

2130 Morningside Avenue Zoning By-law Amendment Application – Final Report

Date: May 6, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: Ward 25 – Scarborough–Rouge Park

Planning Application Number: 17 278788 ESC 42 OZ

SUMMARY

This application proposes to amend the Morningside Heights Community Zoning By-law to permit the development of the subject lands at 2130 Morningside Ave with seven commercial-retail buildings, including drive-through facilities, a vehicle fuel station and a vehicle washing establishment. The application also proposes to expand the list of permitted uses on the subject lands to permit all uses in the Commercial Local (CL) Zone in the City of Toronto Zoning By-law 569-2013, as amended in addition to drive-through facilities and a vehicle washing establishment. A total gross floor area of 3 250 square metres is being proposed along with a minimum of 140 surface parking spaces.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017). The development of the subject lands with a mix of employment uses, small scale retail and service uses is appropriate and integrates well into the surrounding business and residential community as provided for by the Morningside Heights Secondary Plan while complying with applicable urban design guidelines.

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 the Community Commercial Zone (CC) of the Morningside Heights Community Zoning By-law, as amended, for the lands at 2130 Morningside Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council amend Zoning By-law 569-2013, as amended, for the lands at 2130 Morningside Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

Site Plan Control Application 08 216016 ESC 42 SA was filed October 2008, to develop the subject lands with 5 free standing commercial buildings including a bank with a drive-through. Due to inactivity, this file was closed in October 2010.

A Preliminary Report dated March 6, 2018 on the subject application was adopted by Scarborough Community Council on April 4, 2018. The Preliminary Report and Community Council decision can be viewed at:

<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&meetingId=12953#Meeting-2018.SC29>

ISSUE BACKGROUND

Proposal

The application proposes to amend the Morningside Heights Community Zoning By-law to permit the development of the subject lands at 2130 Morningside Avenue with seven, one-storey commercial-retail buildings referred to as Buildings A through G on Attachment 7 (Site Plan). The application also proposes to expand the list of permitted non-residential uses on the subject lands.

The uses associated with the proposed buildings and their locations are as follows:

- Building A: retail/commercial, along the east property line
- Building B: retail/commercial, along the east property line
- Building C: retail/commercial, along south property line
- Building D: bank/restaurant uses with an associated drive through facility, along the Finch Avenue East frontage;
- Building E: restaurant, along the Finch Avenue East frontage
- Building F: retail store at the corner of Finch Avenue East and Morningside Avenue; and
- Building G: vehicle washing establishment with drive-through fronting Morningside Avenue plus an eight pump vehicle fuel station within the interior of the site.

A total floor area not exceeding 3,250 square metres is proposed resulting in a floor space index (FSI) of 0.18 times the area of the lot. The site would be accessed via two proposed right-in, right-out vehicular driveways, one from Morningside Avenue and one from Finch Avenue East. A minimum of 140 surface parking spaces will also be provided along with one loading space. The proposed site plan and elevations are included in Attachments 7 to 10.

Site and Surrounding Area

The site is located at the southeast corner of Morningside Avenue and Finch Avenue East and is bounded on the south and east by a CP rail line as detailed in Attachment 2 (Location Map). The site is irregular in shape and is 1.79 hectares in area, having a frontage of 120 metres along Morningside Avenue and 146 metres along Finch Avenue East.

The site is currently vacant with a gentle slope from the southeast towards the northeast corner. It is covered with low lying vegetation with some trees located towards the northeast corner of the site. Abutting uses include:

North: Immediately north on the opposite side of Morningside Avenue are three blocks of townhouses fronting Morningside Avenue East, which abuts a storm water pond and a small tributary of the Rouge River. Further north are various open spaces, parks and two schools (Thomas L Wells Public School and Heritage Park Public School);

South: Immediately south of the subject lands is a CP rail line. Further south are vacant undeveloped land;

East: Immediately east of the subject lands is a vacant parcel of land under regulation by the Toronto and Region Conservation Authority beyond which is the CP rail line. Further east is a wooded area and a mix of single and semi-detached dwellings, the Wilcox Creek Co-Operative Homes and a small neighbourhood commercial building; and,

West: At the south west corner of Finch Avenue East and Morningside Avenue and directly opposite the subject lands is a vacant parcel of land intended for commercial uses. Further west, south of the CP line the lands are developed with employment/commercial uses (ie, specialty grocery store, manufacturing, warehouse, convention centre and office buildings).

Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;

- Commercial uses (including retail and service uses) are recognized as employment uses which are to be accommodated both generally throughout the urban area and, more specifically, within employment areas;
- Direct planning authorities to promote economic development and competitiveness by among other matters, providing for an appropriate mix and range of employment and institutional uses to meet long-term needs and providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- Planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs; and,
- Encourage a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

The PPS can be found here:

<http://www.mah.gov.on.ca/AssetFactory.aspx?did=10463>

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Retail and office uses will be directed to locations that support active transportation and have existing or planned transit;
- Promoting compact built form and intensification of retail and service uses and areas, and encouraging the integration of those uses with other land uses to support the achievement of complete communities;

- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan, Official Plan Policies and Planning Studies

This application has been reviewed against the policies of the City of Toronto Official Plan and Provincial Policy Statements and Provincial Plans. The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The subject lands are designated *General Employment Areas* in the Official Plan.

Section 4.6 of the Official Plan states: *Employment Areas* are places of business and economic activities vital to Toronto's economy and future economic prospects. Both *Core Employment Areas* and *General Employment Areas* are important and comprise the City's 'Employment Areas' as defined under the Provincial Planning framework.

In addition to all of the uses permitted in a *Core Employment Area*, retail stores, service shops and restaurants, and fitness centres which are all business and economic activities, are also permitted in *General Employment Areas*. *General Employment Areas* are generally located on the periphery of *Employment Areas* on major roads where retail stores, service shops and restaurants can serve workers in the *Employment Area* and would also benefit from visibility and transit access to draw the broader public.

Retail complexes on the periphery of *Employment Areas* frequently serve as a buffer between industries in the interior of *Employment Areas* and nearby residential areas. Retail development of any scale or form that implements the built form policies of this Plan is provided for in a *General Employment Area*.

Official Plan policies provide a number of criteria to ensure development contributes to the creation of competitive, attractive, highly functional *Employment Areas*. This includes directions on providing a high quality public realm by avoiding parking between the public sidewalk and retail uses. The Plan also speaks to limiting or mitigating the effects of traffic generated by the development within the *Employment Area* and

adjacent areas, providing adequate parking and loading on-site and sharing driveways and parking areas wherever possible. To create an attractive streetscape and screen parking and loading, the plan directs that landscaping be provided on the front and any flanking yard adjacent to any public street, park and open space. Similarly, the boundary between *Employment Areas* and residential lands should be treated with landscaping, fencing, or other measures to provide a buffer and minimize adverse impacts.

Section 3.1.1 The Public Realm: The Official Plan recognizes the essential role the City's streets, open spaces, parks, ravines, natural areas and other key public assets play in creating a great city. The policies are designed to ensure that a high standard is achieved through urban design, landscaping, and architecture for both public and private development and works. Public Realm policies also provide for new streets to be public; new development blocks to be appropriately sized; and parks and open spaces to be well designed and appropriately located.

Section 3.1.4 Public Art: The Official Plan recognizes the importance of Public Art to reflect the City's cultural diversity and history. Public Art is encouraged to be included in all significant private sector developments.

Both Morningside Avenue and Finch Avenue East are identified on Map 3 with minimum right-of-way widths of 36 metres.

In addition to the policies/guidelines referenced later in this report, the Official Plan has been considered as a whole through the review of this application.

Morningside Heights Community Secondary Plan

The subject lands are located within the Morningside Heights Community Secondary Plan. A range of supporting facilities are provided for by the Secondary Plan to meet the needs of residents for education, convenience and neighbourhood shopping.

Within the Morningside Heights Community Secondary Plan, the subject lands are identified as *Employment Areas*. Pursuant to Section 1.2.2.1 of the Morningside Heights Community Secondary Plan, the primary purpose of the *Employment Areas* designation includes:

- Providing for industrial and office employment opportunities;
- Ensuring acoustic and visual buffering between the Morningside Heights residential community and the industrial uses to the west; and,
- Implementing a high quality streetscape edge on the west side of Morningside Avenue.

