

1049 Military Trail – Removal of Holding Provision (H) Application – Final Report

Date:	June 3, 2009
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 44 – Scarborough East
Reference Number:	09 134639 ESC 44 OZ

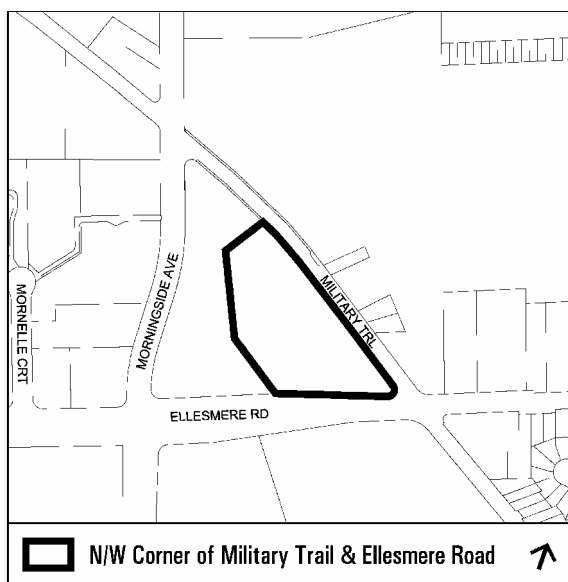
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to remove a Holding Provision (H) in the zoning by-law on a portion of the University of Toronto's Scarborough Campus lands at 1049 Military Trail at Ellesmere Road, which would enable the development of a new institutional building having a total floor area of approximately 14,000 square metres (150,700 square feet) at the University of Toronto, Scarborough Campus. The proposed building would comply with the underlying Institutional "I" zoning on the subject lands following the removal of the Holding Provision (H). This building is intended to be used as an instructional centre providing lecture hall, classroom and office space for students and faculty.

This is a time sensitive project, as funding for the project is through the Federal Knowledge Infrastructure Program, grants for which have limited time frames.

The applicant has provided the necessary reports addressing matters such as servicing, transportation, environmental studies including subsurface investigations,



storm and ground water management. These reports have been reviewed by appropriate City staff.

The majority of the supporting studies provided by the applicant address only the proposed instructional centre, sited in close proximity to the Military Trail and Ellesmere Road intersection. Consequently, staff are recommending removal of the Holding Provision (H) on only those lands upon which the proposed building is to be constructed, which represents a total land area of approximately 1.1 hectare (2.7 acres) of the northwest corner of Military Trail and Ellesmere Road.

This report reviews and recommends approval of the application to amend the zoning by-law, subject to an environmental peer review which must be completed before the amending zoning by-law bill may be enacted by City Council.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 10827 for the Highland Creek Community substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 4.
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, including changes to the site area boundary.
3. Before introducing the necessary Bill to City Council for enactment, review of the Groundwater Monitoring, Methane Monitoring, and Phase I and II Environmental Site Assessment Reports submitted by the applicant be completed and cleared as required by the City appointed third party peer reviewer, to the satisfaction of the Executive Director of Technical Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At their meeting of October 2, 3 and 4, 2001 City Council adopted By-law No. 769-2001, an amendment to the Highland Creek Community Zoning By-law for the University of Toronto's Scarborough Campus, north campus lands. The properties affected by this by-law include those lands within the triangle formed by Morningside Avenue, Ellesmere Road and Military Trail, as well as those on the east side of Military Trail, north of Ellesmere Road. This by-law established the current Institutional "I" (H) zoning, to allow for the introduction of a new Centennial College Campus and to facilitate the implementation of the University's long term Master Plan. The Holding Provision dealing with transportation, environmental and servicing issues provides an opportunity

to review the impacts of future development after the construction of the Centennial College building.

