

2040-2050 Ellesmere Road – Removal of “Holding” Provision Application – Final Report

Date:	August 17, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 38 – Scarborough Centre
Reference Number:	File No. 06 191070 ESC 38 OZ

SUMMARY

This application seeks an amendment to the zoning by-law to lift a Holding Provision (H) applying to the front portion of the property at 2040-2050 Ellesmere Road. The lifting of the (H) will enable development of this vacant portion of the property with a combination of industrial, office, retail, restaurant, financial institution, education and service uses in five proposed buildings totalling approximately 6 814 m² (73,350 sq.ft.) of new development.

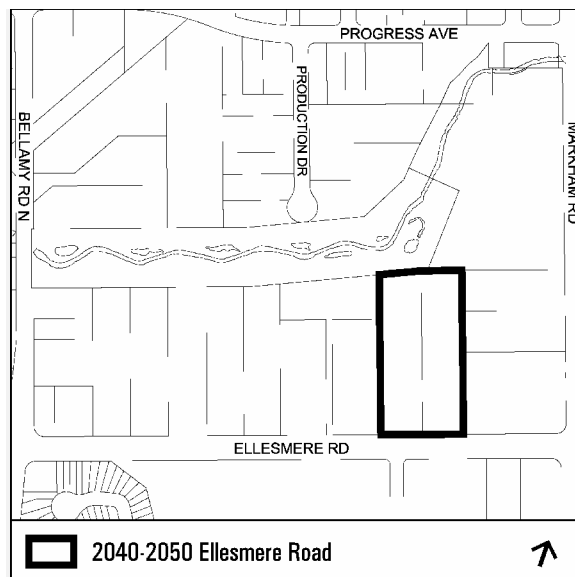
The proposed site plan satisfies zoning by-law requisites for lifting the (H), and the proposed development will also comply with underlying zoning requirements and permissions when the (H) is lifted.

This report reviews and recommends approval of the application to amend the zoning by-law to remove the (H) from this site.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the zoning by-law for the property at 2040-2050 Ellesmere Road substantially in



- accordance with the draft zoning by-law amendment attached as Attachment No. 5.
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.
 3. Before introducing the necessary Bill to City Council for enactment, require the applicant to enter into a site plan agreement under Section 41 of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject property was zoned to permit industrial uses by the former Township of Scarborough Council in 1965 through By-law No. 12096 applying comprehensively to the Progress Employment District. In 1977, the former Borough of Scarborough Council rezoned the owner's adjacent lands at the northwest corner of Ellesmere Road and Markham Road to permit the office development existing today.

In 1991, the former City of Scarborough Council through By-law No. 23127 rezoned the front portion of the subject property (referred to further in this report as the 'development site') to permit City Centre Office (CCO) uses having a density of 2.5 times the development site area. Financial institutions, retail stores, personal services, restaurants and recreation uses were also permitted to a maximum of 10% of total built gross floor area (of which restaurants and recreation uses may not exceed 4% of total built gross floor area).

The Committee of Adjustment in 1993 approved the introduction of a bingo hall (since vacated) for a period of 5 years.

In 1994, the former City of Scarborough Council adopted By-law No. 24337 to further amend the development site zoning. Industrial (M) zoning was reintroduced in addition to the City Centre Office (CCO) zoning. The amount of permitted banks, retail stores, personal services, restaurants and recreation uses was increased to 45% of total built gross floor area, to a maximum of 4 350 m² (46,825 sq.ft.), which uses must be located within the same building as other permitted uses. The subject Holding Provision (H), however, was also applied to the development site at this time. Until the (H) is lifted, these commercial uses were limited to the same percentages for the various uses as established under By-law No. 23127 noted above.

In 2002, the Committee of Adjustment approved a minor variance to permit a stand-alone 282 m² (3,035 sq.ft.) restaurant as the sole use on the front portion of the property. That decision, however, was successfully appealed to the Ontario Municipal Board by the City.

On January 16, 2007, Scarborough Community Council considered a Preliminary Report on this application from the Director, Community Planning, Scarborough District dated December 20, 2006. Community Council directed Planning staff to process the

application in the usual manner including the scheduling of a community consultation meeting.

