

TORONTO STAFF REPORT

April 24, 2006

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Subject: Preliminary Report
OPA & Rezoning Application 06 116200 ESC 43 OZ
Proponent: Berkley Homes (Ellesmere) Inc.
3070 Ellesmere Rd
Ward 43 - Scarborough East

Purpose:

To provide preliminary information on the above-noted application and to seek Community Council's directions on further processing of the application and on the community consultation process.

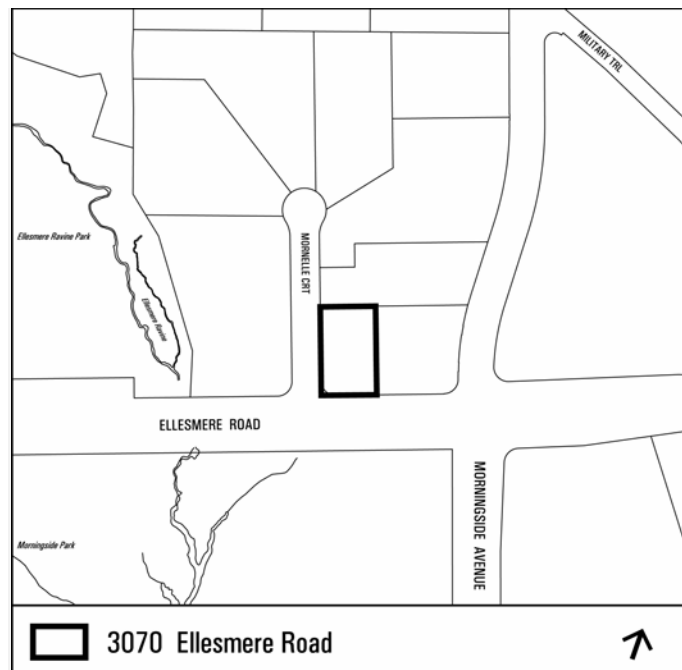
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site; and
- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.



Background:

In 2001, applications seeking amendments to the Official Plan and Zoning By-law were made. The proposal was to construct a 78-unit condominium apartment complex, consisting of three buildings oriented around a central courtyard for visitor parking. The applicant did not continue with the proposal and the applications were closed.

Comments:

Proposal

The applicant proposes a mixed-use, 24-storey development that includes ground floor retail 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 proposed gross floor area is 22 470 square metres (241,872 square feet). The retail component is approximately 426 square metres (4,583 square feet) and the residential component is approximately 22 044 square metres (237,290 square feet). The overall density of the development is 4.3 times the area of the site.

The residential portion of the building would contain 67 one-bedroom and 143 two-bedroom units, for a total of 210 units proposed to be a condominium. A total of approximately 578 square metres (6,217 square feet) of private indoor amenity space is proposed. With a site area of 0.53 hectares (1.3 acres) this development proposes a residential density of approximately 399 units per hectare (161 units per acre).

Access to the development is proposed from a single driveway off of Mornelle Court. A total of 257 parking spaces are proposed with 1.0 parking spaces per unit for residents, 0.2 visitor spaces per unit and 1 space per 93 square metres (1,000 square feet) of retail space. An underground parking garage with three levels is proposed. A total of 47 visitor parking spaces are proposed including eleven (11) surface visitor parking spaces as well as 36 visitor spaces within the 1st underground parking level.

Relevant project data is outlined on the Application Data Sheet (Attachment #5).

Site Description

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). There is a vacant three-storey office building on the site that is proposed to be demolished. 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.

Scarborough Official Plan

The lands are designated Highway Commercial Uses in the Morningside Community Secondary Plan (Attachment #3). Highway Commercial designations provide for commercial facilities serving the traveling public if needed in addition to services provided in the designated City Centre, District Commercial, Community Commercial, Neighbourhood Commercial and Industrial District Commercial nodes. Such facilities shall be restricted to service stations, automotive centres, restaurants, hotels and motels.

In order to facilitate maintenance and supervision of commercial nodes, limited residential accommodation may be provided as an ancillary use within the commercial node provided that the area is suitable for residential uses, and that residential facilities, namely schools and parks, are available.

