

**1370 Neilson Rd – Zoning By-law Amendment
Application– Final Report**

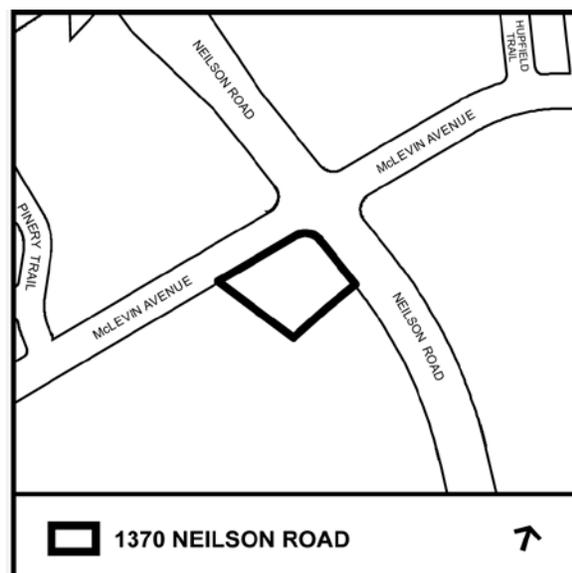
Date:	May 29, 2015
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 42 – Scarborough-Rouge River
Reference Number:	14 145312 ESC 42 OZ

SUMMARY

This application proposes to amend the Zoning By-law for the property at 1370 Neilson Road to permit a commercial development consisting of two, one-storey free-standing buildings on the vacant parcel. The application would add a range of commercial uses as permitted uses on the lands, which are currently zoned for residential apartments. In addition, the western portion of the parcel containing an existing treed natural feature is proposed to be rezoned to Open Space purposes.

The proposed commercial uses are appropriate and the proposal addresses the development criteria in the Official Plan related to built form, use and parking. The proposed development respects the natural feature on the western portion of the site and is consistent with the Natural Environment and Healthy Neighbourhoods policies of the Official Plan. The application will facilitate the conveyance of open space to the City, in order to expand the existing City-owned woodlot park (McLevin Woods Park) to the west.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Malvern Community Zoning By-law No. 14402 for the lands at 1370 Neilson Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to report dated May 29, 2015.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 1370 Neilson Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to report dated May 29, 2015.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment:
 - a. The Owner's consulting engineer must verify available capacity in existing local and trunk sanitary sewer systems and identify any infrastructure improvements or upgrades that may be necessary to accommodate the proposed development. This work must be done to the satisfaction of the Executive Director of Engineering and Construction Services. In the event that there is insufficient capacity to accommodate this development the obligations for the owner to undertake the work at no cost to the City, shall be set out in a financially secured agreement or other alternative arrangement, to the satisfaction of the Executive Director of Engineering and Construction Services.
 - b. The owner to provide confirmation that all legal agreements are in place for the proposed shared/mutual access between the Malvern Town Centre lands and the subject property to satisfaction of the Executive Director of Engineering and Construction Services, in consultation with the City Solicitor.
 - c. The Owner shall enter into an Undertaking that the area shown as "O" on Attachment 6 and "ON" on Attachment 7 shall be conveyed to the City for open space purposes, for a nominal fee and that the conveyance and that all matters associated with the conveyance of the open space lands, including the implementation of the stewardship plan approved by Urban Forestry, Ravine & Natural Feature Protection shall be secured to the satisfaction of the City prior to final approval of the Site Plan Application.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1992 the Ontario Municipal Board (OMB) approved amendments to the former Scarborough Official Plan and the Malvern Community Zoning By-law on the Malvern Town Centre lands to permit residential development in the form of apartment buildings and a limited number of townhouses and additional commercial uses in certain locations on the Malvern Town Centre lands. The locations for

the residential development included the subject lands, and the westerly portion of the former mall lands. A consent application was contemplated to create the 2 separate residential blocks, including rights-of-way for vehicular and pedestrian access and servicing easements, which was eventually approved (See Consent Applications section below). The overall development scheme, including the 2 residential blocks (Blocks 1 and 3) are shown on Attachment 1.

Block 1 provides a maximum of 438 dwelling units and Block 3 provides a maximum of 121 dwelling units. The overall development scheme would have resulted in 559 dwelling units.

The associated site plan application for the contemplated development was not finalized and the development did not proceed.

At its meeting on August 12, 2014, Scarborough Community Council (SCC) considered a Preliminary Report on the subject zoning by-law amendment application. SCC directed that a community consultation meeting be scheduled and that the applicant be responsible for the costs associated with expanding the notice area. The preliminary report is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.SC34.24>

A staff report was considered by City Council at its meeting on March 31, April 1 and 2, 2015 to enact a number of technical amendments to City-wide Zoning By-law 569-2013, which among other matters proposed corrections to a number of minor typographical errors required to reflect the regulations from the former general zoning by-laws. One of the proposed technical amendments applies to the subject property. In the case of the subject property, Clause 58 and Schedule 1 of the technical amendments proposed a zoning correction to City-wide Zoning By-law 569-2013 to accurately reflect the existing maximum density provision in Malvern Community Zoning By-law No. 14402, which in this case is 121 units. Accordingly, it was recommended that the zone label be revised by replacing '(u247)' with '(ua40.5)'. Planning & Growth Management directed that City Council enact the zoning amendment. The Bill has not yet been enacted. The staff report is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG2.1>.

Consent Applications

On October 22, 1992, the former Scarborough Planning Committee approved a consent application for the Malvern Town Centre in support of the contemplated development to create 3 separate parcels as well as easements for mutual vehicular and pedestrian access and servicing. In approving the consent, Planning Committee imposed various conditions, including the following:

"Consents shall be approved conditional on registration of a warning clause on title of the parcel to be retained and the parcels to be conveyed to the effect that radiological monitoring will be required to be carried out on any site excavation of earth moving."

The condition was imposed, in part, due to low-level radioactive contamination having been discovered in the Malvern area in the 1980's, and more specifically, in the 1990's by the Malvern Town Centre. Contamination was found in an area on the north side of McLevin Avenue and in a location on the mall lands, adjacent the west side of the existing woodlot. At the time of the Committee meeting, no clean-up work had commenced. The condition was imposed as a result of letter from Atomic Energy of Canada Limited Research in Ottawa (AECL) that was presented to Committee by the former Scarborough Ward Councillor. In the staff report however, it was noted that in correspondence received

from the AECL and a consultant involved with the clean-up that there was no indication that contamination extended east of the woodlot.

In November 1995, the clean-up of the contaminated areas in Malvern was completed under the direction of the Federal Low-Level Radioactive Waste Management Office.

In 2002, a further consent was granted to create a service and an access easement/right-of-way from Neilson Road over the Malvern Town Centre lands in favour of the subject lands.

More recently, the ownership of the 2 residential blocks has changed such that they are under different ownerships. The easterly parcel (1370 Neilson Road) is subject to the current zoning by-law amendment and site plan control application. The westerly parcel (165 Tapscott Road), identified as Block 1 in the previous overall development scheme, is currently subject to a site plan control application (13 282160 ESC 42 SA) for a residential townhouse development proposing 198 dwelling units, consisting of 100 stacked townhouses and 98 back-to-back townhouses.

ISSUE BACKGROUND

Proposal

The proposed rezoning application would add permission for commercial uses to lands currently zoned for residential apartments. The proposed uses represent uses from both the Malvern Community Zoning By-law and the Toronto Zoning By-law. Overall the proposed uses include a range of commercial uses such as banks, personal service shops, offices, medical offices, retail and recreational uses.

The proposed commercial development would consist of two, one-storey buildings having a total gross floor area of approximately 1,145 m². The building fronting onto McLevin Avenue, would have a gross floor area of 618 m² and the building fronting onto Neilson Road would have a gross floor area of 526 m².

A total of 37 surface vehicular parking spaces are proposed. A total of 5 bicycle spaces are proposed between the two buildings on the northeast portion of the site.

