

## **5855, 5865, 5875, 5945, 5951, and 5955 Steeles Avenue East – Zoning By-law Amendment – Decision Report – Approval**

**Date:** December 29, 2023

**To:** Scarborough Community Council

**From:** Director, Community Planning, Scarborough District

**Wards:** 23 - Scarborough North

**Planning Application Number:** 23 165943 ESC 23 OZ

### **SUMMARY**

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This application proposes to amend Zoning By-law No. 24982 (Tapscott Employment District) and Zoning By-law No. 569-2013, to permit the construction of a one-storey warehouse with a total gross floor area (GFA) of approximately 35,752 square metres.

The proposed development contains 268 surface parking spaces and would benefit from three vehicular driveway entrances. An enhanced landscaped area will be created on the northwest corner of the subject property, and two designated heritage buildings will be fully restored for adaptive re-use with retail or office uses. As part of this application, an extension of State Crown Boulevard will be required to be constructed to connect Steeles Avenue East and Select Avenue on the west frontage of the subject property.

The proposed development will contribute to employment intensification on an underutilized site and will generate approximately 300 jobs on lands that are identified *Employment Areas* by the Official Plan.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Growth: Growth Place for the Greater Golden Horseshoe (2020) and with the City of Toronto Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-laws into which it is recommended that a Holding provision (H) be included. This Holding provision to remain in place and restrict development of the site until such time as the owner, at its sole cost and expense, has provided an appropriate servicing solution (including the potential relocation of the servicing easement that bisects the site) and implements the necessary transportation improvements, including the extension of State Crown Boulevard.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend the former City of Scarborough Zoning By-law 24982 for the lands at 5855, 5865, 5875, 5945, 5951, and 5955 Steeles Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 5855, 5865, 5875, 5945, 5951, and 5955 Steeles Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

## **FINANCIAL IMPACT**

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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**

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### **2005 – 2006 Official Plan and Zoning By-law Amendments**

On October 18, 2005, Scarborough Community Council considered the Preliminary report on a combined Official Plan and Zoning By-law amendment (file no. 05 141569 ESC 41 OZ), plan of subdivision (file no. 05 141579 ESC 41 SB) and site plan approval (file no. 05 141577 ESC 41 SA) applications to permit the construction of a mixed retail and industrial development on three blocks created with the extension of State Crown Boulevard from Select Avenue to Steeles Avenue East. A subsequent Zoning By-law amendment application (file no. 06 104335 ESC 41 OZ) was submitted in early 2006 to incorporate additional lands not subject to the original rezoning application. Collectively, the proposal would result in a mixed retail and industrial development with a GFA of 63,510 square metres on approximately 16.4 hectares of land. Community Council's decision document on the initial set of applications (Report 8, Clause 19(f)) can be found here:

<https://www.toronto.ca/legdocs/2005/agendas/committees/sc/sc051018/scdd.pdf>

The applications were subsequently appealed to the Ontario Municipal Board (OMB) due to City Council not making a decision within the prescribed timelines.

On September 25-27, 2006, City Council adopted the recommendations of the Request for Directions report on the appealed combined Official Plan and Zoning By-law amendment, plan of subdivision and site plan approval applications. City Council directed staff to continue to process the applications. City Council's decision document

(Scarborough Community Council Report 7, Clause 25) can be found here: <https://www.toronto.ca/legdocs/2006/agendas/council/cc060925/cofa.pdf>

On November 10, 2006, the OMB issued its decision to approve the combined Official Plan and Zoning By-law amendments and granted draft subdivision approval, subject to conditions. In particular, the amending Zoning By-law placed a Holding symbol (H) on the lands that limits development until servicing requirements and transportation improvements are secured. Also, a Section 37 Agreement was entered into to secure the following community benefits:

- The relocation, restoration and reuse of the heritage buildings at the northeast portion of the site;
- The provision and use of 464.5 square metres of GFA for community space (which was later amended to require the payment of \$1,800,000 towards the expansion of the Milliken Park Community Recreational Centre);
- The design and installation of one or more pieces of public art, with a value of not less than \$250,000; and
- Provisions on the phasing and timing of development.

The OMB decision can be found at: <https://www.toronto.ca/legdocs/refdocs/09323.pdf>

In early 2012, the draft approved plan of subdivision, which would have created the development blocks and the dedication of lands for the State Crown Boulevard extension, was withdrawn.

On July 16-19, 2007, City Council approved the lifting of the Holding symbol (H) (file no. 07 221580 ESC 41 OZ) on the 16.4 hectare lands as the conditions pertaining to the (H) have been resolved via the implementation of the Tapscott Employment District Core Servicing Agreement (see below). City Council's decision document (Item SC7.26) can be found here: <https://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-07-16-cc11-dd.pdf>

Between 2011 and 2014, City Council amended the Section 37 Agreement, and approved deferring the payment of required cash contributions as stipulated in the Agreement.

### **2013 Zoning By-law Amendments**

On March 21, 2013, City Council approved Zoning By-law amendment application (file no. 12 153078 ESC 41 OZ) to rezone the 3.7 hectares of the southeast portion of the original landholdings from Industrial (M) to Special District Commercial (SDC) to realize a revised retail development. City Council's decision can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2013.SC22.29>

On July 16, 2013, City Council approved Zoning By-law amendment application (file no. 12 275488 ESC 41 OZ) to rezone the 16.4 hectare parcel of lands to permit additional uses and performance standards under the SDC zone. A Section 37 Agreement was also secured as part of the approval, which mostly reconfirmed the community benefits

previously secured in the 2006 OMB approval. City Council's decision can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2013.SC25.29>

### **Tapscott Employment District Core Servicing Agreement**

On July 27, 2006 the City entered into a Core Servicing Agreement with various owners within the Tapscott Employment District, including the then owner of the subject lands wherein the owners agreed to install certain core services on their lands within the Tapscott Employment District. Under the Core Servicing Agreement, the owners agreed to construct roads, sanitary sewer and stormwater management infrastructure within the Tapscott Employment District. The municipal infrastructure improvements included the completion of a fully serviced road network to service the industrial area and allow for the commercial and industrial development of the Tapscott Employment District. The proposed roads included the extension of Select Avenue to Tapscott Road, the extension of State Crown Boulevard to Steeles Avenue East, the urbanization of Passmore Avenue and improvements to Tapscott Road. Certain intersection improvements and extensions to the sanitary sewer along Passmore Avenue, Tapscott Road and Select Avenue were also required to service the lands. The scope of work also included the construction of a storm sewer collection system to drain the subject area to a centrally located stormwater management facility.

On July 23, 2018, City Council adopted a report from the City Solicitor (Item No. 2018.SC32.23). The report recommends, among other things, that City Council assume the services installed under the Core Servicing Agreement, save and except the outstanding works (the completion of State Crown Boulevard), and that City Council authorize the release of the portion of the performance guarantee held with respect to the services being assumed. The report sets out that the owners have completed all the works set out in the Core Servicing Agreement, save and except the completion of State Crown Boulevard. The owners requested that the City assume those services that have been completed to date and release a portion of the performance guarantees held by the City in respect of the completed servicing works. City Council's decision can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2018.SC32.23>

The Tapscott Core Servicing Agreement expired on June 1, 2021.