Report

(<http://www.toronto.ca/legdocs/mmis/2007/sc/bgrd/backgroundfile-417.pdf>)

ISSUE BACKGROUND

Proposal

The owner is proposing to construct five new one-storey buildings on the development site totalling approximately 6 814 m² (73,350 sq.ft.). This includes three multi-unit commercial buildings of approximately 434 m², 1 378 m² and 1 347 m² (4,673, 14,835 and 14,495 sq.ft. respectively) toward Ellesmere Road. Behind these, two multi-unit industrial buildings of approximately 1 651 m² and 2 004 m² (17,773 and 21,569 sq.ft. respectively) are also proposed. A total of 268 parking spaces are proposed to serve this new development. The proposed site plan and typical building elevations (Building 'A') are illustrated on Attachment Nos. 2 and 3.

The proposed new industrial space would comprise approximately 54% of the new development, with the remaining 46% comprising offices, retail stores, financial institutions, educational uses, recreational uses, personal services and restaurants.

New municipal street address numbers assigned by Survey and Mapping Services staff for the five new buildings, from 2030 to 2060 Ellesmere Road, are also indicated on the attachments. The two existing industrial buildings at the rear of the property would retain the current 2040 and 2050 Ellesmere Road addresses.

This application and the proposed development concept originally reported in January 2007 have since been substantially revised by the applicant. An earlier proposed free-standing restaurant with a drive-through has been replaced due to difficulties in adequately satisfying the City's design guidelines for drive-through facilities. Requested reductions in parking requirements for various uses are no longer required as current by-law requirements can be satisfied with the current site design proposed. The application also no longer requests additional zoning permissions for assembly halls, art galleries, museums and multiple places of worship (i.e. not comprising the sole use of the property), and to remove the size limitations on retail uses associated with industrial uses.

The subject application, as now amended, necessitates a lifting of the (H) provision only to enable the development to proceed.

Site and Surrounding Area

The subject property has approximately 124 m (405 ft.) of frontage on Ellesmere Road, a depth of approximately 244 m (800 ft.) and an overall area of approximately 3 ha (7.4 ac.). As indicated on Attachment No.1 (Context Plan), portions of two original industrial buildings remain on the rear third of the property, having gross floor areas of approximately 2 749 m² and 2 945 m² (29,595 and 31,705 sq.ft. respectively). The middle third of the property consists of a paved parking lot, while the remainder of the

property fronting on Ellesmere Road is largely landscaped (i.e. sodded with some trees). A portion of the property backs onto the East Branch of Highland Creek to the north.

The property abuts additional lands to the east owned by the applicant which include two office buildings comprising 16 150 m² (173,845 sq. ft.) and an associated parking garage on the north-west corner of Ellesmere Road and Markham Road (2100 Ellesmere Road and 1200 Markham Road). To the north of the office buildings are two one-storey multi-unit industrial buildings at 1210 and 1220 Markham Road that are also owned by the applicant.

Numerous one-storey multi-unit industrial properties extend along the north side of Ellesmere Road to the west of the subject property. Across Ellesmere Road to the southeast are townhouses on Dolly Varden Boulevard, with Confederation Park and the Centennial Community Centre to the southwest of the site.

Official Plan

The subject property is designated Employment Areas, which are areas of business and economic activity. Uses which support this function include offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to these uses, and restaurants and small scale stores and services that serve area businesses and workers.

Places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges and universities are also permitted on ‘major streets’ identified in the Plan, which includes Ellesmere Road in this case.

Large scale, stand-alone retail stores and ‘power centres’ may also be permitted on such major streets that also form the boundary of the Employment Area, which again is the case here, subject to sufficient transportation capacity being available, and the functioning of other activities within the Employment Area and the economic health of nearby shopping districts are not adversely affected.

