

2200 Islington Avenue – Application to Lift Holding Provisions (H) – Status Update

Date: March 29, 2021

To: Etobicoke York Community Council

From: Acting Director, Community Planning, Etobicoke York District

Ward: 1- Etobicoke North

Planning Application Number: 20 206369 WET 01 OZ

SUMMARY

At its meeting on March 3, 2021, Etobicoke York Community Council requested the Director, Community Planning, Etobicoke York District, to prepare a report with an update on the holding provisions for 2200 Islington Avenue, including a complete list of conditions required to lift the holding provisions, and an update on the status of the conditions. This report responds to this request.

On October 16, 2020, an application was submitted to remove the Holding (H) symbol from the lands subject to Site-Specific Zoning By-law No. 808-2018 at 2200 Islington Avenue. The Holding (H) symbol only applies to the eastern portion of the site which is to be lifted upon the fulfillment of four conditions related to the realignment of the Islington Avenue and Rexdale Boulevard intersection (see Attachment 4: Schedule 'B' of Zoning By-law No. 808-2018). The adoption of the site-specific zoning by-law was based on the applicant's proposed construction phasing of the site, whereby the western portion of the lands would be constructed in advance of the eastern portion of the site subject to the holding provisions. This was done to allow for the reconstruction of the Islington Avenue and Rexdale Boulevard, as well as the sale of the remnant City lands to the applicant to be consolidated as part of the development site. Since the adoption of Zoning By-law No. 808-2018, the applicant has revised their construction phasing to prioritize the development of the eastern portion of the site to occur in conjunction with the development of the entire site.

Planning staff are of the opinion that the holding provisions have not yet been satisfied. While the applicant has made significant strides in attempting to fulfill the holding provisions by advancing the intersection realignment construction and working towards finalizing the sale of the remnant lands, to date only one of the four conditions has been satisfied. Staff will prepare a further report regarding the lifting of the holding provisions once the conditions have been fulfilled.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Etobicoke York Community Council receive this report for information purposes.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

At its meeting on May 22, 23 and 24, 2018, City Council adopted a Zoning By-law Amendment to the former City of Etobicoke Zoning Code and approved in principle the Draft Plan of Subdivision to permit a phased development on the lands municipally known as 2200 Islington Avenue. The final report for the proposed Zoning By-law Amendment application identified that the proposal would be developed by way of two phases. Phase 1, located on the western portion of the site would include new retail space, 33,800 m² of existing warehouse space, surface level parking, 638 m² of privately owned publically accessible open space and a new "U" shaped public road. Phase 2, located on the eastern portion of the site would consist of new retail space, 2,364 m² of privately owned publically accessible open space and a 2-level above grade garage. Phase 2 was to follow the completion of the realignment of the existing Islington Avenue and Rexdale Boulevard intersection to create a more functional road pattern and improved pedestrian environment and to allow for the consolidation of the remnant right-of-way lands into the development site. The Zoning By-law included a holding provision that was applied to the eastern Phase 2 portion of the lands to ensure the intersection realignment and lot consolidation would be completed prior to development proceeding on those lands. The City Council decision and associated staff report can be accessed through the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY30.1>

The Zoning By-law and Draft Plan of Subdivision approval were subsequently appealed to the Local Planning Appeal Tribunal (LPAT) by a neighbouring landowner. The Zoning By-law Amendment appeal was heard on September 19, 2019 with the LPAT ultimately denying the appeal and confirming the City's Zoning By-law as adopted. The Draft Plan of Subdivision appeal was resolved among the parties and no LPAT hearing was necessary. Zoning By-law No. 808-2018 can be accessed through the following link:

<https://www.toronto.ca/legdocs/bylaws/2018/law0808.pdf>

On October 28, 2019, a Site Plan Control application was submitted and is currently under review. On October 16, 2020, the applicant submitted a Zoning By-law

Amendment application to remove the Holding (H) provisions which is currently under review. The application was deemed completed on November 23, 2020.