### **Heritage Designation**

On July 25-27, 2006, City Council adopted the recommendations of the "Intention to Designate under Part IV of the Ontario Heritage Act" report for the property at 5951 Steeles Avenue East (William Stonehouse House). The property was subsequently designated by By-law 904-2006. City Council's decision document (Scarborough Community Council Report 6, Clause 1) can be found here: <https://www.toronto.ca/legdocs/2006/agendas/council/cc060725/cofa.pdf>

On September 25-27, 2006, City Council adopted the recommendations of the "Intention to Designate under Part IV of the *Ontario Heritage Act*" report for the property at 5933 Steeles Avenue East (Underwood House). The property was subsequently designated by By-law 107-2007. City Council's decision document (Scarborough

Community Council Report 7, Clause 15) can be found here:  
<https://www.toronto.ca/legdocs/2006/agendas/council/cc060925/cofa.pdf>

### **Committee of Adjustment Applications for Consent to Sever**

On July 5, 2012, the Committee of Adjustment granted provisional consent subject to conditions (file no. B028/12SC), to sever the 16.4 hectare parcel into three parts and required the applicant to enter into an agreement with the City to secure various matters. The conditions were not met, and the application was deemed to be refused.

On May 12, 2021, the Committee of Adjustment granted provisional consent subject to conditions (File No. B0055/20SC), submitted by the current owner to sever the 16.4 hectare parcel of land into: two blocks for commercial development; the extension of State Crown Boulevard; and creation of two servicing easements – on the retained lot and the severed lot, in favour of the City. The conditions of approval include:

- Convey to the City, at nominal cost, free and clear of all physical and title encumbrances, a widening on the entire section fronting Steeles Avenue East to satisfy the Official Plan requirement of 36 metres wide right of way (shown as Parts 21 to 27 on Plan 66R-26833);
- Convey to the City, at nominal cost and free and clear of all physical and title encumbrances, a 23 metre wide right-of-way for the extension of State Crown Boulevard from its existing terminus northerly to Steeles Avenue East and corner rounding of 15 metres, on both northwest and northeast corners, where State Crown Boulevard intersects Steeles Avenue East) in fee simple (shown as PARTS 20 and 28 on Plan 66R-26833);
- Convey to the City, the easements, at nominal cost and free and clear of all physical and title encumbrances, shown as Parts 3, 4, 7,8,11 and 12 on Plan 66R-26833, for municipal storm and sanitary sewers; and
- Register on title the agreement and the public easements for municipal storm and sanitary sewer to the satisfaction of the City Solicitor.

See Attachment 7 – Consent Sketch. The above conditions have been satisfied. The consent also required the owner to enter into a Consent Agreement for the construction of all services required for the completion of the extension of State Crown Boulevard as a fully serviced road. The Consent Agreement was executed and registered on title to the lands as Instrument No. AT6136859. To date, the State Crown Boulevard extension has not yet been constructed and completed.

## **PROPOSAL**

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A pre-application meeting was held on August 17, 2022. The current application was submitted on July 27, 2023 and deemed complete on August 29, 2023.

### **Application Description**

This application proposes to amend the Zoning By-laws to permit the construction of a one-storey warehouse with a total GFA of 35,752.78 square metres. The facility

includes 42 loading docks, of which 32 are dock-high doors, and 11 are drive-in doors. The proposed development contains 268 surface parking spaces and three vehicular driveway entrances. A total of 24 proposed bicycle parking spaces are located in various locations on the site. An enhanced landscaped area will be created on the northwest corner of the subject property. As part of this application, State Crown Boulevard will be required to be constructed to completely connect Steeles Avenue East to the north with Select Avenue to the south along the western frontage of the subject property. This will improve connectivity of the broader industrial area and facilitate proper access and circulation for the proposed uses on the subject lands.

There are two buildings on the northeast portion of the site, and they are designated under Part IV of the *Ontario Heritage Act* (OHA) by By-laws 904-2006 and 107-2007. This application proposes to restore and retain the designated heritage buildings on site, which would then be utilized as retail and/or office space.

There are excess soils currently on the site that will require to be either removed or spread across the site. Appropriate environmental site assessments will be required for any lands conveyed to the City.

An easement in favour of the City and registered on title to the lands, Instrument No.AT6323572 bisects the subject lands east-west. The City has not yet assumed the infrastructure. This servicing easement contains key infrastructure (storm and sanitary sewers) associated with the Tapscott Core Servicing Plan. The applicant has proposed to relocate the infrastructure and convey a new easement in favour of the City in respect of the relocated infrastructure further south on the subject property.

### **Site and Surrounding Area**

The subject property is located south of Steeles Avenue East, east of the future State Crown Boulevard. The subject property is predominantly vacant with the exception of two designated heritage buildings with frontage on Steeles Avenue East in the north-east corner which are currently empty. There are multiple large piles of soil fill that have been brought to the site over the past couple of decades that will require further environmental investigation.

The subject property has a total area of approximately 7.43 hectares and is rectangular in shape. It has a frontage of approximately 280 metres on Steeles Avenue East. See Attachment 2 – Location Map.

The surrounding land uses include:

**North:** Steeles Avenue East and residential development comprised primarily of single-detached dwellings located on streets with the City of Markham;  
**South:** Existing industrial facilities that front on to Select Avenue;  
**East:** A shopping complex; and  
**West:** Across the future extension of State Crown Boulevard a similarly vacant parcel of land.

## **Reasons for the Application**

A Zoning By-law Amendment is required to permit the proposed uses within an appropriate zone in By-law 24982 and to bring the subject property into the current City of Toronto Zoning By-law 569-2013. The application is required to implement appropriate performance standards including, but not limited to: where parking is permitted on site, the number vehicular parking spaces, the number of bicycle parking spaces, landscaping, delineated loading areas, TGS requirements, and access to the site. Additional ancillary commercial uses are also proposed for the designated heritage properties.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

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

- Architectural Plans
- Civil and Utilities Plan
- Construction Management Plan
- Erosion and Sediment Control Plan
- Geotechnical Study
- Heritage Impact Strategy
- Landscape Plans
- Landscape and Lighting Plan
- Noise Impact Study
- Planning Rationale
- Public Consultation Strategy
- Renderings Perspective
- Site Grading and Drainage
- Stormwater Management Report
- Survey
- Topographical Survey
- Toronto Green Standards Checklist
- Transportation Impact Assessment
- Tree Preservation Report
- Vibration Report

Copies of the submitted documents are available on the City's Application Information Centre at: [5951 Steeles Avenue East](#)

### **Agency Circulation Outcome**

The application, together with the applicable reports noted above including revisions, 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.

## **Statutory Public Meeting Comments**

In making their decision with regard to this application, City Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Scarborough Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **POLICY & REGULATION CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS) and shall conform to provincial plans.

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) focuses growth within employment areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are to plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs. Planning authorities are to protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations. Employment areas should provide for an appropriate mix and range of employment, including industrial, commercial and institutional uses, to meet long term needs.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

The Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020 (Growth Plan). The Growth Plan provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe (GGH) region, of which the City forms an integral part.

