

Northwest of Gerrard Street East and Clonmore Drive - Rezoning and Site Plan Applications - Request for Direction Report

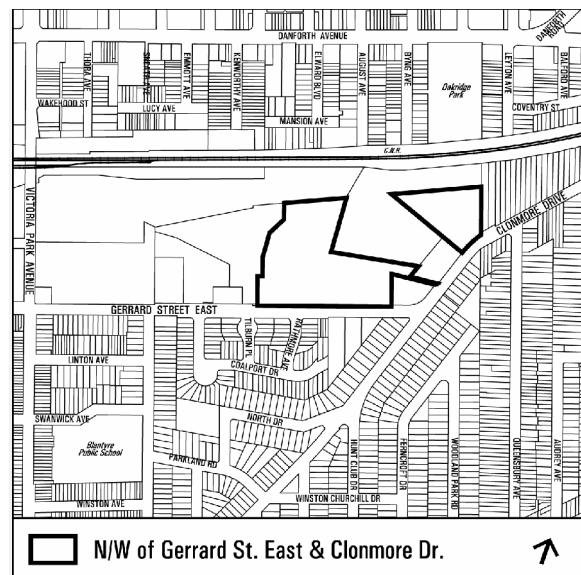
Date:	October 1, 2008
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	File Nos. 06 128393 ESC 36 OZ and 07 258554 ESC 36 SA

SUMMARY

The purpose of this report is to obtain direction respecting an upcoming Ontario Municipal Board hearing scheduled for 5 days beginning November 24, 2008. This rezoning application proposes dwelling unit size adjustments for all four blocks of this 4.1 hectare (10.1 acre) parcel of land northwest of Gerrard Street East and Clonmore Drive. A site plan application has been submitted for one of four development blocks and that application has also been appealed.

The City is currently undertaking a comprehensive study of the Birchcliff Quarry Lands situated east of Victoria Park Avenue, south of the CN rail tracks and fronting on Gerrard Street East and Clonmore Drive. The subject lands fall within the study area. City Planning has been directed to process the rezoning application concurrently with the Birchcliff Quarry Lands Study.

This report recommends that the City solicitor oppose the application to amend the zoning by-law, and to oppose the site plan application at the Ontario Municipal Board.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City solicitor to attend the Ontario Municipal Board to oppose the zoning and site plan appeals.
2. City Council direct Planning staff to continue to review and process the applications within the context of the Birchcliff Quarry Lands Study which is scheduled for completion in late 2008 with a final report recommending planning directions for the entire Quarry Lands area with associated Official Plan and zoning amendments targeted for the first Planning and Growth Management Committee meeting in 2009.

Financial Impact

There are no financial implications arising from this report.

DECISION HISTORY

The subject lands, located at the northwest corner of Gerrard Street East and Clonmore Drive, have been the subject of numerous planning applications starting in the early 1960's. The site history includes its use as a quarry during the 1940's and early 1950's. The site was an unregulated municipal landfill between 1954 and 1960. The proposed linkage to a planned Scarborough Expressway and later the Scarborough Transportation Corridor was envisioned in 1968 and zoning approved for 1455 apartment units distributed over four development blocks.

The current apartment zoning on the GCD property was enacted by the Council of the former Borough of Scarborough on September 9, 1968 through By-law No. 13310.

In 2003, GCD Trustee Ltd. (the Conservatory Group) applied to the Committee of Adjustment for a minor variance with respect to the lands to reduce the minimum unit size requirements relating to many of the approximately 1,450 apartments in four high-rise complexes permitted on its site (as illustrated on Attachment 1). On October 15, 2003 the Committee deferred the application sine die without a decision.

In September 2003, City Council directed that the Commissioner of Urban Development Services 'carry out a study of land use policies in respect of that area of land lying east of Victoria Park Avenue, south of the CN rail tracks and fronting on Gerrard and Clonmore'. This has been initiated as the Birchcliff Quarry Lands Study.

In March 2005, the Planning and Transportation Committee endorsed a framework for the Birchcliff Quarry Lands Study. A Phase 1 report from the Chief Planner and Executive Director dated April 11, 2005, the 'Birchcliff Quarry Lands Study: Study Area Profile', was received for information by Planning and Transportation Committee on May 25, 2005 and by City Council on June 14, 15 and 16, 2005. (Report available at <http://www.toronto.ca/legdocs/2005/agendas/committees/plt/plt050525/it007.pdf>.)

In April 2006, GCD filed the rezoning application for similar unit size reductions proposed in the earlier minor variance application, but only for a portion of its entire land holdings, (Blocks 1 and 2). A Preliminary Report from Planning staff on this application was adopted by Scarborough Community Council on July 11, 2006. (Report available at <http://www.toronto.ca/legdocs/2006/agendas/committees/sc/sc060711/it016.pdf>.)

The April 2006 report recommended that staff:

- a) process the rezoning application concurrently with the Birchcliff Quarry Lands Study;
- b) initiate community consultation; and
- c) report back to the Planning and Transportation Committee in the first quarter of 2007 on the status of both the Birchcliff Quarry Lands Area Study and these applications.