Development will contribute to competitive, attractive, highly functional Employment Areas by:

- a) supporting the economic function of the Employment Areas and the amenity of adjacent areas;
- b) encouraging the establishment of key clusters of economic activity with significant value-added employment and assessment;
- c) avoiding excessive car and truck traffic on the road system within Employment Areas and adjacent areas;
- d) providing adequate parking and loading on-site;
- e) sharing driveways and parking areas wherever possible;
- f) mitigating the effects of noise, vibration, dust, odours or particulate matter that will be detrimental to other businesses or the amenity of neighbouring areas;
- g) providing landscaping on the front and any flanking yard and adjacent to any public parks and open space to create an attractive streetscape and screening parking, loading and service areas;

- h) treating the boundary between Employment Areas and residential lands with landscaping, fencing, or other measures to minimize nuisance impacts.

Zoning

The development site subject to this application has dual City Centre Office (CCO) and Industrial (M) zoning (Attachment No. 4). Uses permitted in the (CCO) zone include offices, day nurseries, financial institutions, personal service shops, recreation uses, restaurants and retail stores. Additional uses permitted under the (M) zoning include industrial uses (excluding open storage), places of worship (as the sole use on a lot or in conjunction with day nurseries) and education and training facility uses.

The intensity of use (density) permitted is 2.5 times the development site area, or approximately 42 633 m² (458,907 sq.ft.) of gross floor area. The new development now proposed of approximately 6 814 m² (73,350 sq.ft.) represents approximately 0.4 times the development site area, or 16% of this current zoning permission.

Financial institutions, retail stores, personal services, restaurants and recreation uses are permitted to a maximum of 0.45 times (i.e. 45%) of the total built gross floor, to a maximum of 4 350 m² (46,825 sq.ft.), and shall be located within the same building(s) as other permitted use. Ancillary retailing associated with an industrial (assembling, manufacturing, processing or recycling) use is permitted to a maximum of 10% of the industrial unit, to a maximum of 250 m² (2,690 sq.ft.) per unit.

The subject Holding Provision (H) is applied through an 'exception' in the zoning by-law. Until the (H) is lifted, financial institutions, retail stores, personal services, restaurants and recreation uses are limited to a maximum of 10% of total built gross floor area, within which restaurants and recreation uses are further limited to a maximum of 4% of total built gross floor area. Places of worship, as the sole use of the property or in conjunction with day nurseries, will be permitted when the (H) is lifted. An interim provision permitting limited reductions in parking stall size requirements will also cease to apply when the (H) is lifted.

The (H) may be lifted by amending by-law when the owner has submitted a site plan to the satisfaction of Council which:

- a) ensures a significant building presence on Ellesmere Road having multi-storey elements;
- b) proposes buildings that are designed to complement and contribute to a desirable community character in terms of massing;
- c) provides pedestrian linkages to ensure a safe pedestrian environment; and
- d) establishes landscaping that integrates the street, the development and neighbouring properties.

Site Plan Control

Site Plan Control Application No. 07 170486 ESC 38 SA has also been filed by the owner in this regard. The proposed site plan and typical building elevations are indicated on Attachment Nos. 2 and 3. An existing central driveway entrance from Ellesmere Road

would be closed to accommodate the new Building 'A' adjacent to Ellesmere Road. The remaining two driveways would be reconfigured, including the easterly driveway shared with the adjacent office development, and the integration of the westerly driveway into the existing signalized intersection of Ellesmere Road and Dolly Varden Boulevard. Additional information is also provided on the Application Data Sheet (Attachment No. 6).

Reasons for Application

As a result of the 1991 rezoning, the owner demolished the southern portions of the two existing industrial buildings to prepare the front portion of the property for the first phase of office redevelopment. Due to market conditions at the time, the anticipated office redevelopment did not proceed. The vacant middle portion of the site was, however, improved with a parking lot to serve the temporary bingo hall use.

The 1994 rezoning was primarily intended to stimulate site redevelopment by increasing the amount of permitted commercial uses to 45% of total built gross floor area, and to also re-establish industrial zoning permissions.