ISSUE BACKGROUND

Proposal

The University of Toronto proposes the removal of the Holding Provision (H) on a portion of the north campus lands at Scarborough Campus to enable the development of a new instructional centre. The building design is conceptual at this time. A site plan control application will be submitted in mid June. The building is proposed to be approximately 14,000 square metres (150,700 square feet) in total floor area. The building will be used for classrooms, dry labs, lounges, study rooms, food services and departmental offices. The Scarborough Campus of the University of Toronto has a lower space per student average than other Universities. The building is intended to address these classroom space needs. As a result, a significant increase in student population is not anticipated with the addition of this new building. Refer to Attachment No. 3 for project data.

Site and Surrounding Area

The subject lands are approximately 3.7 hectares (9.14 acres) in area, and are situated at the southeast quadrant of the triangle of land bounded by Morningside Avenue, Military Trail and Ellesmere Road, at the intersection of Military Trail and Ellesmere Road. The site is located north of the existing built area of the University of Toronto's Scarborough Campus (UTSC). The site is relatively flat, but steeply drops towards Morningside Avenue throughout the southern half of the site from approximately the mid point between Morningside Avenue and Military Trail. The area intended for the development of the new instructional building does not encroach on the sloped portion of the site, but remains on the flat portion which is currently used as an asphalt surface parking lot. Surrounding uses include the following:

North: surface parking lots for UTSC.

South: UTSC main campus.

East: surface parking lots for UTSC.

West: Centennial College HP Science and Technology Centre.

Official Plan

The subject lands are designated Institutional Areas within the Toronto Official Plan. These areas are made up of major educational, health and governmental uses with their ancillary uses, cultural, parks and recreational, religious, commercial and institutional residence facilities.

The subject lands are also part of the Highland Creek Community Secondary Plan. Map 2-1 of the Secondary Plan is the Urban Structure Plan, here the subject lands are identified as being part of Area “A”. Area “A” policies are contained in Section 1.5 of the Secondary Plan and specify that lands within this area are within the potential influence of the landfill site. As such, the construction of any buildings, structures, services and hard surface paving will only be permitted subject to the following policies and in accordance with the underlying land use designations:

- (a) engineering studies have been carried out, and such studies will indicate that development can safely take place;
- (b) construction and phasing of any residential development will coincide with the control of any problems identified by engineering studies; and,
- (c) studies of gas, leachate and hydrogeology will be carried out by a qualified engineer.

Zoning

The subject lands are currently zoned Institutional Uses (I). This zone permits institutional uses and day nurseries. In this case “Institutional Uses” mean Public and Semi-Public Uses generally consisting of large tracts of land with low building coverage and shall include only the following: cemeteries, fire halls, homes for the aged, hospital, libraries, municipal park, nursing and convalescent homes, private and public educational institutions.

The subject lands are also subject to site specific exceptions, including a Holding Provision (H). The exceptions permit marketplace signs and parking as additional permitted uses, exempt the lands from the requirement that parking spaces shall be located on the same parcel as the use they serve, and require an overall parking rate of 2.15 spaces per 100 square metres of gross floor area. The Holding Provision (H) further restricts the uses which are permitted prior to the lifting of the (H) to only the following uses: Institutional Uses to a maximum gross floor area of 24,154 square metres (260,000 square feet), surface parking lots, and recreational uses which include only outdoor playing fields with a permeable surface.

The Holding Provisions (H) used in conjunction with the Institutional Uses (I) Zone shall be removed in whole or in part by amending by-law, when Council is satisfied that:

- (i) additional studies are undertaken to evaluate the existing City infrastructure in order to determine the impact that the new development will have on existing municipal services, and identifying the measures required to mitigate such impacts;
- (ii) An updated transportation study is undertaken which assesses the potential impact of any additional development and identifies appropriate mitigation measures;
- (iii) environmental studies, including subsurface investigations, are undertaken to confirm that the soil conditions and other matters relating to environmental

- quality can meet the relevant Ministry of the Environment guidelines for the proposed use;
- (iv) storm/ground water management reports are undertaken to determine the impact that the new development will have on the Highland Forest Environmentally Significant Area; and
 - (v) the necessary financially secured agreements between the applicant and the City have been entered into to provide for any additional capacity required to accommodate the proposed development, as well as to provide for the required dedication and/or improvements to, or reconstruction of roads to support this development.

