parking and Loading Study dated July 17, 2015, prepared by BA Group concluded the provision 625 parking spaces (a rate of 4.08 spaces per 100 m² of gross floor area) together with a proposed Transportation Demand Management (TDM) plan can accommodate the anticipated parking demand at the 42-46 Overlea Boulevard site. The proposed TDM plan includes improvements that aim to encourage use of alternative travel modes, increased vehicle occupancy and reduce automobile travel such as:

- Carpool/ridesharing program;
- Carpool parking spaces;
- Transit and Cycling Route/Schedule Information;
- Bicycle parking;
- Shower and change facilities;
- Other Bicycle facilities (air pump in the tire centre); and
- Pedestrian connections.

Transportation Services staff concurs with the conclusions of the consultant's report and are prepared to support a minimum parking supply of 623 parking spaces for the Costco store subject to the applicant submitting a revised TDM plan. Transportation Services staff, in consultation with Transportation Planning staff, recommend the strategies

proposed in the TDM be further developed by the applicant to be more inclusive with the local community as well as to further enhance transit use, walking and cycling and reduce the number of vehicular trips to the site. Enhanced transit use strategies could include larger transit shelters and amenities such as seating opportunities at key transit stops and real time digital transportation display boards. Enhanced cycling use strategies could include securing small scale share bicycle parking facilities or funding for bike share programs on site and in the community and bike share parking facilities at key transit stops.

This report is recommending the applicant submit a revised Transportation Demand Management Plan to the satisfaction of Transportation Services and that such plan be secured through the Section 37 agreement in support of the development and through the Site Plan approval process.

Driveway Access/Site Circulation

A total of four driveway accesses are proposed for the site. The primary access will be located on Overlea Boulevard at the easterly portion of the site and connect to the existing traffic control signal at the East York Town Centre East driveway. The primary access has been treated as a private street with landscaping and sidewalks providing access through the site to Thorncliffe Park Drive. Three driveway accesses are proposed on Thorncliffe Park Drive. As noted previously, the applicant will be required to pay for all costs associated with the proposed signal modifications.

Transportation Services staff supports the design and location of the proposed driveways.

A Gas Bar Operations Review, dated May 30, 2014, prepared by BA Group, was previously submitted to the City for review in support of the original proposal for a 4 island 16 fuelling position configuration (2 dispensers on each island). As part of the review, the consultant conducted field surveys on Friday May 23 and Saturday May 24, 2014 at two existing Costco sites (Etobicoke – 50 Queen Elizabeth Boulevard and Ancaster – 100 Legend Court). The peak queue length at both sites was in the order of 42 – 52 vehicles (16 vehicles at gas pumps and 26 to 36 in queue), which represents queues of 3 – 5 vehicles per lane behind each island.

In response to queuing concerns expressed by Transportation Services staff including those expressed by the local community, the traffic flow of the gas bar has been reversed to an eastbound direction to accommodate the vehicle stacking on the site. Transportation Services staff supports the revised configuration as it would provide sufficient queuing space on site to accommodate the anticipated peak demand and not result in any vehicle overspill onto Thorncliffe Park Drive. Further, it is Transportation Services staff's view that the revised configuration provides a better opportunity to extend the on-site stacking area further into the site should the need arise in the future.

A revised Gas Bar Operations Review, dated July 17, 2015, prepared by BA Group, was submitted to the City for review. The proposal now includes a 3 island 18 fuel position configuration (3 dispensers on each island). As above, Transportation Services staff

advises there is still ample space on site to accommodate the anticipated peak demand for queuing and advises the Gas Bar Operations Review needs to be updated to reflect the current proposal. Further, because the centrally located driveway along the Thorncliffe Park Drive frontage is not intended for truck traffic, Transportation Services staff is recommending the width be reduced to the minimum width (6m) and radii requirements (5m). The need for the central driveway will be reviewed through the Site Plan process in conjunction with the updated Gas Bar Operations Review.

Bicycle Parking

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City.

The Toronto Green Standards requires 20 employee bicycle parking spaces, 1 male and 1 female shower/change room facility and 39 customer bicycle parking spaces for a total of 59 spaces. The site design accommodates 69 bicycle parking spaces (28 employee and 41 customer) and change room facilities.

Toronto Transit Commission

The Toronto Transit Commission (TTC) advises it operates five frequent bus routes and one Community Bus Route on Overlea Boulevard and Thorncliffe Park Drive in front of, or in the immediate vicinity of the proposed development. To mitigate potential delays to their bus services resulting from site-generated traffic, the TTC requires a financial contribution in the amount of \$175,000.00 to equip the five signalised intersections on Overlea Boulevard, or in the vicinity of the site with transit priority capability.

Transportation Services staff supports this request and is recommending it be included as a condition of approval.

Further, TTC staff reviewed the Traffic Impact Study submitted with the application and raised a number of initial concerns with the consultant's submission.

TTC staff does not support the transportation consultant's recommendation that the Thorncliffe Park Drive/Beth Neilson Drive intersection be converted to an "all-way" stop control. Alternatively, they recommended the intersection be striped to delineate a north-to-west left turn lane to provide access to the site without obstruction of northbound through traffic, including TTC buses.

Transportation Services staff concurs with the TTC and advises the most recent traffic study does not include this modification in the recommendation section or proposed road network. As an alternative, a functional plan has been requested to review the addition of a northbound left turn lane at the intersection of Thorncliffe Park Drive and Beth Neilson Drive rather than converting the intersection to an "all-way" stop control.

TTC also requested the elimination of parking on both sides of Thorncliffe Park Drive between Overlea Boulevard and Beth Neilson Drive in order to provide a two-way centre left turn lane and two through lanes. Transportation Services staff advises that Thorncliffe Park Drive is currently signed no parking between Overlea Boulevard and Beth Neilson Drive with no standing at the TTC bus stops. Transportation Services staff has requested a functional plan from the applicant for a two-way centre turn lane.

The above noted matters will be addressed and secured through the Site Plan process.

In response to other TTC comments, Transportation Services staff has confirmed the proposed lengths of the east-to-north left turn lane at the Overlea Boulevard driveway and the eastbound left turn lane at the Overlea Boulevard and Thorncliffe Park intersection have been designed to accommodate the anticipated pm peak hour and Saturday peak hour queues.

Servicing

The applicant filed a Stormwater Management Report and Municipal Servicing Report with subsequent revisions to address staff comments. The report assesses the potential impacts of the proposed development on water balance, storm water quality and quantity and presents a storm water management strategy with measures to mitigate impacts. The report concludes the site can be serviced by the surrounding municipal infrastructure with the construction of an on-site stormwater management system capable of satisfying applicable criteria.

Engineering and Construction Services staff have reviewed the servicing and stormwater assessment and generally accept the consultants findings however additional engineering detail must be provided through revised plans and reports before staff can provide final approval. These matters will be addressed through the Site Plan process.

Loading Facilities

Official Plan policy requires the servicing/outside storage areas be generally located at the rear of the property and well screened by fencing and landscaping where viewed from adjacent streets, highways, parks and neighbouring land uses.

The loading requirements for the project are governed by the applicable parking provisions contained in both the former Borough of East York (Town of Leaside) Zoning By-law No. 1916 and City of Toronto Zoning By-law 569-2013. The former Borough of East York (Town of Leaside) Zoning By-law No. 1916 requires 2 loading spaces while the City of Toronto Zoning By-law No. 569-2013 requires 4 spaces.

The Parking and Loading Study submitted with the application indicates a Costco store has a typical loading demand of two to five deliveries per day. A total of four Type A loading spaces are proposed. The facilities are located along the north side of the building and are appropriately screened from view from Thorncliffe Park Drive through the use of architectural wall and landscaping. Transportation Services staff is satisfied the proposed loading spaces will accommodate the anticipated loading demand of the site.