Despite these zoning actions and site improvements by the owner, redevelopment of this vacant front portion of the site has not progressed in over 15 years. The owner has now submitted the necessary site plan application and is anxious to proceed with site redevelopment involving a significant component of new industrial space in lieu of the office development previously contemplated for this site. The application is now required to lift the Holding Provision (H) which currently applies much lower interim limits on the amount of financial institution, retail store, personal service, restaurant and recreation uses otherwise permitted by the underlying zoning.

Community Consultation

Planning staff, in consultation with the Ward Councillor, held a community consultation meeting on June 12, 2007 at the Centennial Community Centre, for which approximately 220 public notices were mailed. No area residents attended the meeting. The abutting property owner to the west of the subject property (2020 Ellesmere Road) did attend, and has provided written comments to the City in support of the proposed development.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application with respect to lifting of the Holding Provision (H).

COMMENTS

As stipulated in the current zoning exception, the primary requirement for lifting the (H) is the submission of a satisfactory site plan which adequately addresses a number of specified considerations.

Firstly, the development shall ensure a significant building presence on Ellesmere Road having multi-storey elements. In this regard, the street edge today along the north side of this portion of Ellesmere Road is characterized by either parking lots toward the

Markham Road and Bellamy Road intersections, or the end walls of single-storey, multi-unit industrial buildings set well back from Ellesmere Road and having very limited direct relationship with the street. The current proposal however, particularly Building 'A', would now achieve that desired building presence by providing a broad building face along, and significantly closer to, the street. The proposed building units will also have front entrances directly accessible from the Ellesmere Road sidewalk, with parking and additional entrances at the rear.

The proposed new buildings would be single-storey only which, particularly for Building 'A' on Ellesmere Road (Attachment No. 3), is not an ideal response for achieving 'multi-storey elements' on the street. Planning staff have worked with the applicant to achieve some elevated parapet treatments for improved building articulation at the corners. These features, reflected throughout the development, will contribute to an overall identity for the development as viewed from the street and in contrast to the existing industrial buildings to the west along Ellesmere Road.

The applicant submits that expectations for multi-storey buildings here, combined with continued poor market conditions (particularly for major office space), have discouraged such anticipated redevelopment on this long-vacant site. To assist in stimulating and supporting new business opportunities, provision of services and employment uses (including industrial employment) however, the current project design is a reasonable response to the zoning objective relating to multi-storey building elements.

The second objective is for buildings that are designed to complement and contribute to a desirable community character in terms of massing. The proposed building heights and massing are comparable to most buildings in the vicinity on both sides of Ellesmere Road. The improvements discussed above will maintain, and not detract from, the existing character of the community.

With respect to enhancements for pedestrians, Building 'A' particularly will provide for direct pedestrian access into the units from Ellesmere Road. Integrated, well-lit pedestrian walkway connections will be provided throughout the site to connect the new buildings internally and with the adjacent office buildings. The removal of an existing driveway access and improvements to the other two driveways, including integration of the westerly driveway directly into the signalized Ellesmere/Dolly Varden intersection, will also provide for improved and safer pedestrian movements along Ellesmere Road.

Lastly, the proposal provides for additional new landscaping between Building 'A' and the public sidewalk, with a larger landscaped space provided between Building 'E' and the street providing a transition to the industrial properties to the west having relatively deeper landscaped street yards. Planning staff are continuing to discuss opportunities for additional street tree plantings with the owner given the substantial boulevard along this portion of the street.

In its current form the proposed development would now consist of uses permitted under the existing City Centre Office (CCO) and Industrial (M) zoning. Once the (H) is lifted, of the 46% non-industrial floor space being proposed, the underlying zoning will permit slightly less, 45%, to consist of just retail stores, financial institutions, recreational uses,

personal services and restaurants. Once the proposed development is built and occupied, however, the actual percentage of these specific uses will likely be much less than 45% since a number of the new units can also be expected to be tenanted by business offices, educational and other permitted uses as well. The amount of restaurant and recreation uses will also be effectively limited by their higher parking requirements and the fixed supply of parking available for all uses.

