

**3070 Ellesmere Road – Zoning Application – Final Report**

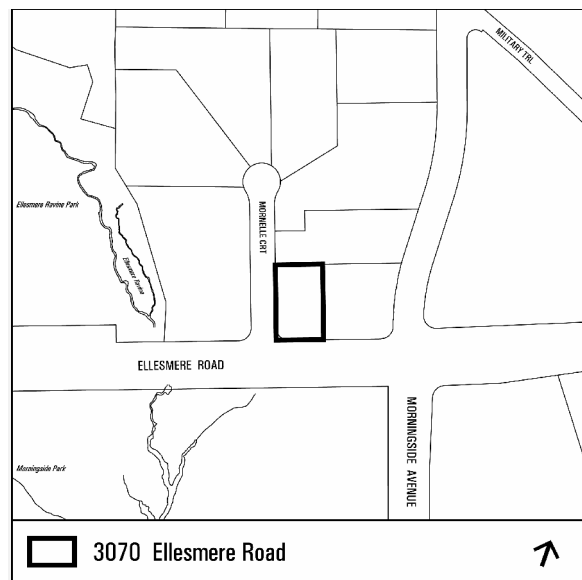
<b>Date:</b>	June 12, 2007
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward No. 43 – Scarborough East
<b>Reference Number:</b>	File No. 06 116200 ESC 43 OZ

**SUMMARY**

This report reviews and recommends approval of an application to amend the zoning by-law to permit a mixed-use, 24-storey development that includes ground floor commercial with 23 storeys of residential units above. The building is designed with an L-shaped, 4-storey podium parallel to Ellesmere Road and Mornelle Court with a 20-storey residential tower above the southwest corner of the podium. A green roof is proposed on a portion of the 4-storey podium. The residential portion of the building would consist of 265 units proposed to be a condominium. A total of 323 parking spaces are being proposed with 3 levels of underground parking.

As part of the development of the lands, the applicant has agreed to provide public benefits, in exchange for the proposed increase in height and density, to be secured through an agreement with the City under Section 37 of the Planning Act. The amount of \$400,000 has been secured to cover the costs of building a washroom facility/change room within a local city park.

The subject lands operated as a waste disposal site during the 1950’s and 1960’s. The applicant proposes to remediate the site for residential use.



A Holding provision will be applied to the proposed zoning. The “H” symbol is removed only once the applicant has obtained a Certificate of Approval from the Ministry of the Environment for the installation of the methane venting system on the site. In addition, the Section 37 provisions in the zoning by-law amendment and the Section 37 agreement will also secure certain environmental remediation measures.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. Provided that the Environmental Assessment Report dated February 2006 (as revised) by Cadec Consultants Limited and any necessary reports, including a Restoration Action Plan, have been reviewed and accepted by a third-party environmental peer reviewer retained by the City, City Council amend the zoning by-law for the Morningside Community substantially in accordance with the draft zoning by-law amendment attached as Attachment 7 with such by-law to include any revisions necessary to implement the results of the accepted Restoration Action Plan;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required; and
3. Before introducing the necessary Bill to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act, the community benefit recommended to be secured in the Section 37 agreement is as follows:
  - a) The payment of \$400,000 payable to the City of Toronto, prior to the issuance of the first building permit, to be used for a new washroom facility/change room at Ellesmere Sports Fields park.

The following matter is also recommended to be secured in the Section 37 agreement as legal convenience to support development:

- b) The environmental remediation of the site prior to issuance of any above grade building permit.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

The original proposal was for a mixed-use, 24-storey development that included ground floor commercial with 210 residential units. A total of 257 parking spaces was proposed within three levels of underground parking, and 11 surface parking spaces.

Following consideration of the Preliminary Report, and the community consultation meeting, the applicant revised their proposal to 265 units within the same 24-storey building envelope and built form.

The applicant proposed this increase of 55 residential units by adjusting the residential breakdown of one and two bedroom units. The residential portion of the building now contains 171 one-bedroom and 94 two-bedroom units. The building is designed with an L-shaped, 4-storey podium parallel to Ellesmere Road and Mornelle Court with a 20-storey residential tower above the southwest corner of the podium. A green roof is proposed on a portion of the 4-storey podium. The proposed gross floor area is 23,047 square metres (248,089 square feet). The proposed commercial component would be approximately 426 square metres (4,583 square feet). A total of approximately 578 square metres (6,217 square feet) of private indoor amenity space is also being proposed. With a site area of 0.53 hectares (1.3 acres) this development proposes an overall density of 4.38 times the area of the site.

Access to the development is proposed from a single driveway off of Mornelle Court. The revised proposal continues to have a parking standard of 1 parking space per residential unit, 0.2 visitor parking spaces per unit and 1 space per 93 square metres (1,000 square feet) of commercial space. Parking would be supplied with 3 levels of underground parking and fifteen (15) surface visitor parking spaces.

Relevant project data is outlined on the Application Data Sheet (Attachment 6).

### **Site and Surrounding Area**

The subject property is rectangular in shape and located at the northeast corner of Ellesmere Road and Mornelle Court, west of Morningside Avenue. The property has frontage along Mornelle Court and Ellesmere Road, and an area of approximately 5,261 square metres (1.3 acres). The vacant three-storey office building on the site has been demolished and the lands are presently vacant. There is a bus shelter directly in front of the site on Ellesmere Road. The site slopes from north to south, following the pattern of grade change along Mornelle Court.

The subject land was used in the 1950s and 1960s as a waste disposal site.

The subject property is surrounded by the following land uses:

North:	High-rise residential building
South:	Morningside Park and Ravine
East:	Vehicle Service Station and Retail Store
West:	High-rise residential building

The immediate land use context of the subject site is largely defined by high density residential buildings along Mornelle Court. The high-rise residential buildings range in height from 13 to 18 storeys, with the exception of a 4-storey townhouse complex at 100

Mornelle Court. The site is surrounded by a significant amount of parkland and open space, including Morningside Park to the south and Ellesmere Ravine to the west. The site is located within close proximity to major institutional uses including the University of Toronto-Scarborough Campus, Centennial College-Ellesmere Campus, and Centenary Health Centre.

## **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

## **Official Plan**

The site is designated Mixed Use Areas (Attachment 5) which permits the proposed residential and commercial uses. At the time of the application an amendment to the Scarborough Official Plan was needed as residential uses were permitted as ancillary uses only in the previous Highway Commercial designation. The site is now designated Mixed Use Areas in the new City of Toronto Official Plan, which are made up of a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

Development within the Mixed Use Areas will create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community. New buildings are to be located and massed to provide a transition between areas of different development intensity and scale, maintain sunlight and minimize any additional shadowing and uncomfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. Development in Mixed Use Areas are to have access to schools, parks, community centres, libraries, and childcare; take advantage of nearby transit services; provide good site access and circulation and an adequate supply of parking for residents and visitors, provide indoor and outdoor recreation space for building residents, and locate and screen service areas to minimize the impact on adjacent streets and residences.

Policies of Section 3 in the Official Plan specify that new buildings should achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

The subject lands are near the Natural Heritage System that is identified in the new Official Plan. The natural heritage system is on the south side of Ellesmere Road and the west side of Mornelle Court and also extends north of 100 Mornelle Court. The natural heritage system is made up of areas where protecting, restoring and enhancing the natural features and functions should have a high priority in City building decisions. All proposed development in or near the natural heritage system will be evaluated to assess

the development's impacts on the natural heritage system. Where the underlying land use designation provides for development in or near the natural heritage system, development will minimize adverse impacts and when possible, restore and enhance the natural heritage system. A study is required, when appropriate, to assess a proposed development's impact on the natural environment and propose measures to reduce negative impacts on and where possible improve, the natural environment. The Official Plan policies provide that development will be set back by at least 10 metres, or more if warranted by the severity from the top-of-bank of valleys, ravines, bluffs and other locations where slope instability, erosion, flooding or other physical conditions present a significant risk to life or property. The policies of the Official Plan also promote the use of green industry and green building designs and construction practices in building and development.

The Official Plan policies provide that prior to development occurring on known or potentially contaminated sites, or on sites on or within 500 metres of a known or suspected former waste disposal site, potential adverse impacts will be identified and assessed through a study, and any measures needed to remediate or mitigate the contamination will be identified and implemented.