On October 31, 2006, the rezoning application was modified to include the same unit size reductions as originally requested, but this time for Blocks 3 and 4 in addition to Blocks 1 and 2.

On April 25, 2007, GCD appealed the zoning application pursuant to Section 34(11) of the *Planning Act*., on the basis that council did not make a decision on the application within the prescribed time frame under the Act.

A status report on the Birchcliff Quarry Lands Study from the Chief Planner and Executive Director dated June 13, 2007 was considered by Planning and Growth Management Committee on June 28, 2007. (Report available at <http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-4970.pdf>.) The Committee adopted the staff recommendation that City Council direct City staff to continue with Phases 2 and 3 of the Birchcliff Quarry Lands Study, and also to continue processing the GCD rezoning application within the context of the Study.

Interim Control By-law No. 771-2007 was passed pertaining to the GCD lands on July 17, 2007, and subsequently appealed to the Ontario Municipal Board by GCD. This by-law attempted to suspend development permissions on the subject lands for a period of one year to permit the completion of the Birchcliff Quarry Lands Study.

On September 4, 2007, GCD filed a site plan control application pertaining only to Block 2 of the four Blocks on site.

A five day Ontario Municipal Board heard was previously set for October 1, 2007 for the hearing of the GCD Zoning appeal only. The City was successful in pursuing a motion to adjourn this hearing. In Decision/Order No. 2714, issued October 15, 2007, the Board allowed the adjournment until such time as a date for the hearing of the appeal of the Interim Control By-law was set. However, an application to the Superior Court of Justice resulted in the Court making a Judgment on January 30, 2008, that the Interim Control By-law no. 771-2007 ceased to be effective on August 17, 2007.

ISSUE BACKGROUND

The GCD lands were first zoned for apartment use in 1965, as amended to the current zoning in 1968, premised largely on the planned easterly extension of the Gardiner Expressway into Scarborough. The development was conceived in the context of the proposed Scarborough Expressway.

While the apartment development has never proceeded despite having such zoning permission in place for almost 40 years, the land use planning context for the subject lands and the larger Quarry Lands has changed dramatically over this period. There is now a new planning policy framework under the Provincial Policy Statement, provincial growth plans, and the new Official Plan.

The prospect of a future expressway adjacent to the lands is gone. The larger community around the Quarry Lands has continued to change significantly through continued growth and new patterns of development, as is occurring nearby in Warden Woods. Different demands exist today on local schools, community services, and municipal services and infrastructure such as roads and transit. The former City of Scarborough undertook a detailed environmental site assessment of the GCD lands in the early 1990's, and the City has recently completed a similar investigation on its own lands. Results of the environmental investigation were provided to the Birchcliff Quarry Lands Working Group in its October, 2007 meeting. The results were that City lands within the Quarry study area could be developed for a wide range of uses including residential uses, with some remediation. The community remains keenly interested in the future of the Quarry Lands, given environmental questions associated with their past use and the potential for any impacts arising from their further development.

Within this current planning context, the Birchcliff Quarry Lands Study is intended to establish a comprehensive planning framework for a viable new neighbourhood that is compatible and well-integrated with the surrounding fabric of the City. In particular, the study is examining:

- a) a pattern for new streets and pedestrian routes that will define new development blocks, open spaces and other infrastructure;
- b) the mix and location of land uses, particularly housing;
- c) strategies to protect and enhance parks, green spaces and the environment;
- d) connections and land use relationships within the new neighbourhood and with the larger community;
- e) the provision of appropriate community services and other facilities, including good transit accessibility, to meet the needs of residents, workers and visitors; and
- f) appropriate building forms, heights, massing and density for a range of potential mixed-residential and non-residential uses.

The Birchcliff Quarry Lands Study is continuing. A final report to recommend a land use planning direction for the lands with associated Official Plan and zoning amendments, is now targeted for the first Planning and Growth management Committee meeting in 2009.

COMMENTS

Proposal

The proposal includes two 24-storey highrise apartment complexes each with two point towers joined by a four storey podium on Blocks 1 and 2, a 27-storey highrise apartment on Block 3 and a two 23-storey point tower highrise apartment buildings joined by a four storey podium on Block 4.

Rezoning

The applicant has submitted a rezoning application to remove the following minimum apartment unit floor areas requirements currently included in the zoning by-law for the 4 blocks:

Unit Type	Minimum Unit Size (Current By-law)
Bachelor	39 m ² (425 square feet)
1 Bedroom	60 m ² (650 square feet)
2 Bedroom	78 m ² (850 square feet)
3 Bedroom	102 m ² (1,100 square feet)
plus 9 square metres (100 square feet) for each additional bedroom exceeding 3 bedrooms.	