Built Form and Streetscape

The Official Plan contains Built Form policies (3.1.2) that provide direction on site design matters pertaining to the organization of buildings, vehicle parking, access points and service areas. The policies are in place to integrate new development into existing built up areas and to minimize the impacts on the property and surrounding properties and to improve safety and the attractiveness of adjacent streets. The Plan also speaks to new development providing amenity for adjacent streets to make them more attractive, interesting, comfortable and functional for pedestrians.

The revised proposal locates the Costco store on the westerly portion of the site parallel to Overlea Boulevard and sited to frame a large landscaped front yard between the building and the street edge. The design now incorporates the front façade and partial sides of the existing listed office building (refer to Attachment 3: Perspective). The front bay and an extension of the east and west walls of the existing listed office building are proposed to be integrated with the proposed Costco store including the original granite front wall, columns, curtain wall and sun control louvres. Preserving portions of the front and side facades of the existing listed heritage building and original granite wall into the Costco store will assist in better integrating the new store into the local context. It is staff's view Costco's decision to preserve portions of the existing heritage resource is a positive contribution to the project and benefit for the Thorncliffe Park community.

The proposed streetscape design will result in an attractive streetscape providing amenity along Overlea Boulevard. The entrance to the building has been designed to be oriented towards Overlea Boulevard, clearly visible from Overlea Boulevard and connected by way of generous pedestrian connections with a width of 5 metres to the municipal sidewalk. The building entrance also features a weather canopy over a 5 metre wide pedestrian walkway that would extend north along the east side of the building towards Thorncliffe Park Drive to serve customers that travel by car to the site.

The existing 1.5m wide municipal sidewalk along Overlea Boulevard would be replaced and shifted further away from the street with a new 2.4m wide sidewalk to improve the pedestrian experience along this portion of Overlea Boulevard. The design of the Overlea Boulevard landscaped frontage would include a large heritage garden and pedestrian seating area in front of the building including. The fast food service area of the store would be located at the front of the building facing Overlea Boulevard with direct access to a landscaped heritage garden/courtyard. The food service is usually restricted to the Costco membership however in this instance, it would also be made available to the non-member community. The heritage garden would function as an outdoor gathering place for customers and the local community. It is staff's view Costco's decision to locate the food service area at the front of the building, contiguous to the heritage garden and enabling access by non-members would be a positive contribution to the project and the Thorncliffe Park community.

The landscape area along Overlea Boulevard ranges from a depth of approximately 13 up to 34 metres in front of the new building and a 3 to 8 metre landscaped edge is proposed along the Thorncliffe Park Drive frontage. The east edge of the site would include a 6

metre wide landscaped strip including a 2 metre wide pedestrian walkway and lighting that will serve as an attractive midblock connection through the site connecting Overlea Boulevard to Thorncliffe Park Drive. The midblock connection will provide area residents with the opportunity to conveniently and safely access the valley open space north of Thorncliffe Park Drive.

The surface parking area occupies the northerly and easterly portion of the site, save and except the proposed gas bar which is located at the northeast corner of the site next to Thorncliffe Park Drive. The design of the parking lot incorporates a number of objectives contained in the Guidelines for 'Greening' Surface Parking Lots including: generous streetscape and perimeter landscaping to define the street edges and visually screen parked cars; large landscaped islands to break up longer rows of parking and pedestrian paving to emphasize pedestrian routes. The detailed design of the parking lot will be addressed through the Site Plan process.

The detailed design of the landscaping and streetscaping, including the provision to open up the food service area to non-members of the community, would also be secured on the final plans and drawings through the Site Plan process.

Heritage

Policy 3.1.5.2 of the Official Plan states that "Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved."

The property is currently listed on the City of Toronto's Inventory of Heritage Properties, adopted by City Council on May 7, 2013. A report recommending alterations to the listed building and the designation of the subject property under Part IV of the Ontario Heritage Act and requesting authority to enter into a Heritage Easement Agreement will be considered by the Toronto Preservation Board on September 25, 2015 followed by North York Community Council on October 6, 2015 and City Council on November 3, 2015.

In working with Heritage Preservation Services staff, the applicant has agreed to preserve a portion of the first bay of the original building, as visible from Overlea Boulevard, and incorporate it into the south wall of the proposed store. It is staff's understanding the preservation work is in the range of \$2,500,000.

HPS staff, in consultation with City Planning Urban Design staff, will continue to work with the applicant on the project details and materials of the proposed retail store and alterations to the existing office building, the final details of which will be addressed through a heritage permit application and the site plan approval process.

Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 3.00 hectares of parkland per 1,000 people. The site is in

the highest quintile of current provision of parkland. The site is in a parkland priority area, as per the Harmonized Parkland Dedication By-law 1020-2010.

Parks staff advise the proposed development will be subject to the 2% commercial rate for parkland dedication. The required parkland dedication would be 469m².

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu. Parks staff advises this is appropriate as the parkland dedication would not create a substantial park. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit by the Facilities and Real Estate Division.

Tree Preservation

A permit is required to remove, cut down or injure a tree with a diameter of 30 cm or more on City or private property. The Arborist Report and Tree Protection Plan filed with the application proposes the protection of 21 City owned trees and the removal of 22 City owned trees that meet the criteria for protection under the 'Trees on City Streets By-law' and 16 privately owned qualifying trees that would be removed as a result of the proposed development.

Privately-owned trees

Urban Forestry Services (UFS) staff advises the applicant will need to submit a complete "Permit Application to Injure or Destroy Trees on Private Property" along with an application fee in the amount of \$9,328.00 (\$583 per tree) for the removal and injury of the 16 privately-owned trees.

UFS staff notes replacement tree planting is to be provided at a ratio of 3:1 and only large growing shade tree species may be counted in the ratio. For this development, the removal of 16 private trees protected under the provisions of the Private Tree By-law would require the planting of 48 replacement trees. UFS advises the landscape plan submitted with the application shows that there are over 100 large growing canopy trees proposed for the site, therefore the applicant has satisfied this requirement.

City-owned trees

UFS staff requires the submission of a completed "Application to Remove Healthy City-owned Trees" with a permit fee of \$6,907.78 for permission to remove the 22 City owned trees and if approved, a payment of \$44,916.20 representing the amenity value for the trees. As well, the applicant will need to complete and submit an "Authorization Form to Perform Arboricultural Work on City Trees". Further the applicant will need to provide a Tree Survival Guarantee deposit in the amount of \$28,977.00 to ensure the protection of 21 City owned trees (12 on the north side of Overlea Boulevard and 10 on the south side of Thorncliffe Park Drive).

The 22 existing City owned trees noted above are located within the centre median of Overlea Boulevard. The median has a width of approximately 7.5 metres and would need to be reduced by approximately 2 metres to accommodate the proposed east-to-north

bound left turn lane that leads to the signalized intersection to the site driveway. As a result 22 existing trees would need to be removed.

The landscape plan provided with the application proposes 15 new trees within the reconfigured Overlea Boulevard centre median and 17 new trees for the City road allowance on the south side of Thorncliffe Park Drive. UFS staff has accepted the proposed replanting plan and is requiring the applicant to submit a Tree Planting Deposit in the amount of \$18,656.00 to ensure the planting of the City-owned trees on the City road allowances.

The requirements of Urban Forestry Services will be dealt with through the Site Plan Approval process.

Toronto Green Standard and Green Roof By-law

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.