PROPOSAL

The applicant has submitted a Zoning-By-law Amendment application to lift the Holding (H) symbol from the eastern portion of the lands zoned I.C.1 (H) as identified in Site-Specific Zoning By-law No. 808-2018, to facilitate the proposed multi-building retail development with a 2-tier parking structure on that portion of the lands. This amendment would allow the site to be developed in their entirety, rather than in the envisioned two-phased approach.

Prior to lifting the Holding (H) symbol, the Holding Provisions in Site-Specific Zoning By-law No. 808-2018 require the following conditions to be fulfilled:

- (i) The submission of an acceptable traffic impact study relating to the ultimately approved redesign of the Islington Avenue/Rexdale Boulevard signalized intersection, (i.e., a complete redesign of the existing intersection and realignment of Rexdale Boulevard to form a signalized T-intersection with Islington Avenue) as well as other required road improvements within the study area, as defined in the Traffic Impact Study prepared by BA Group and dated December 18, 2017;
- (ii) Either:
 - A. the completion of the design and construction of the aforementioned redesign of the Islington Avenue/Rexdale Boulevard signalised intersection and any other required road improvements within the study area, including all civil works, required traffic control signal equipment and infrastructure, and the preparation of all engineering and signal design drawings regarding same. The owner shall make satisfactory arrangements and enter into any appropriate agreements with the City of Toronto in order to complete the aforementioned works including all civil works, required traffic control signal equipment and infrastructure, the preparation of all engineering and signal design drawings regarding same, providing letters of credit and engineering fees to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; or
 - B. should it be determined at the sole discretion of the City that the realignment of the Islington Avenue and Rexdale Boulevard intersection is to be incorporated into the City's capital works program, the Owner has provided a cash contribution to the City in the form of a certified cheque to fully cover the costs of the works;
- (iii) The successful closure and sale to the proponent of the City-owned lands located at the southwest corner of the future redesigned Islington Avenue/Rexdale Boulevard signalized intersection that are deemed to be surplus by the City as a result of the intersection redesign configuration discussed above and the completion of the real estate transaction to the satisfaction of the Director, Real Estate Services; and

- (vi) The above conditions shall be successfully addressed to the satisfaction of the City of Toronto and at no cost to the municipality

Site and Surrounding Area

The 21 hectare site is located on the west side of Islington Avenue just north of Highway 401 and south of Rexdale Boulevard. The site was previously occupied by a Sears warehouse, a Sears retail outlet, a parts and service centre and contained a significant amount of surface parking. The site has frontages on both Islington Avenue and Rexdale Boulevard. The site wraps around another property on the block occupied by Quebecor Media Inc. which is not part of the lands governed by Site-Specific Zoning By-law No. 808-2018.

Surrounding uses are as follows:

North: Across Rexdale Boulevard is Rexdale Mews, a three-storey mixed-use development with retail uses on the ground floor with residential units above and townhouses on the north side.

South: Directly south of the site is Highway 401.

West: Adjacent to the site on the west side is the International Muslim Organization, Home Depot, and a truck distribution and warehouse operation and refrigeration facility. Directly south of the Home Depot site is the Etobicoke North Go Station.

East: Across Islington Avenue is the Rexdale Shopping Plaza with a grocery store and other retail services including a Walmart and Dollarama. A low rise residential neighbourhood exists east of the plaza.

Reasons for Application

The application to lift the Holding (H) symbol for the eastern portion of the lands, as per Schedule 'B' of Zoning By-law No. 808-2018, is required to accommodate the proposed retail development,. The conditions to be satisfied prior to lifting the Holding (H) symbol from the site are outlined in the Proposal section of this report.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Draft Reference Plan
- Draft Plan of Subdivision
- Draft of an updated Schedule 'B' of Zoning By-law No. 808-2018
- Architectural Plan
- Reference Plan
- Summary of Fees related to Engineering and Landspace works

Copies of the submitted documents are available on the City's Application Information Centre: <https://www.toronto.ca/city-government/planning-development/application-information-centre>.

Agency Circulation Outcomes

The application together with the applicable reports noted above, were circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to assess whether the conditions listed in the Holding Provisions of Zoning By-law No. 808-2018 have been satisfied.