Planning staff are of the opinion that the proposed site plan concept reasonably satisfies the zoning by-law requisites for lifting the (H), and that the proposed development will also comply with underlying zoning requirements and permissions when the (H) is lifted. Planning staff are continuing discussions with the owner on final design details before the site plan can be given final approval. It would therefore be appropriate that the by-law to lift the (H) not be introduced to City Council for enactment until the owner has entered into a site plan control agreement with the City.

CONTACT

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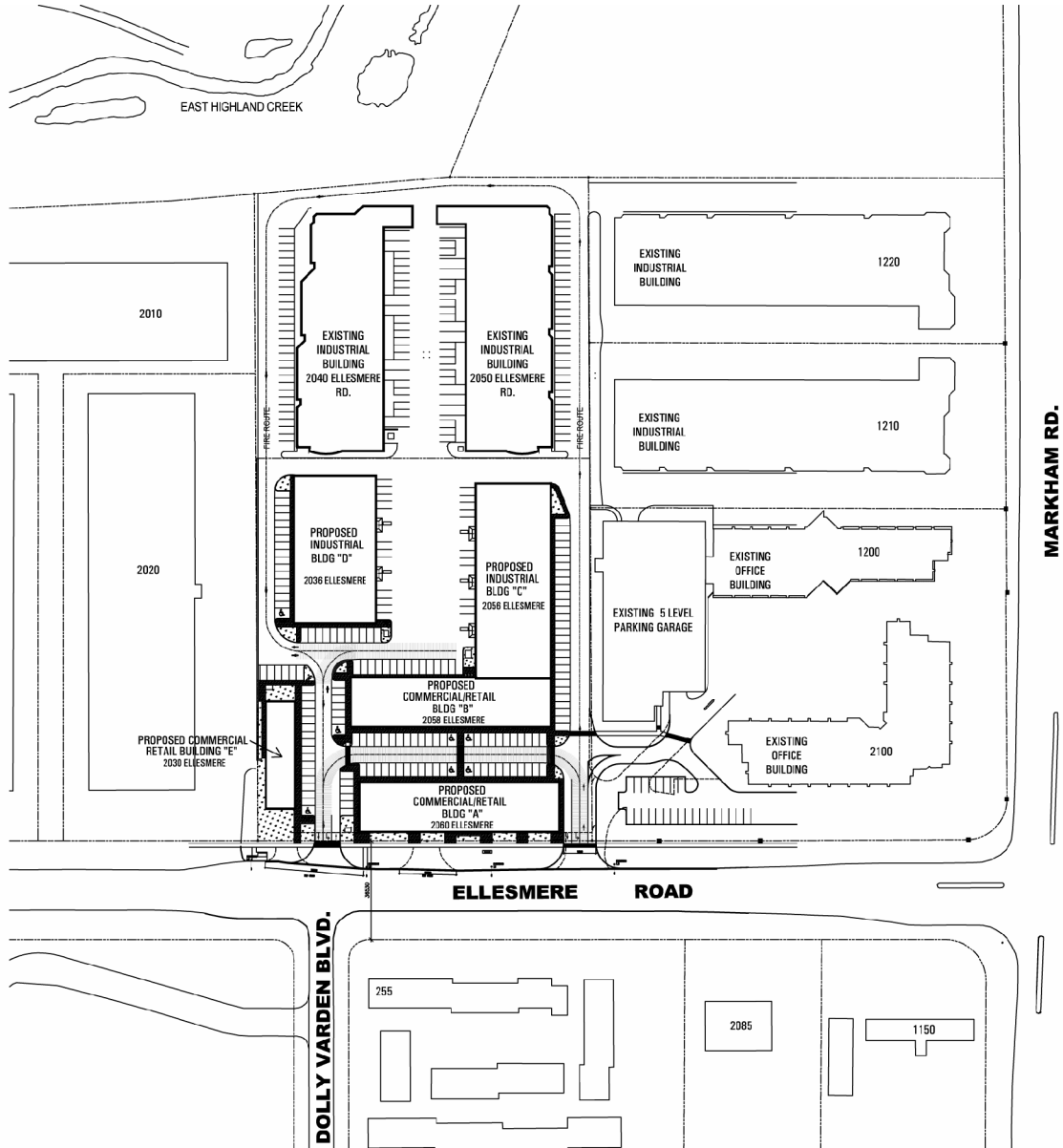
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Context Plan
Attachment 2: Proposed Site Plan
Attachment 3: Typical Building Elevations (Building 'A')
Attachment 4: Zoning
Attachment 5: Draft Zoning By-law Amendment
Attachment 6: Application Data Sheet