The Secondary Plan provides for the following uses to be permitted in the implementing Morningside Heights Community Zoning By-law:

- Light industrial uses (in accordance with the Ministry of Environment Guidelines D-6);
- Offices;
- Financial institutions;
- Training and educational facilities;
- Recreational uses; and,
- Restaurant, combined with and secondary to one of the above uses.

Pursuant to Section 1.2.2.4 of the Morningside Heights Community Secondary Plan, the subject lands are intended to develop with a wide range of commercial uses. The maximum site area permitted for the subject lands is approximately 2 hectares.

The Urban Design policies found in Section 1.4 of the Morningside Heights Community Secondary Plan state that priority locations for special streetscape attention will include entrance roadways leading into the community, focal points within the community, areas adjacent to scenic or environmental features and locations providing a vista or point of relationship with open space areas. Streetscape considerations will include street planting and furnishings, height and architecture of adjacent buildings, pedestrian/cycle facilities, axial view corridors and other matters. The subject lands have been identified as one of these priority locations.

The subject application was reviewed against the policies of the Morningside Heights Community Secondary Plan.

Morningside Heights Urban Design Guidelines

To assist in the implementation of the Morningside Heights Community Secondary Plan, Urban Design Guidelines were developed that speak to creating attractive community edges through architectural, landscape and built form treatments along perimeters roads, railway lines and adjoining natural features.

Specifically, this area including the subject lands is intended to create a highly-articulated built form and streetscape edge. The Urban Design Guidelines direct that any future commercial development be oriented to screen views to the railway lines, present a strong built edge along the street line to reinforce a pedestrian retail environment, provide landscape islands within large parking areas and provide a variety of buildings types with architectural styles consistent with the community.

As part of the review of the subject application, staff have ensured conformity to the Morningside Heights Urban Design Guidelines.

Urban Design Guidelines For Sites with Drive-Through Facilities

These Guidelines assist in achieving Official Plan goals for City beautification and the creation and enhancement of a comfortable, safe and vital public realm, which encourages walking and transit use, as well as specific built form policies as they relate to drive-through facilities. They establish principles and criteria for consistent review of development applications for sites with drive-through facilities by City staff, in those areas of the City where they are a permitted land use, by:

- Clarifying the City's interest in addressing the development impacts of sites with drive-through facilities; and
- Establishing standards and criteria for the design of sites with drive-through facilities, integrating operational elements, site and built form design with a focus on assisting this use with making a positive contribution to the surrounding context and pedestrian streetscape.

As part of the review of the subject application, staff have ensured conformity to the Urban Design Guidelines For Sites with Drive-Through Facilities.

Zoning

The subject lands are zoned *Community Commercial (CC)* in the Morningside Heights Community Zoning By-law, as amended. Generally, permitted uses within the *Community Commercial Zone* include: day nurseries, financial institutions, offices, restaurants, drive-through restaurants, retail stores, service shops, health clubs, studios, laundromats, places of entertainment and recreation, dry cleaning depots and libraries. A maximum gross floor area of 0.5 times the lot area is permitted.

The application is also subject to provisions pertaining to drive-through facilities. Among other matters, the drive-through provisions state that a drive-through facility, including stacking aisles must be at least 30 metres from any lot in a residential zone or commercial residential zone and provided all other applicable development standards are satisfied.

The City of Toronto Zoning By-law No. 569-2013, does not apply to the subject lands. Planning staff propose to now bring this site into By-law No. 569-2013 by way of the draft zoning by-law amendment set out in Attachment 5.

Site Plan Control

The lands are subject to site plan control. A site plan control application has been filed and is currently under review together with the zoning amendment application.

COMMENTS

Reasons for the Application

A zoning by-law amendment to the Morningside Heights Community Zoning By-law is required to expand the range of permitted uses to include a vehicle washing establishment, vehicle fuel station and other non-residential uses and site specific performance standards set out in the Draft By law.