Site Plan Control

The subject lands are subject to site plan control. The University of Toronto anticipates submitting a site plan control application for the proposed instructional centre by mid June. The design of the building is being finalized, and pre-submission meetings have been held with City staff in this regard.

Reasons for Application

The purpose of this application is to remove the Holding Provision (H) to permit the full range of uses within the underlying Institutional Uses “I” zoning, to facilitate the construction of a new instructional centre for the University of Toronto, Scarborough Campus.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in determining whether the requirements for lifting of the Holding Provision (H) have been satisfactorily addressed.

COMMENTS

The following discussion addresses the specific requirements relating to the lifting of the Holding Provision (H) and how each requirement has been addressed.

Servicing

The first requirement set out in the zoning by-law for the removal of the Holding Provision (H) is “additional studies are undertaken to evaluate the existing City infrastructure in order to determine the impact that the new development will have on existing municipal services, and identifying the measures required to mitigate such impacts.”

The applicant has provided a servicing and planning capacity report in support of a proposed new instructional centre having a total floor area of approximately 16,000 square metres (172,230 square feet). The report has been reviewed by staff in the Technical Services Division who are satisfied from the report the existing storm and

sanitary sewer and water main infrastructure has sufficient capacity to service the proposed development.

The report, however, does not address the overall development potential of the area which is the subject of the application. Consequently, this requirement of the zoning by-law to remove the Holding Provision (H) can only be considered satisfactorily addressed on that portion of the site upon which the proposed building is to be located.

Transportation

The second requirement set out in the zoning by-law for the removal of the Holding Provision (H) is “an updated Transportation Study is undertaken which assesses the potential impact of any additional development and identifies appropriate mitigation measures.”

The applicant has provided a traffic review for the proposed 14,000 square metre (150,700 square foot) new building. This report concludes that the new building will not create a vehicle traffic demand or significant pedestrian change at the Military Trail and Ellesmere Road intersection during the peak roadway hours. Parking will be supplied on the University’s lands pursuant to the zoning by-law, and a further transportation review will be undertaken as part of the master plan exercise.

This report has been reviewed by staff in both Transportation Planning and Transportation Services Division, and found to be acceptable for the purposes of lifting the Holding Provision on that portion of the subject lands upon which the proposed new building is situated.

Environmental

The third requirement set out in the zoning by-law for the removal of the Holding Provision (H) is that “Environmental studies, including Subsurface Investigations, are undertaken to confirm that the soil conditions and other matters relating to environmental quality, can meet the relevant Ministry of the Environment guidelines for the proposed use.”

The applicant has provided a number of studies to address this requirement of the zoning by-law including Groundwater Monitoring Results, Methane Gas Monitoring Results, and Phase I and II Environmental Site Assessments.

The Groundwater Monitoring report finds that that groundwater results meet applicable Ministry of the Environment Site Condition Standards for non-potable groundwater use, and that the subsurface groundwater conditions are suitable on the subject site for the construction of the proposed building.

The Methane Monitoring report concludes that there is no evidence of significant methane gas conditions within the subject site, and therefore the redevelopment area is suitable for construction of the proposed building. Continued monitoring is

recommended to the north and west of the site, and no methane gas control measures need to be included in the design of the new building.

The Phase I Environmental Site Assessment recommended the more detailed Phase II assessment. The Phase II Environmental Site Assessment concludes that all soil samples meet the Ontario Record of Site Condition Regulation standards for residential/parkland/institutional use.

These reports are currently being reviewed by a City appointed third party peer reviewer. The conclusions of the report will need to be concurred in by the peer reviewer before this requirement of the lifting of the Holding Provision (H) can be considered satisfied. Staff recommends that before introducing the necessary Bill to City Council for enactment, review of the Groundwater Monitoring, Methane Monitoring, and Phase I and II Environmental Site Assessment Reports submitted by the applicant be completed and cleared by the City appointed third party peer reviewer, to the satisfaction of the Executive Director of Technical Services.