Concerns have been expressed by the local community that the traffic generated by the proposed development will negatively impact the air quality in the Thorncliffe Park community. The applicant will be 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: providing minimum number of parking spaces and securing bicycle parking spaces. Other applicable TGS performance measures will be secured through the Site Plan Approval process including: reducing the heat island effect by incorporating light reflective roof coatings; utilizing local and regional labour and materials; high efficiency fixtures; extensive use of recycled materials in the warehouse construction; stormwater management/retention; and incorporating landscaped areas with water efficient plants and native species and irrigation.

The following matter will be secured in the Section 37 Agreement in support of the development:

1. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

The Toronto Green Roof By-law applies to commercial buildings over 2,000m². The By-law requires a percentage of a building's roof to be clad in vegetative material based on the size of the building. Based on the proposed gross floor area of 15,420m² the Green Roof By-law would apply. In accordance with By-law 1598-2012, the application will be seeking relief from the provisions of the by-law. A payment would be required in lieu of construction of a green roof for the reduced green roof area. The applicant has indicated the development does not comply with the provisions of the by-law due to the number of

skylights required by Costco. The applicant is proposing light reflective roof coatings to reduce the heat island effect.

Section 37

Following consultation with City staff and the local councillor, the applicant has agreed to provide a public benefits package and enter into a Section 37 Agreement to secure the following:

- i) a \$650,000.00 cash payment to be used towards the cost of capital improvements that will benefit the community in the vicinity of Thorncliffe Park such as, parks, a community centre or recreational facility to the satisfaction of the General Manager, Parks, Forestry & Recreation in consultation with the local Councillor, to be paid prior to the issuance of the first above-grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment; and
- ii) alterations to the listed heritage building on the property including entering into a Heritage Easement Agreement with the owners in accordance with Section 33 of the Ontario Heritage Act to allow for the construction of the proposed retail warehouse facility.

The following matters are also recommended to be secured in the Section 37 Agreement in support of the development:

- i) the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council in October 2009;
- (ii) the owner shall provide a financial guarantee in the form of an irrevocable letter of credit or certified cheque in the amount of \$175,000.00 to the City of Toronto for installation of signal priority at five intersections on Overlea Boulevard, or in the vicinity of the site, with transit priority capability; and
- (iii) the owner shall submit a revised Transportation Demand Management Plan to the satisfaction of the Director, Transportation Services, North York District.

Conclusion

The applicant's proposal for a new large-format retail store is consistent with the Provincial Policy Statement and in conformity with the Growth Plan for the Greater Golden Horseshoe. The proposal also conforms to the general policies of the Official Plan.

The site design responds appropriately to the policy direction. It is staff's view Costco's decision to preserve portions of the existing heritage resource and providing non-member

access to the food service area are positive contributions to the project and the Thorncliffe Park community. The proposed streetscape design will result in an attractive streetscape providing amenity along Overlea Boulevard. The proposal also includes weather canopies and generous pedestrian walkways including the midblock connection along the east property line.

It is recommended that the bills for the zoning by-law amendment not be introduced in Council until the Section 37 Agreement is entered into. Further, staff recommends the owner file written confirmation to the Director, Community Planning, North York District, formally withdrawing the Zoning By-law Amendment and associated Site Plan Control application filed in connection with the surface parking lot proposed north of Thorncliffe Park Drive.

CONTACT

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E-mail: sforrest@toronto.ca

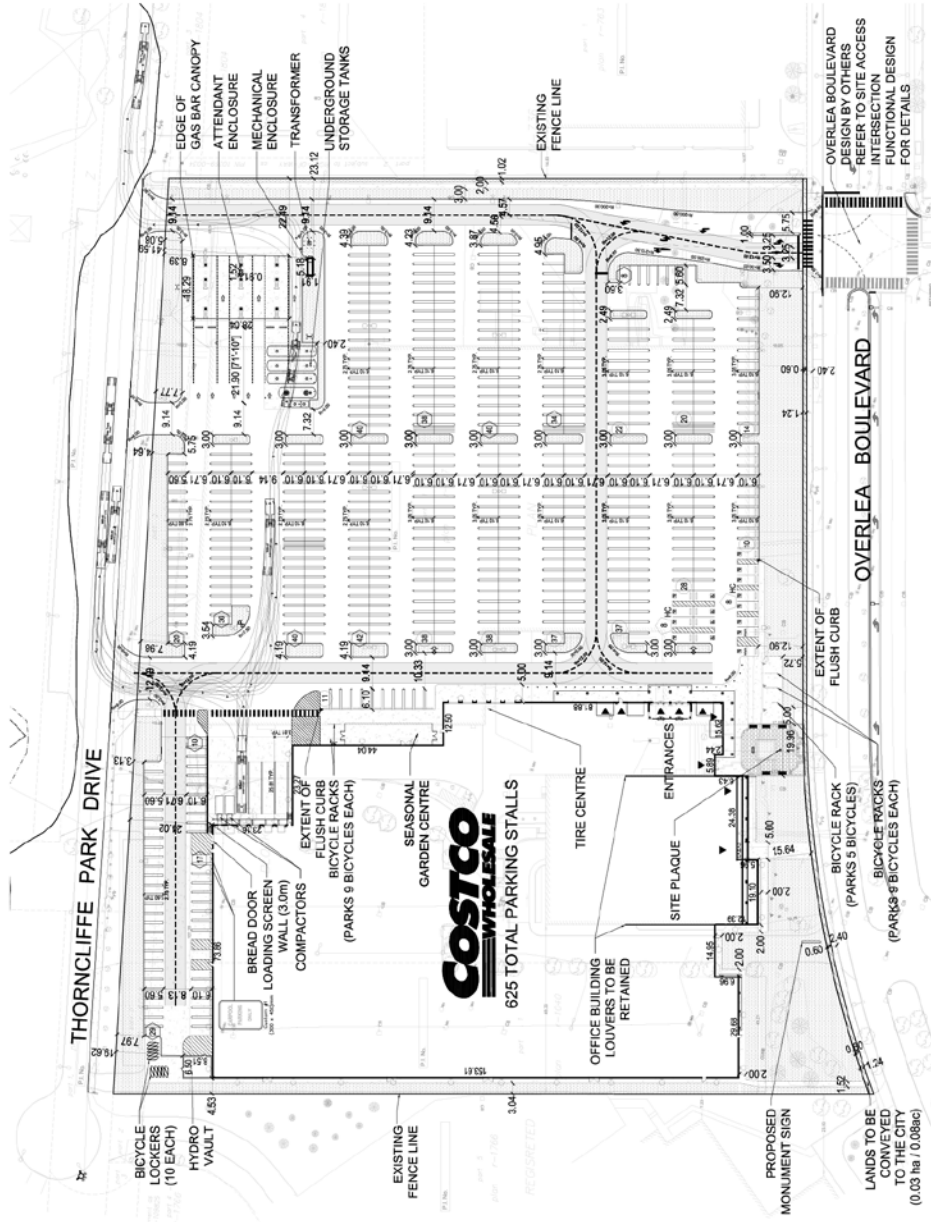
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Landscape Plan
- Attachment 3: Perspective
- Attachment 4: South (Overlea Boulevard) Elevations
- Attachment 5: North (Thorncliffe Park Drive) Elevations
- Attachment 6: East Elevation
- Attachment 7: West Elevation
- Attachment 8: Elevation (Gas Bar)
- Attachment 9: Elevation (Gas Bar)
- Attachment 10: Zoning – Former Borough of East York Town of Leaside Zoning By-law No. 1916
- Attachment 11: Zoning – City of Toronto Zoning By-law No. 569-2013
- Attachment 12: Application Data Sheet
- Attachment 13: Draft Zoning By-law Amendment to Former Borough of East York Town of Leaside Zoning By-law No. 1916
- Attachment 14: Draft Zoning By-law Amendment to City of Toronto Zoning By-law No. 569-2013