Toronto Official Plan

The subject site is designated *General Employment Area* and located within an Employment Area on the Urban Structure Map 2 of the Official Plan. *General Employment Areas* are generally located on the periphery of *Employment Areas* on major roads where retail, service and restaurants uses can serve workers in the *Employment Areas*. In addition to all of the uses permitted in *Core Employment Areas*, retail stores, restaurants and services are also permitted in *General Employment Areas*.

Holding By-laws

Section 5.1.2 of the Official Plan includes policies with respect to Holding By-laws. Where the intended use and zoning is known for lands but development should not take place until specific facilities are in place or conditions are met, the Official Plan allows Council to pass a "holding" zoning by-law that list the conditions that must be met prior to the removal of the "H" symbol. Policy 5.1.2.1 states " a holding provision may be placed on lands where the ultimate desired use of the lands is specified but development cannot take place until conditions set out in the Plan or by-law are satisfied".

Zoning

The site is subject to the former City of Etobicoke Zoning Code and site-specific Zoning By-law No. 808-2018 that permits a non-residential development containing retail uses. Aside from development standards, the Zoning By-law No. 808-2018 also includes Holding Provisions for the eastern portion of the site zoned I.C.I (H) and identifies four conditions that must be satisfied prior to lifting the Holding (H) symbol for development to occur.

COMMENTS

Requirements of the Holding Provisions

Section 11 of Zoning By-law No. 808-2018 identifies the conditions and provides specifics as to what must be satisfied by the applicant in order to lift the Holding (H) symbol from the eastern portion of the site zoned I.C.I (H). The applicant is required to fulfill the following conditions in order to remove the Holding (H) symbol:

- (i) The submission of an acceptable traffic impact study relating to the ultimately approved redesign of the Islington Avenue/Rexdale Boulevard signalized intersection, (i.e., a complete redesign of the existing intersection and realignment of Rexdale Boulevard to form a signalized T-intersection with Islington Avenue) as well as other required road improvements within the study area, as defined in the Traffic Impact Study prepared by BA Group and dated December 18, 2017;
- (ii) Either:
 - A. the completion of the design and construction of the aforementioned redesign of the Islington Avenue/Rexdale Boulevard signalised intersection and any other required road improvements within the study area, including all civil works, required traffic control signal equipment and infrastructure, and the preparation of all engineering and signal design drawings regarding same. The owner shall make satisfactory arrangements and enter into any appropriate agreements with the City of Toronto in order to complete the aforementioned works including all civil works, required traffic control signal equipment and infrastructure, the preparation of all engineering and signal design drawings regarding same, providing letters of credit and engineering fees to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; or
 - B. should it be determined at the sole discretion of the City that the realignment of the Islington Avenue and Rexdale Boulevard intersection is to be incorporated into the City's capital works program, the Owner has provided a cash contribution to the City in the form of a certified cheque to fully cover the costs of the works;
- (iii) The successful closure and sale to the proponent of the City-owned lands located at the southwest corner of the future redesigned Islington Avenue/Rexdale Boulevard signalized intersection that are deemed to be surplus by the City as a result of the intersection redesign configuration discussed above and the completion of the real estate transaction to the satisfaction of the Director, Real Estate Services; and
- (iv) The above conditions shall be successfully addressed to the satisfaction of the City of Toronto and at no cost to the municipality.

Status on Fulfilling the Holding Provisions

Condition (i)

The applicant submitted a Traffic Impact Study to the satisfaction of Transportation Services related to the approved design of the Islington Avenue and Rexdale Boulevard intersection realignment, which has satisfied Condition (i) of the Holding Provisions.

Condition (ii)

The applicant is currently working towards fulfilling Condition (ii) A. as the realignment of the Islington Avenue and Rexdale Boulevard intersection has not been incorporated into the City's capital works program as outlined in Condition (ii) B.

The applicant has completed approximately 60% of the intersection realignment construction. The construction has entered the Stage 4 Road Configuration as of March 16, 2021, which includes the following scope of work:

- Completion of Toronto Hydro pole relocation and curb lane adjustment at the northbound/east curb lane of Islington Avenue;
- Completion of all boulevard grading, new sidewalks, and pedestrian connections through-out;
- Completion of southbound Islington curb lane and 401 on-ramp adjustments across from Chilcot Avenue;
- Installation of permanent signals at the Islington Avenue and Rexdale Boulevard intersection; and
- Full construction of Street A/Bergamont Avenue and Rexdale Boulevard intersections.