Storm/Ground Water Management

The fourth requirement set out in the zoning by-law for the removal of the Holding Provision is that “Storm/Ground Water Management reports are undertaken to determine the impact that the new development will have on the Highland Forest Environmentally Significant Area.”

The applicant has provided a Servicing and Planning Capacity report and a Municipal Servicing and Storm Water Management report, as well as a Groundwater Monitoring report which conclude that the proposed development will have no negative impacts on the Highland Forest Environmentally Significant Area (ESA), which is located on the south side of Ellesmere Road west of the subject lands.

Urban Forestry staff has reviewed these reports and have no objection to the lifting of the Holding Provision, but have requested that as part of the review of the future site plan control application for the proposed building, the applicant undertake further investigation into the potential impacts of the proposed development on the Highland Forest ESA, including that of the impacts on migratory birds, terrestrial vegetation and wildlife habitat.

Financially Secured Agreements

The fifth requirement set out in the zoning by-law for the removal of the Holding Provision is that “the necessary financially secured agreements between the applicant and the City have been entered into to provide for any additional capacity required to accommodate the proposed development, as well as to provide for the required dedication and/or improvements to, or reconstruction of roads to support this development.”

Neither the servicing nor the transportation reports recommend any improvements to accommodate the development of the proposed instructional centre. As such, this

requirement is not applicable to the consideration of the removal of the Holding Provision to the segment of the subject lands.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

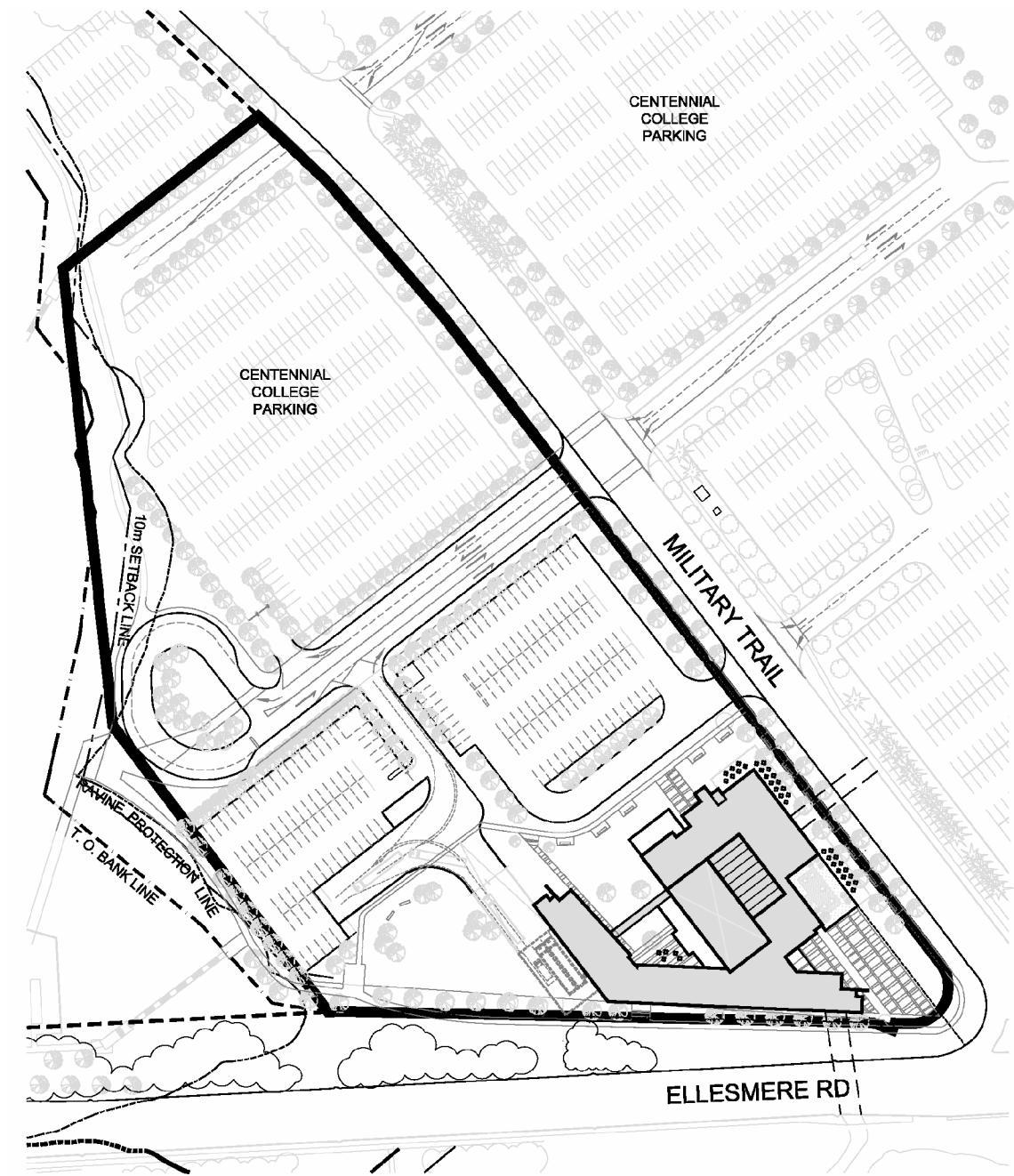
Attachment 1: Preliminary Concept Plan – Instructional Centre