The Growth Plan provides for economic development and competitiveness in the GGH to be promoted by:

- making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
- ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- planning to better connect areas with high employment densities to transit; and
- integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

Section 2.2.5.3 directs retail and office uses will be directed to locations that support active transportation and have existing or planned transit, such as Steeles Avenue East which is a designated Major Street on Map 3 of the Official Plan.



## **Official Plan**

The Official Plan Urban Structure Map 2 identifies the site as *Employment Areas*. The land use designation for the site is *General Employment Areas* on Map 22. See Attachment 3: Official Plan Land Use Map. Steeles Avenue East is identified as a Major Street on Map 3 with a planned right-of-way width of 36 metres and is to remain as is at the time the current Official Plan was adopted.

## **Zoning**

The site is zoned *Special District Community* (SDC) in the City of Scarborough Tapscott Employment District By-law 24982, as amended. See Attachment 4: Existing Zoning By-law Map. The SDC Zone permits a variety of land uses including Day Nurseries, Educational and Training Facility Uses, Financial Institutions, Offices, Personal Service Shops, Places of Entertainment, Places of Worship, Recreational Uses, Restaurants, Retail Stores, Service Shops, and Studios.

The subject property does not form part of city-wide Zoning By-law 569-2013.

## **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- Bird Friendly Design Guidelines
- Toronto Green Standard
- Greening Surface Parking Lots Design Guidelines
- Green Street Technical Guidelines
- Green Infrastructure Standards
- Design Options for Tree Planting in Hard Surfaces
- Best Practices for Effective Lighting (2017)

## **Toronto Green Standard**

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.

## **Additional Information**

See Attachment 1 for the Application Data Sheet, and Attachments 8 to 13 for the site plan, elevations and the three dimensional representations of the proposal.

## **Site Plan Control**

Site Plan Control applies to the application. A Site Plan Application has been submitted (file no. 23 165945 ESC 23 SA) and was deemed incomplete on August 29, 2023.

## COMMENTS

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### Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act* as well as for consistency with the PPS (2020) and conformity with the Growth Plan (2020).

The proposal represents appropriate intensification on an underutilized site, provides an appropriate mix and range of employment and ancillary uses, provides opportunities for a diversified economic base, and encourages a mixed-use development that incorporates compatible employment uses to support liveable and resilient communities. The proposed Holding provision (H) is to ensure that the necessary infrastructure and traffic improvements will be in place to support to proposed development.

Staff finds the proposal to be consistent with the PPS and in conformity with the Growth Plan.

### Land Use

This application has been reviewed against the City of Toronto Official Plan *General Employment Areas* land use policies contained in Chapter 4. *General Employment Areas* are places for business and economic activities generally located on the peripheries of *Employment Areas*. The *General Employment Areas* designation allows employment development when it is demonstrated that a proposal can be compatible with the surrounding lands.

Key policies that staff considered through the review of this application in Section 4.6 of the Official Plan include:

- Encouraging the establishment of key clusters of economic activity with significant value-added employment and assessment;
- Providing a high quality public realm with a connected, easily understood, comfortable and safe network of streets, parks and accessible open spaces;
- Providing adequate parking and loading on-site;
- Avoiding parking between the public sidewalk and retail uses; and
- Providing landscaping on the front and any flanking yard adjacent to any public street, park and open space to create an attractive streetscape, and screening parking, loading and service areas.

The application proposes a new one-storey warehouse development that would be compatible for the site and with the surrounding area. The warehouse use, along with ancillary uses proposed for the designated heritage buildings will be secured in the amending Zoning By-laws. The proposal achieves the intent of the key policies for *General Employment Areas* and will improve and intensify an underutilized site along a Major Street.

## **Density, Height and Massing**

The proposed one-storey (13.7 metres) industrial warehouse building with ancillary retail/office uses within the designated heritage properties results in a lot coverage of approximately 48% of the site, and a GFA of 35,752.78 square metres. Vehicular parking spaces are proposed to be located abutting the warehouse building face and on the eastern portion of the site.

The proposal provides appropriate separation distance to surrounding buildings and provides an enhanced landscaped area that connects to the pedestrian walkway along Steeles Avenue East. Given the existing and planned context of the subject property, staff is of the opinion the density and massing of the proposal is appropriate. The building's height and setbacks will be articulated and secured in the amending Zoning By-laws.

## **Traffic Impact, Access, Parking**

The application proposes 268 vehicular parking spaces of which 194 are for warehouse use, and 74 are for office use. The number of vehicular parking spaces meet the newly adopted standards contained in Zoning By-law 569-2013.

Parking areas are to be consolidated generally on the eastern portion of the site, and internal driveways reduced to allow for more space for at grade landscaped areas. The existing front yard surface parking spaces are to be eliminated. Vehicular parking spaces to service the proposed warehouse use will be predominately located at the rear and side of the warehouse away from Steeles Avenue East. The maximum number of vehicular parking spaces will be secured in the amending Zoning By-laws

A 2.1 metre sidewalk is to be provided along Steeles Avenue East and State Crown Boulevard. Pedestrian connections are to be provided throughout the subject property and connect building entrances to the sidewalk, parking lots, enhanced landscaped areas and amenity areas within the site.

The truck ingress / egress driveways are to be consolidated along State Crown Boulevard to eliminate the potential need for additional curb-cuts. The consolidation of driveway accesses will reduce potential conflicts with pedestrian and cycling movement.

The application proposes to have two driveway accesses on State Crown Boulevard and one private reciprocal driveway access to the property to the east. The subject property currently does not have adequate vehicular site access to support the proposed development. The two proposed driveways on State Crown Boulevard cannot be utilized until its extension is completed and fully operational. As such, a Holding provision (H) is to be placed on the lands to require the extension of State Crown Boulevard is in place. A further condition of lifting the H is the submission of an updated Transportation Impact Study to examine the appropriate location of the driveway entrances.

## **Servicing**

The subject property is within the Tapscott Industrial Area. Per as-built information of the Tapscott Industrial Area, significant external drainage areas are being conveyed easterly and southerly through the subject lands via an inverted L-shaped public sewer protected by public easements.

The existing sewers within the public easements that bisect the site as well as the existing sewers and watermain within the State Crown Boulevard extension lands have not been assumed by the City. The existing services are currently owned and maintained by the owner under obligations of the Consent Agreement (Registered on title as Instrument No. AT6136859). The infrastructure consists of existing 300 mm sanitary sewers, and 1350 mm and 1650 mm storm sewers. These sewers convey the external drainage areas to existing receiving municipal sewers on Select Avenue southeast of the subject lands.

The sewers described above are critical municipal infrastructure of the Tapscott Industrial Area as they service drainage areas beyond the subject lands. The existing 300 mm sanitary sewers convey an external drainage area of 8.38 hectares to the existing receiving municipal sanitary system on Select Avenue. The existing 1350 mm storm sewers convey a total external storm drainage area of 19.56 hectares. The existing 1650 mm storm sewers convey storm drainage from both the subject lands and external areas to the existing receiving municipal storm system on Select Avenue.

The application proposes to connect to the existing unassumed watermain and sewer on the State Crown Boulevard extension lands. The proposed servicing connection on State Crown Boulevard is not permitted by the City until the State Crown Boulevard extension and related below-grade services have been assumed by the City.