Attachment 1: Site Plan



42-46 Overlea Boulevard

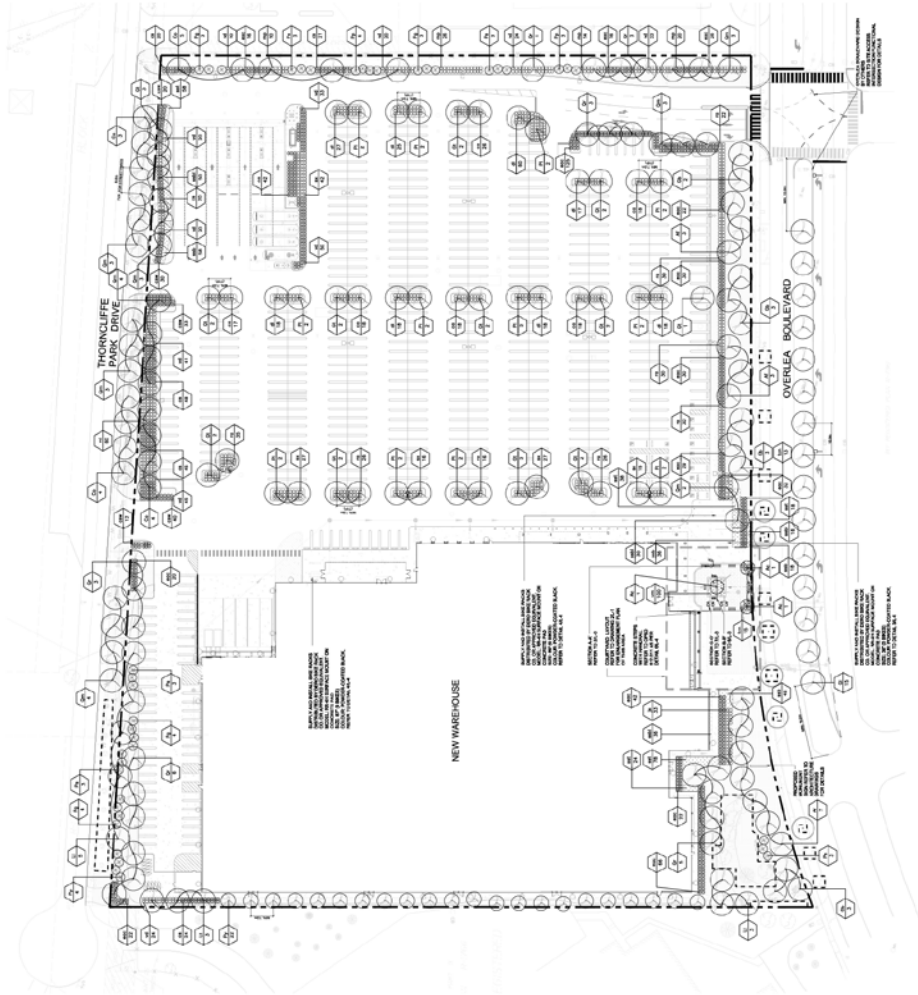
Site Plan

Applicant's Submitted Drawing

Not to Scale
08/07/2015

File # 13 190927 NNY 26.0Z

Attachment 2: Landscape Plan



42-46 Overlea Boulevard

Landscape Plan
Applicant's Submitted Drawing
Not to Scale
08/07/2015

File # 13 190927 NNY 26 0Z

Attachment 3: Perspective



Southeast Birdseye Perspective

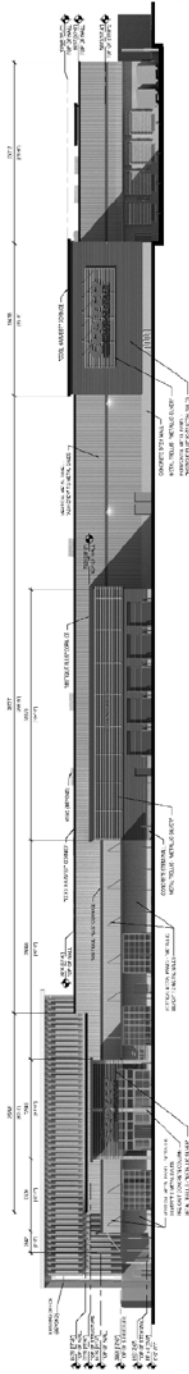
Applicant's Submitted Drawing

Not to Scale
08/07/2015

42-46 Overlea Boulevard

File # 13 190927 NNY 26 0Z

Attachment 6: East Elevation

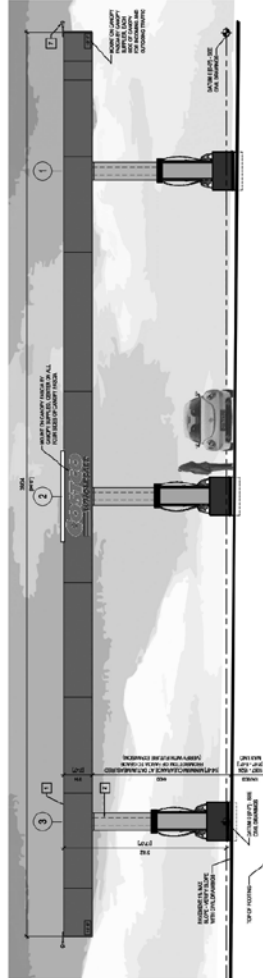


42-46 Overlea Boulevard

File # 13 190927 NNY 26.0Z

East Elevation
 Applicant's Submitted Drawing
 Not to Scale
 08/07/2015

Attachment 8: Elevation (Gas Bar)



42-46 Overlea Boulevard

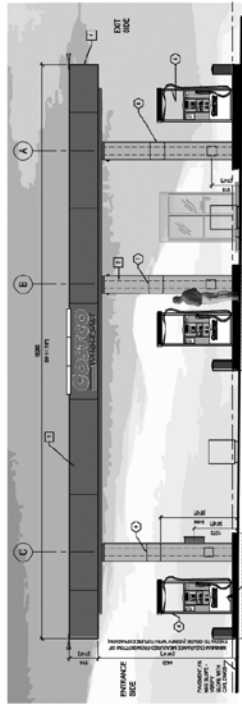
Canopy & Dispenser Islands 1 Elevation

Applicant's Submitted Drawing

Not to Scale
08/07/2015

File # 13 190927 NNY 26.0Z

Attachment 9: Elevation (Gas Bar)