The applicant has agreed to convey an approximately 972-square metre parcel of land located on the western portion of the property containing an existing treed natural feature, to the City, free of charge, in order to expand the existing City-owned woodlot park (McLevin Woods Park) to the west.

The proposed buildings and parking area are sited on the property to avoid encroachment into the natural area located on the west portion of the property. To prevent surface drainage from entering the treed area, the parking area is proposed to be lower in elevation than the treed area, thereby requiring a low retaining wall along the edge of the parking area. As well, a low retaining wall is proposed along a portion of the southern property limits, adjacent the Malvern Town Centre lands.

Access to the subject lands is from 2 driveways: one from McLevin Avenue; and, the other from Neilson Road via a right-of-way over the Malvern Town Centre lands. Pedestrian access to and from the subject lands will be provided through a walkway from the northeast corner of the property, between the 2 proposed buildings. Walkways are also proposed along the buildings facing the roads, as well as along the internal building frontages.

The proposed development is illustrated on Attachment 2, Site Plan, Attachment 3, Elevations – Building A, and Attachment 4, Elevations – Building B. Specific details for the subject proposal are contained in Attachment 8, Application Data Sheet.

Site and Surrounding Area

The subject 0.49 hectare site is currently vacant and is located at the southwest corner of Neilson Road and McLevin Avenue. These lands were once part of the Malvern Town Centre lands. A small hydro easement containing an above-grade hydro transformer fronts onto Neilson Road. Located on the west side of the subject property is a treed natural feature area providing continuity with the adjacent city-owned woodlot (McLevin Woods Park). This treed natural feature area contains 102 trees and comprises approximately 23% of the total site area.

Abutting uses include:

- North: A commercial development, including a recently completed Shoppers Drug Mart on the north side of McLevin Avenue, with the CPR rail line beyond. Residential condominiums to the northeast;
- South: The Malvern Town Centre, with a mix of residential uses south of the Town Centre;
- East: Office/commercial buildings; and,
- West: A City-owned woodlot park (McLevin Woods Park), Malvern Town Centre and, vacant residential land that was also once part of the Town Centre further beyond.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated as *Mixed Use Areas* in the Official Plan on Map 22, Land Use Map. Mixed Use Areas 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 criteria in Policy 4.5.2 for *Mixed Use Areas* states that development 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; locate and mass new buildings to provide a

transition between areas of different intensity and scale to provide appropriate setbacks and/or stepping down of heights particularly towards lower scale Neighbourhoods; locate and mass buildings to frame the edges of streets with good proportion; provide an attractive, comfortable and safe pedestrian environment; provide good site access and circulation and an adequate supply of parking; and locate and screen service areas and garbage storage to minimize impact on adjacent streets and residences.

The Built Form policies in Policy 3.1.2 specify that new development be located and organized to fit with its context and to frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. New developments are to locate and organize vehicular parking, vehicular access and service areas and utilities to minimize their impact on the property and on surrounding properties to improve the safety and attractiveness of adjacent streets, parks and open spaces. New developments are to be massed to fit harmoniously into their existing planned context and to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The Healthy Neighbourhoods policies in Policy 2.3.1.5 promote environmental sustainability by investing in naturalization and landscaping improvements, and tree planting and preservation.

The western portion of the subject site along the south property line is identified as being a part of the Natural Heritage System on Map 9 of the Plan. Development is generally not permitted in the natural heritage system illustrated on Map 9 however, where the underlying land use designation provides for development in or near the natural heritage system, development will recognize natural heritage values and minimize adverse impacts and when possible, restore and enhance the natural heritage system. In this case the underlying designation is *Mixed Use Areas* and the applicant is proposing to convey the lands generally identified on Map 9 – Natural Heritage Map to the City.

The Natural Environment policies in Policy 3.4.1 support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment based on protecting and improving the health of the natural ecosystem, improving the quantity and quality of stormwater and groundwater infiltration and flows, cleaning-up of contaminated soils, and minimizing the release and proliferation of invasive species. As well, preserving and enhancing the urban forest by providing suitable growing environments for trees, increasing the tree canopy and regulating the injury and destruction of trees.

Zoning

The subject lands are zoned Apartment Residential (A) within the Malvern Community Zoning By-law No. 14402. The Apartment Residential zone permits apartment buildings, day nurseries and group homes. The zoning by-law permits a maximum of 247 units per hectare which, in this case, is 121 units.

Toronto Zoning By-law 569-2013 zones the subject lands as Residential Apartment Zone (RA) which permits apartment buildings.

Site Plan Control

The proposed development is subject to site plan control. A site plan control application has been filed with the City and is under review.

Ravine Control

The Ravine and Natural Feature Protection By-law applies to the western portion of the subject lands.

Tree Preservation

A tree inventory and preservation plan has been submitted.

Reasons for the Application

A Zoning By-law amendment is required in order to rezone the majority of the parcel to establish an appropriate zoning category to permit commercial uses, in addition to the existing apartment residential permission and to rezone the western portion of the parcel to be conveyed to the City as Major Open Space.

Community Consultation

A community meeting was held on this application on January 26, 2015 and was attended by the Local Ward Councillor, the applicant, City Planning staff and approximately 5 members of the public. Issues discussed related to whether this development will draw tenancies away from the Malvern Town Centre Mall, restaurant odour control, building heights, applicability of the green roof by-law, hours of operation for sign lighting and adequate parking supply.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. Among other matters, the proposal will provide a mix of commercial uses within the community, utilize public infrastructure and services, promote development and land use patterns that conserve biodiversity and protect natural features and areas for the long term.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Among other matters, the development proposes commercial infill which utilizes existing land and infrastructure and protects a treed natural feature.

Land Use

The proposed commercial uses are provided for in the *Mixed Use Areas* designation of the Official Plan. The proposed commercial uses are appropriate and the proposal addresses the development criteria in the Official Plan related to built form, use and parking, among other matters, as discussed further in this report.

The open space use recognizes the existing treed natural feature located on the western portion of the property. This use is appropriate and addresses the Healthy Neighbourhoods and Natural Environment policies in the Official Plan, as discussed further in this report.

Urban Design

The proposal conforms with the *Mixed Use Areas* and Built Form policies of the Official Plan, as well as the Design Guidelines for 'Greening' Surface Parking Lots, including but not limited to:

- The two commercial buildings will be sited parallel to Neilson Road and McLevin Avenue in order to frame the adjacent public streets and sidewalks;
- Both buildings provide direct and safe pedestrian connections to the adjacent sidewalk and to the parking area;
- A landscaped pedestrian walkway is proposed from the intersection of Neilson Road and McLevin Avenue and between the two buildings which provides a connection between the parking area and the street. Clear glazing is proposed along the building elevations fronting the walkway to support and animate this area;
- Landscaping improvements are proposed in the setbacks to create attractive transitions between the public and private realms; and
- Surface parking, loading and service areas are located behind the main front wall of the buildings.

Landscaped screening of the existing hydro transformer box along Neilson Road and the parking area along the south boundary of the site will be secured through the site plan approval process.

Traffic Impact, Access and Parking

The applicant has submitted a transportation impact study, which indicates that the existing road network can accommodate the expected vehicular traffic generated by the proposed development.

Transportation Services staff require the owner to provide confirmation that all legal agreements are in place for the proposed shared/mutual access between the Malvern Town Centre lands and the subject property. It is recommended that this matter be addressed prior to Council's enactment of the zoning bills.

A 0.4 metre road widening is required along the entire frontage of McLevin Avenue, which will be secured through the site plan application.

A total of 37 surface parking spaces are proposed. City staff recommend a blended parking rate of 3.0 spaces per 100 m² of gross floor area with a maximum gross floor area of 500 m² for all restaurants, including take-out eating establishments. This rate will be secured in the zoning by-law.

Transportation Services concur with the findings of the transportation impact study, including the proposed parking supply.

Natural Heritage / Ravine and Natural Feature Control

The western portion of the subject site is identified as being part of the Natural Heritage System and within the Ravine and Natural Feature Protection By-law area. The portion of the treed natural feature is contiguous with the natural features extending to the west of the subject site. The proposed commercial development is appropriately set back from the natural heritage system.