The application also seeks, instead of any required minimum unit sizes, to establish the following new maximum dwelling unit size limits for a minimum 25% of the units:

Unit Type	Maximum Unit Size (Proposed By-law)
Bachelor	50 m ² (538 square feet)
1 Bedroom	65 m ² (699 square feet)
2 Bedroom	85 m ² (914 square feet)
3 Bedroom	90 m ² (968 square feet)

Site Plan

On September 4, 2007, a site plan control application was submitted for Block 2 only, which comprises 0.96 hectares (2.4 acres). On September 27, 2007 a letter was sent to the applicant group by Planning staff outlining nine technical studies and reports that would be required to properly process and evaluate the application, including traffic, wind, sun/shade and environmental studies. To date, none of the requested documents have been submitted. On October 31, 2007, Gerrard Clonmore appealed its site plan control application to the Board pursuant to Section 41 (12) of the *Planning Act*, on the basis that no decision has been made on the application within the statutory timeframe within the Act.

Site Description

The subject site, including Blocks 1 through 4, total approximately 4.1 hectares (10.2 acres) in size. The Blocks are irregular in shape with a combined frontage on Gerrard Street East and Clonmore Drive of approximately 250 metres (820 ft.). The site has been re-graded as a result of past activity and is predominantly level. There is a marshy area along Gerrard Street East. There are no existing buildings on the site but a number of municipal watermain, storm sewers, and combined sanitary sewers traverse the site. There are also a number of capped environmental test holes on the site. Vegetation on site consists of mainly meadow/thicket and marsh/swamp. The applicant also owns adjacent lands to the north which are not subject to this application.

Surrounding Land Uses

North: Additional vacant land owned by applicant with the CNR/GO main line beyond
South: Residential with some light industrial uses
East: Commercial and single detached residential
West: Commercial and City owned open space

Toronto Official Plan

On November 26, 27 and 28, 2002, City Council adopted a new Official Plan for the City of Toronto. The GCD Lands were designated as Mixed Use Areas (Attachment 5). GCD has appealed the new Official Plan Mixed Use Areas designation on its lands to the Ontario Municipal Board. The applicant believes the Apartment Neighbourhoods designation better reflects the intended use and permitted zoning of the subject lands. Until such time as the appeal is resolved, the Scarborough Official Plan designations of High Density Residential and Residential Commercial will remain in effect (see Attachment 4).

Once the Official Plan has come into full force and effect it will designate this site as a Mixed Use Area. Mixed Use Areas are intended to achieve a number of planning objectives by combining a broad array of residential uses, office, retail and service, institutional, entertainment, recreational and cultural activities, and parks and open spaces.

The design of Mixed Use Areas should promote: a reduction of dependency on automobile use while promoting increased transit use, the creation of new jobs and housing, a transition between areas of different development intensity and scale, limit shadow impact on adjacent Neighbourhoods, the location and massing of buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians, a safe and attractive pedestrian environment, access to a broad range of community services and facilities, and the provision of indoor and outdoor recreation space for building residents in every significant multi unit residential development.

Provincial Policy Statement and Provincial Plans

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. The PPS also provides policy direction in the areas of protection of natural heritage features and water resources. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe

Zoning

The subject lands are zoned Apartment Residential (A). Permitted uses include: apartment buildings, day nurseries, group homes, multi-family dwellings, nursing homes and senior citizens homes.

Zoning on Block 1 permits one suite per 30 square metres of lot area, or 367 dwelling units. The zoning on Blocks 2 and 3 permits one suite per 26 square metres of lot area, or 369 units on Block 2 and 358 units on Block 3. A total of 361 units are permitted on Block 4, at one suite per 31 square metres of lot area.

On each block, a maximum of 60% of total number of suites may be two-bedroom units and a maximum of 6% of the total units may be three-bedroom units or larger.

Altogether a total of 1445 dwelling units are permitted on Blocks 1-4. There are minimum dwelling unit requirements on the subject lands as previously noted.

Block 5 is also owned by the applicant, and landscaping is the only permitted use on this Block. It is not the subject of these applications (see Attachment 1).

Site Plan Control

The lands are subject to site plan control. A site plan control application has been submitted for Block 2 only. A letter was sent to the applicant dated September 27, 2007 requesting further studies be submitted to assess the site plan application. Studies that were requested include:

- Pedestrian Level Wind Study
- Sun/shade shadow study
- Arborist Report
- Traffic Operations Assessment

- Natural Heritage Impact Study
- Environmental Assessment (including a Restoration Action Plan)
- Archaeological Assessment

As of the date of writing of this report, none of the studies have been received by City Planning.

Ravine Control

A portion of the lands within Block 2 that are the subject of the site plan control application are subject to the Toronto and Region Conservation Authority (TRCA) Fill Regulation 166/06. A large wetland feature exists on the Gerrard Street frontage. The applicant has been requested to submit an Environmental Assessment for the subject lands that will demonstrate the ecological features and functioning of this wetland. To date, no such study has been provided.

Tree Preservation

The lands are subject to the City's Tree Preservation By-law. The applicant has been requested to submit an arborist report which will include a tree inventory and a preservation plan for review by Urban Forestry Services staff. To date, no such study has been provided.