42-46 Overlea Boulevard

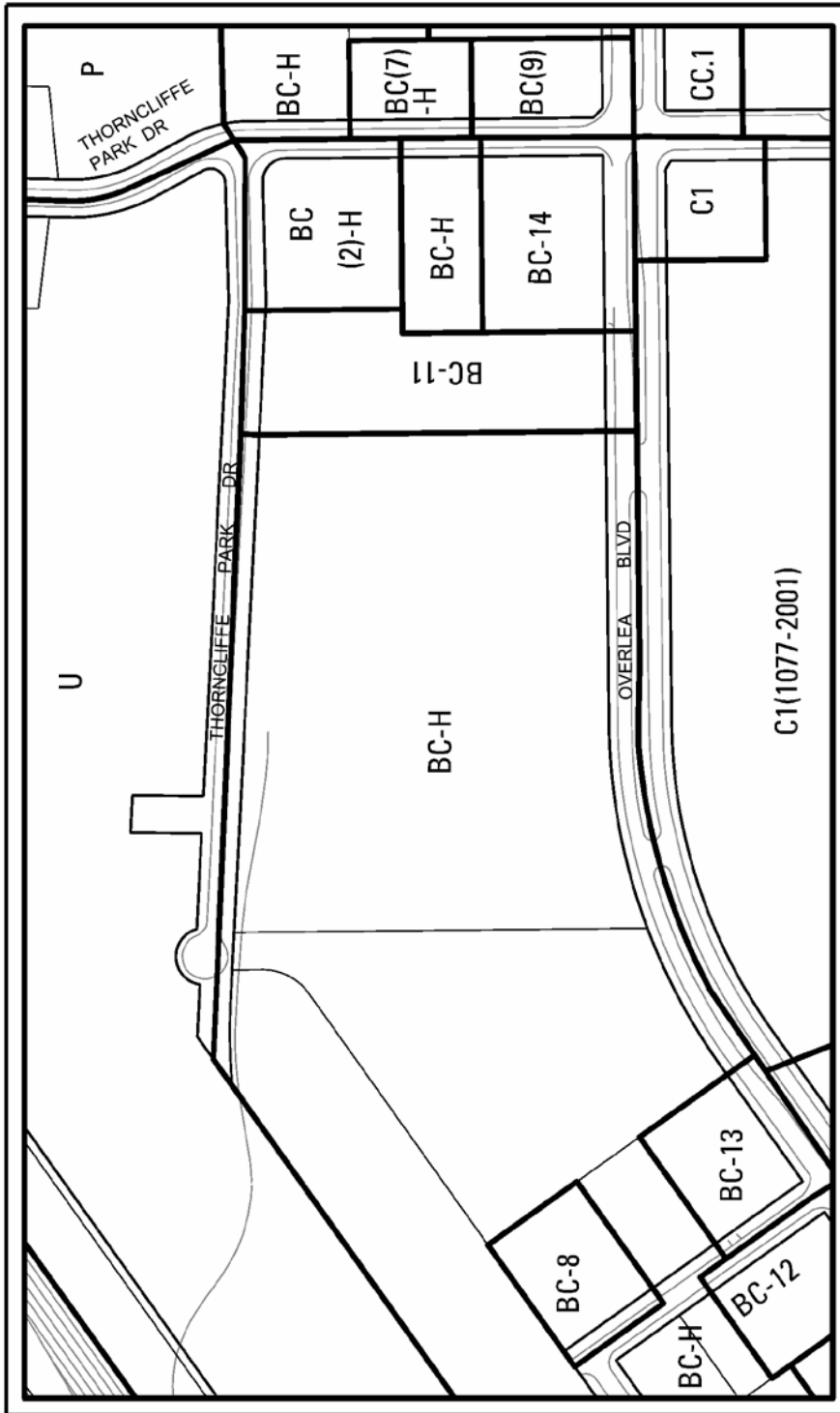
File # 13 190927 NNY 26.0Z

Canopy & Dispenser Islands 2 Elevation

Applicant's Submitted Drawing

Not to Scale
08/07/2015

**Attachment 10: Zoning
Former Borough of East York (Town of Leaside) By-law**



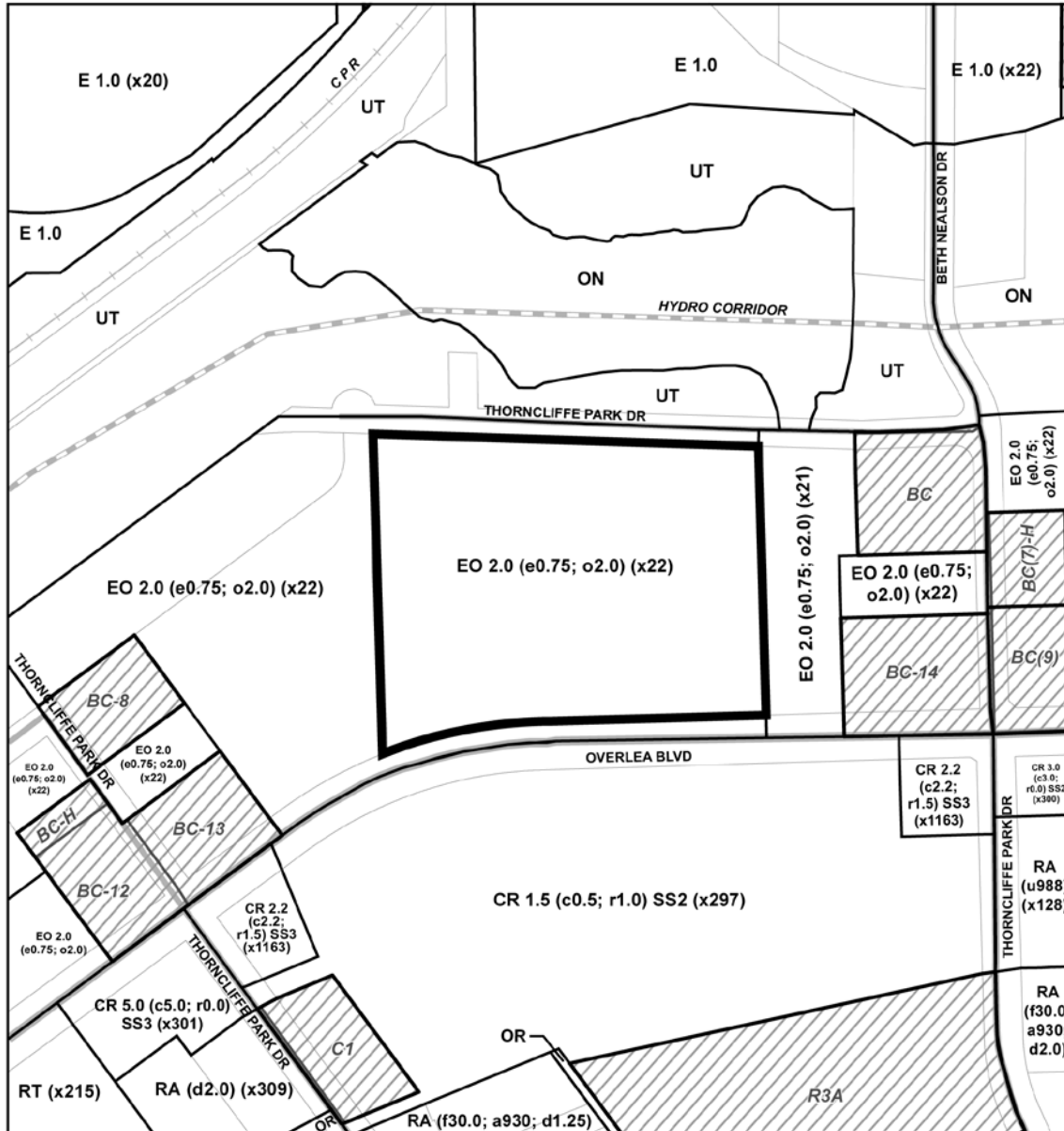
42-46 Overlea Boulevard
File # 13 190927 NMY 26 0Z



- BC Business Centre
- C1 Commercial General
- CC Commercial Centre
- U Utility Uses
- P Conservation

Not to Scale
Leaside Zoning Bylaw 1916
Extracted 08/10/2015

Attachment 11: Zoning City of Toronto By-law



TORONTO City Planning
Zoning By-law 569-2013

42-46 Overlea Boulevard
File # 13 190927 NNY 26 02

<p> Location of Application</p> <p>RA Residential Apartment RT Residential Townhouse CR Commercial Residential E Employment Industrial</p>	<p>EO Employment Industrial Office ON Open Space Natural OR Open Space Recreation UT Utility and Transportation</p>	<p> See Former Borough of East York Bylaw No. 1916</p> <p>R3A High Density Residential C1 Commercial - General BC Business Centre</p>	<p>↑ Not to Scale Extracted 07/04/2013</p>
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Attachment 12: Application Data Sheet

Application Type	Rezoning	Application Number:	13 190927 NNY 26 OZ
Details	Rezoning, Standard	Application Date:	June 19, 2013
Municipal Address:	42-46 OVERLEA BLVD		
Location Description:	PLAN M736 PT BLK A RP R517 PART 1 PART 2 RP R1040 PART 1 PART 2 **GRID N2605		
Project Description:	Rezoning application to permit a one-storey, 15,402 m ² (165,787 sq.ft.) large scale stand alone retail store (Costco Warehouse Membership Club) with ancillary 3-island, 18-pump vehicle fuel station and 625 surface parking spaces on the former Coca-Cola Refreshments Canada head office and bottling plant site located at 42 and 46 Overlea Boulevard. A portion of the existing 3-storey office building would be retained and integrated into the proposed retail store.		