At this time, the proposed servicing connections is inconsistent with the approved Servicing Strategies of the Tapscott Industrial Area. As well, the footprint of the proposed warehouse building encroaches onto the existing City's public sewer easements registered on title. To facilitate the proposed warehouse building and footprint, the development proposal includes relocation of existing 300 mm sanitary sewers, and 1350 mm and 1650 mm storm sewers within the existing City's public sewer easements. To achieve the placement of the new servicing easement, the proposed functional servicing and related improvements will need to achieve the intent of the approved Servicing Strategies of the Tapscott Industrial Area. As well, storm drainage and sanitary flows to the existing receiving municipal sewers, and all other systems drainage patterns shall be maintained.

Engineering and Construction Services' staff require more information for it to be demonstrated that the sewer infrastructure and easement can be moved elsewhere on the subject property, to the satisfaction of the City, to not conflict with the proposed warehouse. Documentation required include, but are not limited to: revised civil engineering plans; functional servicing and stormwater management reports, hydrogeologic report, geotechnical report and a loading study.

As such, a Holding provision (H) is recommended to be incorporated into the amending Zoning By-laws requiring the owner to provide documentation satisfactory to the City

that the aforementioned municipal servicing infrastructure can be relocated while conforming to the Core Servicing Plan. To lift the H the owner will need to enter into the necessary agreements to realize the relocation of the infrastructure and easement all at the owners' expense before development can take place.

### **Noise and Vibration Impact**

The subject site is within proximity to residential uses to the north, and retail uses to the east. A Noise Study was submitted in support of the application. The Noise Study concludes the stationary noises generated by the facility will meet the applicable Provincial noise guidelines and recommend a noise barrier fence be constructed next to the loading areas to shield noise from travelling to the residential uses to the north. Detailed implementation of the Noise Study will be secured through the Site Plan approval process.

A Vibration Study was submitted in support of the application and concludes vibration from the construction of the warehouse should extend no further than five metres from any excavation activities. Required vibration monitoring programs will be subject to the review and approval of the Buildings Division at the building permit process.

### **State Crown Boulevard Extension**

The subject property encompasses one of the lots created as a result of Consent Application (B055/20SC), of which the subject site was the severed parcel. The completion of the State Crown Boulevard extension and the related municipal services are an outstanding obligation secured in the Consent Agreement (Registered on title AT6136859).

The subject property currently does not have adequate site access to support the proposed development. The two proposed driveways on State Crown Boulevard cannot be utilized until the State Crown Boulevard extension is completed and fully operational. A Holding provision (H) is recommended to be incorporated into the amending Zoning By-laws requiring the construction of the State Crown Boulevard extension before development can take place.

### **Heritage Impact**

The subject lands are designated under Part IV of the *Ontario Heritage Act*. Designation by-law 904-2006 relates to the Underwood House. This was constructed circa 1890 and is a representative example of a late 19<sup>th</sup> century L-shaped farmhouse. Designation by-law 107-2007 relates to the William Stonehouse House. This pre-Confederation building was built before 1861 and is an example of a Regency Cottage. It was originally situated on the adjacent property to the east but was moved to its current location in 2006/2007 to allow the construction of the access road to the adjacent property at 5975-5979 Steeles Avenue.

The proposed application seeks to retain and adapt the heritage buildings for a combination of retail and office uses. No changes are proposed to their heritage values or attributes as part of this application. The Heritage Impact Assessment (HIA) that was submitted in support of the application notes that they will be restored and used in

association with the proposed new warehouse facility. The retention and adaptive reuse of the heritage buildings support the policy intent of the Official Plan. The details of the alterations to facilitate this adaptation have not yet been determined but will form part of a future Site Plan application. Heritage Planning staff will review the proposed restoration works at that time and determine what approvals, if any, will be required under the *Ontario Heritage Act*.

### **Open Space/Parkland**

This application for a warehouse building and ancillary retail and office uses is exempt from the parkland dedication requirement under Chapter 415, Article III, Section 415-30. (8) of the Toronto Municipal Code.

### **Enhanced Landscaped Area**

An enhanced landscaped area of approximately 1,175 square metres is being proposed at the northwest corner of the site, along with landscaping along the Steeles Avenue East frontage. Staff consider the enhanced landscaped area to be a positive element of the proposal. It would provide a new pedestrian connection and enhanced landscaping from the west corner of the subject lands to the heritage buildings in the east, which currently does not exist. As well, the employees of the proposed development would be able to utilize the area. Staff recommend that the area and dimensions of the enhanced landscaped area be secured in the amending Zoning By-laws and its final design be secured through the Site Plan Control approval process.

### **Tree Preservation and Soil Volumes**

The site currently contains zero trees. The subject application proposes to plant approximately 101 trees. A Tree Declaration Letter, and a Landscape and Soil Volume Plan were submitted in support of the application. Parks, Forestry & Recreation (PFR) staff has reviewed the documentation and note the proposal does not conform to the provisions of the TGS, which as a result will lead to non-conformity to Section 3.4.1 of the Official Plan regarding increasing the tree canopy as part of supporting strong communities and a competitive economy.

Specifically:

- A total of 13,508.9 cubic metres of soil volume is required, whereas 8,580 cubic metres is proposed, meeting only 63.5% of the total TGS soil volume required;
- Insufficient details on soil volumes along the Steeles Avenue East frontage shown on the landscaping plan, and whether the proposed soil volumes meet TGS requirements;
- Lack of street tree plantings along Steeles Avenue East and State Crown Boulevard; and
- Lack of large growing shade trees to be incorporated throughout the parking lot interior.

The amount of soil volume to support tree growth and the appropriate placement of City and private trees will be secured through 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 TGS. 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.

The applicant is required to meet Tier 1 of the TGS but encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 of the TGS includes performance measures for cycling infrastructure and electric vehicle parking. A total of 24 bicycle parking spaces would be secured through the zoning by-law amendment.

It is noted the proposed soil volume has not been met through the documentation submitted as part of this application. The amount of soil volume to support tree growth and the placement of City and private trees will be secured through the Site Plan approval process.

Other detailed performance measures for the Tier 1 development features will be secured through the Site Plan Control process.

## **Toronto Transit Commission (TTC)**

TTC bus stop #14375 on Steeles Avenue East is located on the frontage of the subject property in the north-east corner at the crosswalk to Irenemount Crescent (north of Steeles in Markham). To provide adequate room to operate TTC buses, the applicant is required to provide a level concrete platform that is at least 16 metres in length and occupies the width of the boulevard between the curb and the 2.1 metre sidewalk.

The applicant is to provide sufficient space to allow for the installation of a bus shelter. It is noted this may require a conveyance of land or easement in favour of the City, to the City's satisfaction. Detailed design will be addressed through the Site Plan Control process.

