



REPORT FOR ACTION

6351 Steeles Avenue East - Zoning Amendment and Draft Plan of Subdivision Applications – Final Report

Date: June 21, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: Ward 23 - Scarborough North

Planning Application Numbers: 12 114223 ESC 42 OZ and 02 035441 ESC 42 SB

SUMMARY

This application proposes to amend the Employment Districts Zoning By-law No. 24982 (Tapscott Employment District East), as amended, for the property at 6351 Steeles Avenue East to permit the construction of a single-storey warehouse and distribution centre having a gross floor area of approximately 152,498 square metres. The resulting FSI is approximately 0.72 times the area of the lot along with 1024 surface parking spaces.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019) and the Greenbelt Plan (2017). The proposed building would generate between 600 and 1200 jobs, intensifying lands that form part of a Provincially Significant Employment Zone and are designated municipally as suitable for employment growth with non-residential uses.

Development of the subject lands will necessitate the construction of a segment of the Morningside Avenue Extension between Steeles Avenue East and Passmore Avenue. The extension of Morningside Avenue from its existing terminus at McNiccoll Avenue to Steeles Avenue East is a long standing transportation infrastructure project to improve connectivity in northeast Scarborough. The segment under consideration to be advanced at this time would provide necessary access to the subject lands while helping to integrate the site with employment uses emerging to the west.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 24982, for the lands at 6351 Steeles Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 6351 Steeles Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
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. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision as generally illustrated in Attachment No. 7 to this report, subject to:
 - a. the conditions as generally listed in Attachment No. 7 to this report, which, except as otherwise noted, must be fulfilled prior to final approval and the release of the Draft Plan of Subdivision for registration; and
 - b. any such revisions to the proposed Draft Plan of Subdivision or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.
5. Prior to passing of the Bills by City Council, City Council require the owner to carry out a Stage 1 archaeological resource assessment of the lands included in the Zoning By-law Amendment application that have not been previously subject to archaeological assessment and submit this report to the City. Should the Stage 1 archaeological assessment recommend further property assessment (i.e. Stage 2), the applicant shall confirm in writing that current development applications contemplate no alteration of these additional lands, and that no demolition, construction, grading or other soil disturbances shall take place on the subject lands identified by the Stage 1 report as requiring further archaeological assessment.
6. City Council authorize the General Manager, Transportation Services, to negotiate in a form satisfactory to the City Solicitor with the applicant and/or its design consultants and/or construction contractors as the case may be, to design and construct the segment of Morningside Avenue between Steeles Avenue East and Passmore Avenue, including that:

a. the design and construction of the road segment be undertaken such that it would be ultimately integrated into broader street network improvements to be undertaken by the City in the future widening of Steeles Avenue East from Tapscott to Ninth Line and Morningside Avenue from Passmore Avenue to McNicoll Avenue.

7. Upon Council approval of funding for the Morningside Ave. Extension capital project, as part of the 2020 Capital Budget process, City Council authorize the General Manager, Transportation Services to enter into and execute an agreement, or separate agreements, in a form satisfactory to the City Solicitor with the applicant and/or its design consultants and/or construction contractors as the case may be, to design and construct the segment of Morningside Avenue between Steeles Avenue East and Passmore Avenue.

FINANCIAL IMPACT STATEMENT

Transportation Services Division Financial Impacts

The estimated capital funding required to implement the Morningside Ave. Extension between Steeles Avenue East and Passmore Avenue is approximately \$1.5 million gross and \$0 debt (excluding HST recoveries) for work during 2020 – 2022, fully funded by the Development Charge Reserve Fund - Roads (XR2110).

The required capital funding is not currently available within the 2019 Capital Budget and 2020 – 2028 Capital Plan for Transportation Services. Should Council authorize the negotiation of a cost sharing agreement with the developer, the capital funding required will be included for consideration as part of the 2020-2029 Capital Budget & Plan submission for Transportation Services.

Future operating budget impacts of capital investments in infrastructure developments associated with the Morningside Ave. Extension between Steeles Avenue East and Passmore Avenue would need to be included for consideration as part of future Operating Budget submissions for Transportation Services.

Toronto Water Financial Impacts

New water, sanitary and stormwater management infrastructure required to service the proposed development will have to be determined in accordance with the City's requirements and paid by the owner. Any associated costs related to water, sanitary and stormwater infrastructure works will be included for consideration as part of the 2020-2029 Capital Budget and Plan submission for Toronto Water.

Once Toronto Water assumes operations and maintenance of newly completed infrastructure required/constructed for this development, there will be associated costs. These future operating budget impacts would need to be included for consideration as part of future Operating Budget submissions for Toronto Water.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

In May 2002, an application was filed for draft plan of subdivision to create blocks and a public street layout for the purposes of facilitating the development of the lands with industrial uses (File No. 02 035441 ESC 42 SB).

Staff's review of the application was placed on hold pending the outcome of the Environmental Assessment (EA) associated with the Markham By-pass and Morningside Avenue Extension. The EA, completed by York Region in 2005, recommended an alignment for a direct road link crossing the Morningside Tributary and Rouge River. In 2009, the Minister of the Environment permitted York Region to formally amend the EA to re-evaluate alternative alignments for the extension of Morningside Avenue. In 2011, York Region submitted the amending EA to the Ministry of the Environment which sought approval of a new arterial road extending from Highway 407 in Markham, to the intersection of Morningside and McNicoll Avenues in the City of Toronto. The EA was approved with conditions by the Minister of the Environment in 2013.

With the completion of the initial EA, the draft plan of subdivision application was revised in 2007 to align with the proposed Morningside Avenue Extension. Similarly in June 2007 the development limits of the subject site were determined following a staking exercise undertaken by the Toronto Region Conservation Authority (TRCA). These limits implement a minimum 10-metre setback from the staked drip line of the Morningside Tributary. Shortly thereafter, the subdivision was again put on hold as the process was initiated to amend the EA to contemplate alternate alignments for the extension of Morningside Avenue.

After the completion of the amending EA, a revised rezoning application was subsequently submitted on January 30, 2012 (File Nos. 12 114223 ESC 42 OZ). The 2012 proposal involved the rezoning of a portion of the valley lands containing the Morningside Creek from an Agricultural Zone (AG) to an Open Space Zone (O). The plan of subdivision at the time contemplated the creation of 11 industrial blocks, the terminus of an extension of Select Avenue, plus a stormwater management pond.

A preliminary staff report dated February 24, 2012 was considered by Scarborough Community Council. The Decision of Community Council can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.SC14.20>

The final review of these applications was again placed on hold pending the outcome of an ongoing detailed design exercise of the future Morningside Avenue extension.

In 2018, staff were advised that the owner identified a single tenant for the subject site seeking a large warehouse and distribution facility to service the eastern Greater

Toronto Area. This new program for the development of the lands, necessitated a revised development proposal and further refinements to the existing Zoning By-law Amendment and Draft Plan of Subdivision applications for the proposed new road.

PROPOSAL

The application proposes the construction of a single-storey warehouse and distribution centre having a gross floor area of approximately 152,498 square metres at 6351 Steeles Avenue East. The resulting FSI is 0.72 times the area of the lot.

As illustrated on Attachment No. 8, the proposed building is a large rectangle with a length of over 546 metres and a width of 174 metres. While heavily automated, the facility would generate anywhere between 600-1200 jobs, representing a significant intensification of employment uses on a currently vacant site in the Tapscott Employment District East.

The primary pedestrian entrance to the proposed building would be from the future Morningside Avenue extension. The segment of the Morningside Extension that will need to be constructed with the development extends south from Steeles Avenue East to Passmore Avenue and affords three entrances to the employee parking area which surrounds the warehouse on three sides. A total of 1,024 vehicular parking spaces are being proposed, of which, 23 will be accessible parking spaces.

A total of 85 loading spaces are proposed located in the east side yard of the proposed building with primary truck access from the eastern end of Passmore Avenue. The balance of the subject site is proposed to be used for temporary trailer storage, vehicular parking spaces and landscaping. No open storage is being proposed.

A private stormwater management pond is contemplated on the east side of the subject lands adjacent to the TRCA buffer. The stormwater pond, parking and loading areas as well as the proposed building are set back a minimum of 10 metres from the adjacent natural heritage features and hazards identified and staked by Toronto and Region Conservation Authority and further defined through this review process.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Site and Surrounding Area

The subject site is approximately 30.5 hectares extending from Steeles Avenue East, south to Passmore Avenue and east to the CPR Havelock line as indicated on Attachment 2 - Location Map. The property contains remnants of a former homestead and has been used for crop growing and the valley lands of Morningside Creek are treed and vegetated.

Development is proposed for the western portion of the lands, a site of approximately 22.5 hectares in size. The developable portion of the subject lands is bounded by Steeles Avenue East to the north, the CPR rail line and Passmore Avenue to the south and a development limit established by a 10-metre buffer from natural features associated with Morningside Creek. The western boundary of the development site will have frontage on the future extension of Morningside Avenue, to be created and constructed through the proposed draft Plan of Subdivision. Land uses surrounding the development site are as follows:

North: across Steeles Avenue East in the Town of Markham, is a golf course and existing low-scale residential uses and commercial uses, as well as a new residential subdivision currently under construction.

East: immediately east of the development site is the Morningside Creek valley and associated wetlands, along with lands used for agricultural uses. As described above, these lands are under the same ownership and municipal address as the development site, and are subject to this application. Further east and beyond the subject lands are low-scale residential uses within the Morningside Heights Community.

South: across Passmore Avenue is a soil storage facility related to the Malvern Remedial Project and an asphalt plant.

West: across the future Morningside Avenue extension are vacant lands designated for industrial uses and a manufacturing and warehouse facility under construction.