It is anticipated that Stage 4 would be completed by June 2021 and would represent the completion of approximately 85% of the full scope of work for the intersection realignment.

Stage 5 road configuration is anticipated to be completed by early August 2021 and will finalize the construction of the intersection realignment. Stage 5 will include the following scope of work:

- Completion of centre median infill;
- Coloured concrete branding work;
- Armourstone retaining walls, final grade and the landscaping of the planting and sod;
- Permanent roadway signs; and
- Surface course paving and finish pavement markings.

While the sidewalks will be constructed in phases throughout Stage 4, the existing sidewalks at the north side of Rexdale Boulevard and on the east side of Islington Avenue will remain in place for the beginning of Stage 5. The existing sidewalks will be maintained until new sidewalks are in place along the south side of Rexdale Boulevard and the west side of Islington Avenue, but will shift the pedestrian access to accommodate the balance of new sidewalk installations.

The Owner has entered into an agreement with the City requiring financial securities for the design and construction of the realignment of the Islington Avenue and Rexdale Boulevard signalized intersection. The City is in possession of the financial securities to secure the construction of the remainder of the realignment work and warrantee the work once completed.

Condition (iii)

The City of Toronto has declared the remnant lands as surplus, a purchase price for the lands has been agreed upon between the City and the applicant, and a purchase of sale agreement is to be entered in the near future. Conditions contained in the purchase and sale agreement would include the remnant lands not being transferred to the applicant until such time that: the intersection realignment construction has been completed to the satisfaction of Transportation Services; and after City Council passes a by-law to "close up" the remnant lands so they are no longer a public highway.

It is important to note, that Condition (ii) A. not only identifies the design of the intersection realignment of Rexdale Boulevard and Islington Avenue to be completed, but also requires the completion of its construction, which is anticipated in early August 2021. In order to successfully fulfill Condition (iii), a report from Transportation Services must be adopted at City Council recommending the remnant lands no longer be designated a Public Highway to allow the parcel to be consolidated with the remainder of the development site. Planning staff are of the opinion that lifting the Holding (H) symbol would require the completion of the intersection realignment and the redesignation of the remnant parcel of the land.

Condition (iv)

Condition (iv) notes that Conditions (i), (ii) and (ii) shall be successfully addressed to the satisfaction of the City of Toronto and at no cost to the municipality.

Condition (i) is satisfied and Conditions (ii) and (iii) are outstanding. The applicant has been taking the necessary steps needed and is working towards fulfilling the conditions required to lift the Holding (H) symbol, however staff are of the opinion that further work is required in order to satisfy the conditions and therefore it is premature to lift the Holding (H) symbol from the eastern portion of the site zoned I.C.I (H).

Future Reporting to Council

Although the holding provisions of Zoning By-law No. 808-2018 set out the requirements prior to lifting the Holding (H) symbol from the eastern portion of the site zoned I.C.I (H), City Planning has consulted with other City divisions about the progress the owner has made to date on satisfying these conditions. The City is now in possession of financial securities for the completion of the intersection reconstruction, and significant progress towards completion of that work has been made. Similarly, negotiations regarding the purchase of the remnant lands have reached an advanced stage of negotiation despite no agreement of purchase and sale being entered. Should City Council deem appropriate City Planning will report back on the request to lift the Holding (H) symbol at such time as the conditions included in the by-law are substantially completed and the intent of the by-law is upheld. In City Planning's view that would be achieved upon the following being completed:

- The completion of Stage 4 road configuration that is equivalent to 85% of the realignment construction;
- The removal of all vehicular traffic from the remnant parcel of land;

- The implementation of the accepted Traffic Management Plan for Stage 4 through the duration of the Stage;
- A submitted Traffic Management Plan for Stage 5 be accepted prior to the completion of Stage 4; and
- Enter into a Purchase of Sale Agreement with the City relating to the remnant lands.

The Traffic Management Plan for Stage 5 is currently under review to ensure the proposed traffic management plan for both pedestrians and vehicles is acceptable to City Staff.