## **Holding Provision (H)**

A Holding provision (H) is recommended to be placed on the lands, where the (H) is not to be lifted to permit the proposed development until the owner resolves the following matters to the satisfaction of the City:

- The fulfilment of all obligations under the Consent Agreement dated June 9, 2022, and registered on title to the Lands as Instrument No. AT6136859, to the satisfaction of the City Solicitor;
- The submission of updated and acceptable servicing reports, including Functional Servicing Reports and Stormwater Management Reports, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, as well as updated, revised, and acceptable civil engineering plans to the satisfaction of

the Chief Engineer and Executive Director, Engineering and Construction Services that demonstrates an appropriate servicing solution consistent with the Tapscott Core Servicing Agreement;

- The submission of the necessary studies and plans to demonstrate the satisfactory relocation of the existing sanitary and storm sewers on the subject site, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- The owner has entered into a financially secured agreement(s) for the relocated sanitary and storm sewer infrastructure at the owner's expense, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor, and registered the agreement(s) on title to the lands to the satisfaction of the City Solicitor;
- The conveyance to the City of a new easement for nominal consideration in respect of the relocated infrastructure, such lands to be free and clear of all physical and title encumbrances, and in accordance with City's standard terms in respect of environmental clearance for lands to be conveyed to the City, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor;
- The release of the existing easement registered on title to the Lands as Instrument No.AT6323572, at fair market value, to the satisfaction of the City;  
and
- The submission of an acceptable Traffic Impact Study, including parking analysis demonstrating the location of driveway accesses to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services.

The Chief Planner and Executive Director, City Planning Division and their designates have the authority to make decisions on applications to remove Holding provisions. A new application to lift the H will be required and a decision on the application will be made by the Chief Planner or their designate once satisfactory material has been submitted and reviewed.

### **Existing Section 37 Agreement**

There is an existing Section 37 Agreement registered on title to the subject lands related to the current Zoning By-law permissions for retail complexes, enacted as By-law 696-2014. The community benefits secured include:

- The restoration and adaptive reuse of the heritage properties on-site;
- The payment of \$1,800,000 towards the Milliken Park Community Recreation Centre (CRC) expansion; and
- The provision of public park pieces on-site that would equate to an amount of \$250,000.

As of the date of this report, the subject lands have not been developed based on the permissions of By-law 696-2014.



## **Community Consultation**

A virtual community consultation meeting took place on November 15, 2023 using the WebEx videoconferencing program. The meeting was attended by eight residents in addition to city staff and the ward councillor. Comments raised during the meeting, along with comments raised through written correspondence include:

- Bicycle parking and accommodation of cargo bicycles;
- Access to the subject property; and
- Construction of the State Crown Boulevard extension.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS, the Growth Plan, and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS and conforms with the Growth Plan. Staff met with the applicant to address the following key concerns:

- vehicular access to the lands;
- the conditions associated with the consent (i.e., agreements with ECS that have lapsed);
- easements and servicing the subject lands;
- the construction and assumption of the State Crown Boulevard extension;
- increasing quantity of trees and soil; and
- site plan matters (e.g., location of bicycle parking).

This proposal is an appropriate infill development that is compatible with the surrounding context, provides for appropriate separation distances from the surrounding existing buildings with building setbacks from its property lines, as well as providing 300 jobs to the area.

The draft amending Zoning By-laws includes Holding provisions (H) which may be lifted at such a time as an acceptable servicing solution is derived, the necessary easements to accommodate this solution have been secured, transportation improvements including the implementation of the State Crown Boulevard extension have been satisfactorily advanced has been determined.

City Planning recommends City Council approve the proposed Zoning By-law Amendments to permit the redevelopment of the subject lands, subject to a Holding provision (H) to ensure appropriate servicing and transportation infrastructure are in place prior to redevelopment.

## **CONTACT**

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Tel. No. 416-396-7023, E-mail: [Laura.Dainard@toronto.ca](mailto:Laura.Dainard@toronto.ca)

## **SIGNATURE**

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Christian Ventresca, MScPL, MCIP, RPP  
Director, Community Planning, Scarborough District

## **ATTACHMENTS**

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### **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 to 24982  
Attachment 6: Draft Zoning By-law Amendment to 569-2013  
Attachment 7: Consent Sketch

### **Applicant Submitted Drawings**

Attachment 8: Site Plan  
Attachment 9: North Elevation  
Attachment 10: East Elevation  
Attachment 11: South Elevation  
Attachment 12: West Elevation  
Attachment 13: 3D Model in Context Looking Southwest

## Attachment 1: Application Data Sheet

**Municipal Address:** 5951 STEELES AVE E      **Date Received:** June 25, 2023

**Application Number:** 23 165943 ESC 23 OZ

**Application Type:** OPA / Rezoning, Rezoning

**Project Description:** Zoning By-law Amendment for a one-storey storage and distribution warehouse. Two designated heritage properties are located on the northeastern portion of the site, which would be renovated for commercial/office use.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
JUSTIN LIMA			JIM PATTISON DEVELOPMENTS LTD.

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	
Zoning:	SDC	Heritage Designation:	Y
Height Limit (m):		Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 74,300      Frontage (m): 287      Depth (m): 259

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			35,381	<b>35,381</b>
Residential GFA (sq m):				
Non-Residential GFA (sq m):	1,385	1,385	35,753	<b>37,138</b>
<b>Total GFA (sq m):</b>	<b>1,385</b>	<b>1,385</b>	<b>35,753</b>	<b>37,138</b>
Height - Storeys:			1	<b>1</b>
Height - Metres:			14	<b>14</b>

Lot Coverage Ratio (%): 47.62      Floor Space Index: 0.5

**Floor Area Breakdown**      **Above Grade (sq m)**      **Below Grade (sq m)**

Residential GFA:

Retail GFA:

Office GFA: 6,317

Industrial GFA: 30,821

Institutional/Other GFA:

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
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Rental:

Freehold:

Condominium:

Other:

**Total Units:**

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
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Retained:

Proposed:

**Total Units:**

**Parking and Loading**

Parking Spaces: 268      Bicycle Parking Spaces: 24      Loading Docks: 43

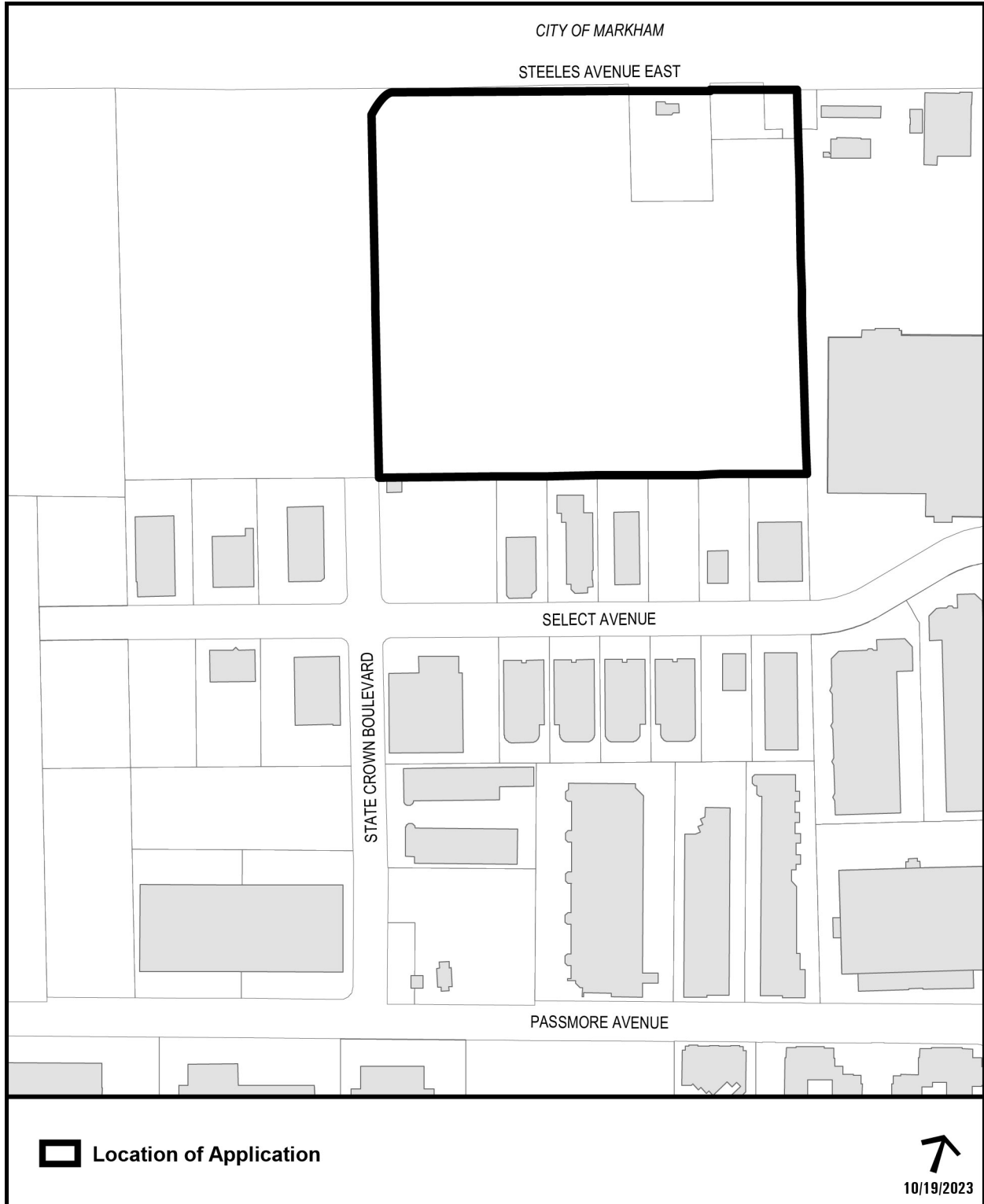
**CONTACT:**

Laura Dainard, Senior Planner, Community Planning

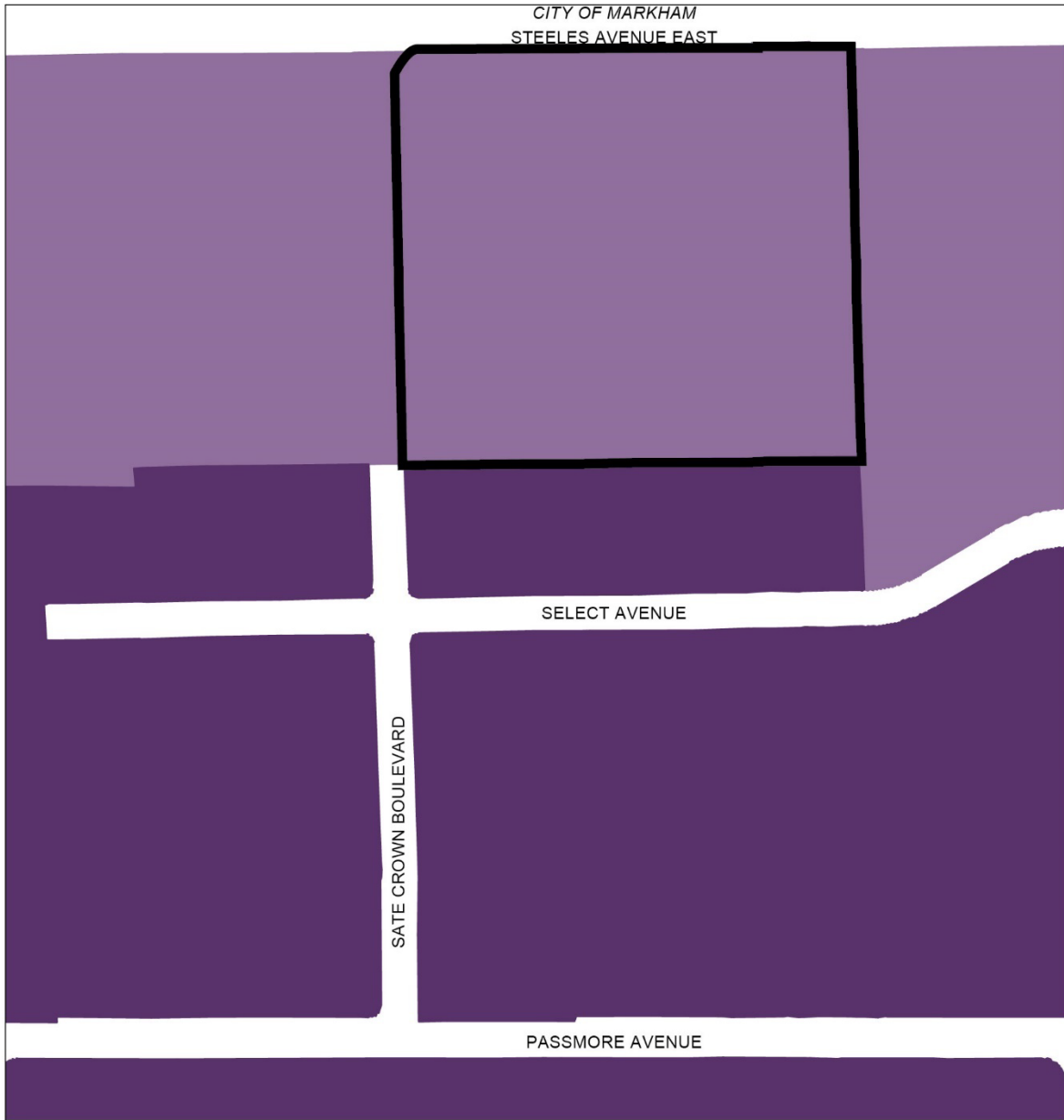
(416) 396-7023

Laura.Dainard@toronto.ca

## Attachment 2: Location Map



# Attachment 3: Official Plan Land Use Map



5951 Steeles Avenue East

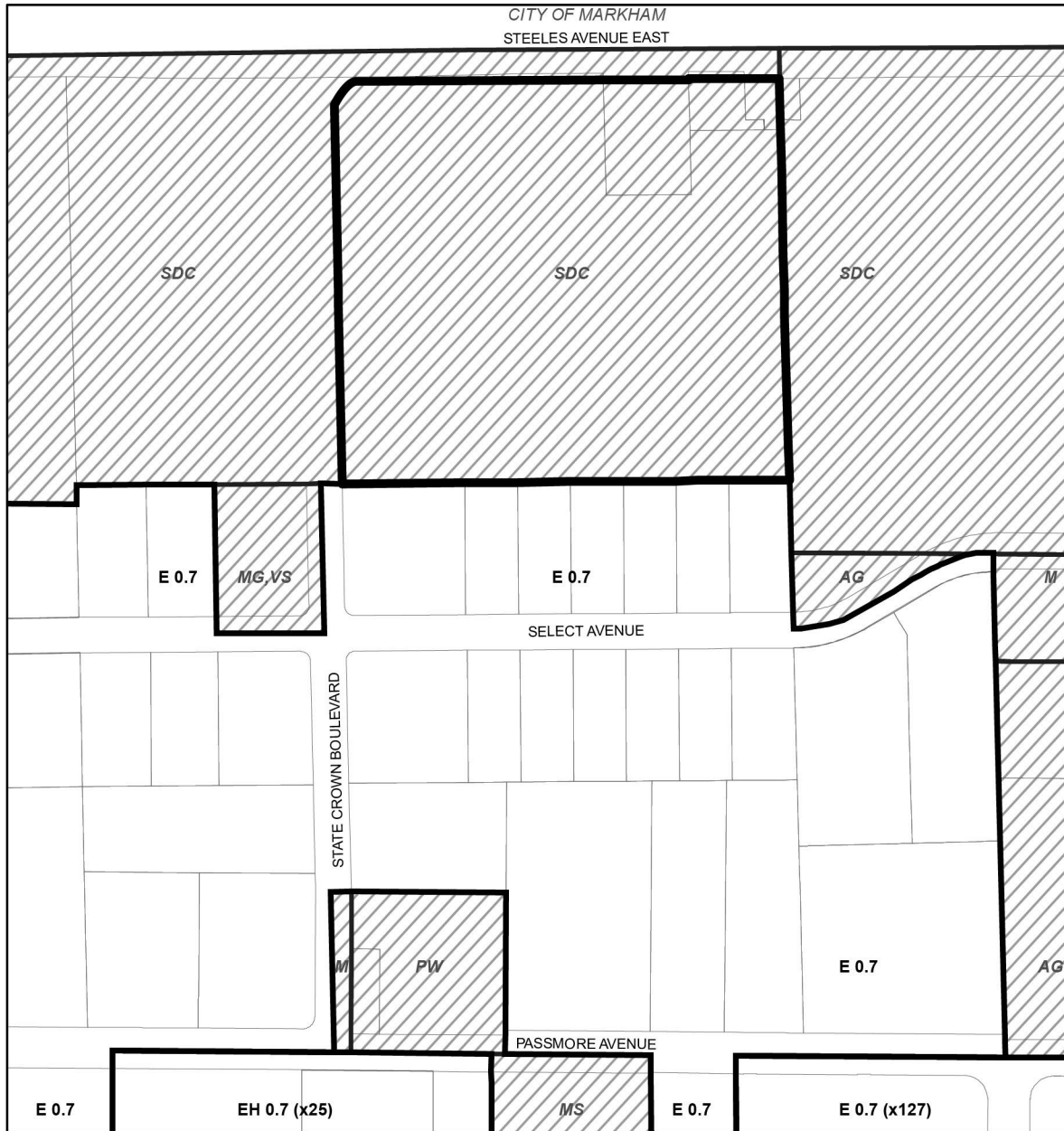
## Official Plan Land Use Map 22

File # 23 165943 ESC 23 0Z

-  Location of Application
-  General Employment Areas
-  Core Employment Areas

  
Not to Scale  
10/20/2023