Applicant:	Agent:	Architect:	Owner:
MMM GROUP LIMITED	DARRYL BIRD	MULVANNYG2 ARCHITECTURE CORPORATION	CANADIAN PROPERTY HOLDINGS (ONTARIO) INC

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	N
Zoning:	EO	Historical Status:	Y
Height Limit (m):	30	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	52813.35	Height:	Storeys:	1
Frontage (m):	268.8		Metres:	9
Depth (m):	186 (East) 221 (West)			
Total Ground Floor Area (sq. m):	15402		Total	
Total Residential GFA (sq. m):	0		Parking Spaces:	625
Total Non-Residential GFA (sq. m):	15402		Loading Docks	4
Total GFA (sq. m):	15402			
Lot Coverage Ratio (%):	0.29			
Floor Space Index:	0.29			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	15402
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT:	PLANNER NAME:	Steve Forrester, Senior Planner
	TELEPHONE:	(416) 395-7126
	EMAIL:	sforrest@toronto.ca

**Attachment 13: Draft Zoning By-law
Amendment to Former Borough of East York (Town of Leaside) Zoning By-law No.
1916**

Authority: North York Community Council Item _____ as adopted by City of
Toronto Council on ~, 2015
Enacted by Council: ~, 2015

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2015

**To amend By-law No. 1916, as amended, for the former Town of Leaside, with
respect to lands municipally known in the year 2015 as 42 and 46 Overlea
Boulevard**

WHEREAS Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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*;

WHEREAS the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

WHEREAS pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law;

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 1916, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

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

1. The lands subject to this by-law are those lands outlined by a heavy black line and identified on Schedule "1" attached to and forming part of this by-law.
2. Schedule "A" to former Town of Leaside Zoning By-law No. 1916, as amended, is hereby further amended by changing the zoning category for the lands shown on Schedule "1" of this By-law from BC(H) Business Centre Zone to "BC(16) Business Centre Zone".
3. Former Town of Leaside Zoning By-law No. 1916, as amended, is hereby further amended by adding a new Section 8.2.3(k) immediately after Section 8.2.3(j) as follows:

“8.4.3(n) 42 and 46 Overlea Boulevard - BC(16)

- (i) Area Restricted

The provisions of this section 8.4.3(n) shall only apply to the lands zoned BC(16) on Schedule 1 attached to By-law No. xxx-2015.

- (ii) General Provisions

- (1) Permitted Uses

- (a) In addition to the uses permitted within Section 8.2.1 a) of the M1 Zone and Section 8.4.1 of the BC Zone, the following uses are also permitted:

Retail Store
Automobile Service Station

- (b) An Automobile Service Station may have a maximum of 18 fuel dispensing pumps.

- (2) General Development Requirements

For the uses permitted in Section 8.4.3(n)(ii)(1) of this By-law, the following shall apply:

- (a) Maximum Gross Floor Area shall be 15,403m² for a Retail Store and Automobile Service Station.
- (b) Maximum Floor Space Index shall be 0.29.
- (c) Maximum Lot Coverage of 30%. For the purposes of this section, Lot means the entire lands outlined by a heavy black line on Schedule 1.

- (d) Yard Setbacks for Buildings and Structures
 - (i) The minimum Yard setbacks for a Retail Store on the Lot shall be as follows:
 - (a) Minimum Front Yard: 15.6 metres
 - (b) Minimum Rear Yard: 24 metres
 - (c) Minimum West Side Yard: 4.5 metres
 - (d) Minimum East Side Yard: 152 metres
 - (ii) The minimum Yard setbacks to the edge of a canopy above fuel dispensing pumps associated with an Automobile Service Station use on the Lot shall be as follows:
 - (a) Minimum Front Yard: 151.0 metres
 - (b) Minimum Rear Yard 8.30 metres
 - (c) Minimum West Side Yard 224.0 metres
 - (d) Minimum East Side Yard 22.40 metres
 - (iii) For the purposes of this section, awnings, canopies and colonnades for a Retail Store may project within the Yard setbacks referred to in (i) above provided they are wholly on the property.
 - (iv) For the purposes of this section, the Rear Yard is deemed to be along Thorncliffe Park Drive.
- (e) Maximum Height of Buildings and Structures
 - (i) The maximum Height for a Retail Store shall not exceed 1 storey or 15 metres.
 - (ii) The following may exceed the maximum Height limit for a Retail Store;
 - (A) A roof structure which is used to house stairwells for roof access and/or the mechanical, electrical or ventilation systems for the building;
 - (B) Decorative features and design elements including parapets and skylights;

(iii) The maximum Height limit for a canopy above gasoline pumps shall not exceed 5.5 metres.

(f) Landscaping

(i) A minimum 6.0 metre wide landscape strip shall be provided along the entire east property line;

(i) A minimum 12.90 metre wide landscape strip shall be provided along the entire south property line;

(iii) A minimum 3.0 metre wide landscape strip shall be provided along the entire north property line;

(iv) A minimum 4.50 metre wide landscape strip shall be provided along the west property line;

(v) For the purposes of this section, entrance driveways, pedestrian walkways and decoratively paved hard landscape features are permitted within the landscape areas.

(g) Parking

Notwithstanding the requirements of Section 5.17, a minimum ratio of 4.08 parking spaces per 100 m² of Gross Floor Area shall be provided.

(h) Bicycle Parking

(a) A minimum of 28 occupant bicycle parking spaces shall be provided at grade; and

(b) A minimum of 41 visitor bicycle parking spaces shall be provided at grade.

(i) Loading Spaces

Notwithstanding the requirements of Section 5.19(a), loading spaces shall be provided in accordance with the following for the lands identified on Schedule "BC(16)" of this By-law;

(a) 4 Type A loading spaces;

- (b) A Type A loading space shall have minimum dimensions of 17m long, 3.5m wide and a vertical clearance of 4.3m.

(iii) Section 37 Agreement

- (a) The owner of the lands shown in Schedule "1" shall enter into one or more agreements with the City to secure the following facilities, services and matters that are in a form satisfactory to the City Solicitor and registered on title;

- (i) prior to issuance of the first above-grade building permit for any Building or Structure within the development the owner shall:

- A. make a \$650,000.00 cash payment to be used towards the cost of capital improvements that will benefit the community of Thorncliffe Park including, but not limited to, parks, a community centre or recreational facility in consultation with the local Councillor, to be paid prior to the issuance of the first above-grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment; and,

- B. the conservation of the listed heritage building on the site including entering into a Heritage Easement Agreement with the owners under the Ontario Heritage Act, for the protection and maintenance of the building.

- (b) Where Section 8.4.3(n)(iii)(a)(i) above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

- (c) The owner shall not use, or permit the use of, a Building or Structure erected with an increase in density permitted pursuant to this By-law unless all provisions of Section 8.4.3(n)(iii)(a)(i) hereof are satisfied.