Conclusion

The applicant has made significant strides in attempting to fulfill the holding provisions by advancing the intersection realignment construction and working with Real Estate Services on the negotiations related to the remnant lands. However, the holding provisions of Zoning By-law No. 808-2018 have not yet been satisfied, and staff will report to Etobicoke York Community Council once the required conditions have been fulfilled.

CONTACT

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SIGNATURE

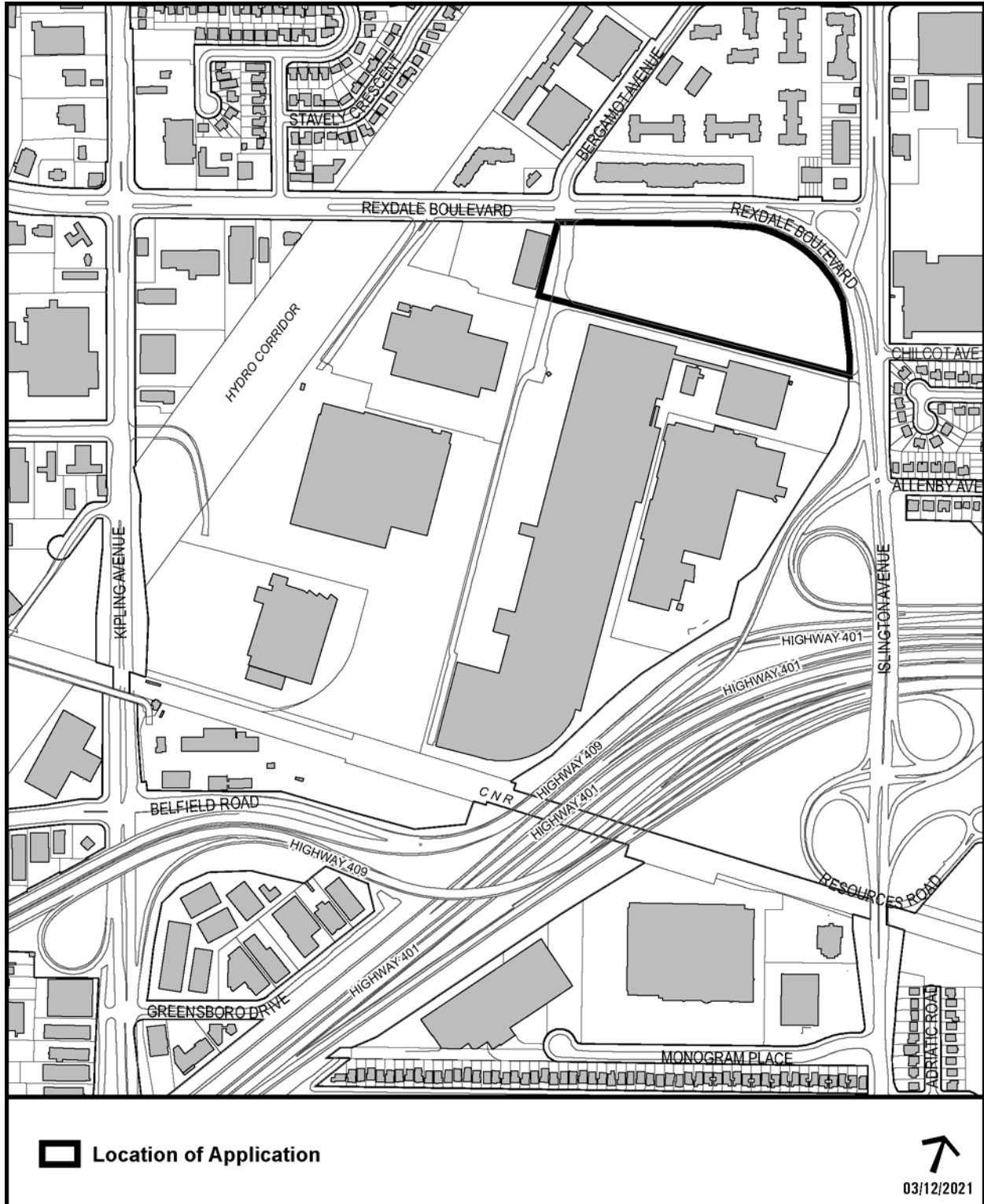
Luisa Galli, RPP, MCIP
Acting Director, Community Planning,
Etobicoke York District