# Attachment 4: Existing Zoning By-law Map



**Zoning By-law 569-2013**

**5951 Steeles Avenue East**

File # 23 165943 ESC 23 0Z

Location of Application	See Former City of Scarborough Tapscott Employment District By-Law No.24982	Places of Worship Zone
Employment Industrial	Industrial Zone	Agricultural Zone
Employment Heavy Industrial	General Industrial Zone	
	Special Industrial Zone	
	Vehicle Service Zone	
	Special District Commercial Zone	

↑  
Not to Scale  
Extracted: 10/20/2023

**Attachment 5: Draft Zoning By-law Amendment to 24982**

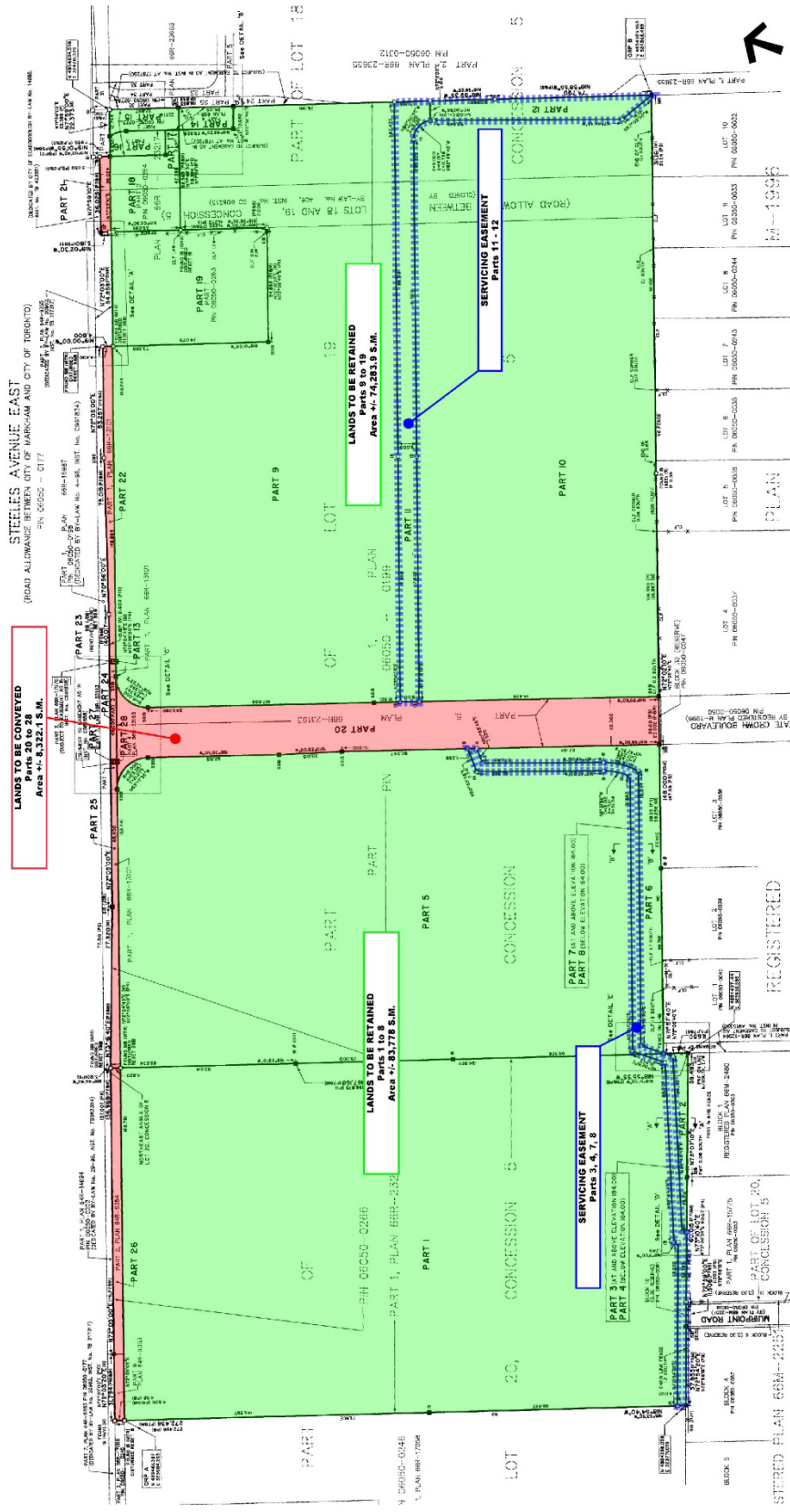
(Attached separately as a PDF)