Reasons for Application

An application is required to amend the Employment District By-Law No. 24982, as amended (Tapscott East) to permit certain components of the proposed development program, along with adjustments to the required setbacks and parking rates. Portions of the site must also be redesignated from the Agricultural Zone to the Open Space Zone to properly zone the adjacent valley lands containing the Morningside Creek.

An amendment to City of Toronto Zoning By-law 569-2013 is also required to add this site to the By-law.

A Draft Plan of Subdivision application is required in order to facilitate the extension of Morningside Avenue south from Steeles Avenue East to Passmore Avenue and secure its construction.

APPLICATION BACKGROUND

Application Submission Requirements

In addition to the required architectural and landscape plans the following reports/studies have been submitted with the application:

- Draft Zoning By-law Amendments;
- Toronto Green Standards Checklist;
- Public Consultation Plan;
- Arborist Report;
- Planning & Urban Design Justification Report;
- Functional Design Drawings
- Functional Servicing Report
- Archaeological Assessment
- Erosion and Sediment Control
- Contaminated Site Assessment
- Geotechnical Study
- Hydrogeological Report
- Natural Heritage Impact
- Servicing Report
- Stormwater Management Report
- Stormwater Management Pond Design Report
- Transportation Impact Report
- Tree Preservation Plan

The above-noted reports/studies are available at the Application Information Centre (AIC) which can be found here:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Notifications of Complete Application were issued May 18, 2011 (Draft Plan of Subdivision) and February 24, 2012 (Zoning Amendment).

Agency Circulation Outcomes

The applications, together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards, conditions of Draft Plan of Subdivision, and conditions of Site Plan Control approval.

Community Consultation

A Community Consultation meeting was held June 4, 2012 at the Heritage Park Public School. Approximately 6 members of the public attended.

Issues were raised included traffic volumes, vehicular access from Steeles Avenue East, construction phasing, extent of open storage, proximity to nearby residential uses and proposed building setbacks from the Morningside Creek.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given had an opportunity to view the oral submissions made at the statutory public meeting held by the Scarborough Community Council for this application.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, draft plans of subdivision and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities including:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The PPS can be found here:

<http://www.mah.gov.on.ca/AssetFactory.aspx?did=10463>

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

On May 2, 2019, the Province of Ontario released "A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019" ("the Growth Plan (2019)") which amends the Growth Plan for the Greater Golden Horseshoe (2017). The new document came into effect on May 16, 2019 and all planning decisions are required to conform with it, on or after this date.

The Growth Plan (2019) provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Retail and office uses will be directed to locations that support active transportation and have existing or planned transit;
- Identifying Provincially Significant Employment Zones (PSEZs) that are designated and protected for employment uses such that they may only be converted through a Municipal Comprehensive Review;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The Growth Plan (2019) can be found here:

<https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

The Greenbelt Plan (2017)

The Greenbelt Plan (2017) identifies the Greenbelt within the Greater Golden Horseshoe region as an area where urbanization should not occur to provide permanent protection to the agricultural land base and the ecological and hydrological features and functions occurring in this landscape. The Greenbelt Plan restricts development in the Rouge Valley area of Toronto, including the Rouge National Urban Park, and directs that planning of surrounding lands should be undertaken in a manner that considers the interface and supports the vision and ecological and other functions of the Park. The Plan also designates lands within the main corridors of river valleys that flow through Toronto and connect the Greenbelt to Lake Ontario as Greenbelt Urban River Valleys encouraging planning approaches on lands within and abutting these river valleys to enhance ecological and hydrological functions. Publicly owned lands falling within the Urban River Valley designation continue to be governed by applicable Official Plan policies provided they have regard to the objectives of the Greenbelt Plan.

The Greenbelt Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing a specific geographic area in Ontario. The policies of the Greenbelt Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by Section 3 of the *Planning Act* and Section 7 of the *Greenbelt Act* to conform with the Greenbelt Plan.

The Greenbelt Plan (2017) can be found here:

<http://www.mah.gov.on.ca/Page13783.aspx>

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2019) and the Greenbelt Plan (2017). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2019) and the Greenbelt Plan (2019).

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and Provincial Policy Statements and Provincial Plans. The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The Toronto Official Plan designates a portion of the subject lands *General Employment Areas* and *Core Employment Areas* on Map 22 which allows uses such as: offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, restaurants and small-scale stores and services that serve area businesses and workers. Places of worship, recreational and entertainment facilities, business and trade schools and branches of community colleges or universities may also be permitted on major streets such as Steeles Avenue and Tapscott Road.

Developments within *General Employment Areas* will contribute to the creation of competitive, attractive and functional *Employment Areas* by providing, among other matters, adequate parking and loading on-site, landscaping to enhance streetscapes, and limiting outside storage to the rear of the property and ensuring that it is well screened.

The majority of the subject land is identified as *Employment Areas* on Map 2, Urban Structure. *Employment Areas* policies identify the need to protect and promote these areas for economic activity in order to attract new and expand existing employment clusters that are key to Toronto's competitive advantage, and to develop quality *Employment Areas* that are global and provide a range of employment opportunities that can be reached by means other than the private automobile. Walking and cycling will be encouraged by creating safer and more attractive conditions within the *Employment Areas*.

The balance of the lands containing the Morningside Creek, valley lands, and natural features are identified on Map 2 as part of the Green Space System and a Greenbelt River Valley Connection. This portion of the subject lands also form part of the Natural Heritage System, as identified on Map 9 and are designated *Natural Areas* on Land Use Map 22. *Natural Areas* will be maintained primarily in a natural state while allowing for compatible recreational, cultural and educational uses, and facilities that minimize adverse impacts on natural features and functions.

Green Space System policies identify the importance of natural heritage systems within the City. The *Green Space System* is to be protected, improved and expanded by acquiring adjacent lands to buffer the natural areas from private development. The associated natural heritage policies require development in or near the Natural Heritage System to identify measures to mitigate negative impact on natural features and reduce adverse effects of stormwater and snowmelt, and stormwater management practices to ensure no net increase of flows or degradation of stormwater quality.

The Built Form policies specify that new development be located and organized to fit within its context and to frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. New developments are to locate and organize vehicular parking, vehicular access and service areas and utilities to minimize their impact on the property and on surrounding properties to improve the safety and attractiveness of adjacent streets.

Schedule 2 of the Official Plan identifies the extension of Morningside Avenue to Steeles Avenue East as a planned but unbuilt road. The constructed portion of Morningside Avenue south of McNicoll Avenue is identified by Map 3 of the Official Plan as 36 metres. The Environmental Assessment for the extension has been completed as outlined above in the Decision History, and the project is in a detailed design phase along with the widening of Steeles Avenue East.

Zoning

The site has multiple zoning designations. The majority of the site is zoned Industrial (M) and General Industrial (MG), while the remainder of the site is zoned Agricultural (AG) by former City of Scarborough's Employment District By-Law No. 24982, as amended (Tapscott East). Please see Attachment No. 4 for a zoning map of the subject lands.

The Industrial 'M' zone permits the following uses:

- Day Nurseries;
- Educational and Training Facility Uses;
- Industrial Uses;
- Offices, excluding Medical and Dental Offices;
- Places of Worship; and,
- Recreational Uses.

The General Industrial Zone ('MG') permits all of the above uses plus:

- Open Storage;
- Places of Worship; and
- Recreational Uses.

The maximum gross floor area permitted is limited to 0.50 times the area of the lot.

Exception No. 136 is applicable to the portion of the subject lands zoned Agricultural and permits agricultural uses in addition to Institutional Uses.

Exception No. 508 is applicable to the portion of the subject lands zoned Industrial and prohibits fish, meat or poultry processing as an industrial use within 100 metres of the north streetline of Steeles Avenue East.

The City of Toronto Zoning By-law No. 569-2013, does not apply to the subject lands but the By-law can be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application (19 113010 ESC 23 SA) was submitted in addition to the Zoning By-law Amendment application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The proposal will provide for an efficient development pattern and use of land while utilizing existing public infrastructure and services as provided for by the PPS. The proposal represents a significant intensification on lands designated for employment uses as provided for by Policy 1.3.1. The construction of Morningside Avenue fronting the development site will ensure the necessary infrastructure is provided to support current and projected needs.

In accordance with the PPS Natural Heritage policies 2.1, the development will protect natural features and areas by directing the development and site alteration out of the Natural Heritage System, fish habitat, and habitat of endangered species.

Policy 2.1.8 of the PPS prohibits development and site alterations on lands adjacent to natural heritage features and areas identified as provincially significant wetlands by the Ministry of Natural Resources and Forestry (MNRF) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The wetland area associated with Morningside Creek adjacent to the development site has not been identified as provincially significant by MNRF and has not been evaluated. MNRF staff have indicated that the Ministry does not have a position regarding the status of the wetlands at the subject property. A Natural Heritage Impact Statement (NHIS) was filed with the application which concluded that the ecological function of the Morningside Creek wetland would be retained and any potential impacts to the adjacent natural area would be mitigated within the development limits.

In 2015, consistent with the direction provided by the PPS, City Council adopted Official Plan Amendment 262 (OPA 262) which designated 68 new and expanded 14 existing Environmentally Significant Areas (ESA). OPA 262 was the outcome of extensive consultation with stakeholders including environmental groups, community associations, the general public, the development industry, City Divisions, the Toronto and Region Conservation Authority (TRCA) and relevant Provincial Ministries. The segment of Morningside Creek and wetland areas adjacent to the subject development site were not identified as an ESA through this process and are not so designated in the Official Plan.