The site is also located within the boundaries of an Environmental Impact Zone (E.I.Z.) and a Waste Disposal Site is identified on the property. Within the Environmental Impact Zone (E.I.Z.) no buildings or structures including swimming pools, parking areas and underground parking structures, shall be permitted unless Council is satisfied, through the completion of adequate studies, that the natural environment can adequately be protected. In addition, no building or structures shall be permitted on land having inherent environmental hazards, such as flood or erosion susceptibility, or other physical conditions severe enough to cause property damage and/or loss of life if developed.

Development of land within the area of former Waste Disposal Sites shall have regard to the potentially hazardous effects of these operations pertaining to soil contamination, vermin infestation, odours, and problems associated with methane gas generation and migration. The Plan stipulates that studies must be undertaken to ensure development can take place without creating undue risk.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. The hearing commenced on June 13, 2005 and will continue on June 5, 2006.

Once the Plan comes into full force and effect, it will designate these lands as Mixed Use Areas 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 is 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 while locating and screening service areas to minimize the impact on adjacent streets and residences.

The subject lands are near the Natural Heritage System that is identified in the new Official Plan to the west and south of the site. 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 will be 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.

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 is currently under review.

Ravine Control

The property is subject to the City's Ravine Protection By-law. The City of Toronto has established a Ravine By-law for the purpose of protecting features (trees and landform) and functions (ecology and hydrology) of the ravine system by encouraging environmentally responsible management. The Ravine By-law prevents the removal of trees, moving fill and/or altering the grade on the site unless approved through a development application.

Tree Preservation

The lands are subject to the City's Tree Preservation By-law. The applicant has submitted an arborist report which is currently being reviewed by Forestry Services staff.

Heritage Preservation

The City has identified the subject lands as an area of archaeological potential. Heritage Preservation Services have been circulated and an archaeological assessment may need to be completed.

Reasons for the Application

An amendment to the Scarborough Official Plan is needed as residential uses are permitted as ancillary uses only in the Highway Commercial designation. 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.

Issues to be Resolved

Land Use and Density

The subject site and lands adjacent to the site were used in the past for waste disposal and there is waste buried on the property. The development presents an opportunity to remediate the site. The introduction of residential uses on or near a former landfill needs to be carefully assessed to

determine if the proposed residential use is appropriate, and to ensure that all environmental matters concerning past land use on or adjacent to the site are satisfactorily addressed.

The application proposes a density of 399 units per hectare (161 units per acre) for the apartment uses. This is substantially higher than the maximum density of 150 units per hectare permitted by the Scarborough Official Plan in the High Density Residential or Commercial Mixed Use designations. Existing residential uses on Mornelle Court have densities ranging from 117 to about 150 units per hectare (47 to 61 units per acre). The appropriateness of the proposed density increase will be assessed in relation to Official Plan policies and the impact on the surrounding neighbourhood. In particular the availability and capacity of local services such as parks, schools and other community services and facilities will be assessed in order to determine the appropriateness of the proposed mix of uses and density for this site. A community services and facilities assessment may be required in association with this application.

There are a number of existing high-rise apartment buildings on Mornelle Court. In the new Official Plan, Mornelle Court is designated as an Apartment Neighbourhood. Many of these buildings occupy relatively small areas of their sites, leaving large open spaces on these properties. The proposed development will be assessed in relation to the amount of existing high-rise development in the area, and the potential for new high-rise development on sites within the adjacent apartment neighbourhood and mixed-use areas.

Height & Massing

Mornelle Court slopes from north to south with a grade difference of approximately 19.5 metres (64 feet) from the rear of the most northerly building on Mornelle Court (80 Mornelle Court) to the south side of the subject site. The proposed 24-storey development would have an overall height of approximately 74 metres (241 feet). The relationship of the proposed building with the surrounding context will be assessed to ensure compatibility with the surrounding neighbourhood. A Shadow Impact Study has been submitted and will need to be reviewed to assess potential shadow impacts. The applicant will be required to submit a wind study to address microclimate issues at the pedestrian level.