4. Other Provisions of the By-law.

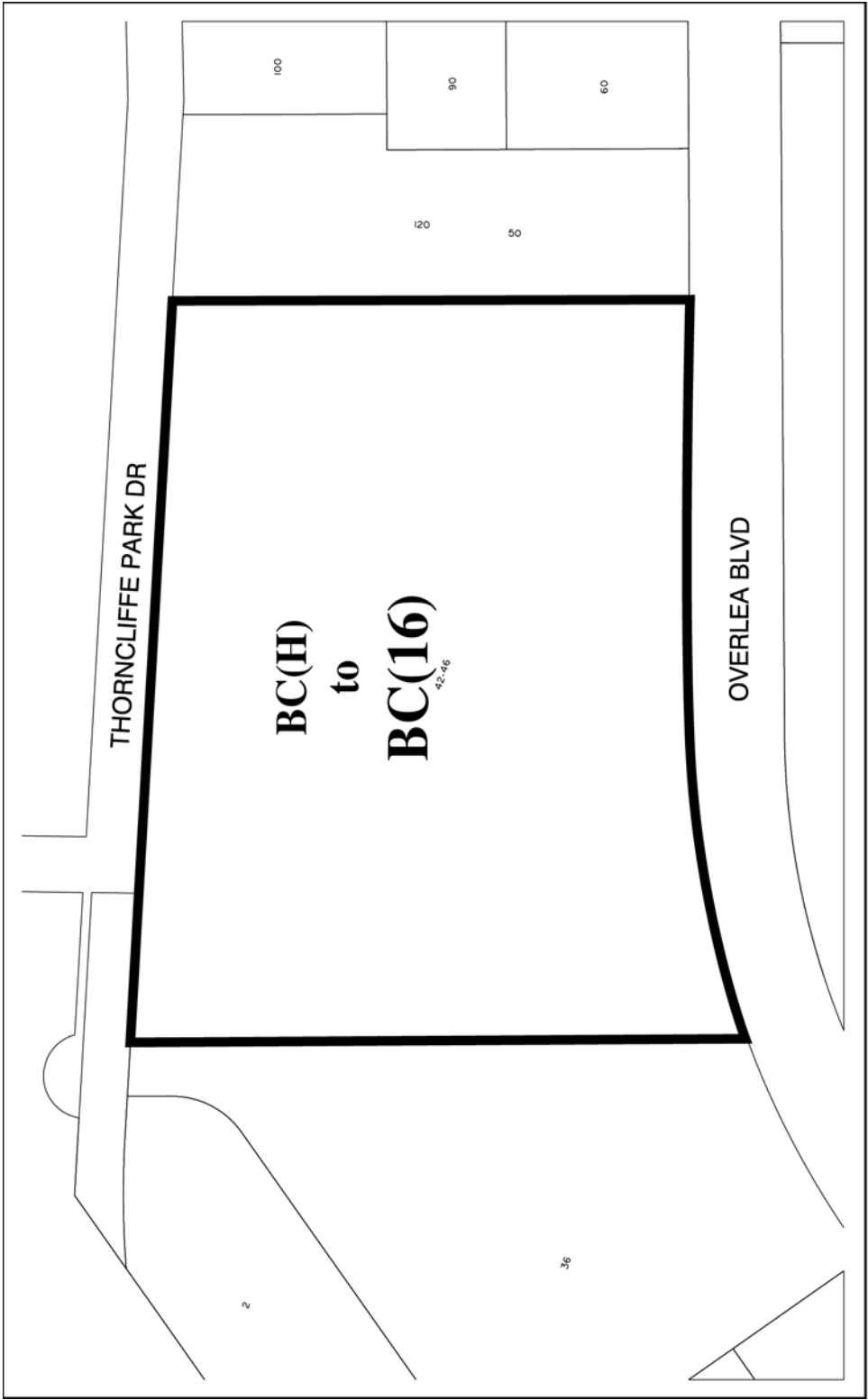
- (a) Notwithstanding anything else contained in this By-law, the provisions of Section 8.4.3(n) shall continue to apply collectively to all of the lands identified on Schedule "1" of this By-law, notwithstanding any future division of the lands into two or more parcels of land.
- (b) Except as amended in this By-law, all the other provisions of By-law No. 1916, amended, shall apply to the lands.
- (c) 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:
 - (i) 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
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 2015.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Schedule 1



File # 13 190927 NMY 26 0Z

Leaside By-Law 1916

↑
Not to Scale

Date: 08/10/2015
Approved by: S.F.

**Attachment 14: Draft Zoning By-law
Amendment to City of Toronto Zoning By-law No. 569-2013**

Authority: North York Community Council Item ##, as adopted by City of Toronto Council on ~, 2015

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2015

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as, 42 and 46 Overlea Boulevard

Whereas Council of the City of Toronto has the authority to pursuant to 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*; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in retail density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to EO (e0.75; o2.0)(x1) as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.24.10 Exception Number 1 so that it reads

(1) **Exception EO 1**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 42 and 46 Overlea Boulevard, if the requirements of by-law [Clerks to insert By-Law number] are complied with, none of the provisions of 150.92.20.1(4), 60.40.20.100(6), 60.40.20.100(28), 60.40.40.70(2)(A)(ii), 150.92.20.1(4) and 200.5.10.1, apply to prevent the erection or use of a **retail store** and **vehicle fuel station** if the **retail store** and **vehicle fuel station** complies with (B) to (E) below;
- (B) A **vehicle fuel station** may have:
 - (i) a single propane tank if it contains no more than 7,570 litres of propane; and,
 - (ii) a maximum of 18 fuel dispensing pumps.
- (C) The total **gross floor area** of the **retail store** must not exceed a maximum of 15,336 square metres.
- (D) The minimum west **side yard** setback of the **retail store** is 4.50 metres.
- (E) A **retail store** with a **gross floor area** up to 13,336 square metres must provide 623 **parking spaces**; and
- (F) A building or structure may be erected in accordance with (A) to (E) above, if all requirements of Schedule 'A' of by-law [Clerks to insert By-Law number] are complied with.

5. Prevailing By-laws and Prevailing Sections:

- (A) Section 8.4.1(c), Section 8.4.1(d) and Section 8.4.1(e), former Borough of East York Town of Leaside by-law 1916.

6. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in retail density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in retail density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on _____, 2015