The proposed Zoning By-law Amendment establishes a minimum development limit of 10 metres from the wetland feature by rezoning lands which buffer the development site from the wetland to Open Space. These buffer lands will be conveyed to the TRCA, along with lands within the natural features.

Consistent with PPS Natural Hazard Policy 3.1, the proposal protects public health and safety by directing development outside the hazard lands that are vulnerable to flooding from Morningside Creek and erosion due to the steep valley slope. Accordingly, no site alteration is proposed within 10 metres of these hazards.

Staff have determined the proposal conforms with the Growth Plan (2019), as it provides an appropriate level of intensification at a type and scale that fits within the developing area context. The proposed building would generate between 600 and 1200 jobs, intensifying lands with non-residential uses that form part of a Provincially Significant Employment Zone while also being designated municipally as suitable for employment growth. Investment in the Morningside Extension conforms to Growth Plan policy 3.2.4.3, which states that municipalities will provide for the establishment of priority routes for goods movement, where feasible, to facilitate the movement of goods into and out of employment areas. The proposal also conforms with Growth Plan Natural Heritage System policies in subsection 4.2.2 by establishing a development limit on site to ensure that the development does not encroach into the Natural Heritage System.

The proposal also conforms to the Greenbelt Plan, 2017. A portion of the lands adjacent to the Morningside Creek are identified as Urban River Valley lands in the Greenbelt, 2017. The Greenbelt Plan's Urban River Valley designation integrates the Greenbelt into urban areas, with the goal of protecting natural and open space lands, natural heritage features, and hydrologic features and functions; conserving cultural heritage resources; and providing a gateway to the rural landscape of the Greenbelt; and providing a range of settings on publicly owned lands for recreational, cultural and tourism uses, including parkland, open space land and trails. Only publicly owned lands are subject to the policies of the Urban River Valley designation, and therefore, do not currently apply. Once these lands are conveyed to public ownership as a result of this development, these lands would become subject to the Urban River Valley policies. Urban River Valley lands are governed by municipal official plan policies, provided they have regard to the objectives of the Greenbelt Plan.

Land Use

This application has been reviewed against the official plan policies, zoning by-law and general urban design standards described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole. The subject lands are designated *Core Employment Areas*, *General Employment Areas* and *Natural Areas*.

Employment Areas are places for business and economic activities where business and job growth is supported and encouraged. The proposed warehouse distribution centre with ancillary office uses are permitted in Employment Areas and support the integrity of the Tapscott Employment Area as a centre of economic activity.

Natural Areas are to be maintained primarily in a natural state. Lands identified in the draft Zoning By-law as Open Space on Attachment No. 5 will be conveyed to public ownership and would be maintained primarily in a natural state consistent with Official Plan policies.

Staff have determined that the proposed land uses are appropriate for the site.

Density, Height, Massing

The proposal contemplates the development of the subject lands with a large, one-storey warehouse/distribution centre building with a gross floor area of approximately 152,498 square metres. The proposal fits within the existing and the planned context for the subject property and the surrounding area. No outdoor storage is anticipated and operations will generally be contained within the proposed new building, addressing some compatibility concerns from area residents. The main entrance to the building is located along the future Morningside Avenue with enhanced landscaping and walkways proposed to provide direct pedestrian connection from the public sidewalk.

The proposed density, height and massing is appropriate and can be supported by staff.

Traffic Impact, Access, Parking, Loading

The applicant has submitted a Transportation Impact Study with their application. The study addressed traffic impact, road improvements, access/egress, and parking.

The proposed development will generate approximately 363 and 670 two-way vehicular trips (including trucks) during the weekday AM and PM peak hours, respectively, during typical operating conditions. The peak season for the facility is anticipated to be in November and December during the holiday delivery period, at which time the trips generated are expected to increase to 459 and 791 two-way vehicular trips during the weekday AM and PM peak hours, respectively.

Under existing conditions the Passmore Avenue and Tapscott Road intersection is operating at capacity. A signal warrant using OTM Book 12 Justification 4 is very nearly satisfied; however, this intersection will be signalized in the near term. In addition to this signalization, improvements to the local transportation network identified to facilitate the existing and future traffic demands include a widening of Steeles Avenue East and the extension of Morningside Avenue per the approved Environmental Assessment.

Road and intersection improvements directly associated with the proposed development are recommended to include the following, if the full Morningside Avenue EA recommendations are not constructed prior to the proposed development:

- An extension of Morningside Avenue from Passmore Avenue to Steeles Avenue East as a four-lane road;
- Signalization of Morningside Avenue and Steeles Avenue East with interim conditions of a single eastbound through lane with an eastbound right turn lane, and single westbound through lane with a westbound left turn storage lane; and,
- A second eastbound through lane at the Tapscott Road and Steeles Avenue East intersection. (This requirement would be triggered by the combination of the proposed development and the development proposed to the west of the future Morningside Avenue.)

The proposed vehicular parking supply meets current zoning requirements. The proposed 85 loading spaces provided also meets current zoning requirements. While current zoning standards require no bicycle parking for warehouse/industrial uses, a bike rack will be provided.

Vehicular access to the subject lands is provided via multiple driveways from the proposed Morningside Avenue extension. Truck access is restricted to one driveway from Passmore Avenue which will directly access loading bays situated on the east façade of the building. An area has also been set aside on the east side of the development site for trailer parking.

Staff's review of this material has determined the proposed improvements to the road network, access/egress, parking supply and loading spaces are acceptable.

Morningside Avenue Extension

The extension of Morningside Avenue from McNiccoll Avenue to Steeles Avenue East is identified in Schedule 2 of the Official Plan as a planned but unbuilt public street. A segment of the Morningside Avenue Extension between Steeles Avenue East and Passmore Avenue is required to be constructed to service the proposal and provide access to the subject lands and service the traffic generated by the proposal.

It is proposed that the construction of the Morningside Avenue segment be secured through the Subdivision Agreement and delivered by the applicant. The alternative approach, waiting for the full completion of detailed design and construction by the City as a capital work project, would severely impede if not jeopardize the development proposal as the construction of this segment is crucial to the viability of the warehouse and distribution function. Construction of this segment of Morningside Avenue with the proposal would also facilitate integration of the lands with the surrounding employment area and other local development projects.

The applicant has taken steps to provide a detailed design of the Morningside Avenue segment which is in keeping with the approved EA and works with the proposed, approved, and emerging development in the local context. The design acknowledges the various local constraints and drainage patterns while ensuring that development sites on both sides of the right of way benefit from some level of access.

If constructed only as a segment between Steeles Avenue East and Passmore Avenue, it is likely that a two-lane cross section of Morningside Avenue would be necessary to service the traffic generated by the subject site. However, the above noted detailed design work contemplates the ultimate cross-section approved through the EA: four lanes plus intersection turning lanes, sidewalks and multi-use trail. It is appropriate that the segment be constructed to the ultimate cross section to minimize future disruptions in the operations of the businesses within the employment area when the time comes to implement the remainder of the Morningside Avenue Extension and the widening of Steeles Avenue East. Constructing to the ultimate cross section at this time may also

limit future costs incurred by the City upgrading the segment from a two- to four-lane cross section while also implementing the broader network improvements.

Preliminary cost estimates indicate that the difference between construction costs of the two-lane cross section necessary to service a the development and the costs of ultimate four lane cross section is approximately \$1.2 million. This is around 30% of the overall cost of constructing the segment. The applicant has requested the ability to negotiate with the City to determine if any opportunities for cost sharing arrangements could be secured to implement this segment of the Morningside Extension at its ultimate cross-section.

This report recommends that City Council authorize the General Manager, Transportation Services, to begin those negotiations and enter into and execute an agreement, or separate agreements, in a form satisfactory to the City Solicitor, to design and/or construct the segment of Morningside Avenue between Steeles Avenue East and Passmore Avenue. All agreements will be subject to establishing a fair and reasonable price based on the work involved, estimated quantities, and unit price costs for similar work as well as compliance with City construction standards and relevant policies, including but not limited to the Fair Wage Policy.

Servicing

New infrastructure will be required to service the proposed development. Existing watermains will need to be extended along Steeles Avenue East and Passmore Avenue via the Morningside Avenue Extension to provide water to the subject lands. Similarly, a sanitary sewer will need to be extended along Passmore Avenue to the site. Once this infrastructure is extended to service the site, capacity is available in the broader system to accommodate the proposed development. Stormwater will be managed through a combination of infiltration and a private stormwater management pond to meet the requirements of the City's requirements and control runoff to avoid impacting the adjacent natural feature. The details of the design and implementation of the extension of municipal infrastructure and stormwater management pond, including any required easements, will be secured during approval of the draft Plan of Subdivision and Site Plan Control applications.

Economic Impact

The proposed development represents a significant intensification of the site and would generate between 600 and 1200 jobs on lands designated provincially and municipally for employment growth. The proposal will house a single tenant who has been drawn to the area by the potential workforce present in the eastern part of Toronto and the GTA, along with a need to reach customers in this part of the city and region. The proposed warehouse and distribution facility will be a significant contributor to enhancing and strengthening the economic function of the Tapscott Employment Area moving forward.

Open Space/Parkland

Chapter 415, Article III of the Toronto Municipal Code exempts industrial uses from providing parkland dedication. Therefore, no parkland dedication or cash-in-lieu is required for this development.

Ravine and Natural Heritage

Ravines are important natural landforms that are part of the City's natural heritage system. A portion of the subject lands are subject to the Ravine and Natural Feature Protection By-law, as per the City of Toronto Municipal Code Chapter 658 and are within the mapped Natural Heritage System identified on Map 9 of the Official Plan. The subject property is also partially located within a Toronto Region Conservation Authority (TRCA) Regulated Area of the Rouge River Watershed. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shoreline and Watercourse Regulation), a permit is required from TRCA prior to development of the subject lands. The submitted Natural Heritage Impact Study (NHIS) identified key natural heritage features on the site including wetlands, woodlands, the Morningside Creek watercourse, valleylands, and threatened and endangered species habitat. Accordingly, the application was circulated to City of Toronto Urban Forestry staff and Toronto and Region Conservation Area (TRCA) staff for review.