Urban Design

The Official Plan promotes high quality building and landscape architecture and urban design in all developments. The Official Plan provides that new development be located and organized to fit with its existing and planned context. Development should frame and support adjacent streets, parks and open spaces to improve safety, pedestrian interest and casual views to these spaces. Development must also fit within the context of the neighbourhood and the City.

The podium building would have a footprint of approximately 1 553 square metres (16,715 square feet) with setbacks of approximately 8 metres (26 feet) from the Ellesmere Road property line and 3.5 metres (11 feet) from the Mornelle Court property line. The tower footprint would be approximately 842 square metres (9,065 square feet). The development proposes an approximate building coverage of 36.4% with approximately 42.8% of the lot area provided as landscaped open space.

The new Official Plan stipulates that it is important that tall buildings fit within their existing context and limit local impacts. Tall buildings should be designed to consist of three (3) parts, carefully integrated into a single whole. When concentrating development on a small part of the site, they can also provide high quality, publicly accessible open spaces and areas for community services and amenity. The proposed building design and massing, site layout, loading and parking areas, landscaping and streetscapes will be assessed in relation to the built-form policies of the Official Plan.

Environment – Waste Disposal Site

The subject site was used as a landfill during the 1950's and 1960's. An environmental assessment and geotechnical report have been submitted to assess the impacts of the landfill on the site. The reports indicate that there is domestic garbage buried on the site and that landfill operations may also have occurred in the past 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. Additional investigations or studies may be required to assess the appropriateness of the proposed development in accordance with the Ministry of the Environment (MOE) guidelines for land use compatibility on or near landfills, and MOE's "Brownfield" Regulation 153/04.

As part of the review process, the City will retain an environmental consultant at the applicant's expense to peer review these documents on the City's behalf as well as any further environmental documentation which may be required to address environmental issues arising from the landfill, both on and in the vicinity of the site.

Environment – Natural Environment

The site is situated within the Environmental Impact Zone (EIZ) of the Highland Creek and is adjacent to the natural heritage system identified in the new Official Plan. The property is within the ravine protection area under the City's Ravine Protection By-law and the Toronto and Region Conservation Authority's (TRCA) fill regulated area. Lands within Morningside Park on the south side of Ellesmere Road opposite the site are identified as an Environmentally Sensitive Area (ESA) and as an Area of Natural and Scientific Interest (ANSI). Additional investigations or studies may be required to assess the development and the proposed remediation with respect to the past landfill use, on both the proposed new land use and on the natural environmental features within this area. The lands will be reviewed with TRCA to determine whether the site is situated within the floodplains of the Highland Creek or are considered hazard lands.

Holding By-law

Given the past use of the site, consideration will be given to the use of a holding symbol ("H") in association with the zoning of the site. A holding provision may be applied when the intended use and zoning is known for lands but development should not take place until specific facilities are in place or conditions are met. Conditions to be met may include: environmental protection, remediation or mitigation measures; measures to protect a natural heritage area or environmentally sensitive natural features; or professional or technical studies to assess potential

development impacts. Under the Planning Act, Council can pass a “holding” zoning by-law that places an “H” symbol over the zoning and spells out the conditions that must be met before the “H” symbol is removed and the lands can be developed.

Section 37

The project proposes a substantial increase in height and density. Section 37 of the Planning Act allows for increases in height and density in return for the provision of community benefits. Staff will be pursuing a negotiated Section 37 public benefits package from the Owner in exchange for a height and density increase. Area specific public benefits such as park and streetscape improvements, and day nurseries are potential public benefits which may be discussed with the applicant during the processing of these applications. Local priorities will be further identified in consultation with City Divisions and agencies, the local councillor’s office, and the community and service providers.

Traffic and Parking

Access to the site is proposed by a driveway off of Mornelle Court that leads to a drop-off area in front of the residential entrance and provides access to both surface and underground parking areas. The applicant is proposing 210 parking spaces for the residential component of the development. This represents 1 parking space for each residential unit. The proposed visitor parking supply of 42 spaces on site is a ratio of 0.20 spaces per unit. There are also 5 parking spaces allocated for the retail component.