Name,
Speaker

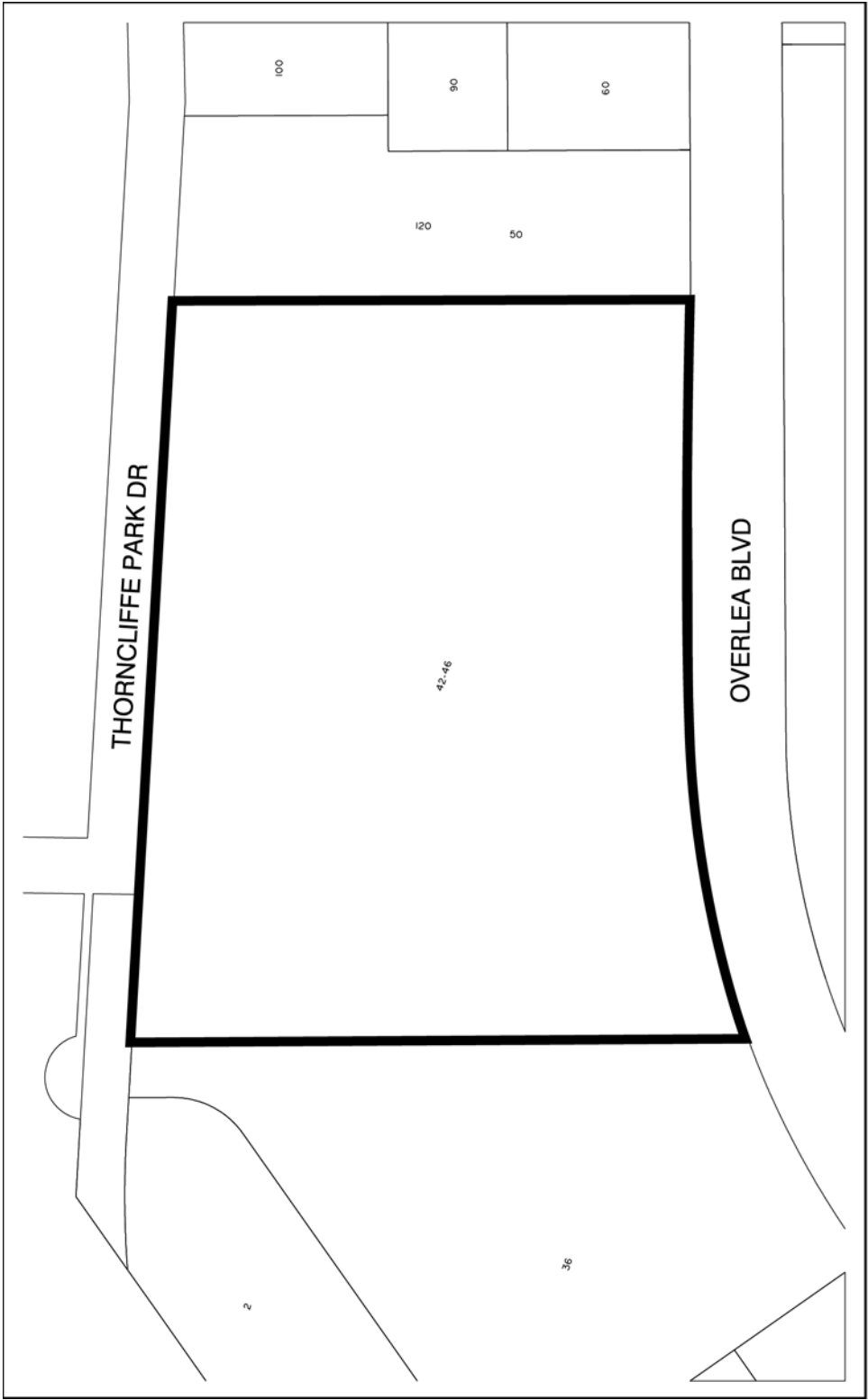
Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in retail density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to issuance of an above grade building permit the owner shall:
 - (a) make a \$650,000.00 cash payment to be used towards the cost of capital improvements that will benefit the Thorncliffe Park community such as, but not limited to, parks, a community centre or recreational facility in consultation with the local Councillor, to be paid prior to the issuance of the first above-grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment.
 - (b) conserve the listed heritage building on the site including entering into a Heritage Easement Agreement with the owners under the Ontario Heritage Act, for the protection and maintenance of the building.
- (2) The owner shall provide the following to support the development of the lands;
 - (a) Construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council in October 2009; and
 - (b) A Transportation Demand Management Plan prepared to the satisfaction of the Director, Transportation Services, North York District.
- (3) In the event the cash contribution referred to in Section (1)(a) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



TORONTO City Planning
Diagram 1

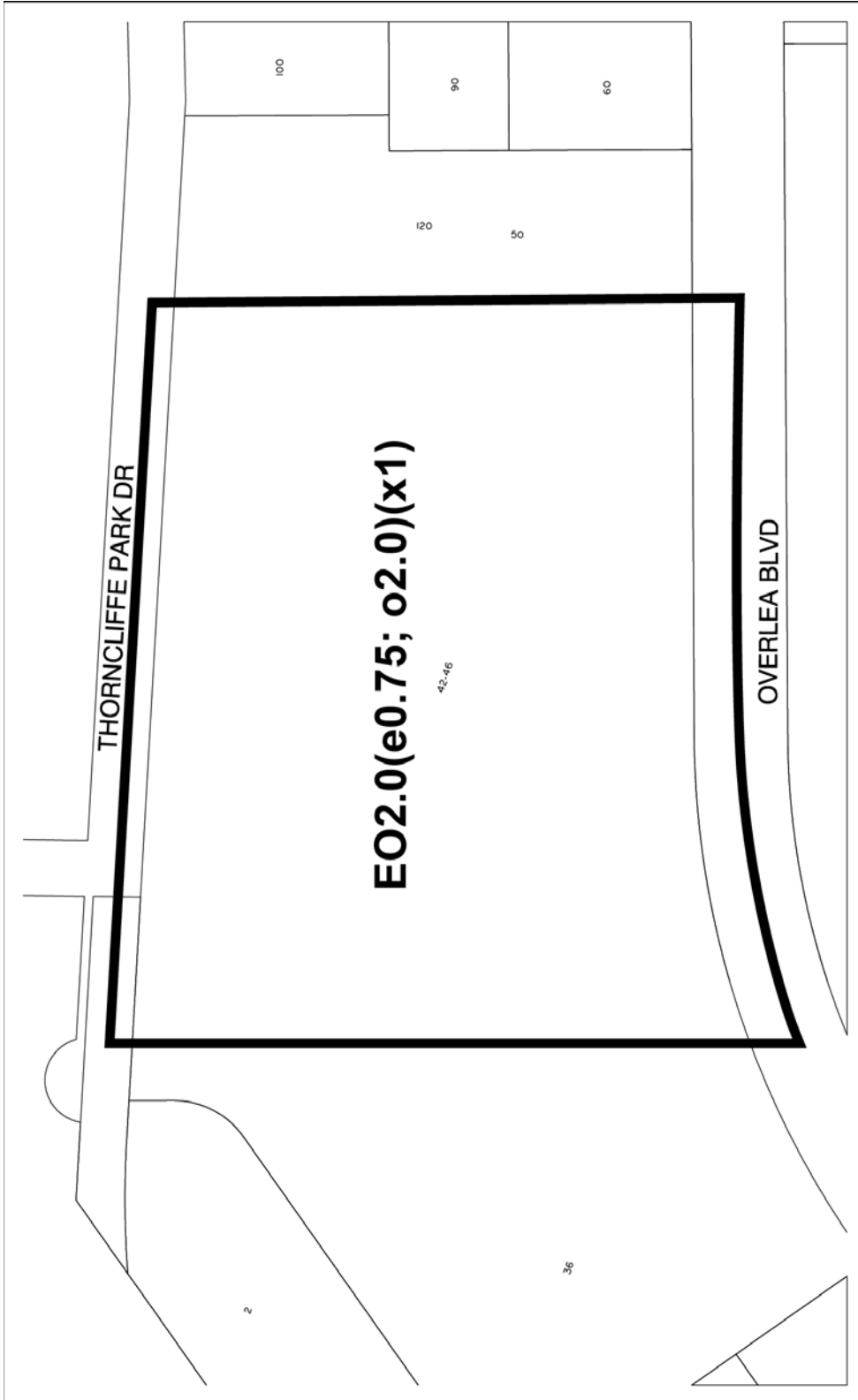
42-46 Overlea Boulevard

File # 13 190927 NNY 26 0Z



City of Toronto By-Law 1156-2010
 Not to Scale
 08/10/2015

Approved by: Steve Forrester



Toronto City Planning
Diagram 2

42-46 Overlea Boulevard

File # 13 190927 NNY 26 0Z



City of Toronto By-Law 1156-2010
 Not to Scale
 08/10/2015

Approved by: Steve Forrester