Reasons for the Applications

The applicant is seeking a rezoning to remove minimum unit size requirements to reflect more recent marketplace trends towards smaller condominium units. The proposed cap on the maximum sizes of 25% of the units appears to be intended by the applicant to achieve a level of 'affordability'.

Site plan approval is required for the first phase of development on Block 2 to proceed.

REZONING APPLICATION

Birchcliff Quarry Lands Study

The subject lands fall within the Birchcliff Quarry Lands Study Area boundaries. Staff have previously been directed by Council to process the application concurrently with the ongoing Area Study to allow a review of the application in conjunction with the ongoing Area Study.

The applicant has as-of-right zoning for the subject site that was implemented in 1968. The design and planning principles applied to the site at that time reflect thinking and conditions representative of 1960's Scarborough. At the time the Scarborough Expressway, later the Scarborough Transportation Corridor, was a major influence on community planning and design for this area. The Birchcliff Quarry Lands Area Study was initiated to address these issues and develop a new set of development and design criteria for the subject and study lands that better reflects current planning challenges and conditions.

Phase 1 of the study, which examined the history of the Quarry Lands and their context of the larger community existing today, is completed. Phase 2 of the study is now well advanced. An environmental investigation into the City's lands within the study area was completed earlier in 2008 and principles for developing more detailed conceptual planning alternatives have emerged.

As part of the Birchcliff Quarry Lands Study, City staff and consultants have prepared a traffic impact study for the subject lands and surrounding areas. This work has examined intersection operations under existing and future traffic conditions, including "pipeline" development proposals and scenarios for development of the quarry site itself. The results are currently being reviewed.

The community has been an active participant in the Birchcliff Quarry Lands Area Study. A group of over 20 residents has been participating in working group meetings coordinated by City staff. A total of 11 meetings of the Working Group have been convened, including a full day design charrette.

Representatives from GCD Trustee Ltd. have participated in the Birchcliff Quarry Lands Study. In July, 2007, City Council approved the transfer of City owned lands within the Birchcliff Quarry Lands Study Area to the Toronto Economic Development Corporation (TEDCO). Discussions with landowners in the study area, including representatives from GCD Trustee Limited and TEDCO have taken place respecting comprehensive redevelopment of the entire Quarry Lands area.

Planning staff anticipate that a report to Planning and Growth Management Committee on the completion of Phase 2, which will include recommendations to implement a comprehensive land use approach for the future use of the Quarry Lands during Phase 3, will be available in January, 2009.

The appropriateness, distribution and location, densities, built forms and heights of all land uses are currently under review through the Birchcliff Quarry Lands Study. It is premature to focus on specific apartment units sizes zoning regulations when the continued appropriateness of the underlying zoning on these lands is under active review by the city. It is appropriate to consider this zoning request in the context of the comprehensive study of the Birchcliff Quarry Lands Study.

SITE PLAN APPLICATION

The site plan application would facilitate the development of 369 apartment units in two, 24 storey point towers joined by a 4 storey podium on Block 2. Block 2 would be accessed by a proposed new public road running north off of Gerrard Street East. A large wetland feature comprises part of the Block.

Several studies have been requested of the applicant in order to properly evaluate the site plan application. To date, none of the requested studies and supporting documentation have been provided to City Planning.

A portion of the lands within Block 2 that are the subject of the site plan control application are subject to the Toronto and Region Conservation Authority (TRCA) Fill Regulation 166/06. As mentioned, a large wetland feature exists on the Gerrard Street frontage. The applicant has been requested to submit a Natural Heritage Impact Study and an Environmental Assessment for the subject lands that will demonstrate the ecological features and functioning of this wetland. To date, no such studies have been provided. Proceeding with the approval of the Site Plan application in advance of reviewing the necessary studies and the completion of the Birchcliff Quarry Lands Study would be premature. It is appropriate to consider this site plan approval application within the context of the Birchcliff Quarry Lands Study.

Conclusions

Planning staff do not support the apartment proposals in their current form. The proposal responds to decades old zoning that was reflective of the area having an extension of the Gardiner Expressway. The Birchcliff Quarry Lands Study is intended to establish a comprehensive planning framework for a viable new neighbourhood that is compatible and well-integrated with the surrounding fabric of the City. The City Solicitor should be directed to attend the Ontario Municipal Board hearing to oppose the apartment proposal in its current form. City staff should continue discussions with the applicant in an effort to achieve an improved development form, and to reach consensus on the future vision for the Quarry Lands.