The applicant has agreed to convey an approximately 972 square metre parcel of land to the City, free of charge, in order to expand the existing City-owned woodlot park (McLevin Woods Park) to the west.

Ravine and Natural Feature Protection (RNFP) staff support the applications subject to these lands being zoned to Major Open Spaces and conveyed to public ownership.

In addition, the applicant has submitted a landscape plan, Natural Heritage Impact Study and Tree Inventory, Preservation Plan & Ravine Stewardship Plan in support of the development. These reports recommend measures to restore and renaturalize these lands, including removing invasive vegetation species, enhancing the edge function, planting of native vegetation, increasing the diversity of species, enhancing the edge function and compensation for tree canopy loss due to the development, adding preservation fencing, signage and submitting an appropriate grading plan.

RNFP staff concur with the findings of these reports. The proposed development respects the treed natural feature and is consistent with the Natural Environment and Healthy Neighbourhoods policies of the Official Plan.

All of these above-noted matters will be secured through the site plan application process.

Parkland

The proposal is subject to a 2% cash-in-lieu of parkland dedication payment required under By-law 1020-2010. The parkland dedication for the subject site is too small to be functional therefore the applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

The applicant is proposing to convey 972 square metres of open space containing a treed natural feature along the western portion of the site to the City, in order to expand the existing City-owned woodlot park (McLevin Woods Park) to the west.

Parks staff advise that environmental lands, which includes areas in the Ravine and Natural Feature Protection By-law will not be considered a conveyance for parks or other recreational purposes under parkland provision provisions of Chapter 415 of the Toronto Municipal Code. Accordingly, Parks staff have confirmed that no credit will be given for these lands as part of the parkland dedication calculation.

Urban Forestry

The Tree Inventory, Preservation Plan & Ravine Stewardship Plan reviewed a total of 27 trees, both on and off site. The report recommends the removal of 11 trees to accommodate the proposed development. The remaining trees, including the majority of those within the natural feature are proposed to be protected.

An application to remove 4 by-law protected trees is required under the City of Toronto's Private Tree By-law. Urban Forestry staff have reviewed the plans and have indicated that a minimum of three replacement trees are required for every private tree proposed to be removed. A total of 89 new trees are proposed throughout the development.

Additional details, including planting specifications (such as the appropriate spacing of proposed trees), will be secured through the site plan review process.

Servicing

Engineering and Construction Services Division have identified an issue regarding the proposed sanitary sewer connection in the applicant's Functional Engineering Report. At the time of writing this report, the applicant's engineer is engaged in a study to determine the available capacity in the existing local and trunk sanitary sewer systems. This capacity analysis will determine whether the proposed development can be accommodated within the existing infrastructure or if upgrades will be necessary. Should it be concluded that insufficient capacity exists, upgrades or improvements will be the responsibility of the applicant. It is recommended that this matter be addressed prior to Council's enactment of the zoning bill for this proposed development.

Before introducing the necessary Bill to City Council for enactment, the Owner's consulting engineer must verify available capacity in existing local and trunk sanitary sewer systems and identify any infrastructure improvements or upgrades that may be necessary to accommodate the proposed development. This work must be done to the satisfaction of the Executive Director of Engineering and Construction Services. In the event that there is insufficient capacity to accommodate this development the obligations for the owner to undertake the work shall be set out in a financially secured agreement or other alternative arrangement, to the satisfaction of the Executive Director of Engineering and Construction Services.

Zoning By-law

Amendments to both the Malvern Community Zoning By-law No. 14402 and the City-wide By-law 569-2013 are required to implement this development (see Attachments 6 and 7). Site-specific development standards are proposed to implement the commercial development including permitted uses, building setbacks, minimum setbacks to the open space zone, building separation distances, lot coverage, building height, parking and landscaping.

The underlying apartment residential permissions will also be carried forward in the proposed zoning by-laws. A site-specific minimum 3-metre street yard building setback provision is proposed for the apartment zone, as this provision does not currently exist.

Technical Amendments to City-wide Zoning By-law 569-2013

The subject property was included as part of the technical amendments to City-wide Zoning By-law 569-2013, which among other matters propose corrections to a number of minor typographical errors required to reflect the regulations from the former general zoning by-laws. In the case of the subject property, Clause 58 and Schedule 1 of the technical amendment proposes a zoning correction to City-wide Zoning By-law 569-2013 to accurately reflect the existing maximum density provision in Malvern Community Zoning By-law No. 14402, which in this case is 121 units. Accordingly, it was recommended that the zone label be revised by replacing '(u247)' with '(u40.5)'.

A staff report on this matter was considered by City Council at its meeting on March 31, April 1 and 2, 2015. City Council directed that the zoning amendments be enacted. The staff report is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG2.1>

The Bill is expected to be enacted by City Council at its meeting on June 10-11, 2015.

The subject zoning by-law amendment application to City-wide By-law 569-2013 incorporates the same zone label correction as the above-noted technical amendment which was directed for enactment by City Staff report for action – Final Report – 1370 Neilson Rd
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Council. The draft zoning by-law amendment in Attachment 7 is also required to establish the Open Space – Natural Zone (ON) and appropriate provisions to implement the proposed commercial development.

Quasi-Section 37 Agreement

The 1992 OMB decision for the approved amendments to the former Scarborough Official Plan and the Malvern Community Zoning By-law on the Malvern Town Centre lands to permit residential development and additional commercial uses in certain locations on the Malvern Town Centre lands included Minutes of Settlement which included a requirement for the owner to provide a one-time cash contribution of \$333,350.00 upon the issuance of the first residential building permit on either of the residential blocks. The terms of payment were set out in an agreement between the owner and the former City of Scarborough. The agreement was registered on title and is binding on any future owners. The one-time payment was in lieu of a Section 37 agreement as the former Scarborough Official Plan did not contain Section 37 policies.

In 1995, the agreement was amended to provide for a staged payment: the first payment of \$69,831 being due at the time of permit issuance for the first 121 units, with the remainder being due prior to the issuance of the first permit of the second phase of development.

The matters required by the quasi-Section 37 Agreement, including a staged payment of \$333,350.00, is registered on title and is binding on any future owners. The payments will be required upon issuance of residential building permits on 165 Tapscott Road and the subject site, which are shown as Blocks 1 and 3 on the Concept Plan, included as Attachment 1. Since no residential development is proposed as part of the current applications on the subject site, a payment is not required at this time.

Environment

A Phase Two Environmental Site Assessment was submitted as part of these applications. The ESA tested for radiological parameters in addition to the standard (provincial) requirements and found that all the radiological parameters were well below permissible clearance limits.

Sign Lighting

Chapter 694, Subsection 18 of the City of Toronto Sign By-law regulates the illumination of signs. City Sign By-law Unit staff advise that no illumination of signs is permitted between the hours 11 pm and 7 am unless the business is in operation during this period.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law and site plan approval process will secure performance measures for a number of Tier 1 development features such as automobile infrastructure, cycling infrastructure, natural heritage, landscaping, tree planting and bird-friendly glazing.

The Toronto Green Roof By-law applies to new commercial developments with a minimum gross floor area of 2,000 square metres. With a total gross floor area of approximately 1,146 square metres, the Green Roof By-law does not apply to this development.