An amendment to City of Toronto Zoning By-law 569-2013 is also required to add this site to the By-law and expand the range of permitted uses in the *Commercial Local* (CL) Zone to permit drive-through facilities and a vehicle washing establishment.

Application Submission Requirements

In addition to the required architectural and landscape plans the following reports/studies have been submitted with the application:

- Draft Zoning By-law Amendment;
- Toronto Green Standards Checklist;
- Public Consultation Plan;
- Traffic Impact Study;
- Arborist Report;
- Planning & Urban Design Justification Report;
- Hydro geological Investigation;
- Preliminary Geotechnical Investigation;
- Natural Heritage Screening;
- Phase One ESA;
- Functional Servicing and Stormwater Management Report; and,
- Tree Preservation Plan.

The above-noted reports/studies are available at the Application Information Centre (AIC) which can be found here: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

A Notification of Complete Application was issued on March 22, 2018.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards and conditions of Site Plan Control approval.

Community Consultation

The applicant has submitted a Public Consultation Strategy Report as part of the Complete Application submission requirements and the local Councillor was advised of the application. A Community Consultation Meeting was held June 12, 2018 at the

Morningstar Christian Fellowship Centre in which the local Councillor and the applicant attended.

A total of 8 residents and business owners attended the meeting. The proposal itself was positively received, however, general concerns about increased traffic in the area were raised by those in attendance.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The proposal will provide for an efficient development pattern and use of land while utilizing existing public infrastructure and services as provided for by the PPS. The proposal, including retail and service uses, intensifies non-residential uses on lands designated for employment, and supports a range of economic activities and ancillary uses taken into account the needs of existing and future residents and businesses.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by proposing an appropriate level of intensification, through a type and scale of development that fits within the area context. The introduction of a drive-through facility and vehicle washing establishment are uses that are generally associated with a vehicle fuel station, take-out restaurant and retail store and are appropriately separated from sensitive land uses.

Land Use

General Employment Areas are places of business and economic activity. Uses that support this function consist of offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

This application proposes uses that are provided for in *General Employment Areas*. Development of the subject lands with a mix of employment uses, small scale retail and service uses is and appropriate the proposal is designed to integrate into the surrounding business and adjacent residential community.

The proposed use of the subject lands for employment, small scale retail and service uses are appropriate and consistent with the Official Plan, the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

Staff have concluded that the proposed uses are appropriate and suitable performance standards are set out in the draft Zoning By-law.

Density, Height, Massing

This application has been reviewed against Official Plan policies and design guidelines of both the Official Plan, the Morningside Heights Secondary Plan and Urban Design Guidelines as well as Urban Design Guidelines for Sites with Drive-Throughs.

The proposed density is limited by the draft Zoning By-law to 0.18 FSI (3 250 square metres) and 2 storeys in height and secures the layout of the 7 buildings to reflect the proposal and ensure adequate parking can be provided.

The proposed building heights are generally consistent with the objectives of the Morningside Heights Secondary Plan and compatible with the existing surrounding residential uses. Given the existing and the planned context, the proposed density, built form, and heights having regard to applicable urban design guidelines, the proposed development is appropriate and can be supported by staff.

The draft Zoning By-law(s) ensures that the proposed uses are small scale and designed to serve area businesses and workers.

Traffic Impact, Access, Parking

A Transportation Impact Study, Traffic Operations Assessment, Parking Study and Loading Study dated October 12, 2018, prepared by the BA Consulting Group Ltd. was submitted and found to be acceptable by Transportation Services staff.

The study concluded that the level of new traffic generated by the proposed development will not contribute to any reduction in the existing level of service provided on the arterial road system and local street intersections. Traffic generated by the proposed site can be accommodated by the adjacent roads and intersections with negligible impact.

The Morningside Heights Community By-law establishes minimum parking standards. The applicant has not requested a change to the minimum parking standards as the proposed site plan provides for sufficient parking.

The proposed site layout and proposed vehicular access points will adequately provide for efficient site circulation needs of automobiles without infiltrating adjacent residential streets and properties.