CONTACT

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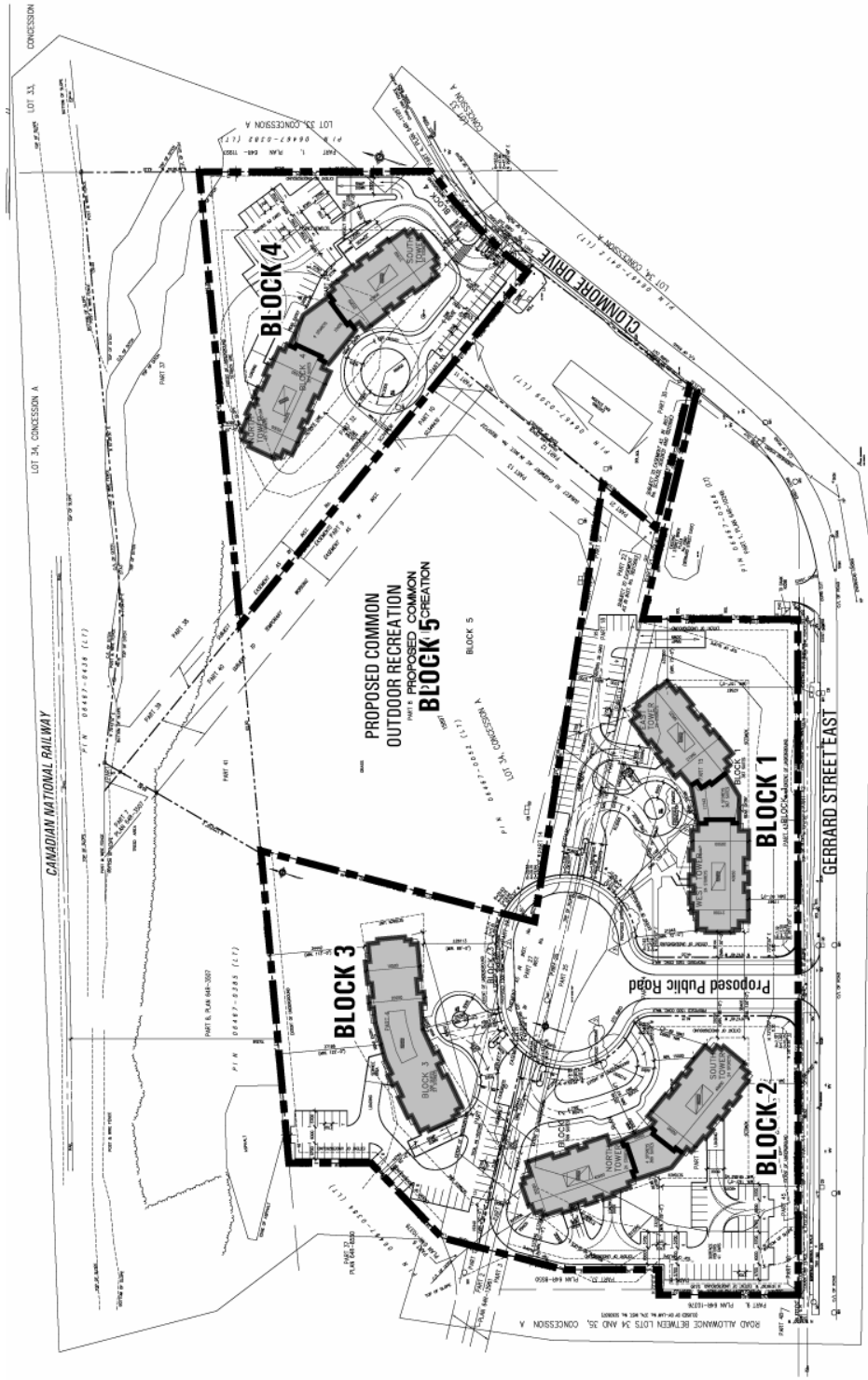
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Scarborough Official Plan
Attachment 5: Toronto Official Plan
Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

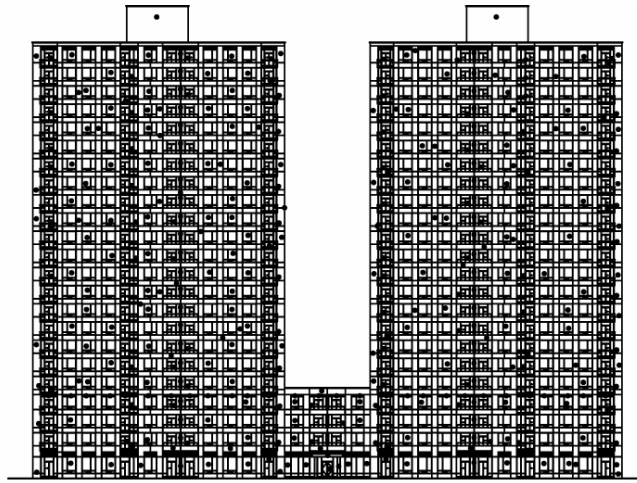
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09/29/08



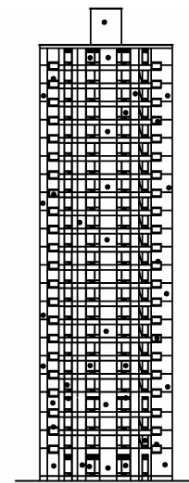
N/W of Gerrard St. East & Clonmore Dr.