The Official Plan also provides for use of Section 37 of the Planning Act to secure the provision of community benefits in return for increases in height and/or density of a development if it is determined to constitute good planning and is consistent with the objectives and development policies in the Plan. The City can request that the Owner enter into an agreement under Section 37 to secure these matters.

## **Zoning**

The subject property is zoned Highway Commercial (HC) (Attachment 4), permitting only business and professional offices, banks, pharmacies, and marketplace signs. The site is subject to a site specific standard that permits a maximum gross floor area of 45% of the site area.

## **Site Plan Control**

The property is subject to site plan control. An application for site plan approval has been filed and was reviewed concurrently with the zoning by-law amendment application.

## **Reasons for Application**

An amendment to the zoning by-law is required to permit the proposed mixed-use development and to implement the necessary zoning standards that will regulate the new development.

## **Community Consultation**

A community consultation meeting, as directed by the Scarborough Community Council, was held on June 29, 2006. Approximately 20 people attended the meeting. Concerns expressed at the meeting included traffic congestion and the need for a signalized

intersection at Ellesmere Road and Mornelle Court. Residents explained that there are delays experienced in turning eastbound off of Mornelle Court.

Residents were also concerned about the impact of the building's height and its relationship within the existing context, including high winds causing uncomfortable conditions to pedestrians.

Residents were supportive of the proposed retail on the ground floor of the proposal. They expressed the need for retail stores and asked if there are measures to make sure retail will remain in the building.

Further to the community consultation meeting, the Councillor's office arranged a community meeting which was held on September 26<sup>th</sup>, 2006. This was an additional opportunity to see the plans and share any suggestions and comments. Four members of the public attended the meeting. Again, traffic concerns were raised.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

### **COMMENTS**

Upon careful review of land use, urban design, and environmental considerations noted below, staff conclude that the applicant's proposal represents an appropriate balance between intensification of a site and respect for the local context. The proposal will help remediate a site and ensure the efficient use of land by introducing mixed use development.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting, or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, employment, parks and open spaces, and transportation choices that facilitate pedestrian mobility and other modes of travel. In the opinion of City Planning staff, the proposal is consistent with the Provincial Policy Statement.

## **Land Use**

Mixed Use Areas development will create a balance of commercial, residential, institutional and open space that reduces automobile dependency and meets the needs of the local community.

The Official Plan encourages growth that is focused and contributes to compact centres and corridors; is well served by existing and planned transportation networks, including public transit; makes better use of land, infrastructure and services; reduces automobile dependency; is of high-quality that enhances the streetscape; improves Toronto's economy; and creates fulfilling employment opportunities for all individuals. An increase in housing supply is encouraged in mixed use environments that create additional opportunities for people to live and work locally.

The subject site is an appropriate location to introduce residential uses given the character and function of the surrounding land uses, its proximity to public transit, and nearby parks and open spaces.

Ellesmere Road and Morningside Avenue, which are both identified as Major Streets within the Plan, have bus service routes that connect to Kennedy Road subway station; Yonge subway station; and Scarborough LRT station.

The site is surrounded by residential buildings on Mornelle Court and within proximity to Employment Districts to the north and west; University of Toronto-Scarborough Campus to the northeast and southeast; and Centennial College-Ellesmere Campus to the east, thereby increasing the opportunities for people to live and work locally.

## **Density, Height, Massing**

The density, height and massing of the proposed building has been developed with sensitivity to the existing context of the neighbourhood. The development would introduce a density of 4.38 times the area of the lot (504 units per hectare or 204 units per acre). The proposed density, in the proposed built form, is appropriate for this site. Although the existing high-rise apartment buildings on Mornelle Court have lower densities ranging from 117 to about 150 units per hectare (47 to 61 units per acre), the scale of the proposed building is consistent with the established neighbourhood, albeit on a smaller parcel of land. The surrounding high-rise apartment buildings can be characterized as traditional slab-type buildings, situated on very large lots ranging from 9,915 square metres (2.45 acres) to 22,299 square metres (5.51 acres). The number of units contained in these existing high-rise apartment buildings range from 145 units to 327 units. The siting and design of the proposed building allows for compatibility with the surrounding neighbourhood. The site can be developed at the proposed density, while still supplying adequate parking, a loading space, landscaping, an outdoor amenity area, and all necessary servicing.

Some of the existing buildings on Mornelle Court occupy relatively small areas of their sites. Future development on Mornelle Court could be in the form of an addition to the existing buildings or intensification of a larger site. However, the allowable intensity of

development under the current zoning of these sites has been maximized. Any future development on these adjacent lands would require a rezoning. Applications would be reviewed independently and will be assessed appropriately, including but not limited to the availability and capacity of local services, parks, schools, servicing, and traffic.

Further, the Official Plan also contains housing policies that protect rental housing, including affordable, mid-range rental, and social housing. Mornelle Court contains mainly rental housing, including affordable housing. Any new development that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will need to replace the existing rental housing units with similar levels of affordability. The Official Plan also sets out policies respecting Apartment Neighbourhoods and infill development.

The proposed building would be the tallest building within the existing high-rise apartment buildings community on Mornelle Court. The existing condominium building on 3050 Ellesmere Road to the west of the site is 18 storeys. Due to the change in grade on the subject site and surrounding lands the 18-storey building would be at the same height as the 22<sup>nd</sup> storey (Attachment 3 – Section - West View) of the proposed building. Further, the existing 16-storey building (110 Mornelle Court) immediately north of the subject site would be at the height of the 20th storey on the proposed building (Attachment 3 – Section - East View). The difference in height is further reduced from the subject lands to the most northerly building on Mornelle Court (80 Mornelle Court). The scale and placement of the tower represents an appropriate transition in height between the proposed development and the neighbouring buildings.

The floor plate of the shaft of the building is approximately 842 square metres (9,065 square feet). The result is a proportioned building rather than traditional slab-type bulky building, which will cast smaller shadows, improve sky views, and permit better views between buildings through the site. The size and articulation of the floor plate contributes to a development that will be massed to fit harmoniously into its existing context, and will limit its impacts on the surrounding lands.

## **Urban Design**

The proposal is a high quality; well-designed 24-storey mixed use building. The building is designed in three distinct parts: base, middle (shaft), and top, each with its particular role in creating a single, integrated structure.

The built-form policies of the Official Plan encourage new development to frame and support adjacent streets, parks and open spaces. These policies seek to locate and mass new buildings to frame the edges of the streets and parks with good proportion and maintain sunlight and comfortable wind conditions to provide an attractive, comfortable and safe pedestrian environment.

The proposed development is located close to the street edge. New residential uses and new stores at the street edge along Ellesmere Road and Mornelle Court will enhance pedestrian activity along these streets. Staff have reviewed the development in the



context of the City's Design Criteria for Tall Buildings. This proposal meets the tall building design criteria and implements the objective of the Official Plan to ensure that tall buildings fit with their context and minimize their impacts.

Landscaping is proposed around the perimeter of the site including a mixture of trees and shrubs along the Ellesmere Road and Mornelle Court frontages. Attractive walkway entrances, some lined with landscaping, are proposed to accommodate access to the commercial uses and residential entrance and provide circulation throughout the site. Tree and shrub plantings, benches, and a gazebo are proposed for the large landscaped open space area at the northwest corner of the site.

### **Site Plan**

An application for site plan approval had been filed at the time of this application. The review of the application is well advanced in terms of building placement, design and massing. Further details with regards to landscaping and pedestrian level wind mitigation will be finalized prior to site plan approval.

### **Shadow Analysis**

The applicant submitted a sun/shadow study for the proposed development to examine the shadows cast by the proposed building onto the surrounding area. The location of the residential tower at the southwest corner of the site creates an acceptable relationship with surrounding properties and open spaces. The proposed shadow does not impact in any way on the open space/parkland feature to the south. In the morning hours of March and September the proposed building casts small shadows on Mornelle Court and the open space portions of the residential properties to the north and northwest. In September there will be some shadowing on the parking structure at 3050 Ellesmere Road. During the March and September equinox the shadows associated with the proposed development do not impact any residential building.

In the afternoon hours of March and September the proposed development creates shadowing to the east, including the gas station site abutting the subject site. In the late afternoon hours there is some shadowing on the southern portion of the Centennial College building; however the shadow quickly moves away from the building within an hour.