Due to the appropriately scaled size of any individual retail store, large delivery vehicles would not be anticipated to service the site and therefore only one of the two required formal loading spaces are proposed to be provided. If additional large delivery trucks were ever to be needed on site, the proposed site layout can accommodate delivery large truck movements behind Buildings A, B and C or in the informal space adjacent to the vehicle fuel station to make deliveries if needed. This loading and delivery arrangements are acceptable to Transportation Services staff.

Servicing

Engineering and Construction Services staff advise that the existing municipal infrastructure is adequate to accommodate the storm water runoff, sanitary flow and water supply demand resulting from this development, and are satisfied that the site can be adequately serviced.

Further detailed requirements relating to the alterations to the public right-of-way (i.e. sidewalk widening), Fire Services and Solid Waste Management requirements, and site

servicing can be adequately addressed and secured through the Site Plan Approval process.

Tree Preservation

The lands are subject to the City's Tree Preservation By-law. An Arborist Report which included a Tree Preservation Plan has been received and is satisfactory to Urban Forestry Services. Upon completion of construction, replacement tree planting on private property will be implemented to the satisfaction of Urban Forestry Services. A letter of credit guaranteeing replanting will be included in the Site Plan Agreement. This will be secured as part of a detailed landscape plan during the Site Plan Approval process.

Toronto Green Development Standards

City Council approved a set of recommendations that work towards the implementation of the Toronto Green Development Standard. Based on the applicant's submission, the proposed development is intended to achieve the following targets: Minimum Energy Performance, Urban Heat Island Reduction (Roof), Storm Water Management, Storage and Collection of Recyclables and Compostable. As part of the evaluation of the application for Site Plan Approval, staff will pursue further opportunities for additional tree plantings.

The submitted landscape plans specify the planting of 110 trees, consisting of 9 City street trees adjacent to Finch Avenue and 101 privately owned trees on subject site. As proposed, with some small revision on species selection to be resolved through the Site Plan Approval process, the applicant is complying with Tier 1 of Toronto Green Standard requirements.

Draft Zoning By-law Amendment

An expansion of the permitted uses in the Morningside Heights Community Zoning By-law to include a vehicle washing establishment; vehicle fuel station, vehicle service shop and other non-residential uses are supported by staff. Additionally, the following uses will be included in the Draft Zoning By-law:

Ambulance Depot	Offices (including medical/clinic)
Artist Studio	Personal Service Shop
Automated Banking Machine	Pet Services
Community Centre	Police Station
Retail Food Store (including Take out Restaurant)	
Financial Institution	Retail Service
Massage Therapy	Veterinary Hospital
Performance Arts Studio	Wellness Centre

The draft Zoning By-law amendment sets out performance standards which secure the development as proposed (Attachment 5 and 6: Draft Zoning By-law). Appropriate performance standards have been established that would include minimum parking standards, setbacks, height and density.

The City of Toronto Zoning By-law 569-2013, as amended will be further amended to add this site to the By-law and also expand the range of permitted uses in the *Commercial Local (CL) Zone* to include a drive-through facilities and a vehicle washing establishment.

Conclusion

The proposed development has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017).

The proposal is in keeping with the intent of the Morningside Heights Secondary Plan, the Morningside Heights Urban Design Guidelines and the Urban Design Guidelines For Sites with Drive-Through Facilities.

It is recommended that City Council approve the subject rezoning application and enact the draft Zoning By-law Amendments attached to this report.

CONTACT

Renrick Ashby, Senior Planner, Tel. No.416.396.7022, Fax No. 416.396.4265,
E-mail:Renrick.ashby@toronto.ca

SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft By law (City of Toronto)
- Attachment 6: Draft By law (Morningside Heights Community By law)

Applicant Submitted Drawings

- Attachment 7: Site Plan (as provided by applicant)
- Attachment 8-10: Elevations (as provided by applicant)

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	17 278788 ESC 42 OZ
Details	Rezoning, Standard	Application Date:	December 22, 2017

Municipal Address: 2130 MORNINGSIDE AVE
 Location Description: PLAN 66M2401 PT BLK 149 AND RP 66R22444 PARTS 5 AND 7 **GRID E4212
 Project Description: Construct gas station, car wash, 2 retail blocks, retail uses