Attachment 2: Zoning

Attachment 3: Application Data Sheet

Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Preliminary Concept Plan – Instructional Centre



Concept Plan
Applicant's Submitted Drawing

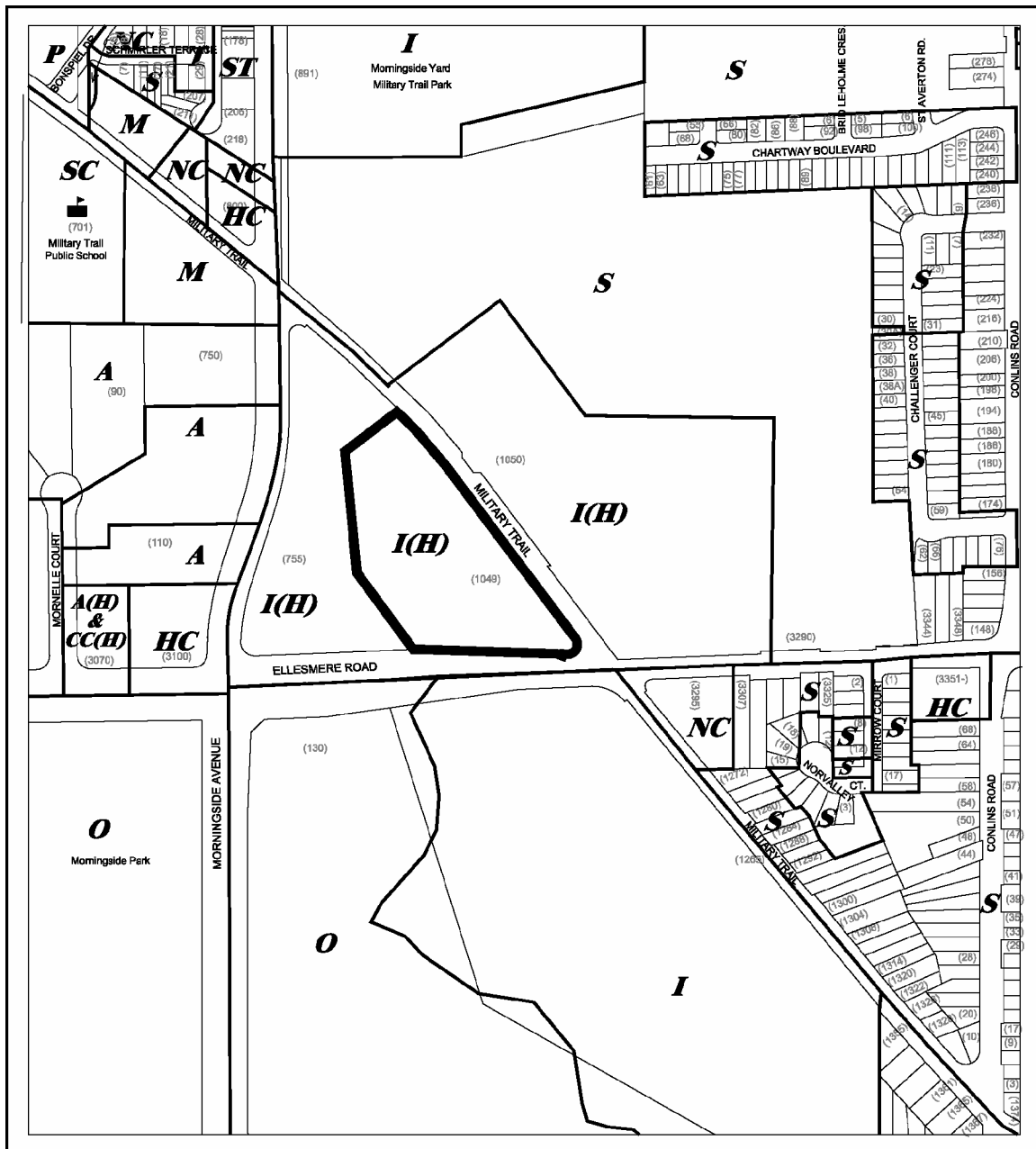
Not to Scale
6/3/09



1049 Military Trail

File # 09-134639 02

Attachment 2: Zoning



Toronto City Planning
Division
Zoning

1049 Military Trail
File # 09-134639 0Z

S	Single-Family Residential	A	Apartment Residential	I	Institutional	SC	School	Highland Creek Community By-law
T	Two-Family Residential	CC	Community Commercial	O	Major Open Spaces			Not to Scale
ST	Street Townhouse Residential	NC	Neighbourhood Commercial	P	Park			5/28/09
M	Multiple-Family Residential	HC	Highway Commercial	(H)	Holding Provision			



Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	09 134639 ESC 44 OZ
Details	Rezoning, Lifting the Hold	Application Date:	May 6, 2009

Municipal Address:	1049 MILITARY TRL
Location Description:	CON 1 LT9 LT10 **GRID E4404
Project Description:	Rezoning application to lift the Holding provision on part of the University's north campus lands, located at the north-west corner of Ellesmere Road and Military Trail.

Applicant:	Agent:	Architect:	Owner:
CASSELS BROCK & BLACKWELL LLP			UNIVERSITY OF TORONTO

PLANNING CONTROLS

Official Plan Designation:	Institutional Areas	Site Specific Provision:	Y
Zoning:	Institutional Uses (I) (H)	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	37297	Height:	Storeys:	0
Frontage (m):	0		Metres:	0
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	3060
Total Non-Residential GFA (sq. m):	14000		Loading Docks	0
Total GFA (sq. m):	14000			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

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

CONTACT:	PLANNER NAME:	Andrea Reaney, Senior Planner
	TELEPHONE:	(416) 396-7023

Attachment 4: Draft Zoning By-law Amendment

CP- Holding By-law

Authority: ~ Community Council Item No. ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the Highland Creek Community Zoning By-law No. 10827, as amended,
to remove the holding symbol (H)
with respect to the lands known municipally in the year 2008 as
1049 Military Trail**

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS Council has provided notice of the intent to pass this By-law;

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

1. Schedule “A” of the Highland Creek Community Zoning By-law No. 10827 is amended by removing the holding symbol (H) from the lands shown on the attached Schedule '1'.
2. Schedule “C” of the Highland Creek Community Zoning By-law No. 10827, is amended by deleting exception No. 29 from the lands as shown on the attached Schedule “2”.

ENACTED AND PASSED this ~ day of ~ , A.D. 20~.