CONTACT

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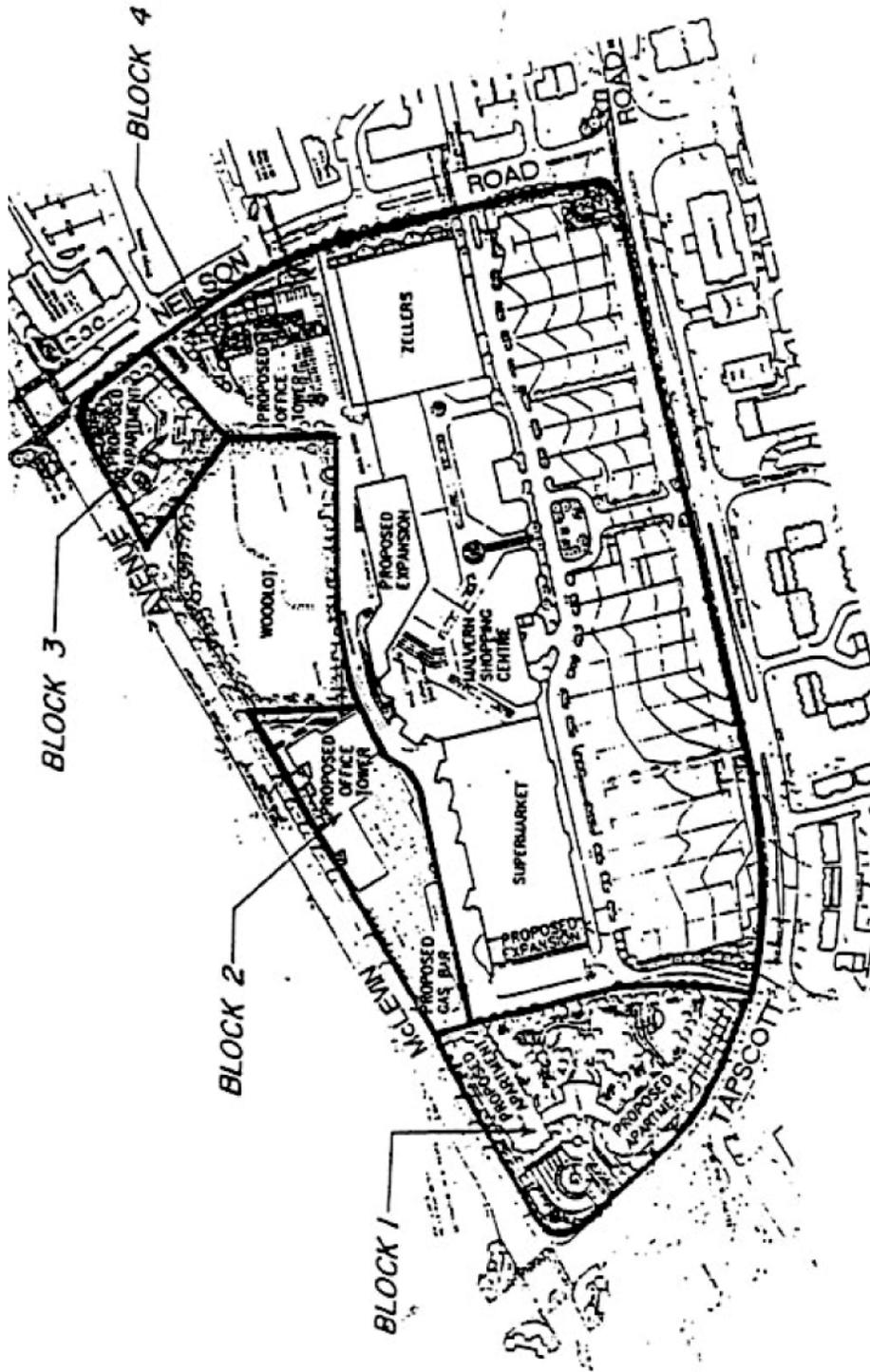
SIGNATURE

Joe Nanos, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Original (1992) Overall Development Scheme
Attachment 2: Site Plan
Attachment 3: Elevations – Building A
Attachment 4: Elevations – Building B
Attachment 5: Zoning
Attachment 6: Draft Zoning By-law Amendment – Malvern Community Zoning By-law No. 14402
Attachment 7: Draft Zoning By-law Amendment – City of Toronto Zoning By-law 569-2013
Attachment 8: Application Data Sheet

Attachment 1: Original (1992) Overall Development Scheme



1370 Neilson Road

Proposed Mixed Use Development

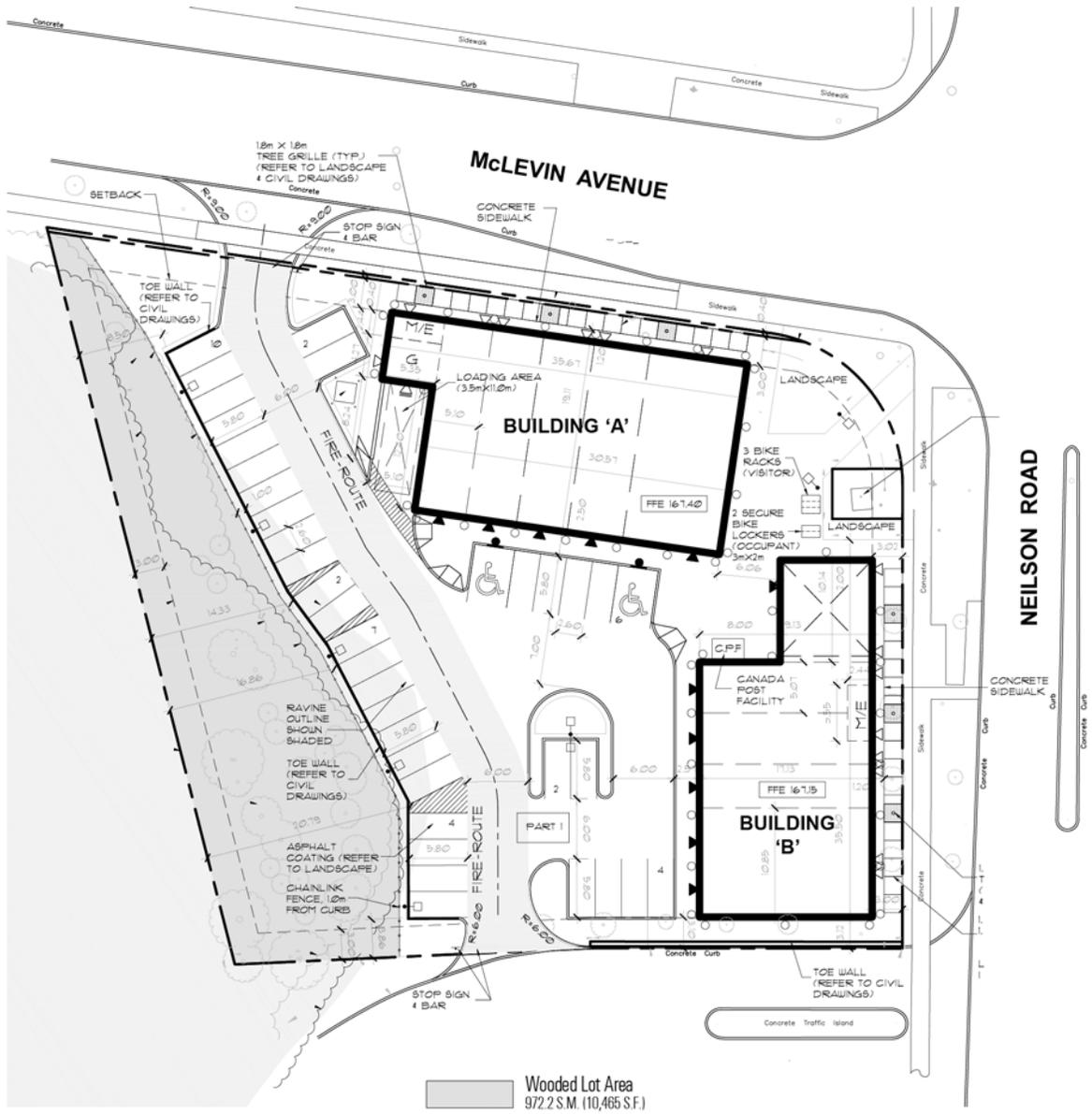
Applicant's Submitted Drawing

Not to Scale
07/08/14



File # 14 145312 ESC 42 0Z

Attachment 2: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale 5/21/15

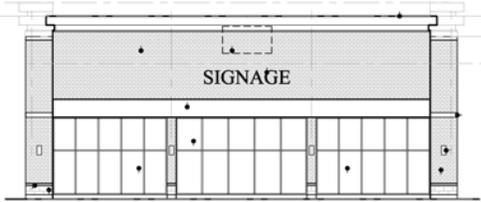
1370 Neilson Road

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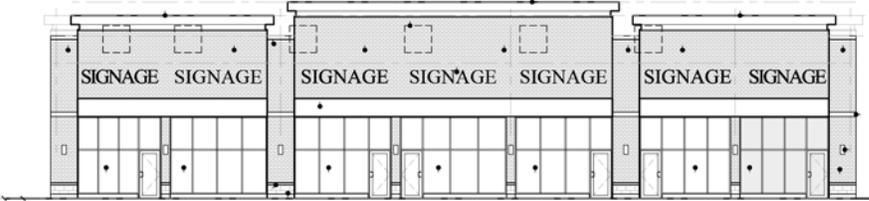
Attachment 3: Elevations – Building A