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS			SWEET CORN FARMS INC

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	Community Commercial	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	17 924	Height:	Storeys:	
Frontage (m):	120		Metres:	10
Depth (m):	140			
Total Ground Floor Area (sq. m):	3 250			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	140
Total Non-Residential GFA (sq. m):	3 250		Loading Docks	1
Total GFA (sq. m):	3 250			
Lot Coverage Ratio (%):	0.18			
Floor Space Index:	0.18			

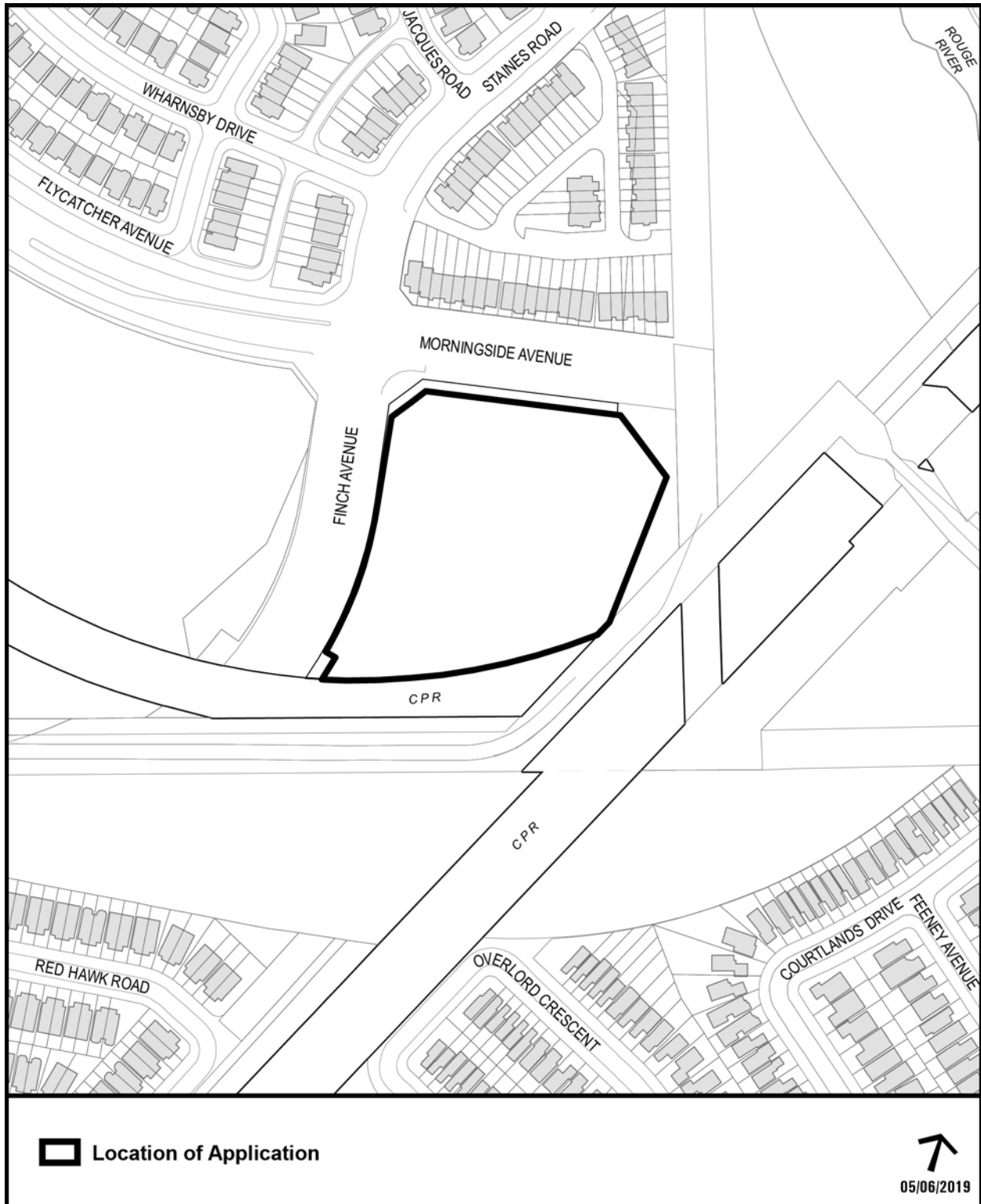
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	3 250
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:	Renrick Ashby, Senior Planner
	TELEPHONE:	(416) 396-7022