The shadows associated with the proposed development are small and acceptable, particularly when compared to the existing shadow context of surrounding buildings. The study has been reviewed by staff and is deemed to be acceptable.

### **Pedestrian Level Wind Study**

The submitted microclimatic analysis has been reviewed by staff. Comfort conditions at the site are considered generally acceptable to an open setting and extensive mitigation is not deemed necessary. At the pedestrian level, there are wind mitigation opportunities through the appropriate use of landscaping. Detailed mitigation measures will be identified through the site plan control process and secured as a condition of site plan control approval.

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

Transportation Planning and Transportation Services staff have reviewed the submitted Traffic Impact Study that investigated existing and future transportation conditions, including public transit and the impact of the proposed development on future traffic conditions.

The proposed access to the site from Mornelle Court is appropriate to accommodate the proposal's anticipated traffic. The corner of Morningside Avenue and Ellesmere Road is served with frequent bus service for all directions. In addition, there is a bus stop at the corner of Ellesmere Road and Mornelle Court for a westbound commute. If background volumes increase as forecasted for 2011 conditions, the intersection overall average delay increases, but level of service will remain within the same level. To ensure that eastbound left turning motorists at Mornelle Court do not obstruct through movements on Ellesmere Road, the owner will be required to extend the existing eastbound left turn lane along Ellesmere Road, west of Mornelle Court to provide a minimum storage length of 40 metres. This will be secured as a condition of the site plan approval process.

The outbound left turn at the unsignalized intersection at Mornelle Court and Ellesmere Road was found to experience the most delay. However, the proposed development will not generate a significant amount of vehicular traffic and City staff are satisfied that the proposed development would not result in the need for a signalized intersection at Mornelle Court and Ellesmere Road.

City staff concurs with the conclusions of the Traffic Impact Study. The proposed development will not have a significant impact on the operations of the adjacent roadway network.

The proposed residential parking standard of 1 space per residential unit; and 0.2 visitor parking spaces per residential unit meets the general zoning by-law standard. The adjacent condominium building to the west (3050 Ellesmere Road) has a resident parking provision of 1.3 parking spaces per residential unit (1 parking space per residential unit and 0.3 visitor parking spaces per residential unit). The proposal will have a mixture of one and two bedroom units, with approximately 65% of the units being one-bedroom units. Given that the development will be served by surface transit service leading to rapid transit stations, and the University of Toronto and Centennial College campus is nearby, the parking supply is adequate for the residential component of the development. The proposed commercial services are anticipated to mainly serve the residential component on site and the adjacent residential developments along Mornelle Court resulting in mainly walk-in traffic. In this respect five parking spaces dedicated to commercial use will also be adequate. In addition, there are ten surface visitor parking spaces which can be shared for additional retail parking. The parking supply is sufficient to accommodate the proposal and addresses the intent of the City's Official Plan policies relating to reducing car dependence.

## **Servicing**

Technical Services have reviewed the development proposal to ensure that there is appropriate sewer capacity to accommodate the proposed development. The proposed development will not adversely affect the existing water supply system.

Although the existing storm and sewer connection sizes and locations are acceptable, in accordance with Toronto Municipal Code Chapter 681, the existing connections will need to be replaced with new ones by City forces at the Owner's cost. Planning staff will secure this condition through the site plan control approval.

## **Environment – Waste Disposal Site**

The subject site and surrounding lands were used as a landfill during the 1950's and 1960's. Reports indicate that there is domestic garbage buried on the site and on lands adjacent to the site. The applicant is proposing that the waste on the site be removed to provide for the mixed-use development. The City has retained Terrapex Environmental Ltd. (Terrapex) to provide a peer review of the appropriateness of the development and the remediation proposal. The applicant has provided an environmental study which was reviewed by Terrapex. The development will include a methane venting system, and monitoring system along the perimeter of the site. The venting system is designed to secure the site from any harmful contamination from the domestic garbage buried to the north, west, and east of the site. A conceptual design for these systems has been submitted and is currently being reviewed. Should the applicant not be able to provide a sufficient venting and monitoring system within the proposed setbacks, adjustments would have to be made to the proposed setbacks to allow the development to occur.

City staff, in consultation with Terrapex, has outlined concerns that must be addressed in preparing and implementing a remediation plan for the site. The applicant has indicated that the appropriate information and overall study, including a restoration action plan, will be completed in the near future, to the City's satisfaction. These studies will have to be satisfactory to both the City's peer reviewer and City staff. Until satisfactory studies have been submitted, it is recommended that an amending zoning by-law not be enacted by City Council.

## **Environment – Natural Environment**

The lands are located within the Highland Creek valley corridor and entirely within a Regulated Area. However, there is no flood plain associated with the property. The subject lands have previously been entirely developed and are surrounded by urban development. TRCA will require, in accordance with Ontario Regulation 166/06, permit approval prior to any development commencing. TRCA have reviewed the proposal and have no objections to the approval of the development on the subject lands.

## **Toronto Green Development Standard**

City Council approved a set of recommendations that work towards the implementation of the Toronto Green Development Standard. The use of the term 'Green' is intended to be associated with the concept of 'sustainability' or 'sustainable development'. Staff

have discussed these voluntary standards with the applicant, and based on the applicant's submission of green roof technologies on the top of the 4-storey podium the proposed development is intended to achieve the following targets: Urban Heat Island Reduction; and Rain Water Harvesting.

The system would help in delaying the run-off of rainwater by intercepting the rainwater for plant use. Aside from the functional value, there is an aesthetic value to the residents of the building and surrounding high rise buildings which would have a view of the landscaped roof rather than a concrete or asphalt flat roof.

In addition to the green roof benefits other targets that the development will meet include: Energy Efficient Fixtures and Appliances; Stormwater Retention; and Low Water Landscaping.

### **School Capacity**

The Toronto District School Board (TDSB) advises that there is insufficient space in the local schools to accommodate students anticipated from this proposed development. As part of the site plan process, the TDSB has requested standard conditions of approval be included, which require the applicant to post signs on site and include warning clauses on title advising purchasers of the status of local area school accommodation. The Toronto Catholic District School Board (TCDSB) was also circulated advising of the proposed development, however, comments were not provided by the TCDSB.

### **Zoning By-law**

Given the past waste disposal use of the site, a holding provision (H) will be applied to the proposed zoning until a Certificate of Approval from the Ministry of Environment is obtained by the applicant for the methane control system. The Certificate of Approval will be required prior to the removal of the Holding Provision (H). The current Highway Commercial (HC) uses will continue to be a permitted use prior to the removal of the Holding Provision (H). The draft zoning by-law (Attachment 7) reflects these provisions.

To ensure the building will remain mixed-use, the zoning by-law will require a minimum of 400 square metres (4,305 square feet) of commercial space on the ground floor.

### **Section 37**

The proposal would result in a density increase that would be subject to Section 37 of the Planning Act. Zoning by-laws, pursuant to Section 37 of the Planning Act, may be enacted to permit more height and/or density than is otherwise permitted by the zoning by-law in return for the provision of community benefits in the form of facilities, services or matters set out in the zoning by-law. The site is subject to a site specific standard that permits a maximum gross floor area of 45% of the site area. The allowable gross floor area under the current permissions of Highway Commercial uses is 2,368 square metres (25,490 square feet). A Section 37 contribution is considered appropriate in exchange for the increased density. As a result of negotiations between the City, the local councillor, and Berkley Homes for public benefits in return for increased density, Berkley Homes has agreed to provide a Section 37 financial (cash) contribution to the City, in the amount

of \$400,000 payable to the City of Toronto, prior to the issuance of the first building permit. The community benefit to be secured in the Section 37 agreement is a washroom facility/change room building in the Ellesmere Sports Fields park.

Ellesmere Sports Fields is located on the north side of Ellesmere Road, west of Mornelle Court. The sports fields are used extensively. The residents of the neighbourhood have expressed the need for a washroom/change room facility. Although a washroom facility/change room has been listed as a priority the City has not budgeted for this addition. The \$400,000 would be sufficient to cover the entire construction costs for the washroom facility/change room. The estimate was based on a facility with a floor area of approximately 57 square metres (614 square feet). The washroom would have facilities for both male and female, each side having a toilet, urinal and sink, and 2 toilets and sink respectively. Change benches would be located on each side and there would be additional service/storage space between the two washrooms/change rooms. The exterior masonry walls would be brick, and all materials and finishes would be vandal proof.