File # 06-128393 0Z

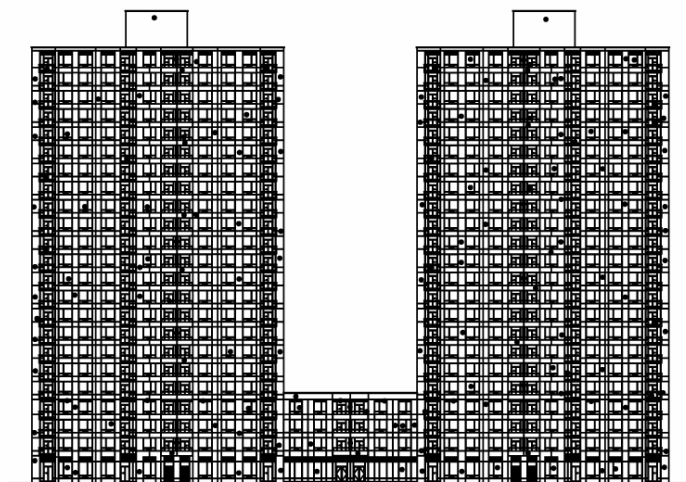
Attachment 2: Elevations



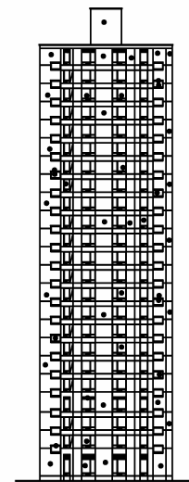
FRONT ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION

Elevation Plans

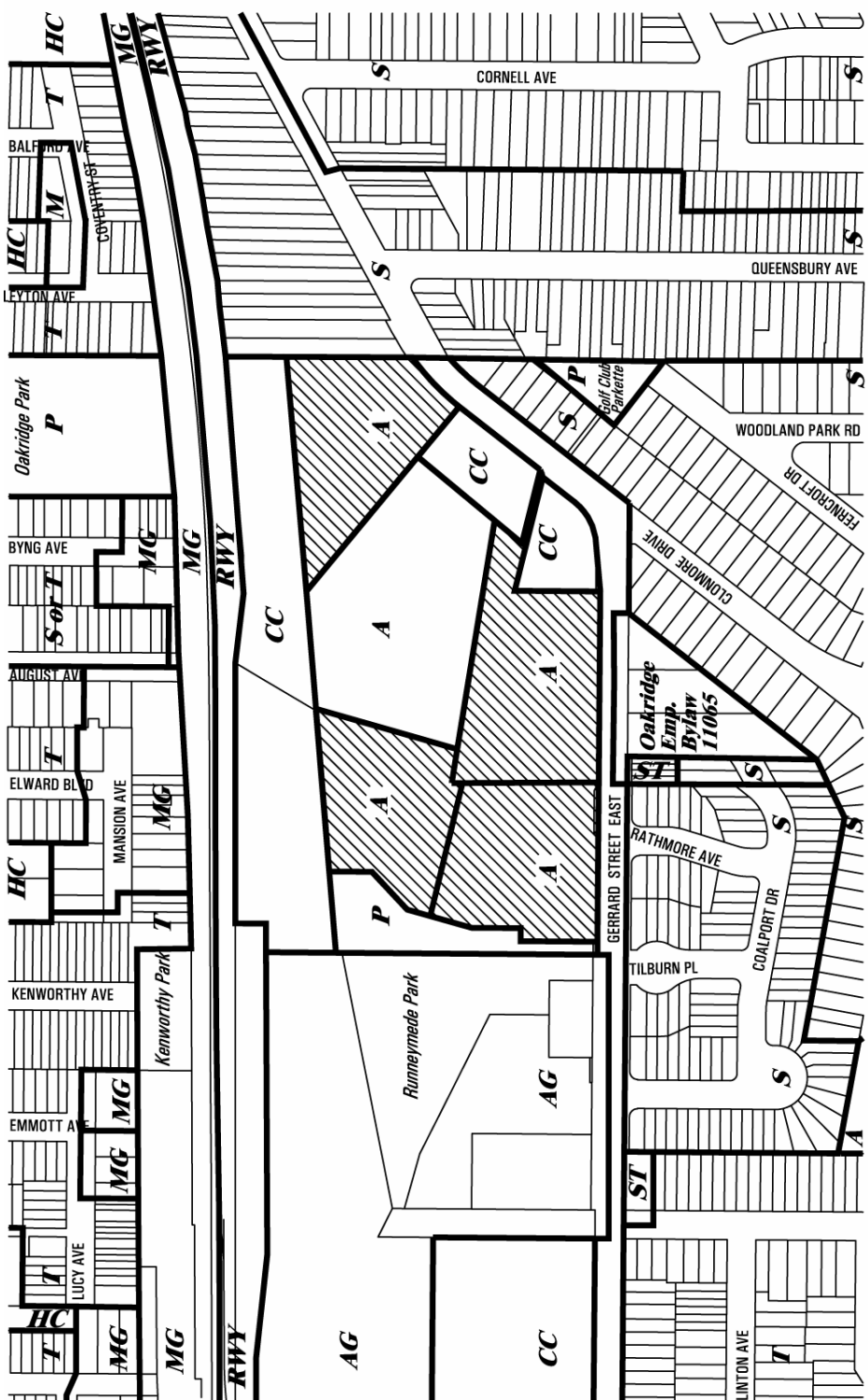
Applicant's Submitted Drawing

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11/21/06

N/W of Gerrard St. East & Clonmore Dr.