Attachment 2: Location Map










Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #22

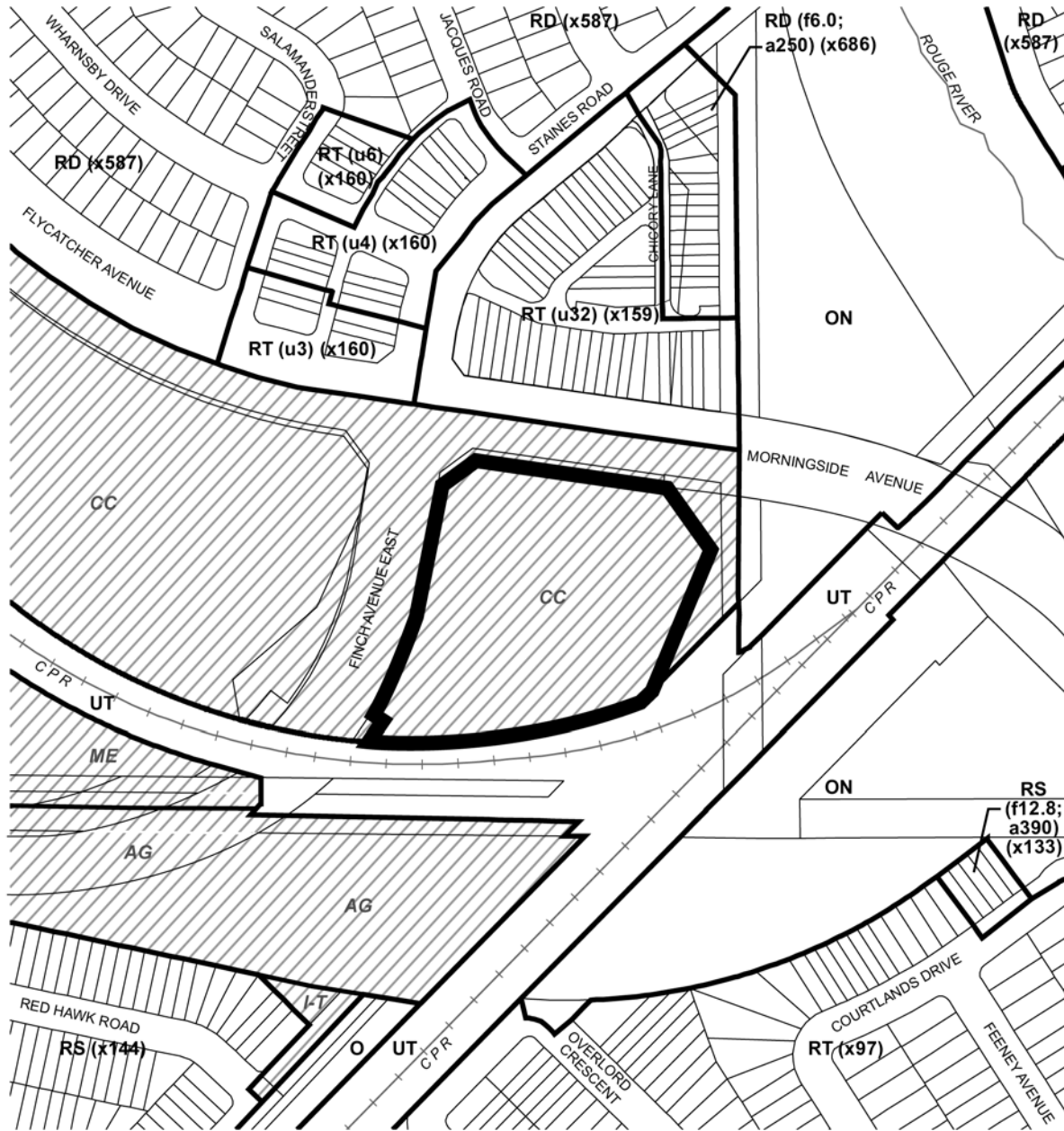
2130 Morningside Avenue

File # 17 278788 ESC 42 02

- | | |
|---|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Utility Corridors |  Parks |
|  Employment Areas | |