Attachment 1: Context Plan



Context Plan
Applicant's Submitted Drawing

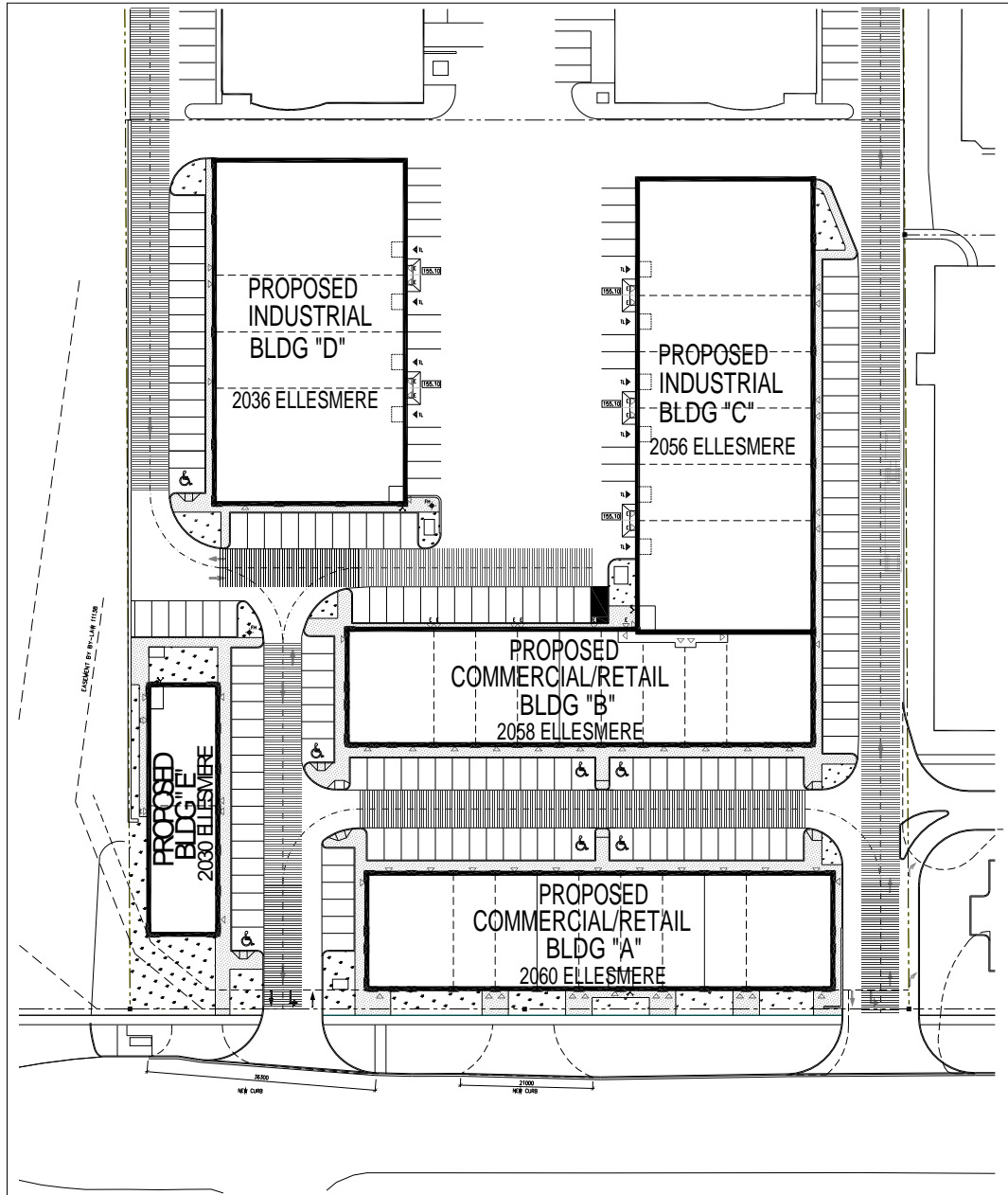
2040-2050 Ellesmere Road

Not to Scale
12/15/06



File # 06-191070 OZ

Attachment 2: Proposed Site Plan



Site Plan

2040-2050 Ellesmere Road

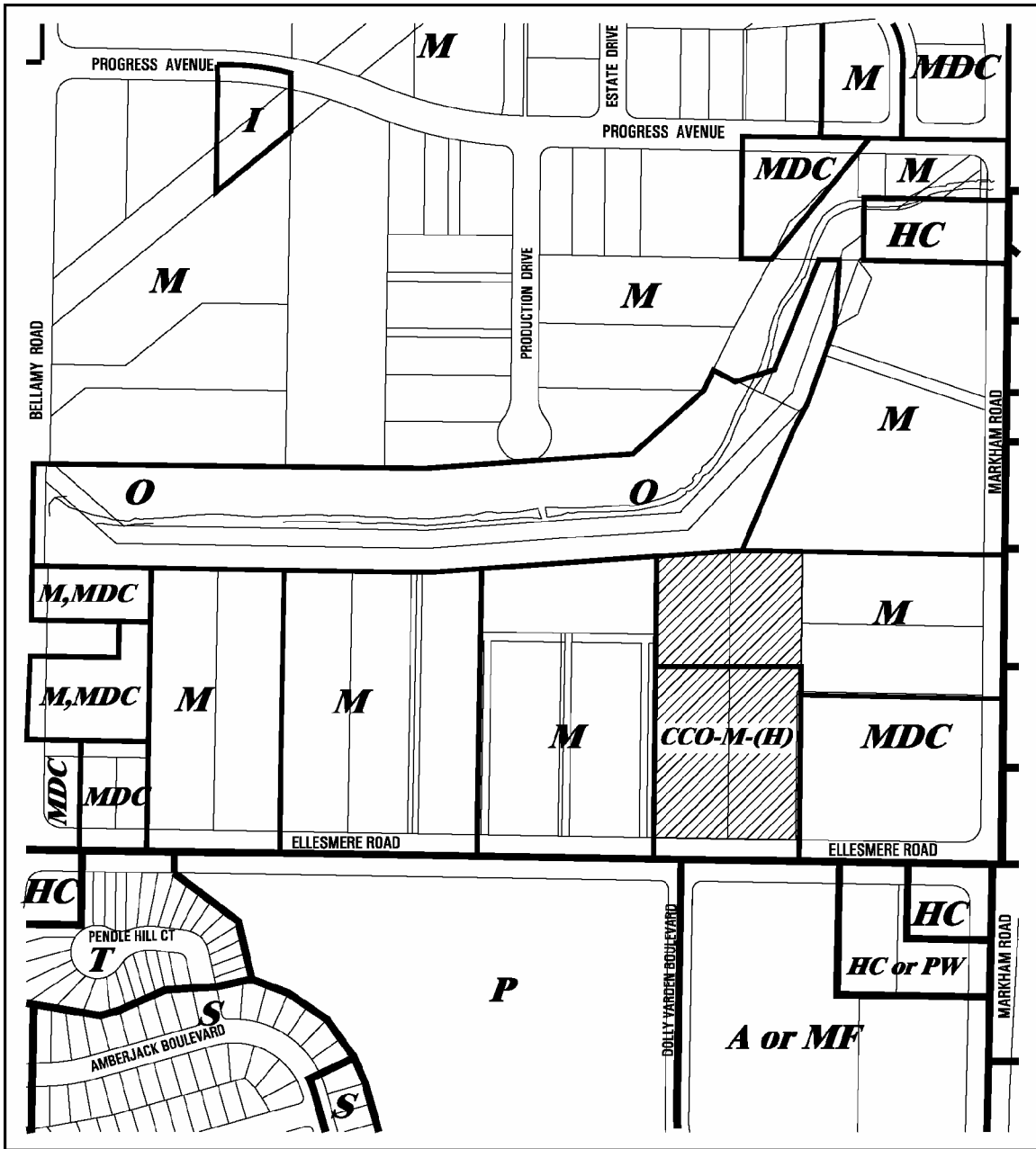
Applicant's Submitted Drawing

Not to Scale
08/10/07



File # 06-191070 OZ

Attachment 4: Zoning



TORONTO City Planning
Division
Zoning

2040-2050 Ellesmere Road
File # 06-191070 0Z

- | | |
|------------------------------------|---|
| S Single-Family Residential | M Institutional Zone |
| T Two-Family Residential | MDC Industrial District Commercial Zone |
| A Apartment Residential | O Open Spaces Zone |
| CCO City Centre Office Zone | P Park Zone |
| HC Highway Commercial Zone | (H) Holding Provision (see clause IV-
General Provisions, Sub-Clause 1.2) |
| I Institutional Zone | |

Progress Employment District Bylaw
Not to Scale
12/18/06



Attachment 5: 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 the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Progress Employment District)), as amended, with respect to the lands municipally known as 2040-2050 Ellesmere Road