File # 06-128393 0Z

Attachment 3: Zoning



Toronto Urban Development Services
Zoning

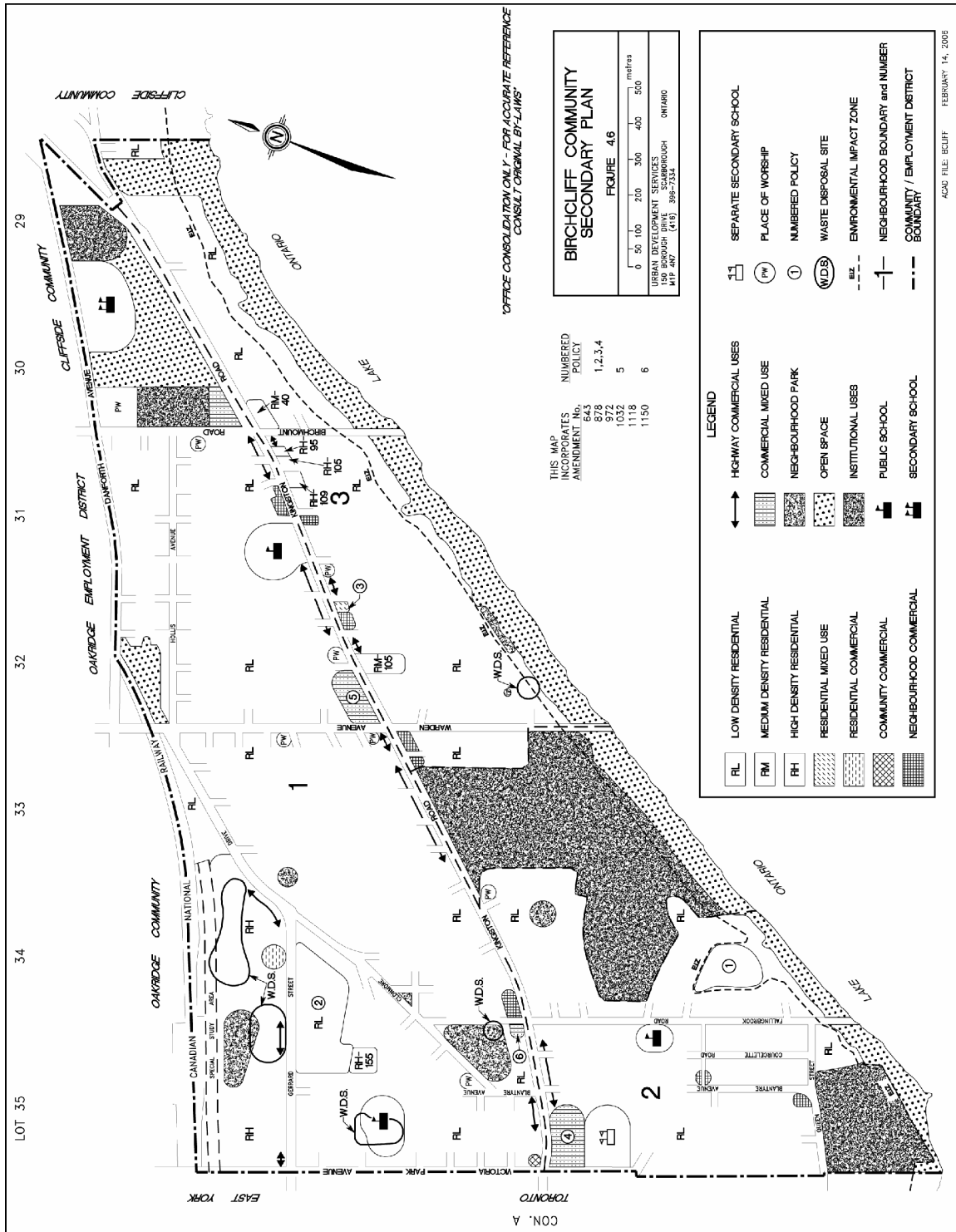
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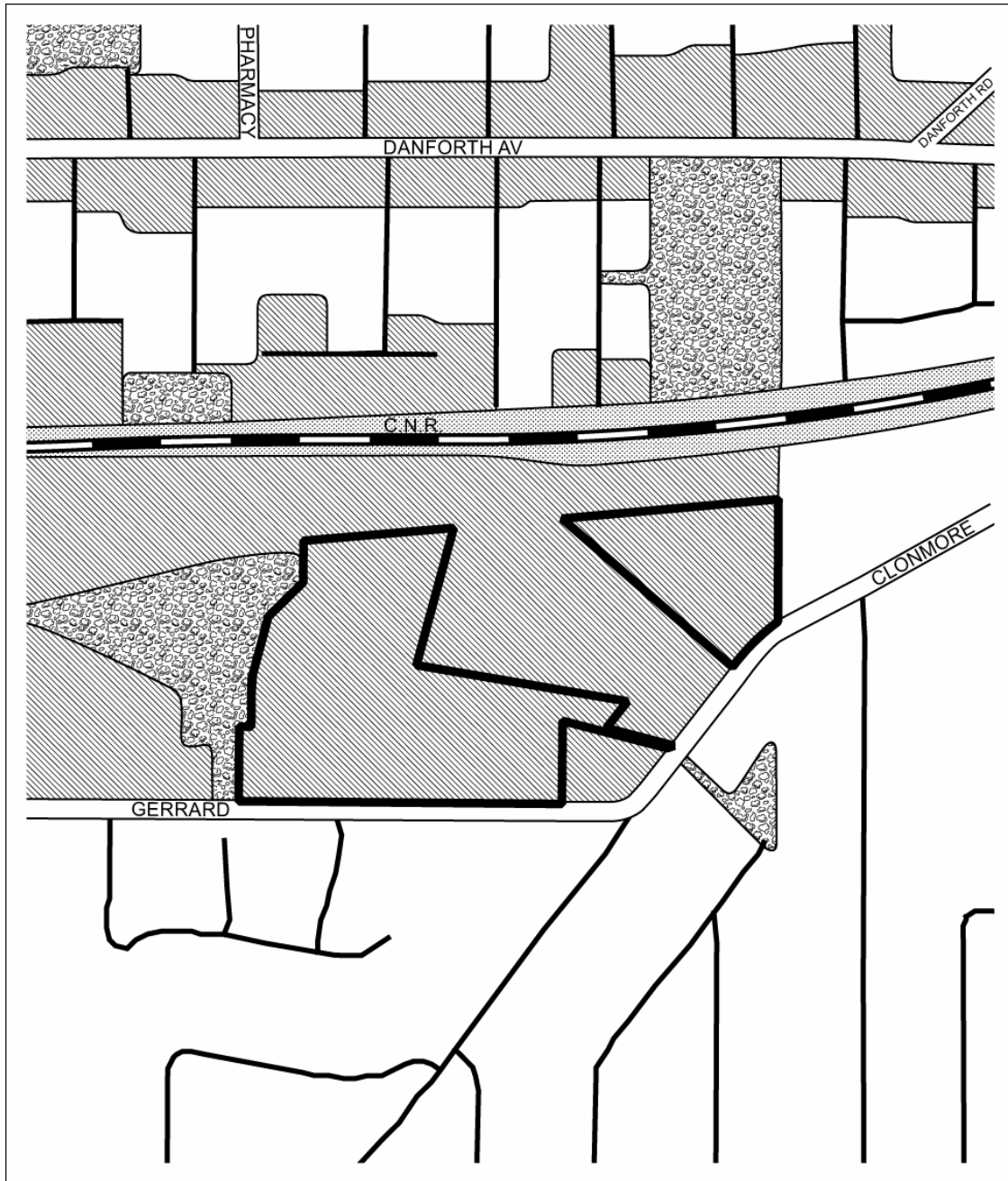
S Single-Family Residential	A Apartment Residential	HC Highway Commercial	Birchcliff & Oakridge Community Bylaws
T Two-Family Residential	CC Community Shopping	MG General Industrial Uses	Not to Scale
M Multiple-Family Residential	AG Agricultural Holding	RWY Railway Corridor	09/18/08
ST Street Townhouse Residential	P Park		