ATTACHMENTS

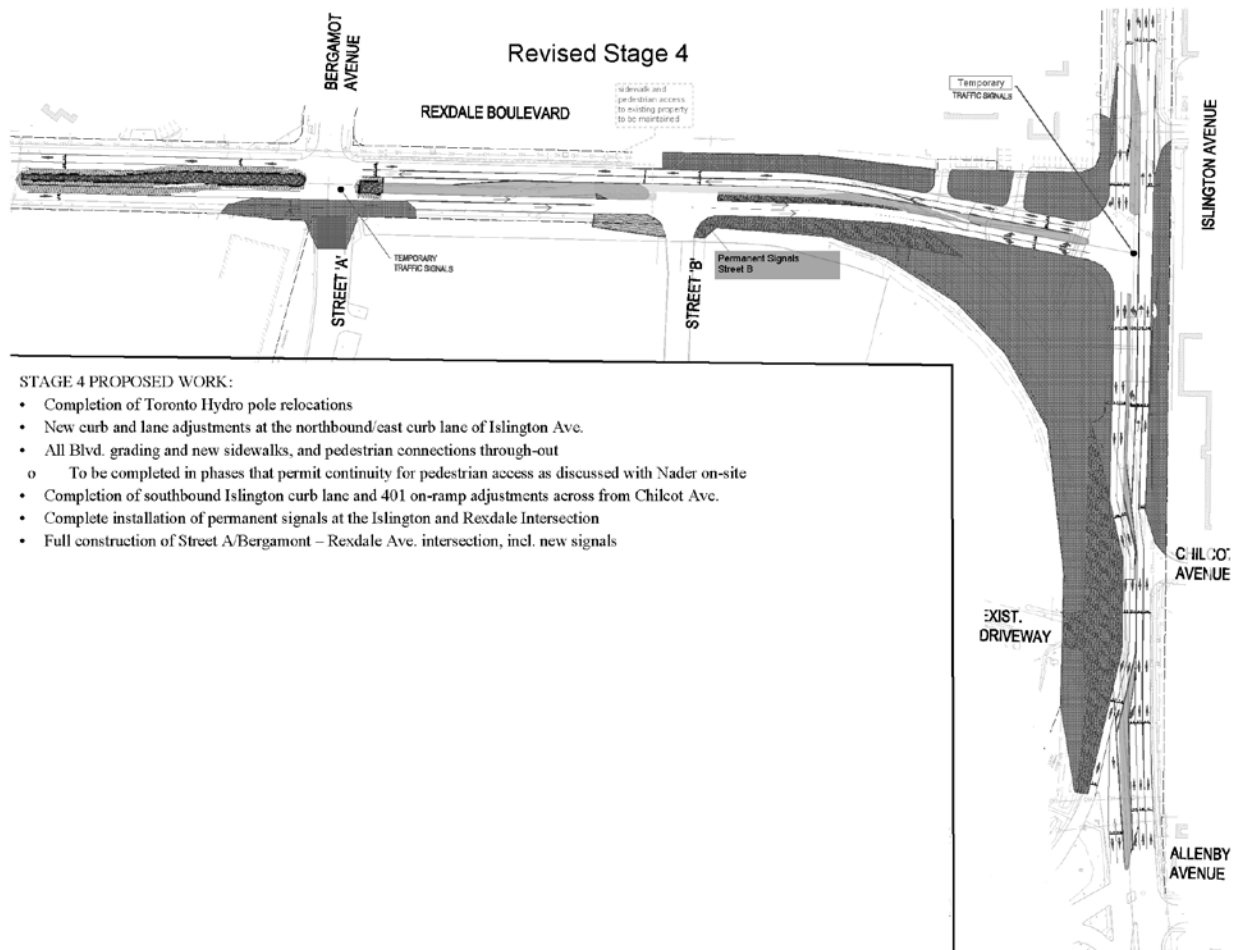
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Stage 4 Configuration
- Attachment 3: Stage 5 Configuration
- Attachment 4: Schedule 'B' of Zoning By-law No. 808-2018