In addition to securing the above public benefit, the Section 37 provisions of the zoning by-law amendment and the Section 37 Agreement will also be used to secure on-site environmental remediation measures.

The Owner must enter into a Section 37 Agreement pursuant to Section 37 of the Planning Act to provide for the public benefit and the environmental remediation measures prior to introducing the Bills to City Council for enactment.

### **Development Charges**

It is estimated that the development charges for this project will be \$1,352,828. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **Conclusions**

The proposal represents good planning in consideration of the site's mixed use context, proximity and access to parkland and community facilities, accessibility to major employment areas, and relation to other high-density residential buildings. The scale of the proposed development achieves a compatible built form without creating adverse negative impacts on surrounding properties. The proposed at-grade retail units would enhance activity and the attractiveness of the streetscape along Ellesmere Road and Mornelle Court. Furthermore, the redevelopment would achieve environmental objectives by cleaning up a former waste disposal site and achieving green building design through the incorporation of green roofs.

For the reasons stated above, approval of the applicant's proposal is recommended.

## **CONTACT**

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## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevation Plans

Attachment 3: Sections

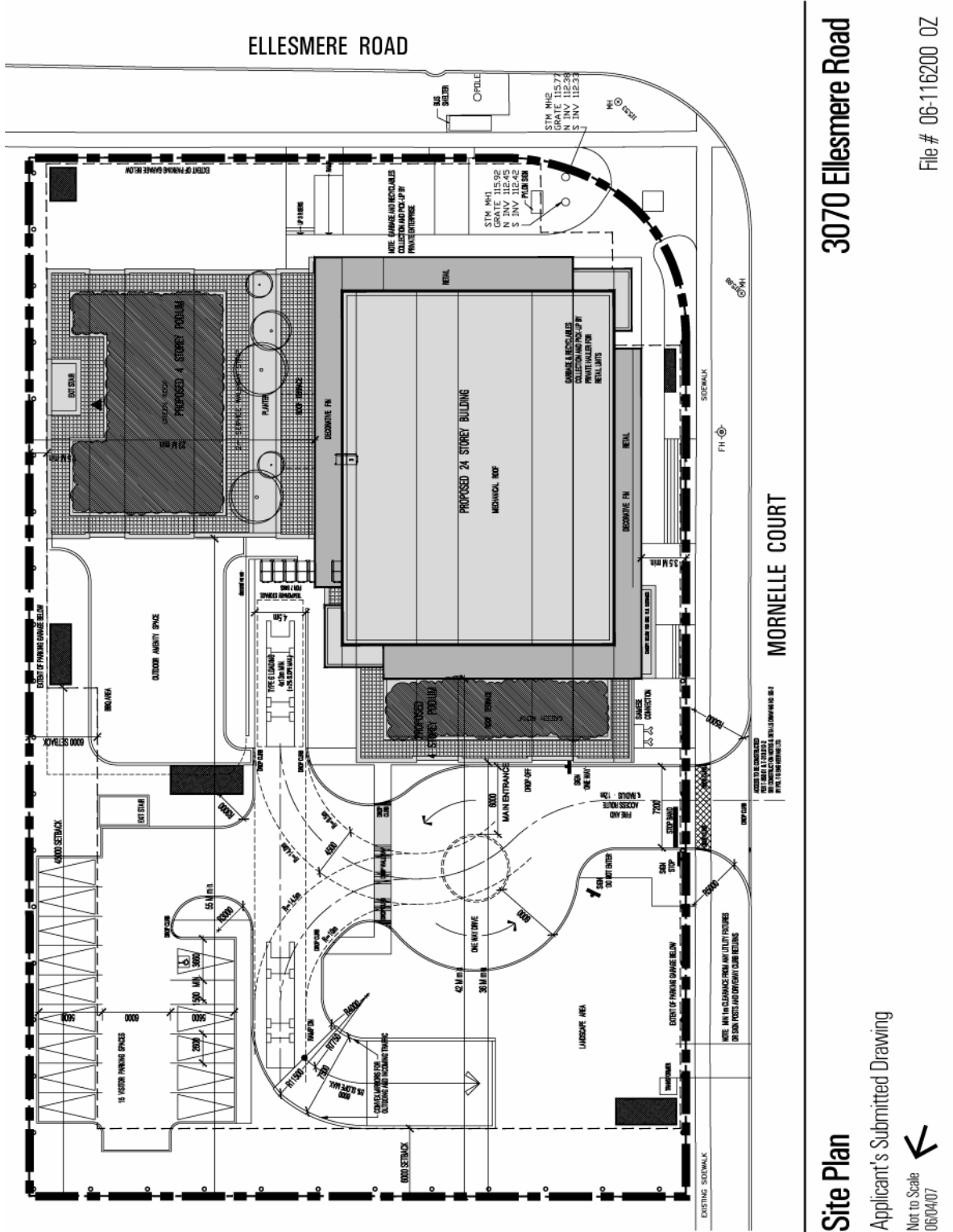
Attachment 4: Zoning Map

Attachment 5: Official Plan Map

Attachment 6: Application Data Sheet

Attachment 7: Draft Zoning By-law Amendment

# Attachment 1: Site Plan

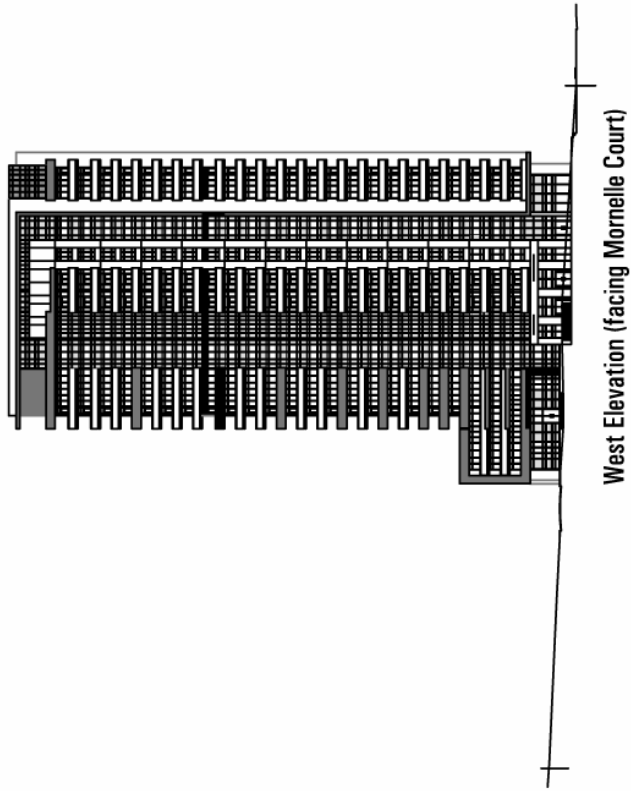
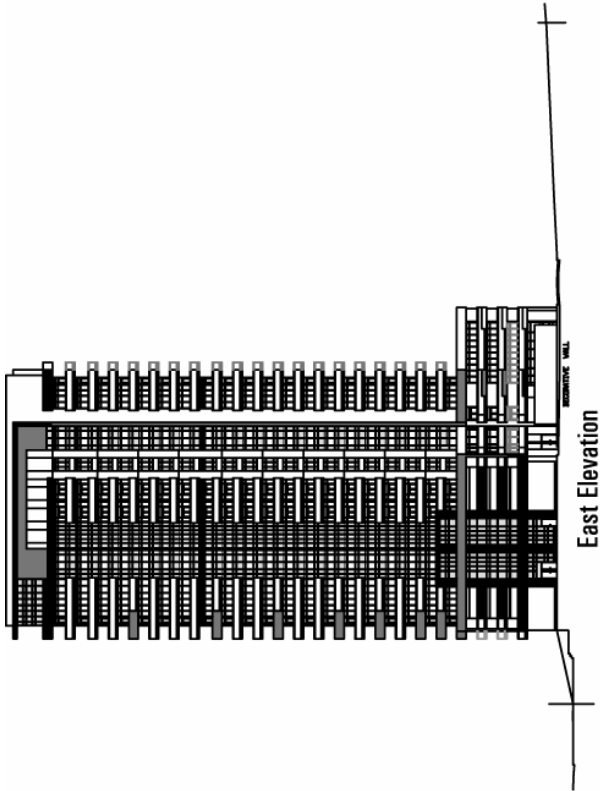
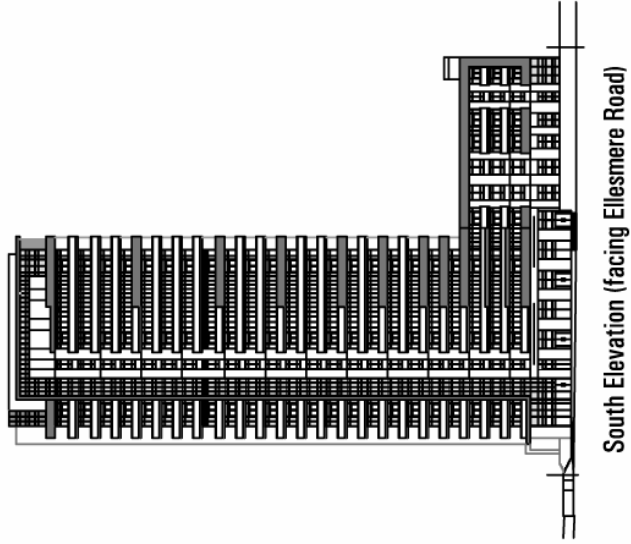
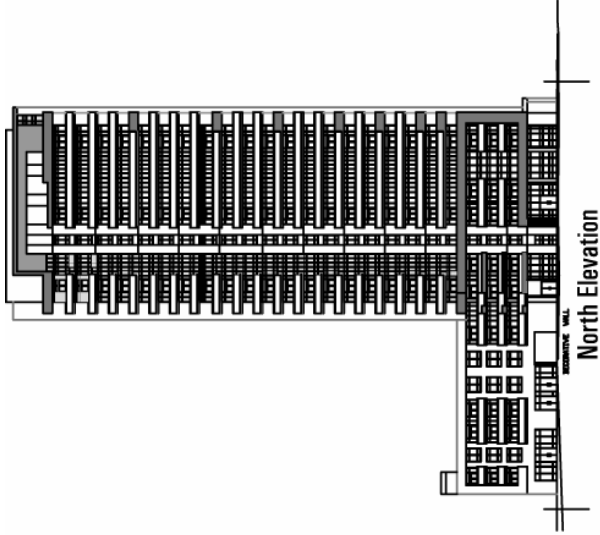