Attachment 4: Scarborough Official Plan



Attachment 5: Official Plan



Toronto Urban Development Services
Official Plan

N/W of Gerrard St. East & Clonmore Dr.

File # 06-128393 02



Not to Scale
09/18/08

Attachment 6: Application Data Sheet

Application Type	Rezoning, Site Plan	Application Numbers:	06 128393 ESC 36 OZ and 07 258554 ESC 36 SA
Details		Application Dates:	April 24, 2006 and September 4, 2007

Municipal Address:	0 GERRARD ST E N S, TORONTO ON
Location Description:	CON A LOT 34 & PT ROAD ALLOWANCE BETWEEN LOTS 34 & 35 RP 64R11969 PARTS 1 TO 22 **GRID E3601
Project Description:	CONSTRUCT 4 CONDO APARTMENT BLDGS

Applicant:	Agent:	Architect:	Owner:
TOMMY CHANG			GERRARD CLONMORE DEVELOPMENT

PLANNING CONTROLS

Official Plan Designation:	High Density Residential & Residential Commercial	Site Specific Provision:
Zoning:	A-Apartment	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	41171.6	Height:	Storeys:	24
Frontage (m):	250		Metres:	79.75
Depth (m):	Varies			
Total Ground Floor Area (sq. m):	6624.1			Total
Total Residential GFA (sq. m):	150416		Parking Spaces:	2040
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	150416			
Lot Coverage Ratio (%):	16.9			
Floor Space Index:	3.65			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	150416	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	1455			

CONTACT:	PLANNER NAME:	John Lyon, Planner
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