West Elevation



East Elevation



North Elevation



South Elevation

Elevations - Building 'A'

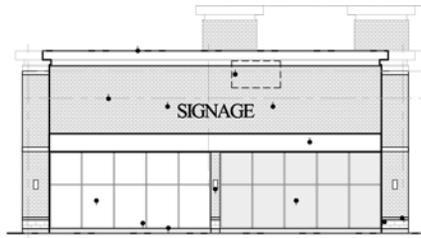
1370 Neilson Road

Applicant's Submitted Drawing

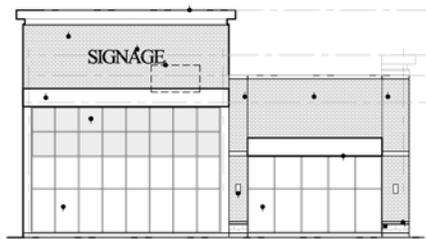
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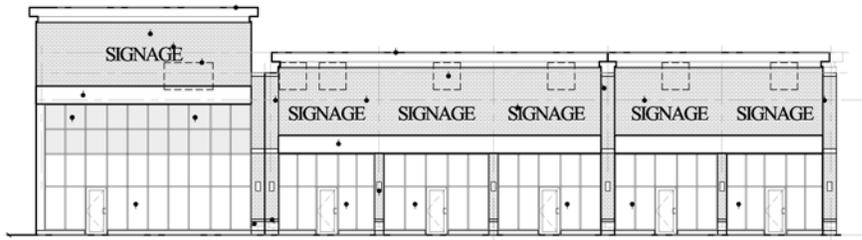
Attachment 4: Elevations – Building B



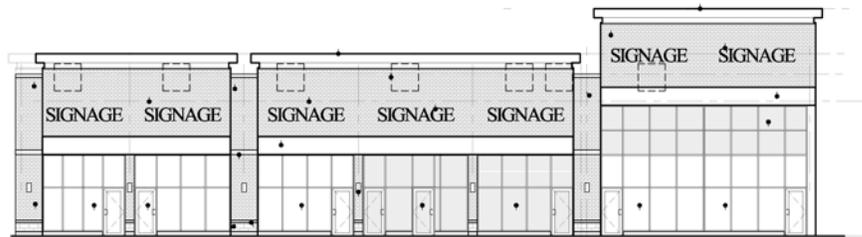
South Elevation



North Elevation



West Elevation



East Elevation

Elevations - Building 'B'

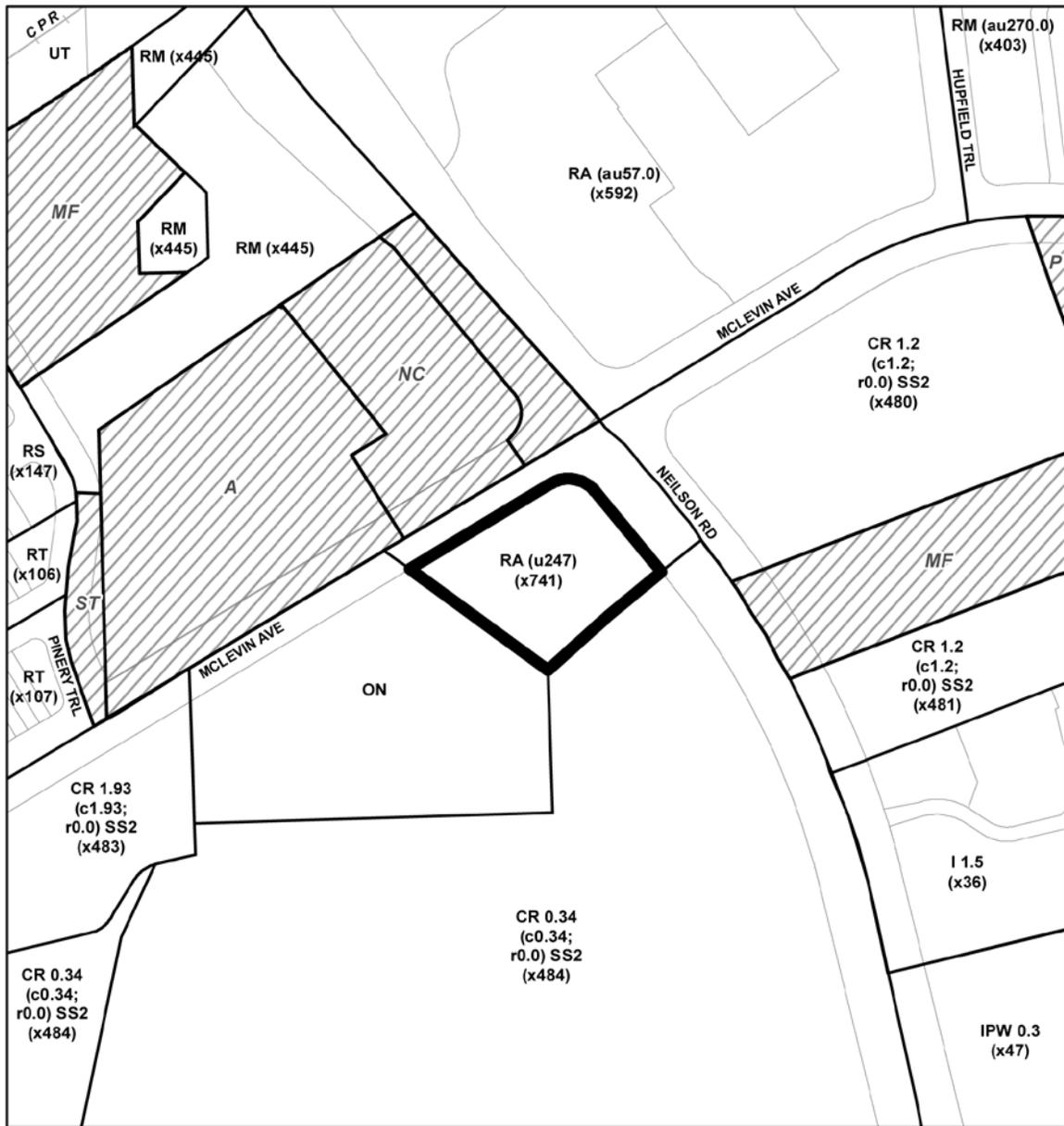
Applicant's Submitted Drawing

Not to Scale
5/22/15

1370 Neilson Road

File # 14 145312 ESC 42 0Z

Attachment 5: Zoning



Zoning By-law 569-2013

1370 Neilson Road

File # 14 145312 ESC 42 OZ

Location of Application

See Former City of Scarborough Malvern Community Bylaw No. 14402

RS Residential Semi-Detached
 RT Residential Townhouse
 RM Residential Multiple
 RA Residential Apartment
 CR Commercial Residential

I Institutional
 IPW Institutional Place of Worship
 ON Open Space Natural
 UT Utility and Transportation

A Apartment Residential
 ST Street Townhouse Residential
 MF Multiple-Family Residential
 NC Neighbourhood Commercial
 P Park



Not to Scale
 Extracted: 05/07/2014

**Attachment 6: Draft Zoning By-law Amendment – Malvern Community
Zoning By-law No. 14402**

Authority: Scarborough Community Council Item ~ 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 former City of Scarborough Zoning By-law No. 14402 (Malvern
Community), as amended,
With respect to the lands publicly known as,
1370 Neilson Road**

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

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. **SCHEDULE “A”** is amended for the lands known as 1370 Neilson Road by deleting the current zoning and replacing it with the following provisions shown on the attached Schedule ‘1’ attached hereto and forming part of this By-law:

A - 66-144-357-651-653-688

CC – 75-144-685-686-687-688-717-803-804-904-905-906

O

2. **SCHEDULE “B”, PERFORMANCE STANDARD CHART** is amended by adding the following Performance Standards:

INTENSITY OF USE

75. **Gross floor area** shall not exceed 1,150 square metres for all commercial uses of which a maximum of 500 square metres shall be used for restaurants, tea rooms, cafeterias, taverns and take-out restaurants.