3070 Ellesmere Road

**Site Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 06/04/07

File # 06-116200 0Z

Attachment 2: Elevation Plans



3070 Ellesmere Road

Elevation Plans

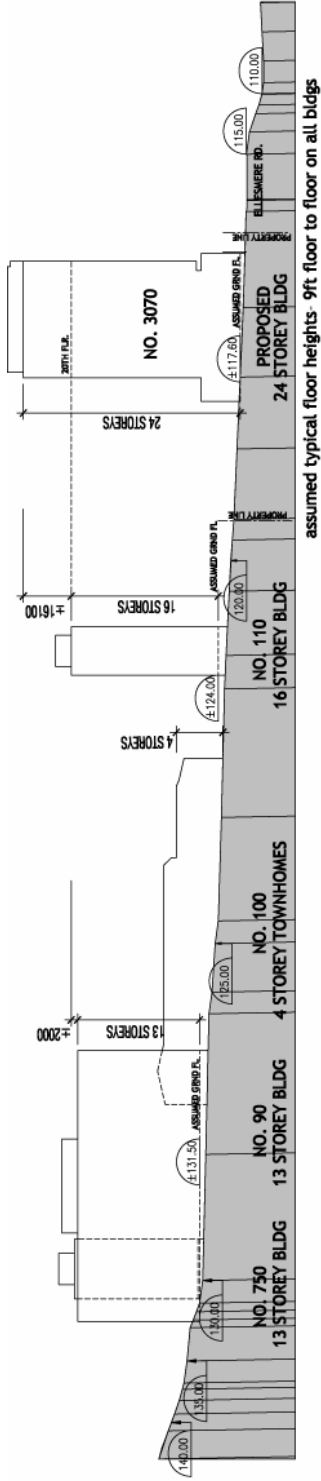
Applicant's Submitted Drawing

Not to Scale  
05/18/07

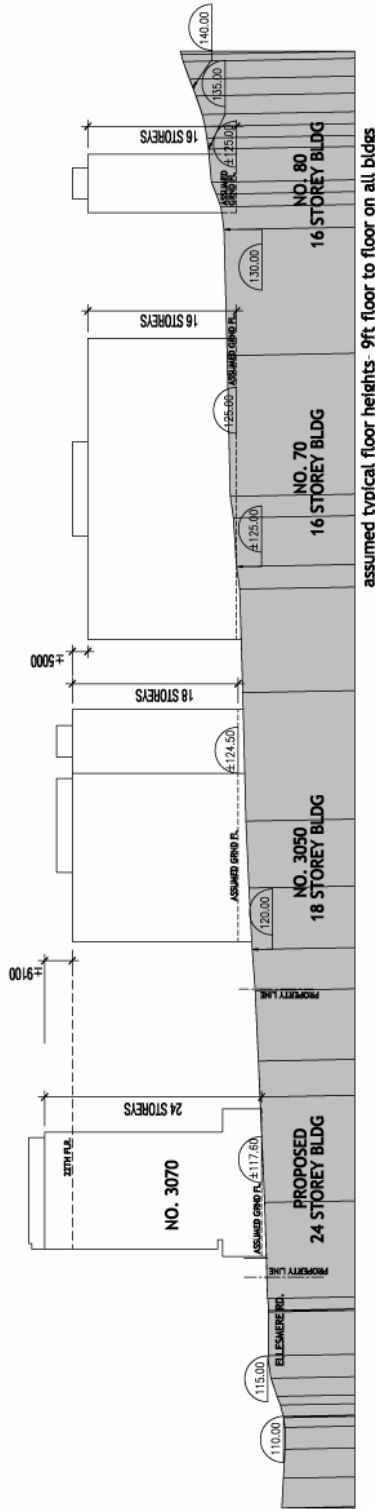
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### Attachment 3: Sections