The Official Plan and TRCA policy limits development in or near the Natural System. Furthermore, infrastructure should not be located within the Natural System. TRCA policy defines the limit of the Natural System by the greater of a 10-metre buffer from a natural feature and/or natural hazard, including the long-term stable top of slope/bank, regulatory flood plain, meander belt, and any contiguous natural features or areas. Accordingly, all development located on the subject lands, including the required stormwater management pond and related infrastructure, are set back beyond the minimum 10-metre buffer taken from the greater of natural heritage features and hazards, as identified in the May, 2019 update to the Natural Heritage Impact Study.

TRCA policy recommends that lands in the Natural System be conveyed into public ownership for long-term enhancement and protection. Accordingly, these buffer lands and lands within the natural features will be conveyed to public ownership through the development approvals process. Additional lands that are part of the natural feature south of the CP Rail Corridor which are under the same ownership of the subject lands but not part of this application may also be conveyed to the TRCA through subsequent approvals (Draft Plan of Subdivision and Site Plan Control). The total lands conveyed into public ownership are shown on Attachment 9 and are comprised of approximately 6.6 hectares.

To protect and enhance the ecological health and integrity of the Natural System, a ravine stewardship plan for the lands to be conveyed to the TRCA was submitted as part of the application for Site Plan Control approval. This plan is currently under review.

In summary, the development limits, conveyance of land, and naturalization measures all contribute to the conformity of the proposal to the relevant Official Plan policies.

Archaeological Assessment

Stage 2 and 3 archaeological resource assessments were submitted for the entire portion of the subject lands within the development limit. These assessments have satisfied archeological concerns for the portion of the site containing the proposed development and subject to the application for Site Plan Control approval. However, these archeological assessments did not include the entirety of the lands subject to this Zoning By-law Amendment application, specifically the river valley lands and lands to the east of the river valley. As such, the property continues to exhibit archeological potential, and a minimum Stage 1 archeological assessment is required on all undisturbed lands.

To secure this requirement, staff recommend that this Stage 1 archeological assessment be completed by the applicant prior to enactment of the Bills. Should the Stage 1 assessment recommend further property assessment, the applicant shall confirm in writing that current development applications contemplate no alteration of these lands, and that no demolition, construction, grading or other soil disturbances shall take place on the additional lands identified as requiring further assessment. The lands in question have been restricted from development by the draft Zoning By-law by rezoning them to Open Space, the Zoning By-law Amendment can proceed subject to the process outlined above.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). As proposed, this project would require the removal of forty-one (41) privately owned trees located on subject site and two (2) private boundary/neighbour trees.

The total number of the privately owned trees proposed to be removed has yet to be determined as the exact location of the Ravine and Natural Features Protection By-law line has not been confirmed. This matter will be confirmed and addressed during the site plan approval process.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

In regards to soil volume, Urban Forestry staff requires that the owner provide a Soil Volume Plan indicating the soil area number, soil area, soil depth, soil volume and soil volume per tree, by outlining the area of the soil calculation. A table indicating the soil area number and the total soil volume (m³) for each area is also required.

The applicant is to submit a tree planting deposit to ensure the planting and survival of new City trees. In addition, Forestry requires the planting of a minimum 41 new trees to replace the private trees proposed for removal. The final number will be confirmed during site plan approval. As proposed, the Owner/applicant are not meeting the Toronto Green Standards Soil Volume requirements.

The applicant has provided a complete Toronto Green Standard Version 3.0 – Checklist and a complete Statistics Template. Toronto Green Standard Version 3.0, Ecology Section EC 1.1, EC1.2 and EC1.3 will be further examined during site plan approval with a view to achieving minimum soil volume requirements.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), the Greenbelt Plan (2017), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017) and the Greenbelt Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the intensification of lands designated for employment, the protection of the adjacent wetlands, and the provision of infrastructure to support development. Staff recommend that Council support approval of the application.

CONTACT

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E-mail: renrick.ashby@toronto.ca

Sophie Knowles, Planner, Tel. 416.396.4157,
E-mail: sophie.knowles@toronto.ca

SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Attachment 5: Draft Zoning By-law Amendment (Zoning By-law 24982)

Attachment 6: Draft Zoning By-law Amendment (Zoning By-law 569-2013)

Attachment 7: Draft Conditions of Draft Plan of Subdivision

Applicant Submitted Drawings

Attachment 8: Site Plan

Attachment 9: Draft Plan of Subdivision

Attachment 10: Elevations

Attachment 1: Application Data Sheet

| | | | |
|------------------|------------------------------------|---------------------|---------------------|
| Application Type | Rezoning/Draft Plan of Subdivision | Application Number: | 12 114223 ESC 42 OZ |
| Details | Rezoning | Application Date: | January 30, 2012 |

Municipal Address: 6351 STEELES AVE E
 Location Description: Part of Lots 14 & 15, Concession 5
 Project Description: Rezoning application to permit the construction of a single-storey warehouse and distribution centre and the extension of Morningside Avenue south from Steeles Avenue East to Passmore Avenue and secure its construction.

| | | | |
|-------------------|---------------|-------------------|--------------------|
| Applicant: | Agent: | Architect: | Owner: |
| BOUSFIELDS INC. | | | MANULIFE FINANCIAL |

PLANNING CONTROLS

| | | | |
|----------------------------|------------------|--------------------------|-----|
| Official Plan Designation: | Employment Areas | Site Specific Provision: | |
| Zoning: | M, MG, AG | Historical Status: | no |
| Height Limit (m): | | Site Plan Control Area: | yes |

PROJECT INFORMATION

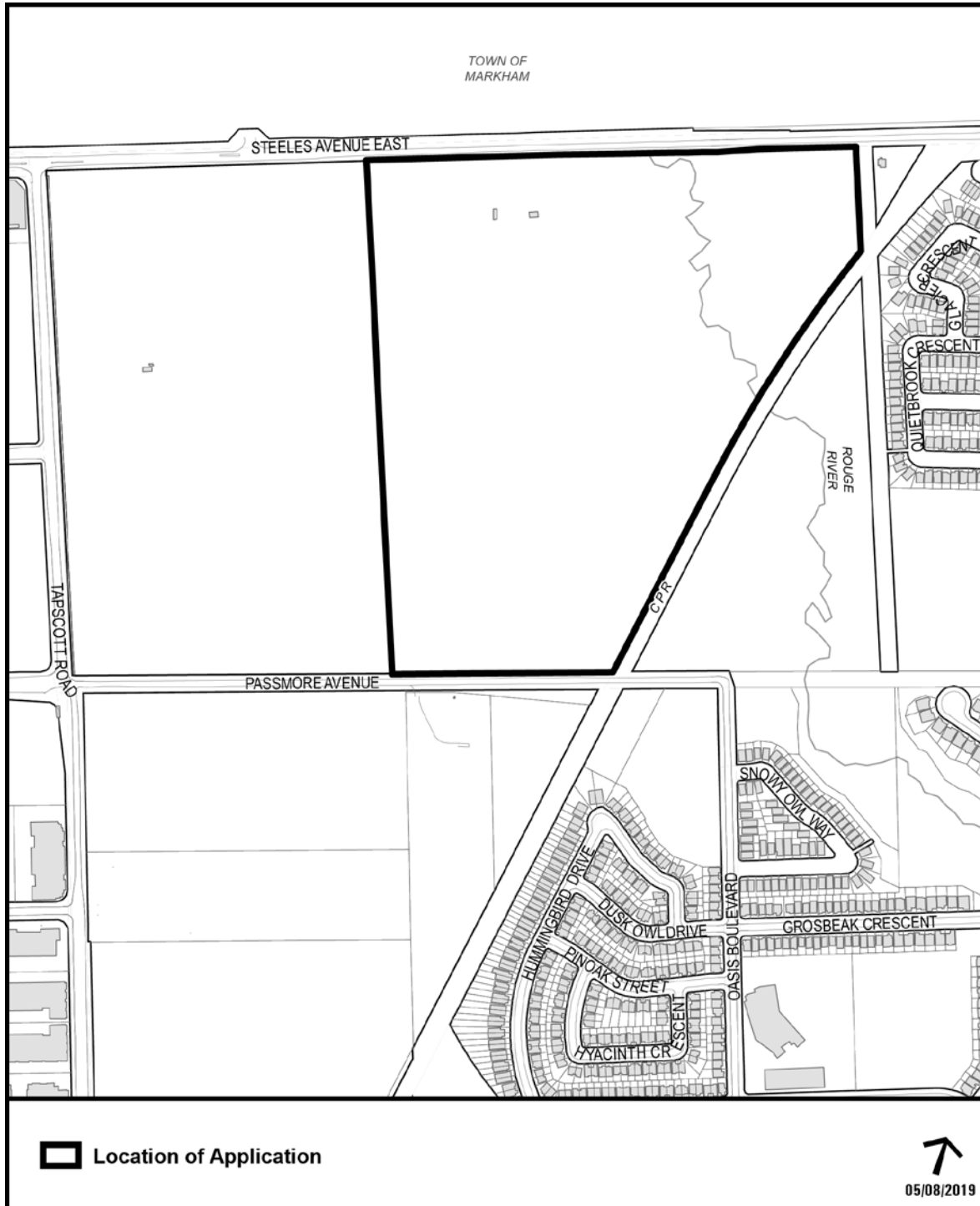
| | | | | |
|------------------------------------|---------|---------|-----------------|--------------|
| Site Area (sq. m): | 305,000 | Height: | Storeys: | 1 |
| Frontage (m): | 96 | | Metres: | 12.8 |
| Depth (m): | 546 | | | |
| Total Ground Floor Area (sq. m): | 152,498 | | | Total |
| Total Residential GFA (sq. m): | N/A | | Parking Spaces: | 1024 |
| Total Non-Residential GFA (sq. m): | 152,498 | | Loading Docks: | 85 |
| Total GFA (sq. m): | 152,498 | | | |
| Lot Coverage Ratio (%): | 42.23 | | | |
| Floor Space Index: | .72 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | | | |
|--------------|-----|--------------------------|-------------|-------------|
| Tenure Type: | | | Above Grade | Below Grade |
| Rooms: | N/A | Residential GFA (sq. m): | N/A | N/A |
| Bachelor: | N/A | Retail GFA (sq. m): | N/A | N/A |
| 1 Bedroom: | N/A | Office GFA (sq. m): | 3,231.6 | N/A |
| 2 Bedroom: | N/A | Industrial GFA (sq. m): | 149,221 | N/A |
| + Bedroom: | N/A | Guard House (sq. m): | 25.77 | N/A |

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #22

Note: This map was extracted from the July 2015 Land Use Plan. For current information refer to the February 2019 data.