WHEREAS authority is given to Council by Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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

1. **SCHEDULE “A”** of the Employment Districts Zoning By-law No. 24982 (Progress Employment District) is amended by deleting the holding symbol (H) from the City Centre (CCO) and Industrial (M) Zones so that the amended zoning shall read as follows as shown on Schedule ‘1’:

CCO – M – 44 – 130 – 913 – 2364

2. **SCHEDULE “C” – EXCEPTIONS LIST** is amended by deleting Exception Number 506.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'
Lot 18



Zoning By-Law Amendment

2040-2050 Ellesmere Road

File # 06-191070 SA



Area Affected By This By-Law

Progress Employment District Bylaw
Not to Scale
8/13/07



Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	06 191070 ESC 38 OZ
Details	Rezoning (Lifting of Holding Provision - H)	Application Date:	November 13, 2006

Municipal Address: 2040-2050 ELLESMERE RD, TORONTO ON

Location Description: PL M1588 LT1 **GRID E3802

Project Description: 6 814 m² (73, 350 sq.ft.) of development in 5 buildings. Includes 3 multi-unit commercial buildings of approx. 434 m², 1 378 m² and 1 347 m² toward Ellesmere Road, with 2 multi-unit industrial buildings of approx. 1 651 m² and 2 004 m² behind.