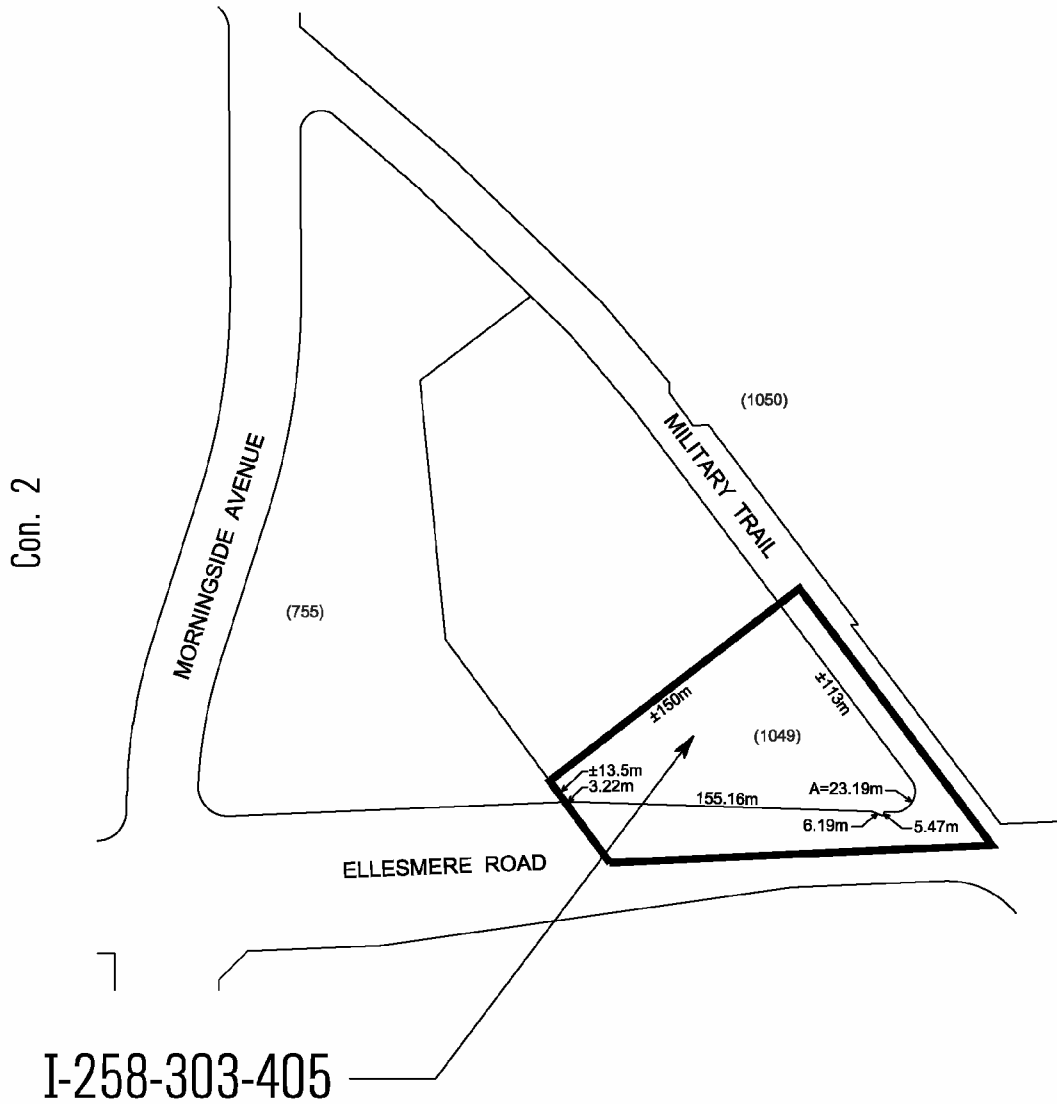
DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule '1'