Attachment 1: Location Map



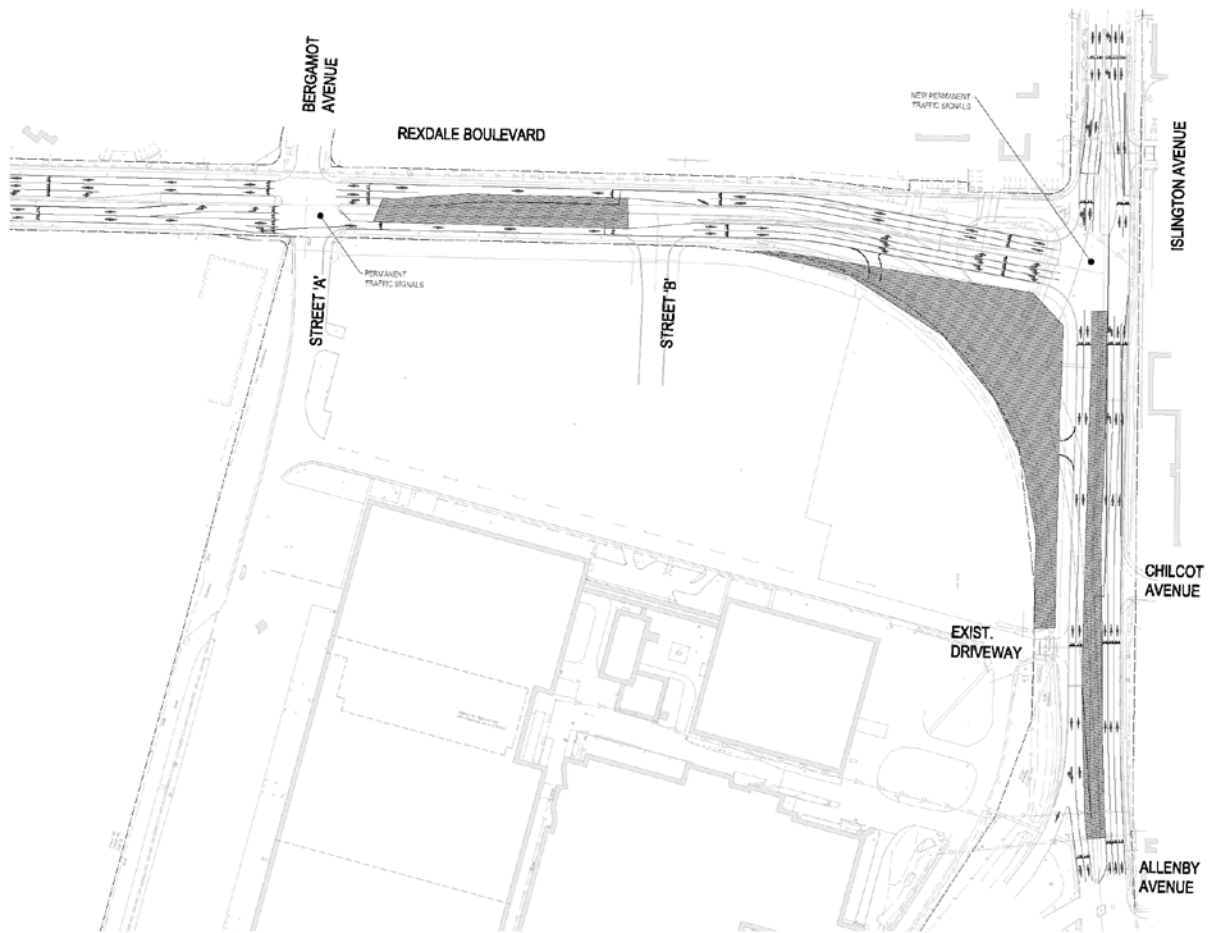
Attachment 2: Stage 4 Road Configuration