A traffic impact and parking study has been submitted and is under review by City staff. The intersection at Ellesmere Road and Mornelle Court is unsignalized. The traffic impact and appropriateness of the parking supply will be assessed by City staff to ensure there are no adverse impacts on the surrounding community, and to identify if any mitigating measures such as the signalization of Ellesmere Road and Mornelle Court are required.

Servicing & Storm Water Management

A stormwater management report and preliminary site servicing and grading plan have been submitted and are currently under review.

Additional Issues and Studies

Additional issues may be identified through the further review of the applications, agency comments, and through the community consultation process. As a result, further studies and plans may be required.

Conclusions:

Berkeley Homes has applied for Official Plan and Zoning By-law Amendments to permit a mixed-use residential/commercial development on the northeast corner of Mornelle Court and Ellesmere Road. The application with supporting documentation has been circulated to City departments and agencies for review and comments. A community consultation meeting will be held to obtain community input. Planning staff will report further on the applications once public input, agency and department comments are received and assessed. A public meeting in accordance with the requirements of the Planning Act will be targeted for the first quarter of 2007. Target dates assume that the applicant will provide all required information and studies without delay.

Contact:

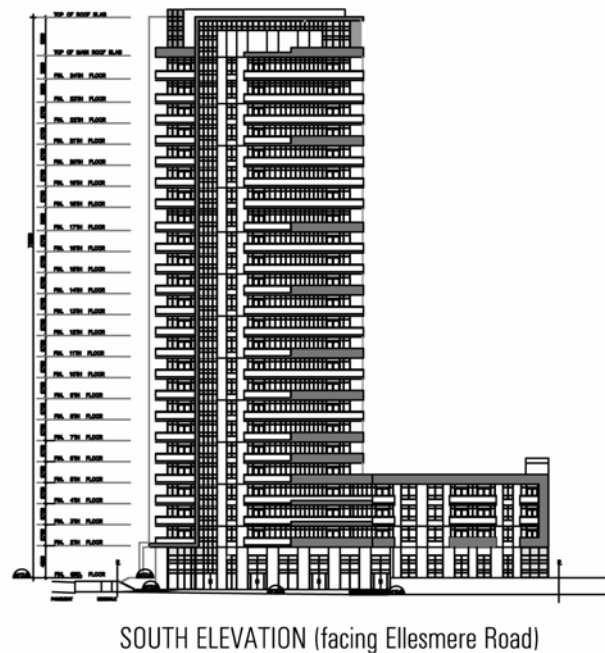
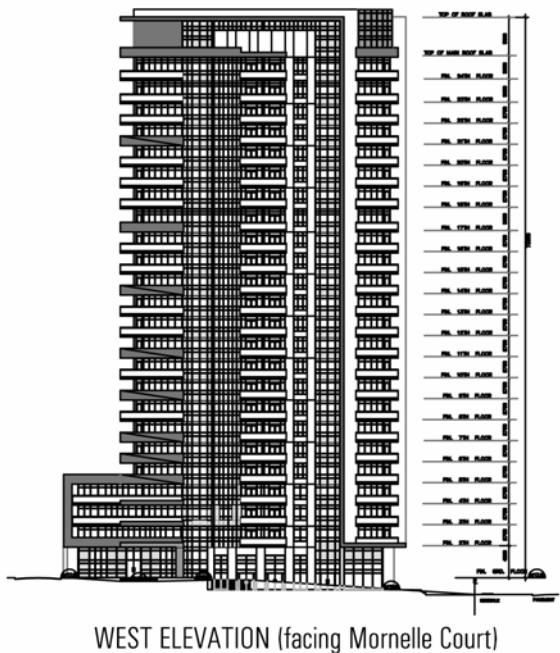
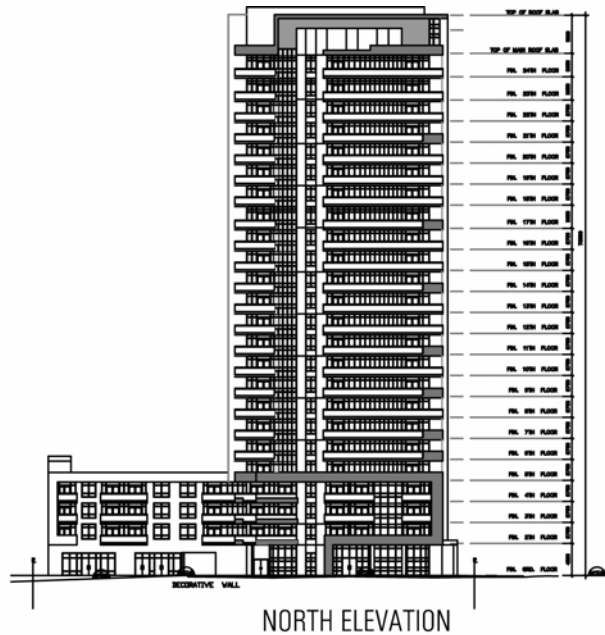
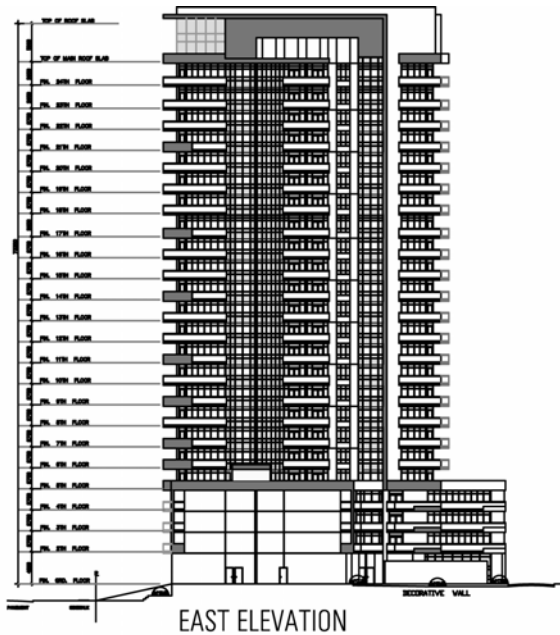
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Allen Appleby
Director, Community Planning, Scarborough District