Cross Section - East View



Cross Section - West View

### Sections

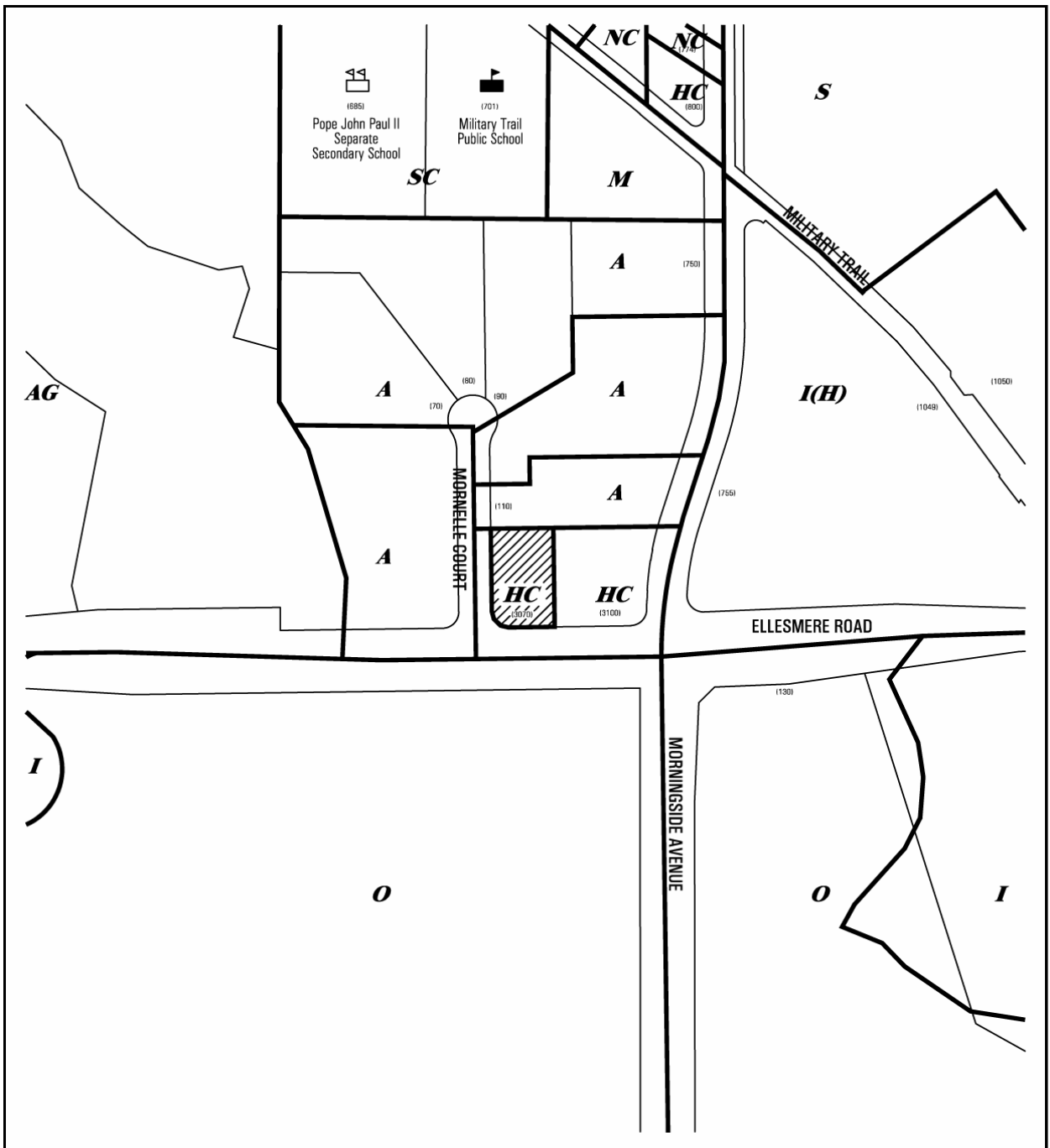
Applicant's Submitted Drawing

Not to Scale  
06/13/07

3070 Ellesmere Road

File # 06-116200 0Z

## Attachment 4: Zoning Map



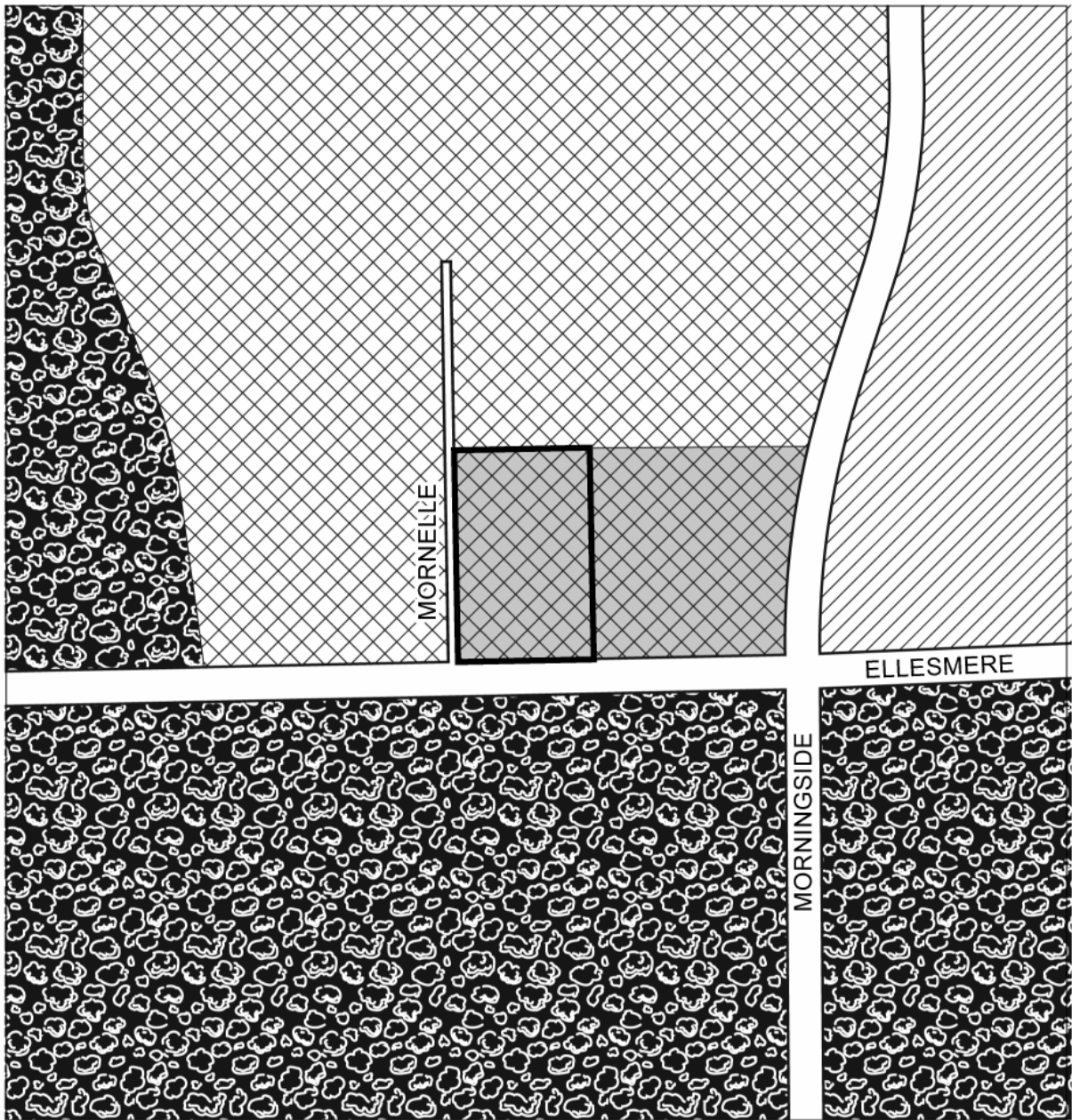
**TORONTO** City Planning  
Division  
**Zoning**

3070 Morningside Avenue  
File # 06-116200 OZ

<p><b>S</b> Single-Family Residential <b>M</b> Multiple-Family Residential <b>A</b> Apartment Residential <b>(H)</b> Holding Provision</p>	<p><b>NC</b> Neighbourhood Commercial <b>HC</b> Highway Commercial <b>I</b> Institutional</p>	<p><b>SC</b> School <b>O</b> Major Open Spaces <b>AG</b> Agricultural Uses</p>	<p>Morningside &amp; Highland Creek Communities Not to Scale 05/18/07</p>
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Attachment 5: Official Plan Map



**TORONTO** City Planning  
**Official Plan**

3070 Ellesmere Road

File # 06-116200 OZ



↑  
 Not to Scale  
 05/18/07

## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	06 116200 ESC 43 OZ
Details	Rezoning, Standard	Application Date:	March 10, 2006

Municipal Address: 3070 ELLESMERE ROAD, TORONTO ON M1E 4C3

Location Description: PL M1227 BLK J \*\*GRID E4301

Project Description: The applicant is proposing to develop a 24 storey residential condominium with commercial at the grade level and 3 levels of underground parking with a total of 323 parking spaces below grade, including 15 surface parking spaces. The residential portion of the building would contain 171 one-bedroom and 94 two-bedroom units, for a total of 265 residential units. The site is currently vacant.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Marlston Consultants	Toula Nessinis	Rafael+Biguskas Architects	Berkley Homes (Ellesmere) Inc.