MISCELLANEOUS

685. Maximum coverage for all buildings and structures shall be 24% of the area of the lot.

686. Minimum 3 metre strip of land abutting the street line of McLevin Avenue and the street line of Neilson Road shall be used for landscaping purposes including plantings, pedestrian walkways and excluding **driveways**.
687. The lot must have a minimum of 43% of the area of the **lot** for **landscaping**.
688. No person shall use any land or erect any building or structure unless the following public services are provided to the lot line and the following provisions are complied with:
- a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

HEIGHT

717. Maximum **height** of 8.0 metres or 1 storey, whichever is the lesser, excluding rooftop mechanical equipment and parapet walls which may exceed the permitted **height** for the building by a maximum of 2.15 metres.

PARKING

803. A minimum of 3.0 **parking spaces** per 100 m² of **gross floor area** shall be provided for all uses permitted in Exception No. 44 of this By-law.
804. **Parking spaces** shall not be located in the Nielson Road and McLevin Avenue **street yard**.

MINIMUM BUILDING SETBACK

904. For the building located closest to the west property line, building **setbacks** shall be provided as follows:
- a) Minimum building setback of **15.0** metres from the abutting "O" Zone.
905. For the building located closest to the east property line, building **setbacks** shall be provided as follows:
- a) Minimum building **setback** of 3.0 metres from the south property line.
 - b) Minimum building setback of 29.0 metres from the abutting "O" Zone.
906. The minimum building separation distance between the **main wall** of the building closest to the west property line and the **main wall** of the building closest to the east property line shall be 6.0 metres.
3. **SCHEDULE "C" EXCEPTIONS MAP** and **EXCEPTIONS LIST**, is amended by adding Exceptions 44 and 45 to the lands shown on the attached Schedule '2':

44. On those lands identified as Exception 44 on the attached Schedule “C” map, the following provisions shall apply:

ADDITIONAL PERMITTED USES

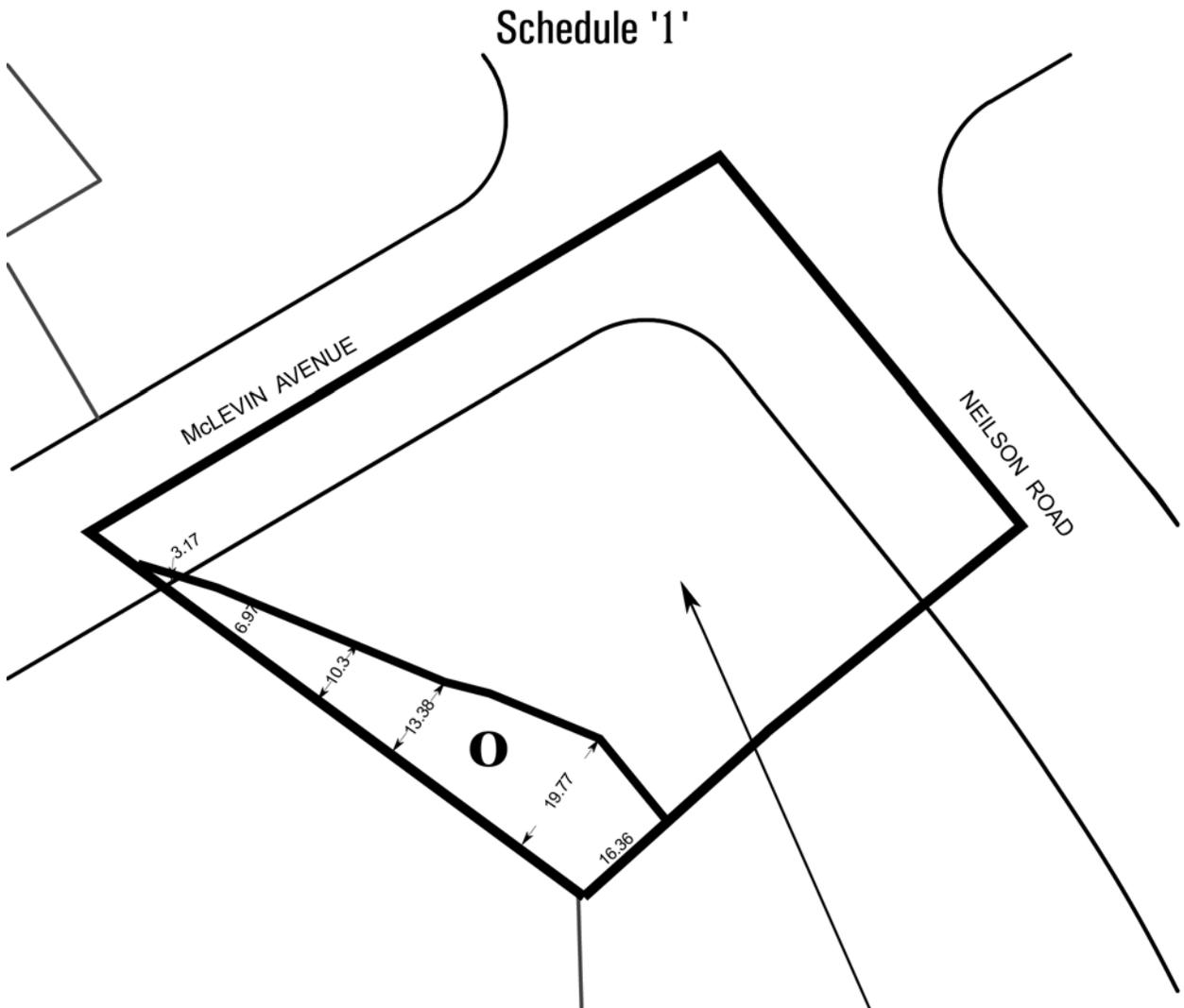
- a) Notwithstanding Clause VIII(8)(b), Community Commercial shall include one or more of the following uses:

- Laundry and Dry Cleaning Pick-ups
- **Marketplace Signs**
- Medical Offices
- Personal Service Shops
- Banks
- Business and Professional Offices
- Custom Work Shop for sale of goods on premises
- Restaurants
- Take-out Restaurants
- Service Shops and Agencies
- Artist Studios
- Educational Facilities
- Retail Stores
- Art Galleries
- **Day Nurseries**
- **Recreational Use**
- Tea Rooms
- Cafeterias
- Taverns

45. On those lands identified as Exception 45 on the attached Schedule “C” map, the following provisions shall apply:

- a) The provisions of this By-law shall apply collectively to this land notwithstanding its future division.

ENACTED AND PASSED this _____ day of _____, A.D. 2015.