Stage 4 Road Configuration



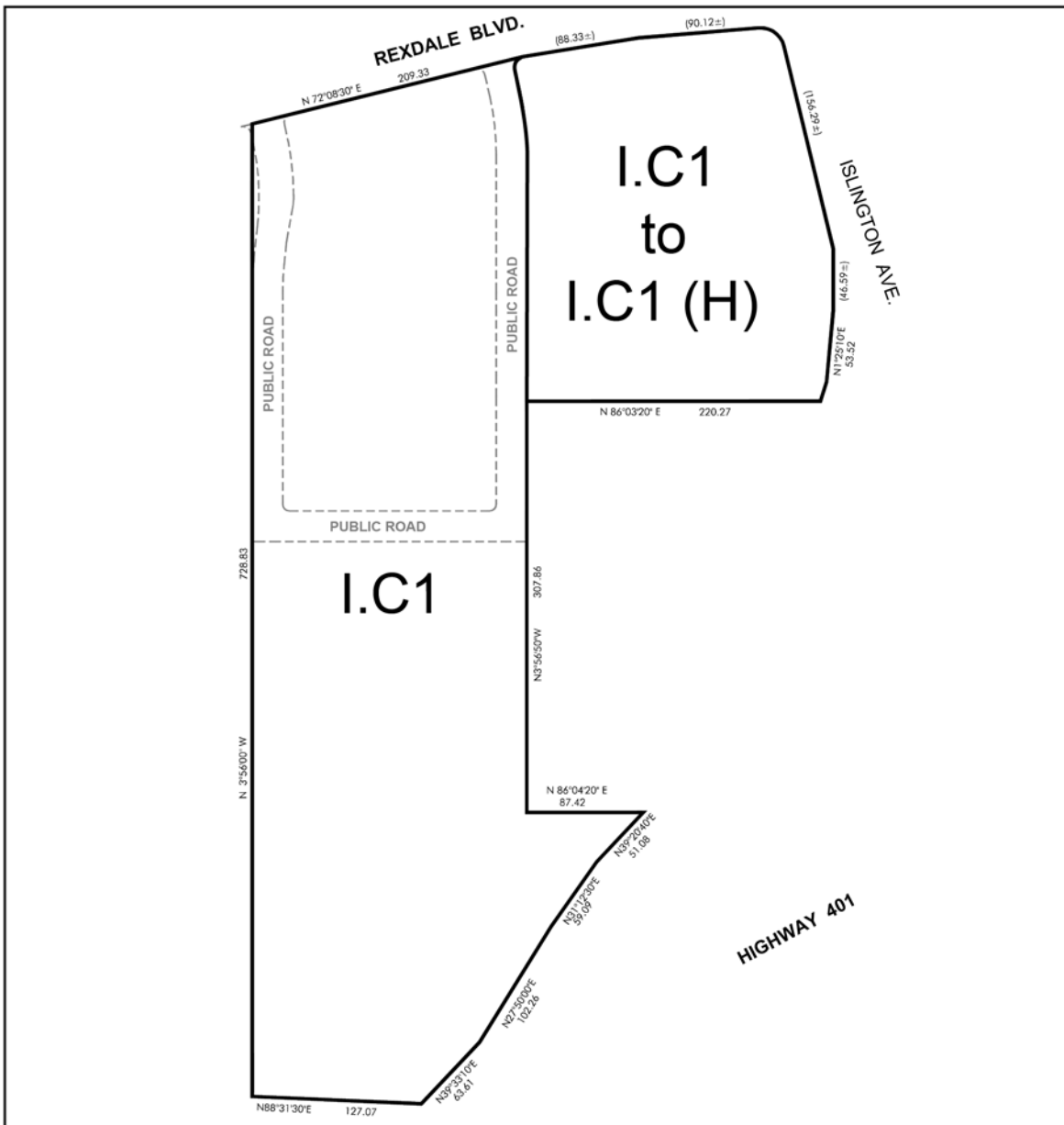
Attachment 3: Stage 5 Road Configuration



Stage 5 Road Configuration



Attachment 4: Schedule 'B' of Zoning By-law No. 808-2018



2200 Islington Avenue

File # 13 277902 WET 02 0Z, 17 207652 WET 02 SUB


 Former City of Etobicoke By-Law 11, 737
 Not to Scale
 03/20/2018