### PLANNING CONTROLS

Official Plan Designation:	Mixed-Use Areas	Site Specific Provision:	
Zoning:	HC-Highway Commercial	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	5261.49	Height: Storeys:	24
Frontage (m):	57.7	Metres:	73.35
Depth (m):	92		
Total Ground Floor Area (sq. m):	1916.91		<b>Total</b>
Total Residential GFA (sq. m):	22044.15	Parking Spaces:	323
Total Non-Residential GFA (sq. m):	1003.32	Loading Docks	1
Total GFA (sq. m):	23047.47		
Lot Coverage Ratio (%):	36.4		
Floor Space Index:	4.38		

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	22621.71
Bachelor:	0	Retail GFA (sq. m):	425.76
1 Bedroom:	171	Office GFA (sq. m):	0
2 Bedroom:	94	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	265		

**CONTACT: PLANNER NAME: Frank Stirpe, Planner**  
**TELEPHONE: (416) 396-7658**

## Attachment 7: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 2007  
Enacted by Council: ~, 2007

### CITY OF TORONTO

Bill No. ~

### BY-LAW No. ~-2007

**To amend Scarborough Zoning By-law No. 11883, as amended,  
with respect to the lands municipally known as,  
3070 Ellesmere Rd**

WHEREAS authority is given to Council by Sections 34, 36 and 37 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 Morningside Community Zoning By-law is amended for the lands outlined on the attached Schedule ‘1’ by deleting the existing Highway Commercial (HC) Zoning and Performance Standards and replacing it with Apartment Residential (A) and Community Commercial (CC) Zoning and Performance Standards as shown on Schedule “1” so that the amended zoning shall read as follows:

A (H) and CC (H) – 37-119-151-172-184-185-186-187-188-189-201- 202-214-215-216

- Schedule ‘B’, PERFORMANCE STANDARDS CHART**, is amended by adding the Performance Standards 37, 119, 151, 172, 184, 185, 186, 187, 188, 189, 201, 202, 214, 215, and 216 as follows:

#### **FRONT YARD SETBACK**

37 Minimum 3m **front yard setback** from the **main wall** of the building.

#### **INTENSITY OF USE**

119 One suite (individual **dwelling unit**) per 19.8m<sup>2</sup> of lot area.

## **REAR YARD SETBACK**

- 151 Building **setback** to the north property line:
- Minimum 36m **setback** to a maximum **height** of four **storeys**.
  - Minimum 42m **setback** to a **height** greater than four **storeys**.

## **FLOOR AREA**

- 172 Maximum **gross floor area** of 23,100m<sup>2</sup>.

## **MISCELLANEOUS**

- 184 Maximum **height** of 24 **storeys** and 75 metres above average finished grade along Ellesmere Road **street** line.
- 185 Minimum interior amenity space to be provided: 2m<sup>2</sup> per **dwelling unit**.
- 186 Minimum outdoor amenity space to be provided: 0.9m<sup>2</sup> per **dwelling unit**.
- 187 An outdoor balcony or terrace is to be provided for each **dwelling unit**.
- 188 Maximum 65% of the residential units shall be one-bedroom units.
- 189 **Community Commercial (CC)** uses shall be limited to the ground floor.

## **MAIN WALL SETBACKS FROM STREETS**

- 201 Building **setback** to the east property line:
- Minimum 1.5m **setback** to a maximum **height** of four **storeys**.
  - Minimum 23m **setback** to a **height** greater than four **storeys**.
- 202 Minimum 3.5m **setback** to the **main wall** of the building to the west property line.

## **PARKING**

- 214 1.2 **parking spaces** per residential **dwelling unit** shall be provided (1 enclosed **parking space** per unit; 0.2 visitor **parking spaces** per unit).
- 215 1 parking space per 93m<sup>2</sup> of **gross floor area** for all **Community Commercial (CC)** uses, excluding Restaurants, Tea Rooms, Cafeterias, Taverns which will be subject to the **Clause VII – General Parking Regulations For All Zones**.

216 **Parking space(s)** shall have a minimum dimension of 2.6m width x 5.6m in length.

3. **Schedule ‘C’ EXCEPTIONS MAP**, is amended by adding the following Exception Number 18 as shown on Schedule ‘2’.

4. **Schedule ‘C’ EXCEPTIONS LIST**, is amended by deleting the existing content of Exception Number 16 and replacing it with the following content and adding Exception Number 18 as follows:

16 Only the following uses and performance standards are permitted prior to the removal of the Holding provision (H):

(a) **HC – 30-35-51-68**

Only the following uses shall be permitted:

- (i) Business and Professional Offices
- (ii) Bank
- (iii) Pharmacy
- (iv) **Marketplace Signs**

(b) The Holding Provision (H) used in conjunction with the **Apartment Residential (A)**, and **Community Commercial (CC)** Zones shall be removed in whole or in part by amending By-law, when Council is satisfied that:

- (i) A Certificate of Approval has been obtained from the Ministry of Environment for the installation of the methane venting system on the site.

18 On the lands identified as Exception 18, the following provisions shall apply:

(a) Only the following uses are permitted in the **Community Commercial (CC)** zone:

- Banks
- Business and Professional Offices
- Custom Workshop for sale of goods on premises to include only a Tailor Shop and Bake Shop
- Library
- Restaurants, Tea Rooms, Cafeterias, Taverns
- Retail Stores

- Service Shops and Agencies
- Studios

- (b) A minimum of 400m<sup>2</sup> of commercial **gross floor area** use shall be required on the ground floor of the building
- (c) The following uses are prohibited in the **Apartment Residential (A) Zone**

**- Group Homes**

- (d) Notwithstanding the provisions of **CLAUSE VI – PROVISIONS FOR ALL ZONES – Section 14 Underground Structures in “NC”, “CC” and “HC” Zones**, the **main wall** for underground structures shall be **setback** as follows:
  - Minimum 6m from the north property line.
  - Minimum 0.3m from **street** lines.
  - Minimum 6m from the east property line for a minimum distance of 45m from the north property line.
  - Minimum 1.5m from the east property line for a distance of greater than 45m measured from the north property line.
- (e) **CLAUSE VI – PROVISIONS FOR ALL ZONES – Section 15 Lands Not Covered by Buildings**, shall not apply.
- (f) Notwithstanding the provisions of **CLAUSE V – INTERPRETATION – (f) Definitions, Main Wall**, there shall be no projections extending into a required yard.
- (g) Matters which are to be provided pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased density authorized by Performance Standard 172 are:

The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the



owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters:

The community benefit to be secured in the Section 37 agreement is as follows:

- (i) Prior to the issuance of any building permit with respect to the lands to which this By-law applies, the owner shall pay to the City by certified cheque the amount of \$400,000.00 as indexed to the Consumer Price Index from the date of the Section 37 Agreement, such amount to be used for a new washroom/change room facility at Ellesmere Sports Fields park.

The following matters are to be secured in the Section 37 agreement as a legal convenience to support development:

- (i) Prior to the issuance of any above grade building permit with respect to the lands to which this By-law applies, the owner shall:
  - carry out the remediation of the entire lands to which this By-law applies in accordance with the Restoration Action Plan for the subject property, dated \_\_\_\_\_, as prepared by Candec Consultants Limited, Consulting Engineers and Environmental Scientists (the "Restoration Action Plan"), copies of which are on file with the City of Toronto, and the Ministry of the Environment (the "MOE");
  - have a Qualified Person (risk assessment) as defined by Ontario Regulation No. 153/04 prepare and provide to the City a Report of Satisfactory Remediation Completion and all supporting documents (hereinafter called the "RSRC") evidencing that the site has been remediated in accordance with the Restoration Action Plan, the RSRC to be addressed to both the owner and the City (with a letter of reliance provided to the City from the Qualified Person), such RSRC to

be to the satisfaction of the City's peer reviewer;

- file a Record of Site Condition, in conformity with the RSRC, with the MOE in accordance with Ontario Regulation 153/04 and the Environmental Protection Act; and
- provide to the City a copy of the Record of Site Condition and the acknowledgement of receipt of same by the MOE, together with confirmation from the MOE that the Record of Site Condition has passed an audit or confirmation from the MOE that it will not carry out an audit.

(ii) The owner shall carry out the Methane Control Measures as contained in the Restoration Action Plan, including but not limited to the regular monitoring for gas and installation and maintenance of the methane venting system along the east, west and north property boundaries of the lands to which this By-law applies. The owner further agrees to install and maintain methane sensors on each level of the underground parking garage to be constructed on the lands, which sensors would trigger an audible warning system and fans in order to extract the methane gas (hereinafter called the "Methane Sensor/Alarm/Fan System"). The owner acknowledges and agrees that no building permit shall be issued for the underground parking garage unless the building permit plans for the underground parking garage include the Methane Sensor/Alarm/Fan System.

(iii) Prior to the issuance of any below grade building permit with respect to the lands to which this By-law applies, the owner shall post with the City a letter of credit in the amount of \$250,000.00 and in a form satisfactory to the City Solicitor, which funds may be used by the City to close the site in accordance with the closure provisions of the Restoration Action Plan in the event the remediation cannot be completed for any reason.

Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance.

ENACTED AND PASSED this ~ day of ~, A.D. 2007.