**A-66-144-357-651-653-688 and
 CC-75-144-685-686-687-688
 -717-803-804-904-905-906**



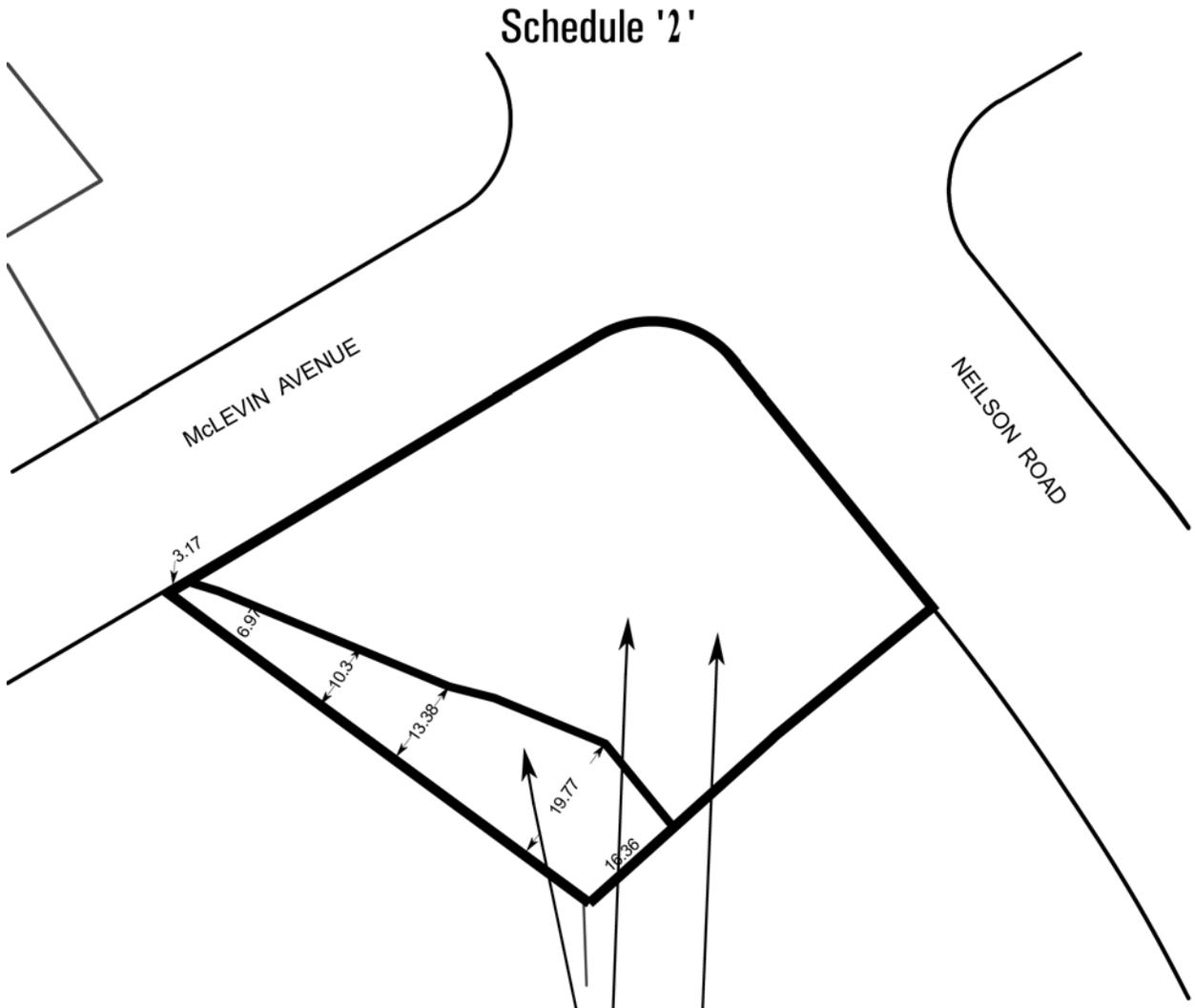
Zoning By-Law Amendment

1370 Neilson Road

File # 14 145312 ESC 42 OZ

 Area Affected By This By-Law

Malvern Community Bylaw
 Not to Scale
 6/11/2015



Exception No. 45
Exception No. 44

TORONTO City Planning Division
Zoning By-Law Amendment

1370 Neilson Road

File # 14 145312 ESC 42 0Z

 Area Affected By This By-Law

Malvern Community Bylaw
 Not to Scale
 6/11/2015

**Attachment 7: Draft Zoning By-law Amendment – City of Toronto
Zoning By-law 569-2013**

Authority: Scarborough Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2015]

To amend the Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as, 1370 Neilson Rd

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: RA (au40.5)(x741) and ON as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.6.10 Exception Number 741 and replacing it with the following so that it reads:

(741) Exception RA 741

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

(A) A **dwelling unit** in an **apartment building** is permitted provided:

- (i) The maximum **lot coverage** is 33%;
- (ii) **Parking spaces** must be provided at a minimum rate of:
 - (a) 1.2 for each **dwelling unit** used for resident parking; and
 - (b) 0.2 for each **dwelling unit** used for visitor parking;
- (iii) Indoor **amenity space** must be provided at a minimum rate of 1.3 square metres for each **dwelling unit**; and
- (iv) The minimum **building setback** from a **lot line** that abuts Neilson Road or McLevin Avenue is 3.0 metres;

(B) Despite Clause 15.10.20.10 and Clause 15.10.20.20, a **non-residential building** is permitted provided:

- (i) the only uses permitted are **Art Gallery, Artist Studio, Automated Banking Machine, Custom Workshop, Day Nursery, Eating Establishment, Education Use, Financial Institution, Massage Therapy, Medical Office, Office, Personal Service Shop, Pet Services, Recreation Use, Retail Service, Retail Store, Service Shop, Take-out Eating Establishment, Veterinary Hospital, and Wellness Centre**;
- (ii) The permitted maximum height for a **building** or **structure** on the **lot** is 8.0 metres, excluding rooftop mechanical equipment and parapet walls which may exceed the maximum permitted **height** for the **building** by 2.15 metres;
- (iii) The maximum **gross floor area** on the **lot** must not exceed 1,150 square metres of which a maximum of 500 square metres may be used for **take-out eating establishment** and **eating establishment** uses;
- (iv) The minimum **front yard setback**, minimum **side yard setbacks**, minimum **rear yard setback**, minimum wall-to-wall separation distances and minimum distances to the Open Space – Natural Zone (ON) are as shown on Diagram 3 in By-law No. ~~xxx-20xx~~;
- (v) The maximum **lot coverage** is 24%.

- (vi) The **lot** must have a minimum of 43% of the area of the **lot** for **landscaping**, including **driveways**.
- (vii) A minimum 3 metre strip of land in the Neilson Road and Mclevin Avenue **street yards** must be used for **landscaping**, excluding **driveways**.
- (viii) **Parking spaces** must be provided at a minimum rate of 3.0 **parking spaces** per 100 m2 of **gross floor area**.
- (ix) **Parking spaces** must not be located in the Neilson Road and Mclevin Avenue **street yard**.