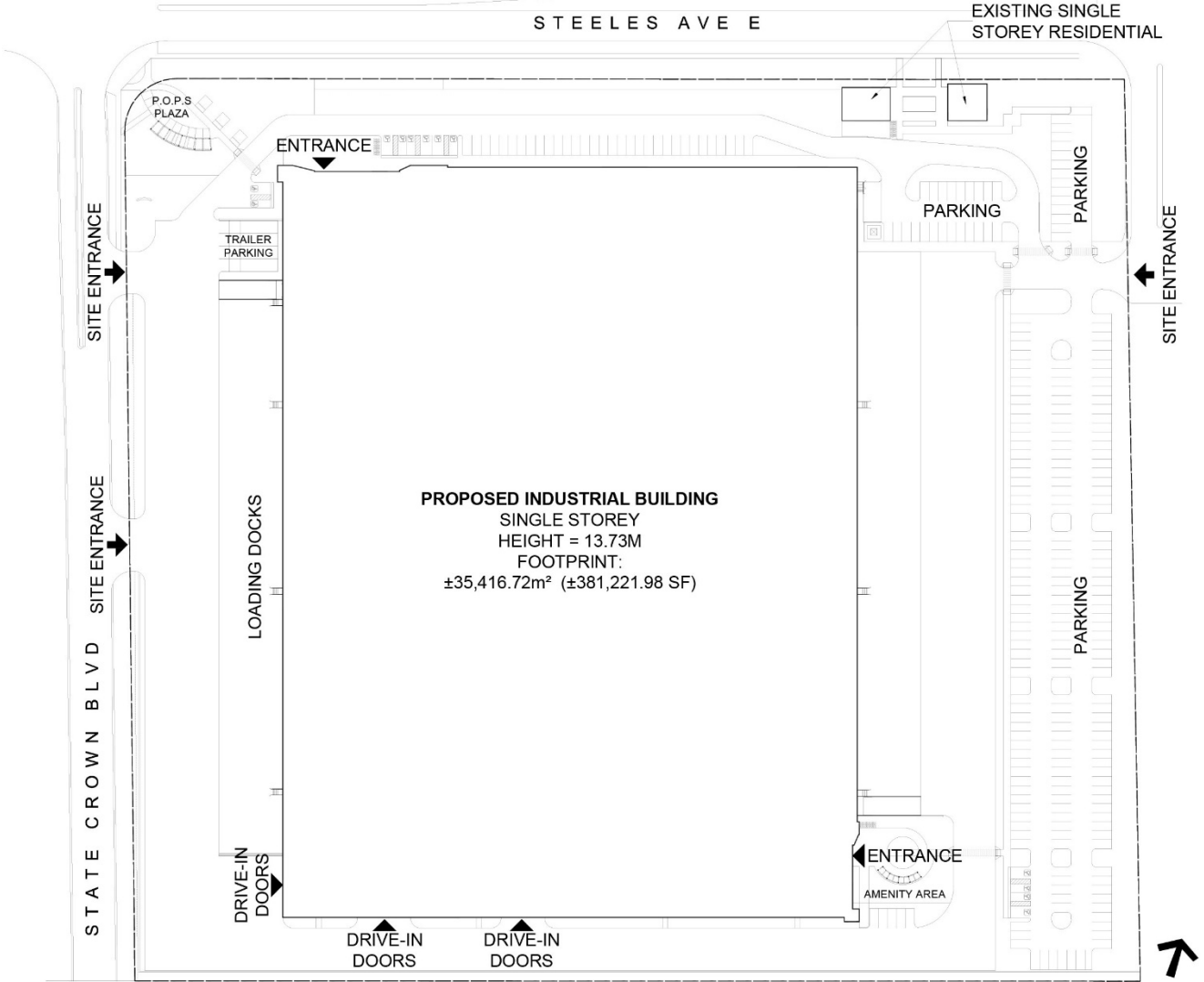
**Attachment 6: Draft Zoning By-law Amendment to 569-2013**

(Attached separately as a PDF)

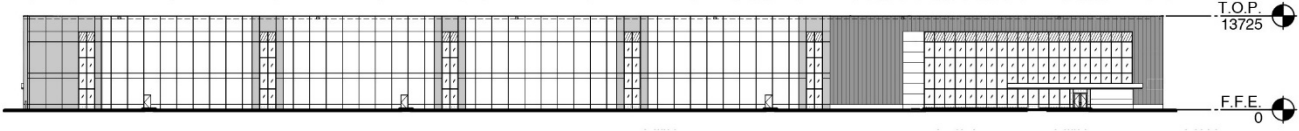
# Attachment 7: Consent Sketch



**Attachment 8: Site Plan**

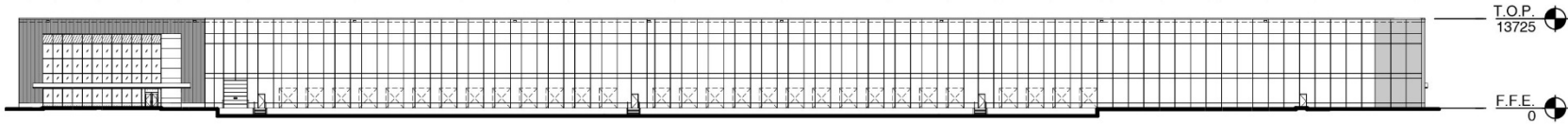


**Attachment 9: North Elevation**



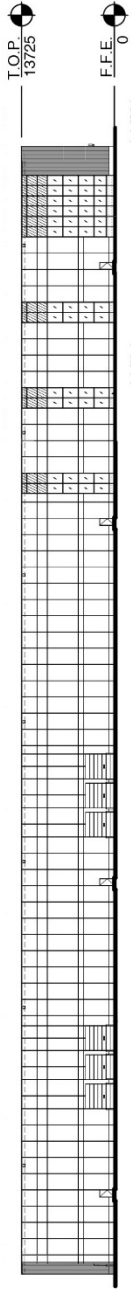
**North Elevation**

**Attachment 10: East Elevation**



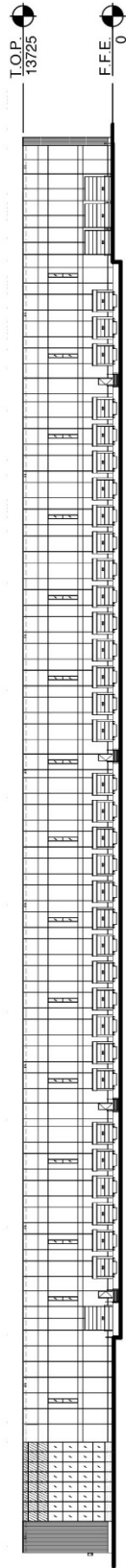
**East Elevation**

**Attachment 11: South Elevation**



**South Elevation**

**Attachment 12: West Elevation**



**West Elevation**