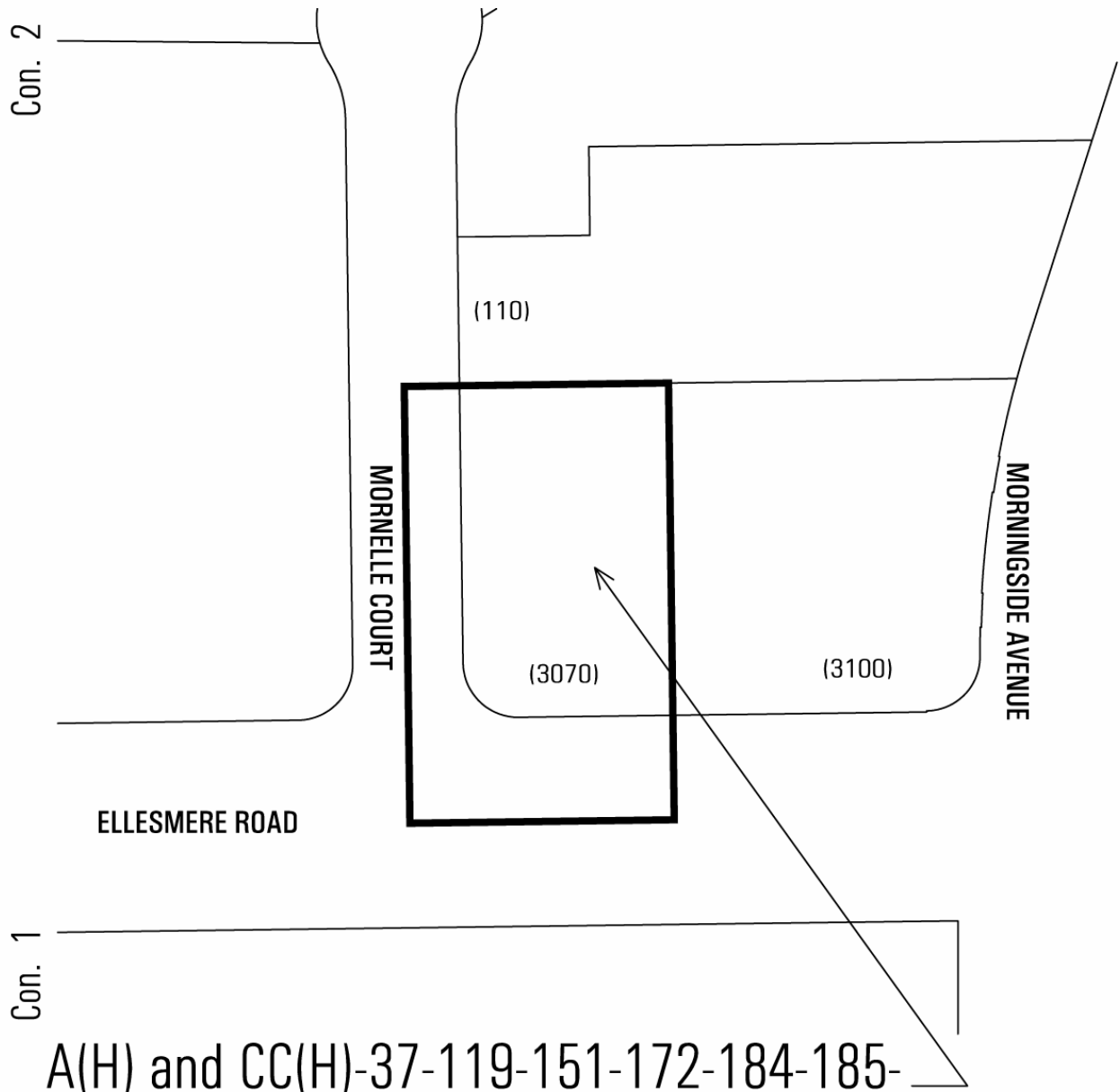
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

# Schedule '1'

Lot 11



A(H) and CC(H)-37-119-151-172-184-185-186-187-188-189-201-202-214-215-216



## Zoning By-Law Amendment

3070 Morningside Avenue

File # 06-116200 OZ



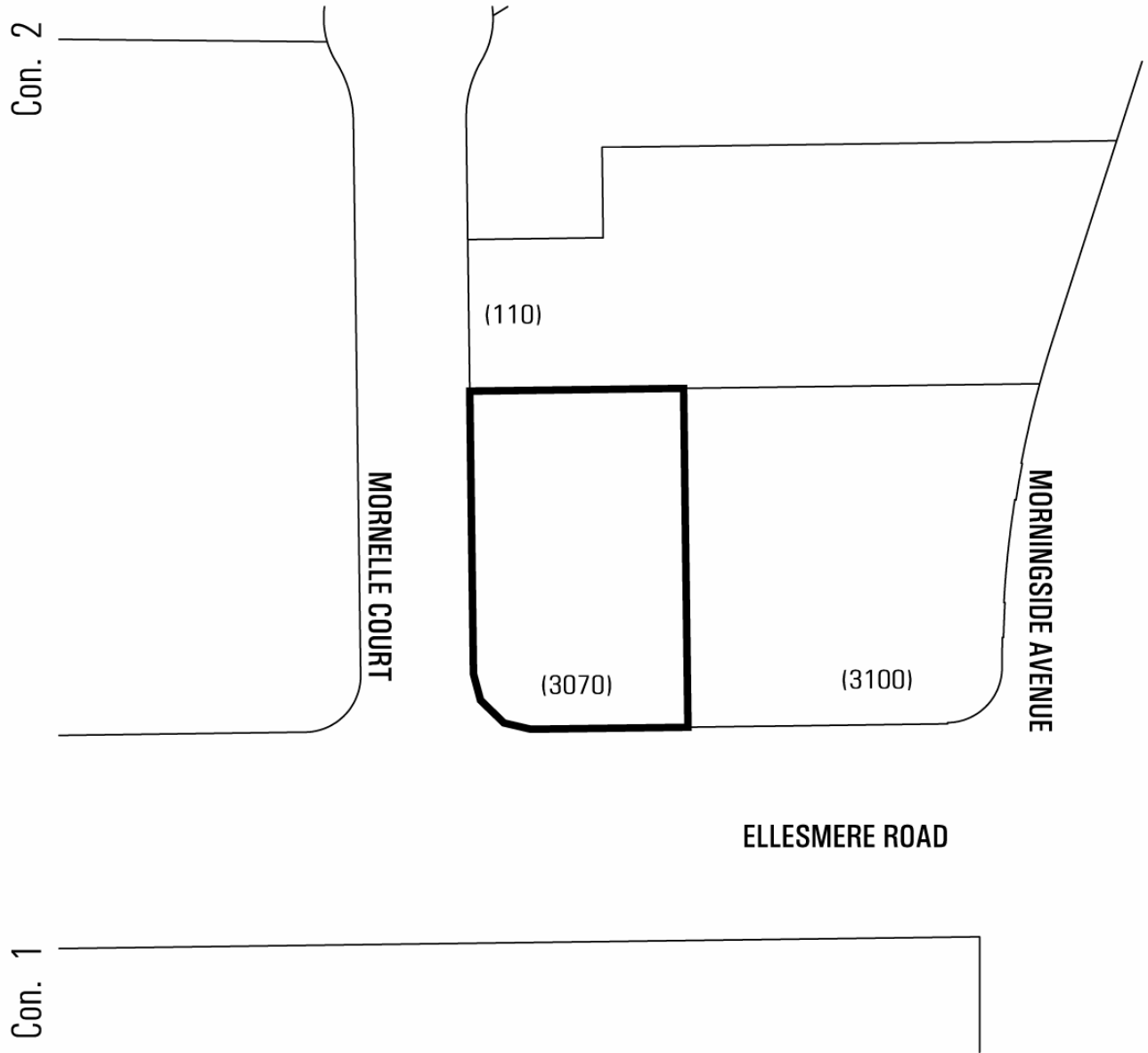
Area Affected By This By-Law

Morningside Community  
Not to Scale  
06/13/07



# Schedule '2'

Lot 11



## Exception No.16,18



### Zoning By-Law Amendment

3070 Morningside Avenue

File # 06-116200 OZ

 Area Affected By This By-Law

Morningside Community  
Not to Scale  
06/13/07