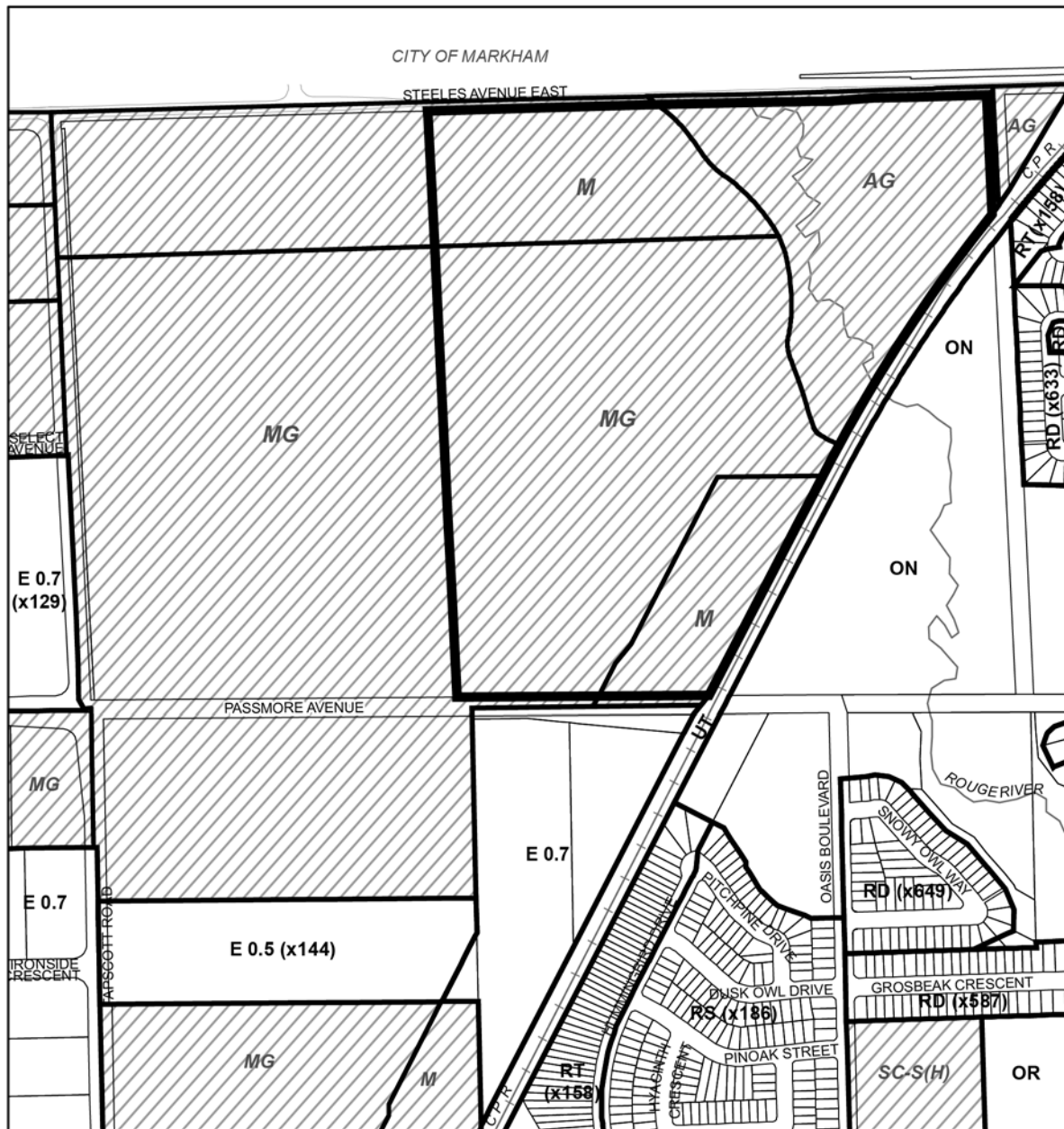
6351 Steeles Avenue East

File # 12 114223 ESC 24 0Z



↑
 Not to Scale
 05/08/2019

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

6351 Steeles Avenue East

File # 12 114223 ESC 24 0Z

Location of Application

RD Residential Detached
RS Residential Semi-Detached
RT Residential Townhouse

E Employment Industrial
ON Open Space Natural
OR Open Space Recreation
UT Utility and Transportation

See Former City of Scarborough Morningside Heights Community (OMB Order PL000356/Decision 1076)

SC-S School, Single-Family Residential

See Former City of Scarborough Employment District By-law No. 24982 (Tapscott)

M Industrial Zone
MG General Industrial Zone
AG Agricultural Zone

Not to Scale
 Extracted: 05/08/2019

Attachment 5: Draft Zoning By-law Amendment (Zoning By-law 24982)

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

CITY OF TORONTO

Bill No. ~
BY-LAW No. ~-20~

To amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Tapscott Employment District), as amended, with respect to lands municipally known in the year 2019 as, 6351 Steeles Avenue East

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

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

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

SCHEDULE 'A' of the Tapscott Employment District Zoning By-law is amended by substituting new performance standards on the lands, as shown outlined on Schedule '1' attached hereto and forming part of this By-law, together with the following letters and numerals:

M-913-991-1054-1640-273-2714-2900-2901 Exception No. 508 851

MG-913-991-1054-1640-273-2714-2900-2901 Exception No. 508 851

AG-913-1159

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

INTENSITY OF USE

273: The **gross floor area** of all **buildings** minus the **gross floor area** of all **basements** is 155,000 square metres.

HEIGHT

2714: Maximum 15 metres.

PARKING

2900: **Parking spaces** must be provided at the following rate:

- a) a minimum of 1.07 **parking spaces** for each 100 square metres of industrial **gross floor area**; and
- b) a minimum of 3 **parking spaces** for each 100 square metres of **office gross floor area**.

2901: Required **parking spaces** will be permitted in the **side yard, rear yard and front yard** of the lot.

3. CLAUSE V – GENERAL PROVISIONS Sub-Clause 8 Loading Space

Requirements will not apply.

4. **SCHEDULE “C”, EXCEPTIONS LIST**, of the Tapscott Employment District Zoning By-law as amended, is further amended by adding the following EXCEPTION No. 851 on the lands as shown outlined on the attached Schedule ‘C’:

Exception No. 851 On those lands identified as Exception No. 851, on the attached Schedule ‘C’, the following additional uses will be permitted:

- a) stormwater management facility/pond
- b) guard house

5. The provisions of this By law shall apply to all of the lands collectively regardless of future severance, partition or division.

6. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

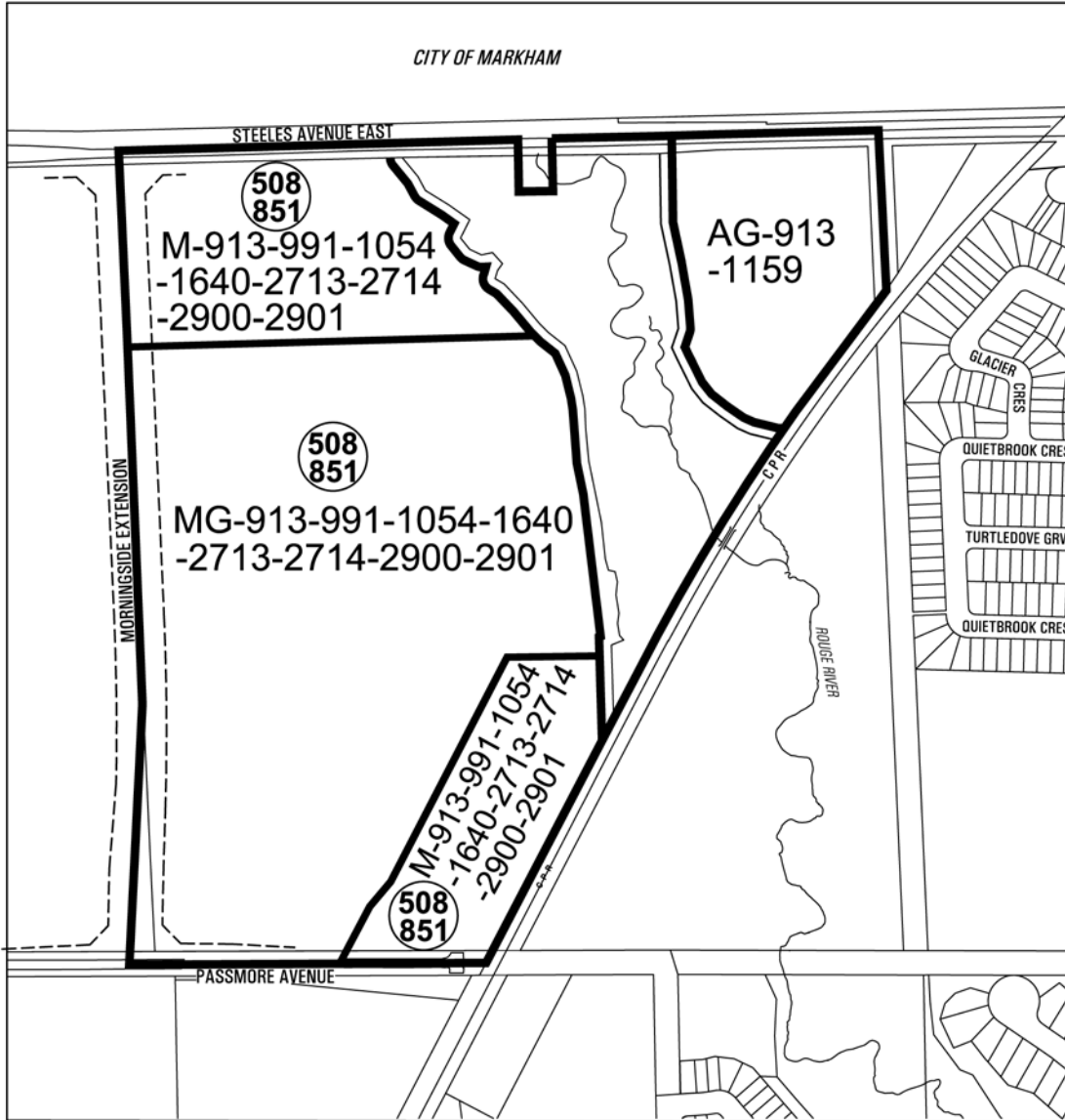
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY, ULLI S. WATKISS,
 Mayor City Clerk

(Corporate Seal)

Schedule '1'

Schedule '1'



 **TORONTO**
Zoning By-Law Amendment

6351 Steeles Avenue East
File # 12 114223 ESC 24 0Z

 Area Affected By This By-Law

Tapscott Employment District Bylaw
Not to Scale
06/20/19


Attachment 6: Draft Zoning By-law Amendment (City of Toronto By-law 569-2013)

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

CITY OF TORONTO

Bill No. ~
BY-LAW No. [XXXX- 2019]

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2019 as, 6351 Steeles Avenue East;

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

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 adding the lands outlined in a heavy black line on Diagram 2 to the Zoning By-law Map in Section 990.10 and adding the zone label E (x), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined in a heavy black line on Diagram 2 to the Policy Area Overlay Map in Article 995.10.1; the Height Overlay Map in Article 990.20.1; the Lot Coverage Overlay Map in Article 995.30.1; and Rooming House Overlay Map in Article 995.40.1.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.20.10 a new Exception Number x, so that it reads:

Exception E [x]

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 6351 Steeles Avenue East, a building or structure is permitted if in compliance with the following regulations;
- (B) The permitted non-residential **gross floor area** of all **buildings** and **structures** must not exceed 155,000 square metres or 0.72 FSI;
- (C) Despite Regulation 60.5.40.10, the **height** of the **building** is measured from **established grade**, which for the purposes of Exception E x is the Canadian Geodetic Datum elevation of 170.27 metres;
- (D) Despite Regulations 60.5.40.10 and 60.20.40.10, the permitted maximum **height** of a **building** or **structure** is as shown on Diagram 3 of By-law [Clerks to insert this By-law Number], except that the following elements of a **building** may project above the permitted maximum **height** in Diagram 3 of By-law [Clerks to insert this By-law Number] as follows:
- (i) within the areas on Diagram 3 with a number that is less than 5.5 following the symbol "H" on Diagram 3, safety or wind protection purposes, elements of a green roof, vents, stacks or other heating, cooling or ventilating equipment, a screen around such equipment, window washing equipment, architectural elements, parapets, stairs, stair enclosures, guardrails and railings, access hatches, access ladders, elevator overruns, and stair overruns; chillers, air units, vents, exit hatches and solar panels;
- (E) Despite Regulations 5.10.40.70, 60.5.40.70 and 60.20.40.70, the required minimum **building setbacks** for all **buildings** or **structures** are as shown on Diagram 3, attached to By-law [Clerks to insert this By-law Number], except that the following may encroach into the required minimum **building setbacks** in Diagram 3 of By-law [Clerks to insert By-law Number] as follows:
- (i) light fixtures, awnings, ornamental elements, parapets, landscape features, trellises, eaves, window sills, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps, canopies and associated structures; extending no more than 1.5 metres beyond the heavy lines shown on Diagram 3;
- (F) Despite Regulation 60.5.80.10(2)(A), a **parking space** may be in a **front yard** or a **side yard** that abuts a street;
- (G) Despite Regulation 60.20.90.10(1), a **loading space** may be in a **front yard** or **side yard** abutting a street;

(H) Despite Regulation 60.20.90.40(1), vehicle access to a **loading space** may be provided from the **front yard, side yard** or **rear yard** abutting a street;

(I) Despite Regulation 200.5.10 and Table 200.5.10.1, **parking spaces** must be provided at a minimum rate of 1.07 for each 100 square metres of **industrial gross floor area**.

(J) Despite regulation 200.5.10 and Table 200.5.10.1, **parking spaces** must be provided at a minimum rate of 3 for each 100 square metres of **office gross floor area**.

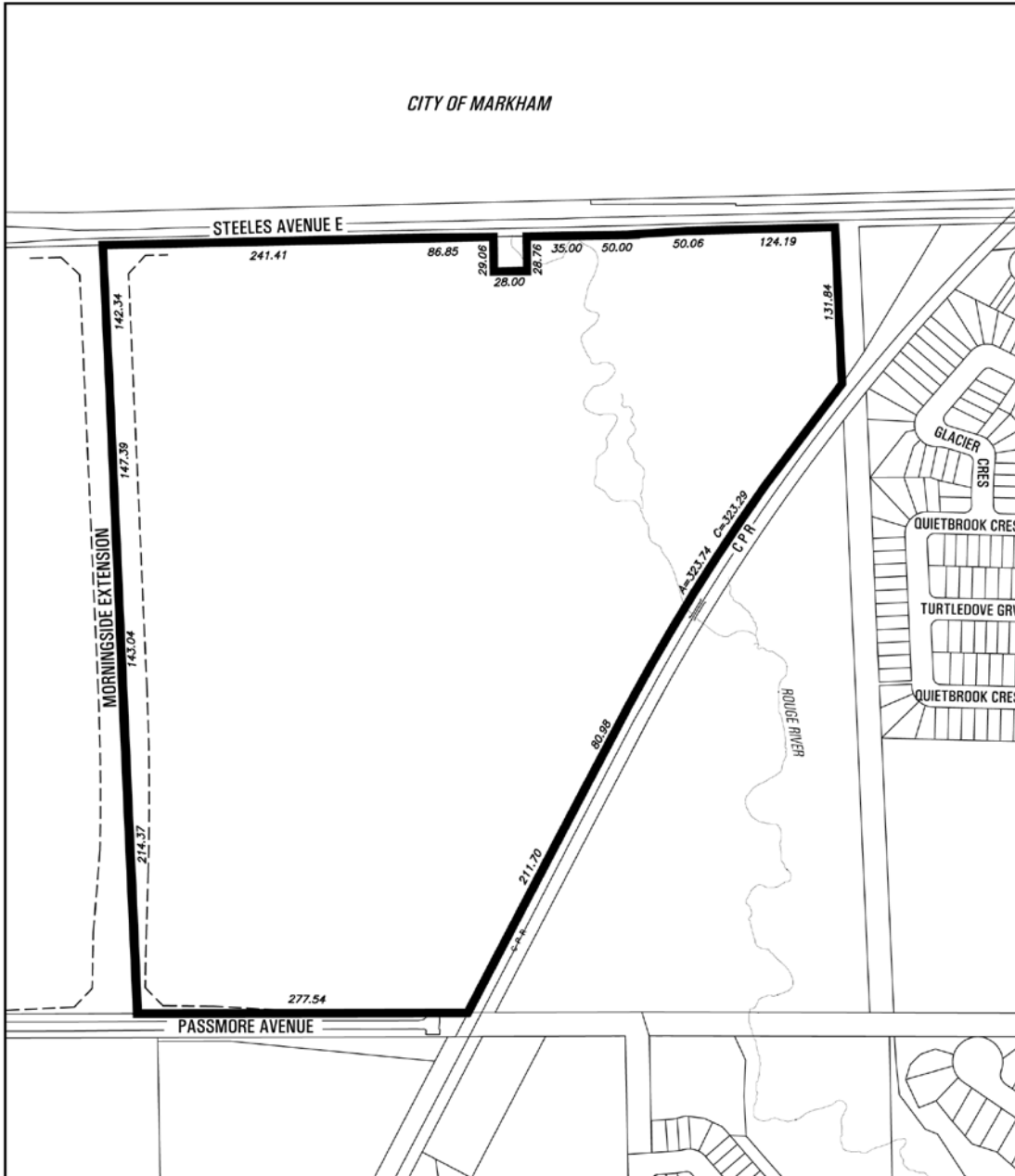
(K) Notwithstanding any severance, partition or division of the lot known municipally in the year 2019 as 6351 Steeles Avenue East, the regulations of By-law [Clerks to supply by-law #] shall continue to apply to the whole of said lot as if no severance, partition or division had occurred.

Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on month ##, 20##.

Name, Ulli S. Watkiss,
Speaker City Clerk


(Seal of the City)

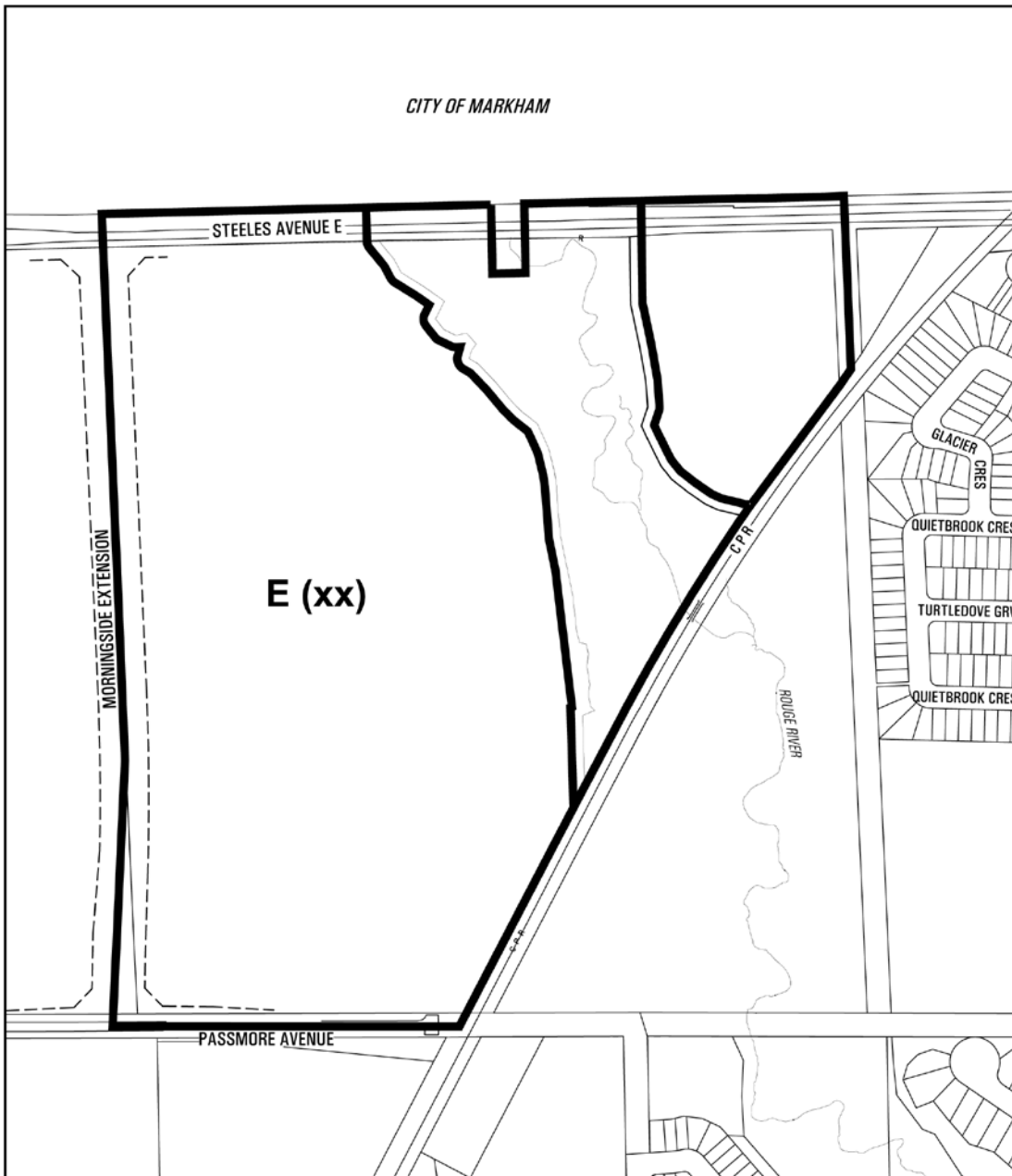


 **TORONTO**
Diagram 1

6351 Steeles Avenue East

File # 12 114223 ESC 24 0Z



City of Toronto By-law 569-2013
Not to Scale
06/19/2019



 **Toronto**
Diagram 2

6351 Steeles Avenue East

File # 12 114223 ESC 24 0Z


City of Toronto By-law 569-2013
Not to Scale
06/21/2019

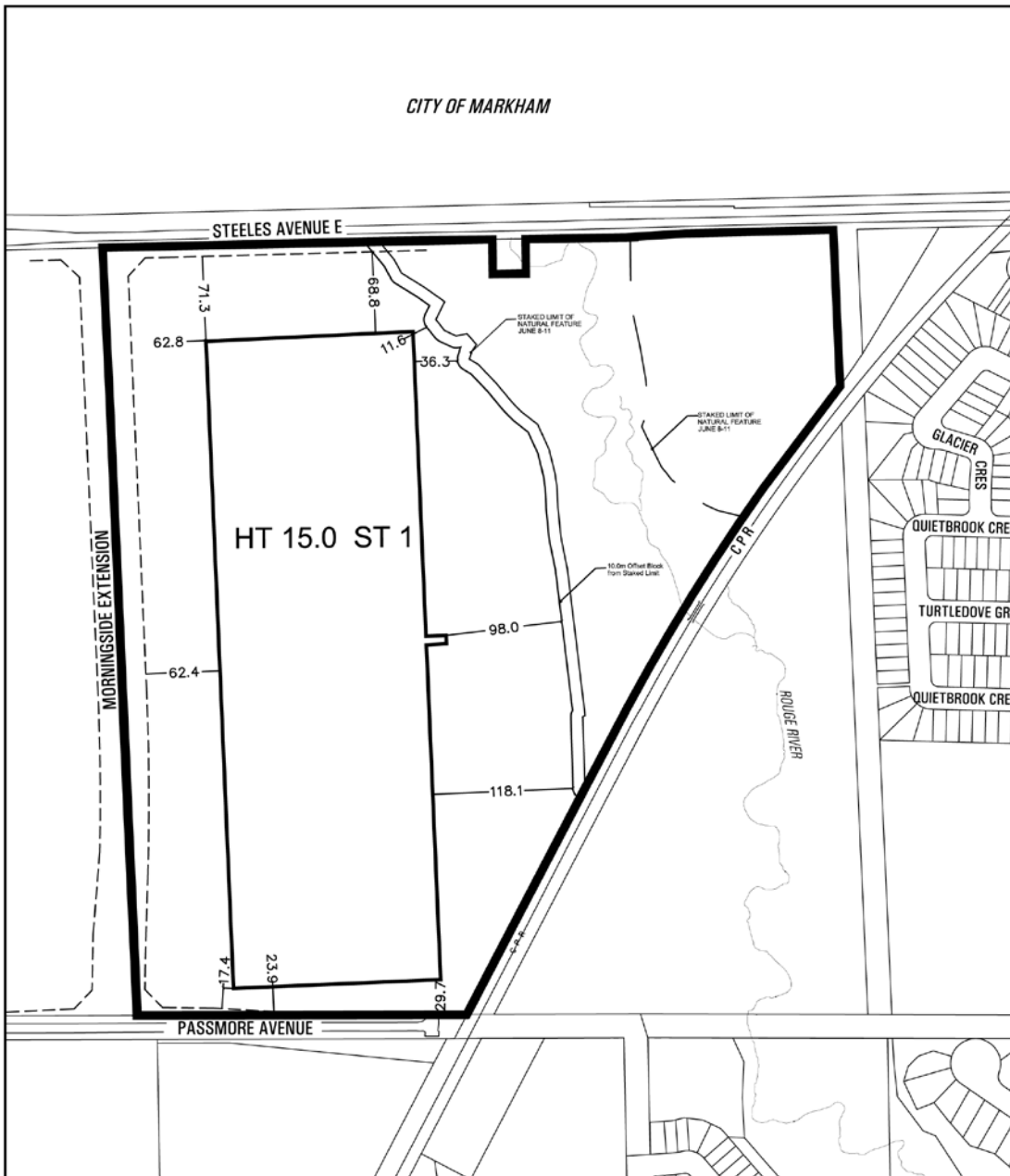



Diagram 3

6351 Steeles Avenue East

File # 12 114223 ESC 24 0Z


City of Toronto By-law 569-2013
Not to Scale
06/20/2019

Attachment 7: Draft Conditions of Draft Plan of Subdivision

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein (required in most cases to secure the construction of the provision of municipal services, parkland, planning issues related to warning clauses etc.).
2. The Owner shall provide to the Director of Community Planning, Toronto and East York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.
4. 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 at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.
5. Dedicate all roads, corner roundings, and road widenings shown on the plan.
6. Convey all necessary easements (*internal and external*), if it is determined that are required during the design, to the City.
7. Prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Chief Engineer & Executive Director of Engineering and Construction Services in consultation with the City Solicitor.
8. Submit a draft Reference Plan of Survey to the Chief Engineer & Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:

- a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator projection;
 - b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
9. Pay all costs for preparation and registration of reference plan(s).
 10. Apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services.
 11. Conduct an environmental site assessment for lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).
 12. Pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
 13. Submit financial security in accordance with the terms of standard subdivision agreement.
 14. Prior to the registration of the Plan of Subdivision, the Owner shall submit a draft Reference Plan for approval, and pay all costs for the preparation and deposit of the plan on title to the property.
 15. Construct the proposed extension of Morningside Avenue in accordance with the approved design.
 16. Pay for the construction of any municipal infrastructure improvements and make necessary arrangements with Engineering and Construction Services to carry out the work.
 17. The owner is responsible for any and all cost associated with the roadway improvements, pavement marking modifications, installation of traffic control signals plants, signal timing optimizations, coordination and modifications as identified in the TIS.
 18. The owner must provide securities for the signalization of Steeles Avenue at Morningside Avenue intersection in the amount of \$200,000.00.