Lot 10



Toronto City Planning Division
Zoning By-Law Amendment

1049 Military trail

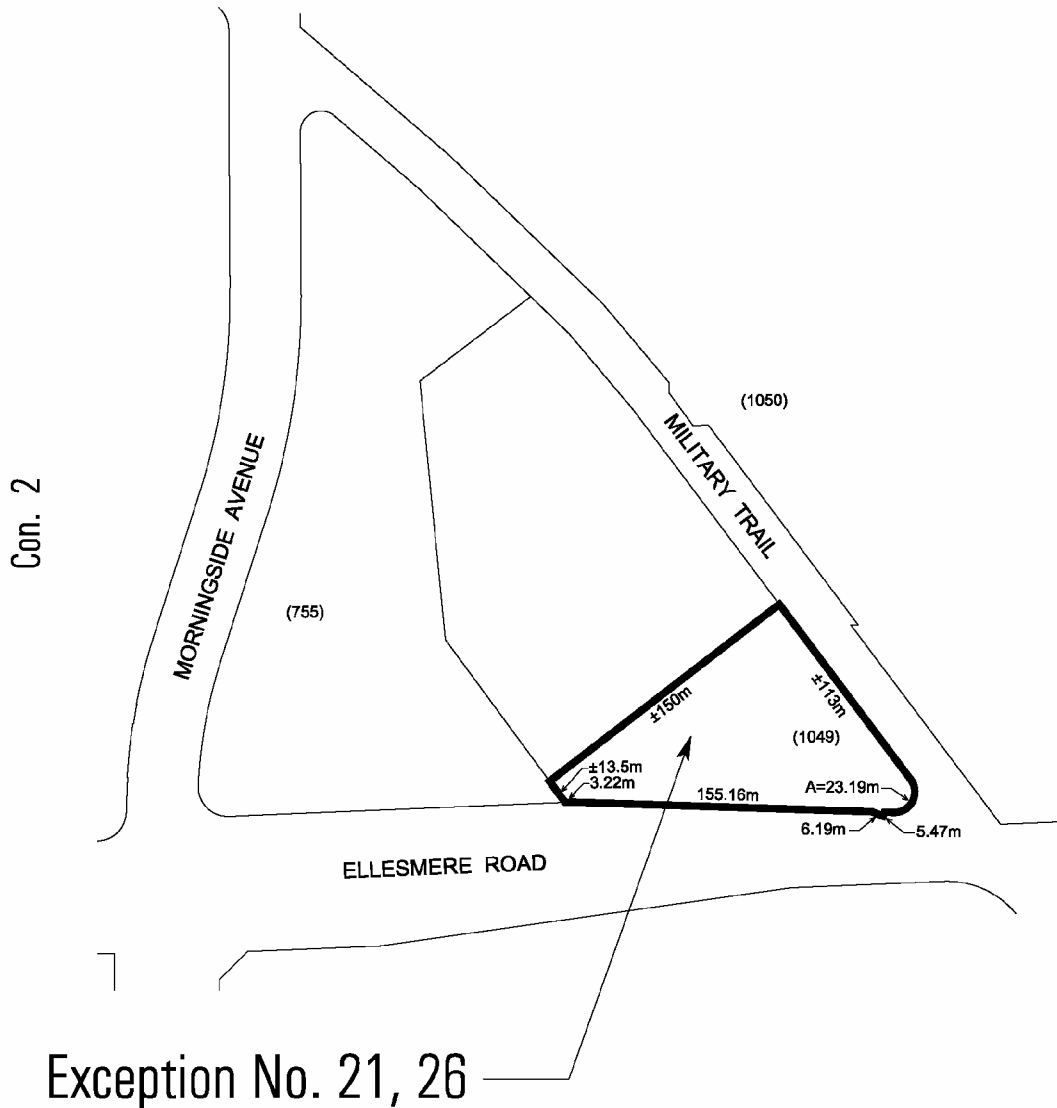
File # 09-134639 OZ

 Area Affected By This By-Law

Highland Creek Community By-law
Not to Scale
5/28/09


Schedule '2'

Lot 10



Toronto City Planning Division
Zoning By-Law Amendment

1049 Military Trail

File # 09-134639 OZ

 Area Affected By This By-Law

Highland Creek Community By-law
Not to Scale
5/28/09