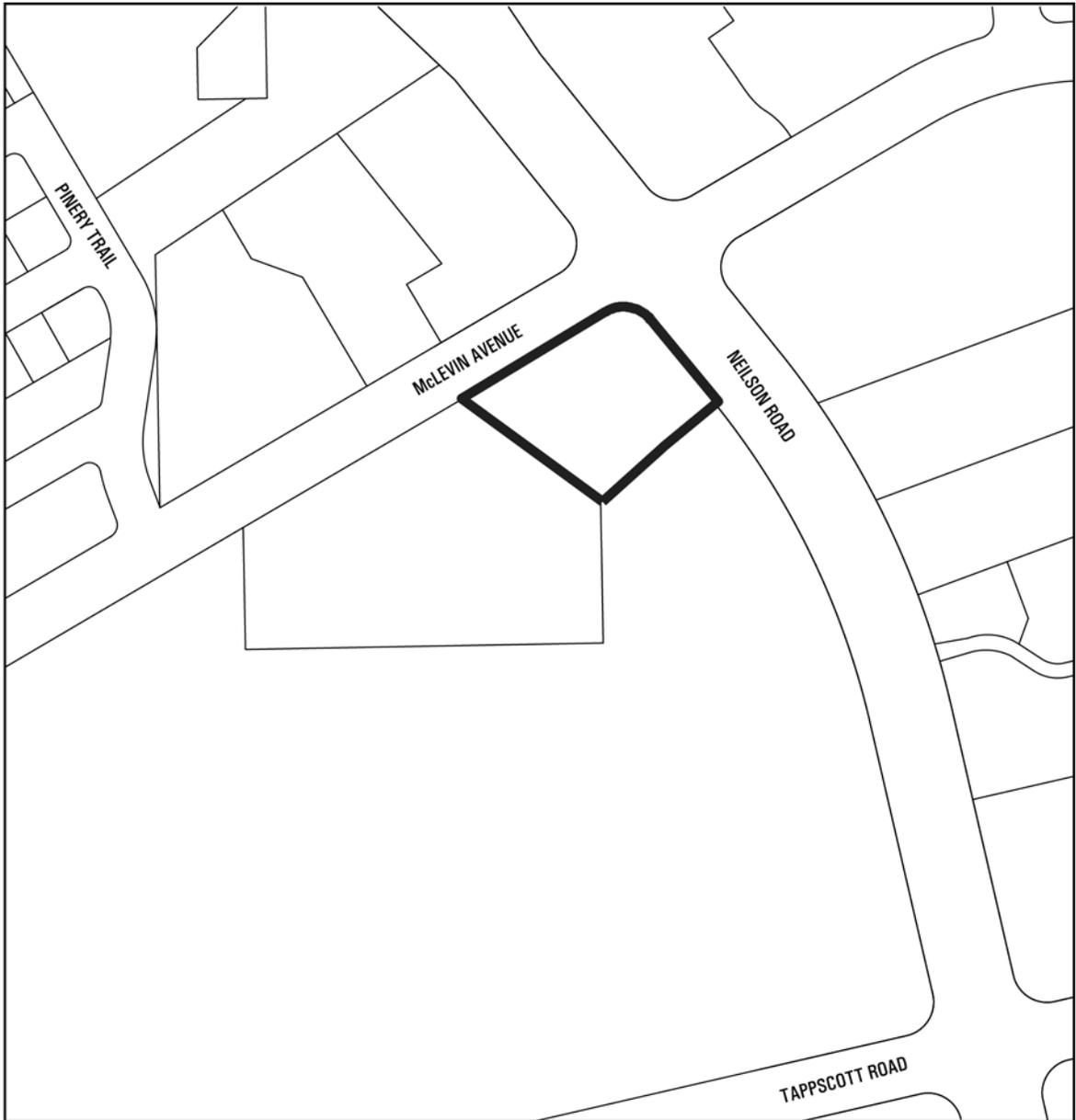
Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on month **##, 20##.**

Name,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



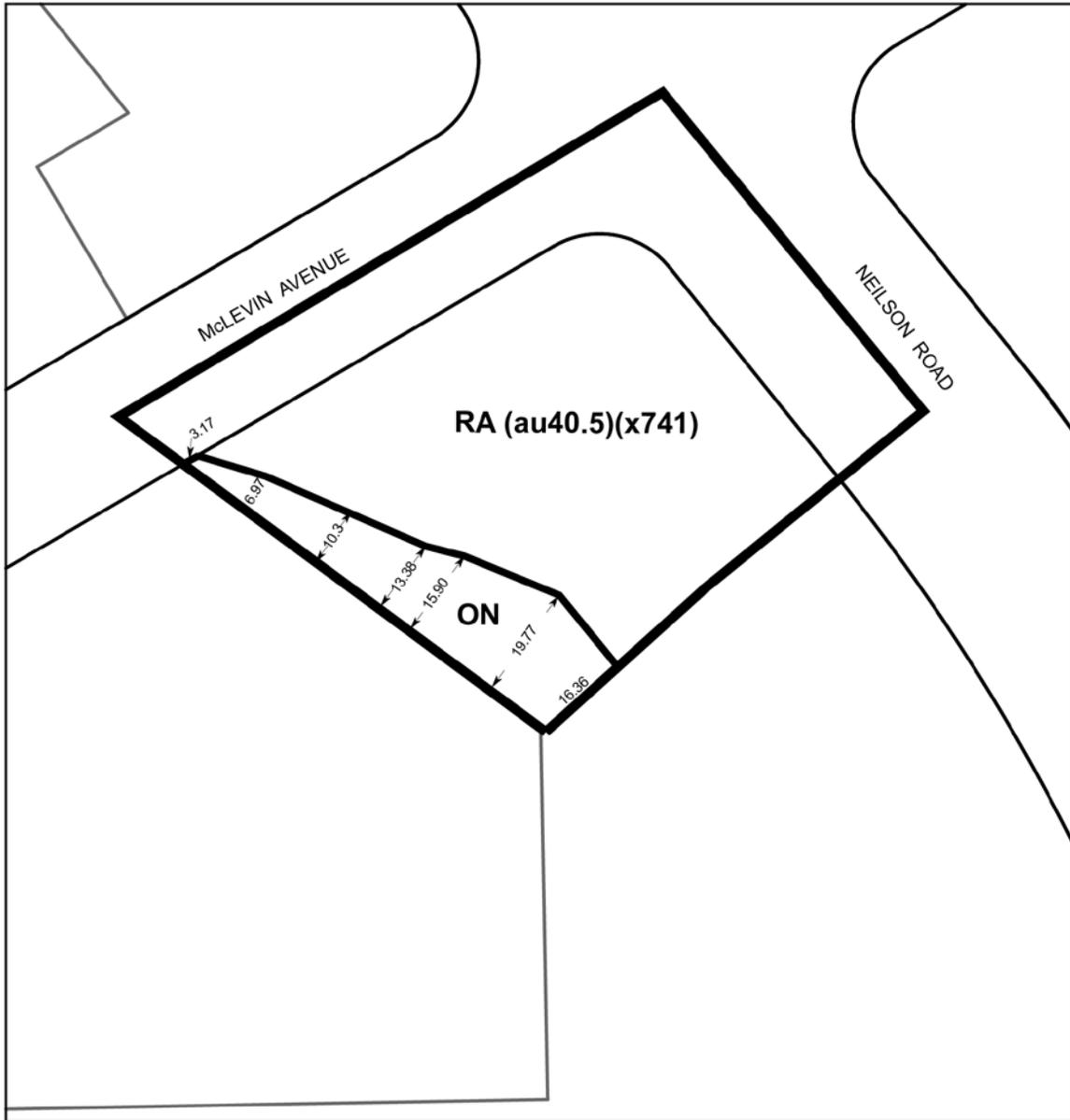
 **TORONTO** City Planning
Diagram 1

1370 Neilson Road

File # 14 145312 ESC 42 0Z

Approved by: Colin Ramdial


City of Toronto By-Law 569-2013
Not to Scale
25/5/2015



TORONTO City Planning
Diagram 2

1370 Neilson Road

File # 14 145312 ESC 42 0Z

Approved by: Colin Ramdial

City of Toronto By-Law 569-2013
 Not to Scale
 25/5/2015



Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	14 145312 ESC 42 OZ
Details	Rezoning, Standard	Application Date:	April 22, 2014

Municipal Address: 1370 NEILSON RD
 Location Description: PLAN 66M1965 PT BLK 1 NOW RP 66R19625 PART 1, 2 **GRID E4205
 Project Description: A commercial development consisting of 2 free-standing buildings having a total gross floor area of 1,145.39 m2.

Applicant:	Agent:	Architect:	Owner:
WALKER NOTT DRAGICEVIC ASSOC LTD			NEILSON CENTRE INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	A (Malvern) & RA (Toronto)	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	4900.3	Height:	Storeys:	1
Frontage (m):	46.1		Metres:	6
Depth (m):	72.7			
Total Ground Floor Area (sq. m):	1145.39			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	37
Total Non-Residential GFA (sq. m):	1145.39		Loading Docks	1
Total GFA (sq. m):	1145.39			
Lot Coverage Ratio (%):	23.4			
Floor Space Index:	0.23			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	1145.39	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:	0			

CONTACT: PLANNER NAME: Colin Ramdial, Senior Planner
TELEPHONE: (416) 396-4151