19. Provide a cash-in-lieu payment in the amount of (to be determined) in the form of a certified cheque to offset the failure operation/ maintenance costs associated with the traffic signals at Morningside Avenue/ Steeles Avenue.

20. Prepare all documents and convey to the City, at nominal cost, (A 7.9 metre wide strip of land along the Steeles Avenue frontage and 3.44 metre wide strip of land along the Passmore Avenue frontage and the 12 metre corner rounding at the northwest and southwest corner of the site) in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have dedicated as a public highway, all to the satisfaction of the Chief Engineer & Executive Director of Engineering and Construction Services and the City Solicitor.

21. Convey Land for the Morningside Avenue Extension. Required amount of land for conveyance is to be determined at a later date based on the completion of the detailed design, which is currently underway.

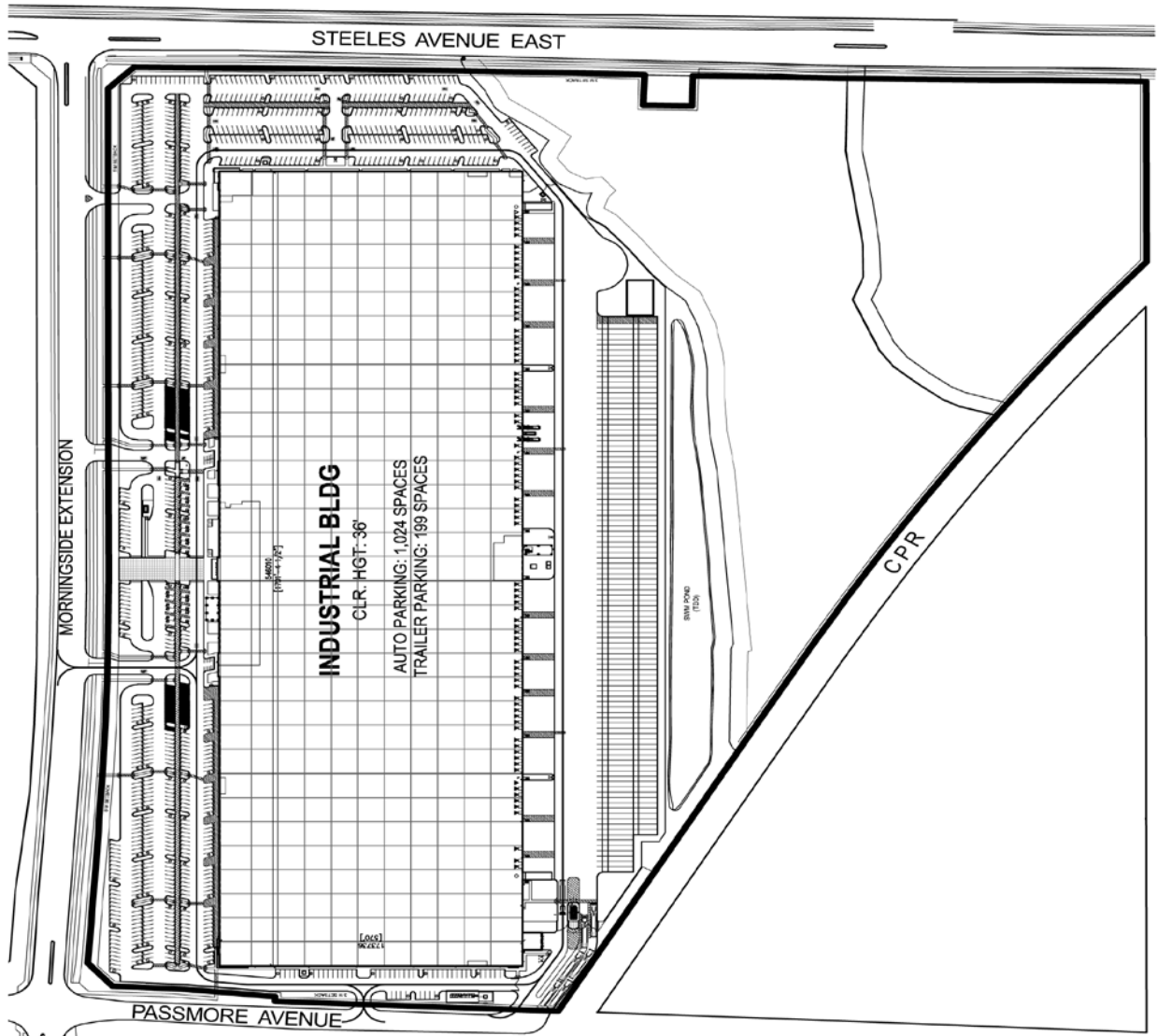
22. Construct a cul-de-sac in accordance to City standard at the end of Passmore Avenue.

23. Prior to the registration of the Plan of Subdivision, the Owner shall submit a draft Reference Plan describing the turning circle lands, in above condition # 5, for approval, and pay all costs for the preparation and deposit of the plan on title to the property.

21. Prior to the registration of the Plan of Subdivision, the Owner shall enter into a Turning Circle Agreement for the lands as described in above condition # 19.

24. Municipal Surface easements for emergency overland flow route for the flows from Morningside extension, and Passmore Ave must be registered on the title prior to the earlier of registration of the plan or release for construction of services.

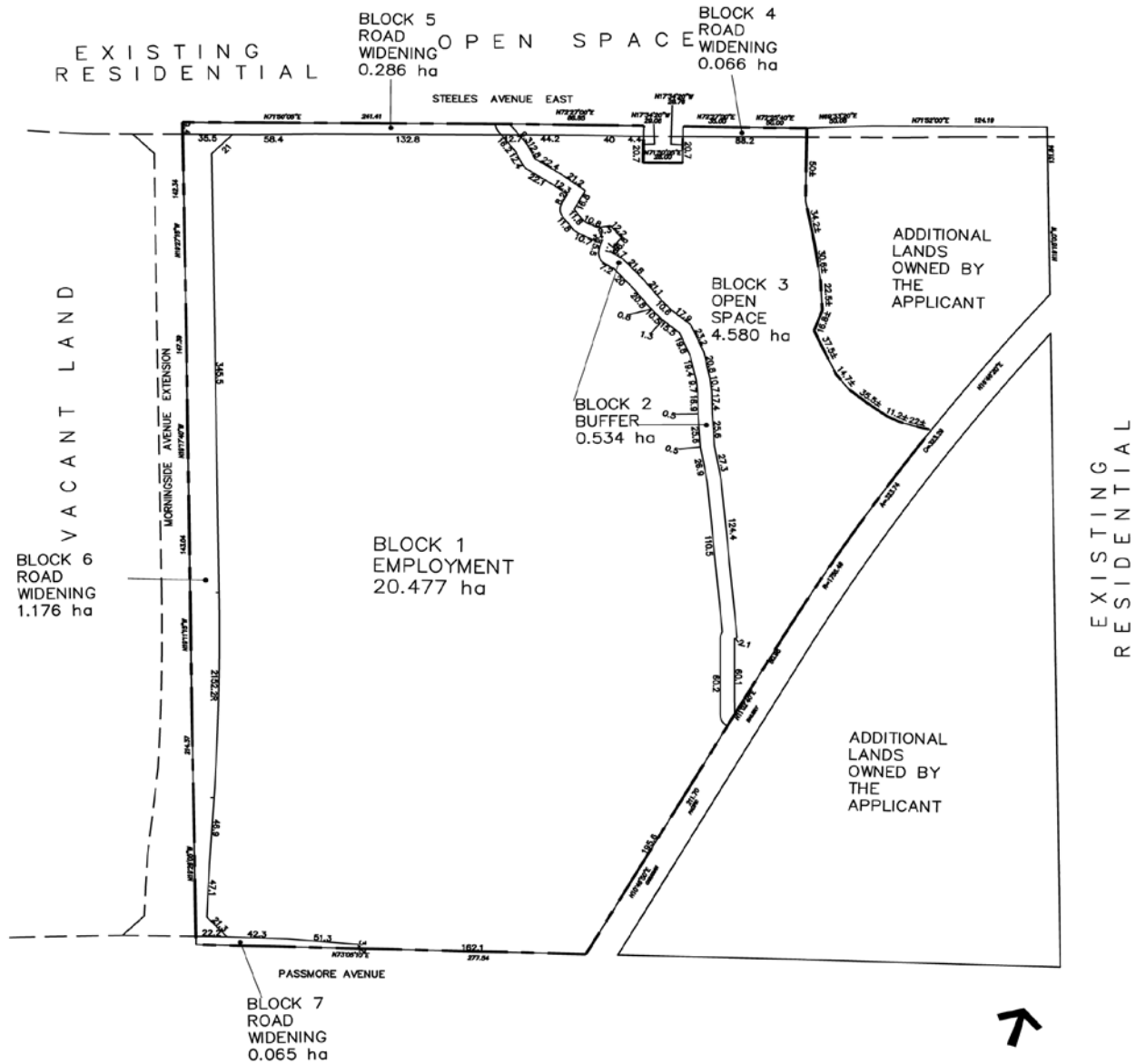
Attachment 8: Site Plan



Site Plan



Attachment 9 Draft Plan of Subdivision



Plan of Subdivision

Attachment 10: Elevations