Applicant:	Agent:	Architect:	Owner:
Aldgate Construction (88) Ltd. (Stephen Goldberger)	Urbacon Buildings Group (Domenica De Santis)	Sabin Baidoc Architect	Forestwood Estates Ltd.

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	City Centre Office (CCO) and Industrial (M)	Historical Status:
Height Limit (m):	n/a	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (m ²):	Property: 3 ha ±	Height:	Storeys:	1
	Development site: 17 053 m ²			
Frontage (m):	124 m		Metres:	0
Depth (m):	Property: 244 m	Development site:	141 m	
Total Ground Floor Area (m ²):	Existing: 5 694	New: 6 814	Total site: 12 508	Total
Total Residential GFA (m ²):	0		Parking Spaces:	100 (existing) 268 (new)
Total Non-Residential GFA (m ²):	12 508		Loading Docks:	0
Total GFA (m ²):	Existing: 5 694	New: 6 814	Total site:	12 508
Lot Coverage Ratio (%):	Property: 41.7			
Floor Space Index:	0.42			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (m ²):	0	0
Bachelor:	0	Retail GFA (m ²):	6 814 (incl. *)	0
1 Bedroom:	0	Office GFA (m ²):	*	0
2 Bedroom:	0	Industrial GFA (m ²):	Existing: 5 694	0
			New: 3 655	
3 + Bedroom:	0	Institutional/Other GFA (m ²):	*	0

CONTACT:	PLANNER NAME:	Rod Hines, Principal Planner
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