List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevation Plans
Attachment 3: Official Plan Map
Attachment 4: Zoning Map
Application 5: Application Data Sheet

Attachment 2: Elevation Plans



Elevation Plans

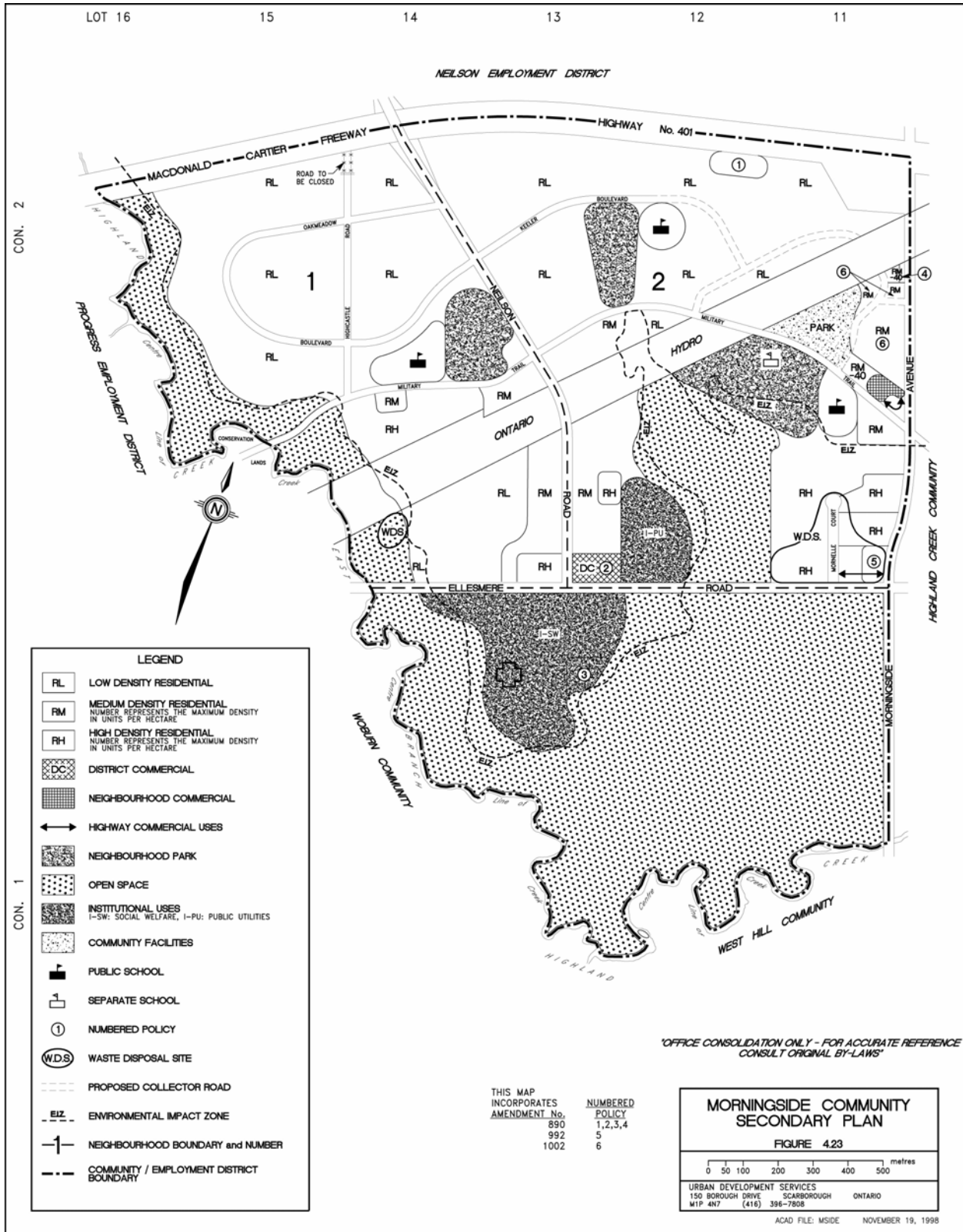
Applicant's Submitted Drawing

Not to Scale
03/31/06

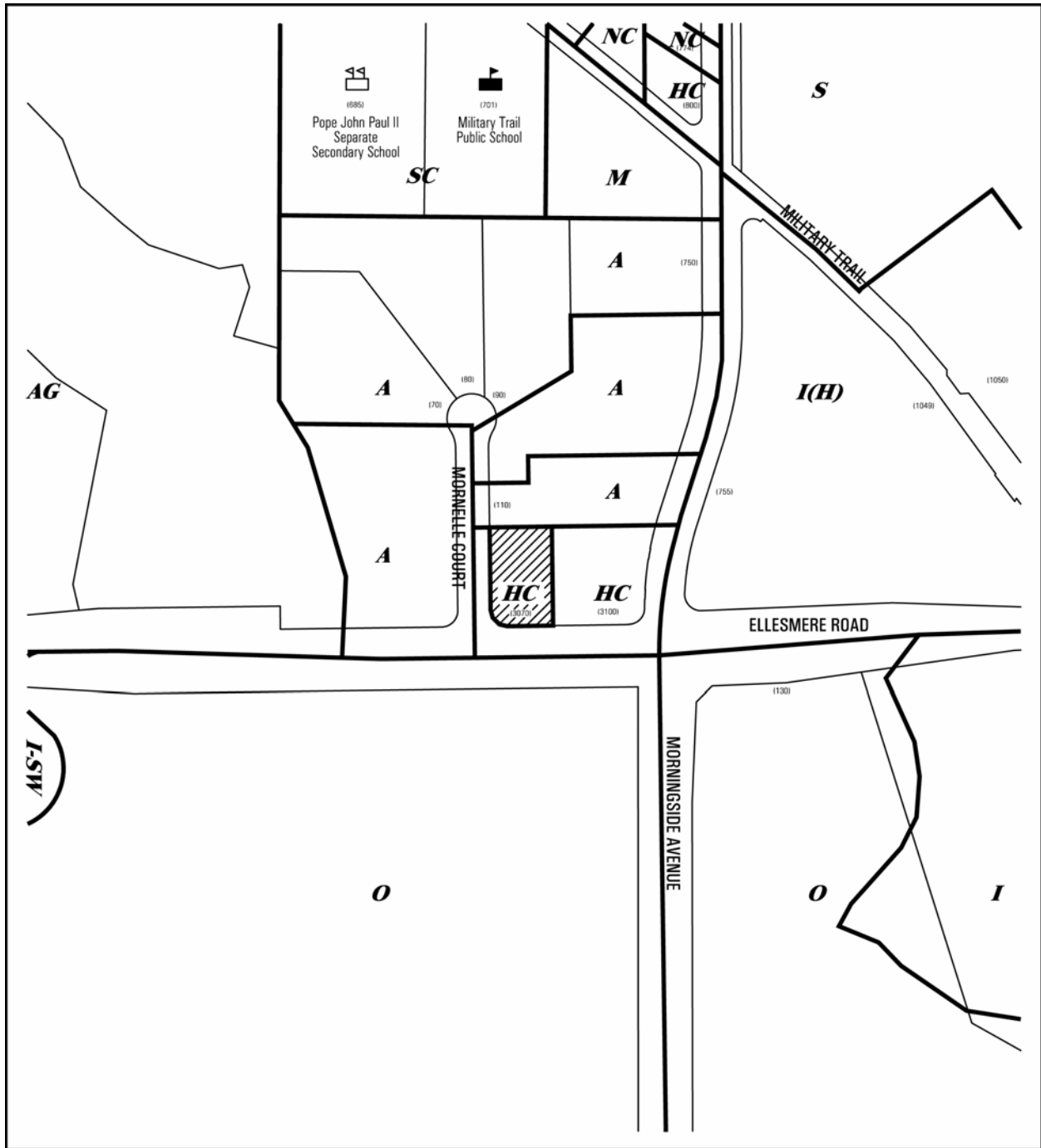
3070 Ellesmere Road

File # 06-116200 OZ

Attachment 3: Official Plan (Map)



Attachment 4: Zoning (Map)



Toronto City Planning Division
Zoning

3070 Morningside Avenue
 File # 06-116200 OZ

S Single-Family Residential
M Multiple-Family Residential
A Apartment Residential
(H) Holding Provision

NC Neighbourhood Commercial
HC Highway Commercial
I Institutional
I-SW Institutional Uses - Social Welfare

SC School
O Major Open Spaces
AG Agricultural Uses

Morningside & Highland Creek Communities
 Not to Scale
 03/30/06



Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning; Site Plan Approval	Application Number:	06 116200 ESC 43 OZ; 06 116209 ESC 43 SA
Details		Application Date:	March 10, 2006

Municipal Address: 3070 ELLESMERE RD, TORONTO ON
 Location Description: PL M1227 BLK J **GRID E4301
 Project Description: The applicant is proposing to develop a 24 storey residential condominium with retail at the grade level and 3 levels of underground parking with a total of 246 parking spaces below grade and 11 surface parking spaces. The site currently accomodates a vacant raised three-storey office building that will not be retained in the redevelopment of the site. A total of 210 residential units are proposed.

Applicant:	Agent:	Architect:	Owner:
MARLSTON CONSULTANTS		Rafael & Bigauskas Architects	BERKLEY HOMES (ELLESMERE)

PLANNING CONTROLS

Official Plan Designation:	Highway Commercial, Waste Disposal Site	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):	92.2		
Total Ground Floor Area (sq. m):	1916.91		Total
Total Residential GFA (sq. m):	22044.15	Parking Spaces:	257
Total Non-Residential GFA (sq. m):	425.76	Loading Docks	1
Total GFA (sq. m):	22469.91		
Lot Coverage Ratio (%):	36.43		
Floor Space Index:	4.27		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	22044.15	0
Bachelor:	0	Retail GFA (sq. m):	425.76	0
1 Bedroom:	67	Office GFA (sq. m):	0	0
2 Bedroom:	143	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	210			

CONTACT: PLANNER NAME: Frank Stirpe, Planner
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