↑
Not to Scale
03/28/2019

Attachment 4: Existing Zoning By-law Map



Zoning By-Law - Morningside Heights Community

2130 Morningside Avenue

File # 17 278788 ESC 42 0Z

Location of Application

See Former City of Scarborough Malvern Community By-Law No. 14402
See Former City of Scarborough Morningside Heights Community (OMB Order PL000356/Decision 1076)
See Former City of Scarborough Employment District By-Law No. 24982 (Tapscott)

Zoning By-Law No. 569-2013

- RD Residential Detached
- RS Residential Semi-Detached
- RT Residential Townhouse
- O Open Space
- ON Open Space Natural
- UT Utility and Transportation

- CC Community Commercial
- I-T Institutional-Transportation
- AG Agricultural Uses
- ME Mixed Employment Zone



Not to Scale
Extracted: 01/23/2018

Attachment 5: Draft By-Law (City of Toronto)

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

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2019]

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2019 as, 2130 Morningside Avenue

Whereas Council of the City of Toronto has the authority 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 adding the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CL (X), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20, and applying the following height label to the lands as shown on Diagram 3 attached to this By-law: HT 10 ST 1;
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.10.10, Exceptions Number (X) so that it reads:

Exception CL(X)

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) On 2130 Morningside Avenue, a **building** or **structure** is permitted if in compliance with the following regulations;
- (B) In addition to the permitted uses listed in Article 30.20.20, an **Art Gallery, Artist Studio, Drive Through Facility, Performing Arts Studio and Vehicle Washing Establishment** are permitted;
- (C) Despite Regulation 30.20.20.20.100(5), a **Retail Store – Eating Space** on the **lot** does not have a size restriction for the consumption of food or beverage by patrons;
- (D) Despite Regulation 30.20.20.100(3), a **Vehicle Fuel Station** and a **Vehicle Service Shop** do not need to be on a **lot** that abuts a major street on the Policy Areas Overlay Map;
- (E) Despite Regulation 30.20.20.20.100(2), an **Eating Establishment** and a **Take-out Eating Establishment** do not have a permitted maximum **interior floor area** on the **lot**;
- (F) Despite Regulations 30.20.40.70(1)(2), no portion of a **building** or **structure** erected or used above finished ground is located other than wholly within the areas delineated by heavy lines on Diagram 3 of By-law, with the exception of the following:
 - a. canopies, awnings and unenclosed stairs may projection a maximum of 2.0 metres beyond the heavy lines shown on Diagram 3 of By-law
- (G) Despite Regulation 30.20.40.40(1), the gross floor area of all permitted uses within all buildings minus the gross floor area of all basements shall not exceed 3 250 square metres;
- (H) Regulation 30.20.40.80 does not apply;
- (I) Regulation 30.20.80.20(2) does not apply;
- (J) Regulation 30.20.90.10(1)(B) does not apply;
- (K) Regulation 30.20.150.1(1) does not apply;
- (L) Regulations 150.92.20.1(1)(2)(3)(4)(5); 150.92.40.70(1); 150.92.50.10(1); 150.92.60.20(1); and 150.92.60.40(1) for a **Vehicle Fuel Station** do not apply;
- (M) Regulations 150.94.40.1(1) and 150.94.50.1(1) for a **Vehicle Service Shop** do not apply;
- (N) Regulations 150.96.20.1(2)(3), 150.96.30.1(1)(A), and 150.96.40.1(1)(2) for a **Vehicle Washing Establishment** do not apply;

- (O) For the purposes of Exception CL(X), the front yard is the lot line adjacent to Morningside Avenue; Despite Regulation 200.5.10.1(1)(5), a minimum of 140 parking spaces shall be provided on the **lot** and is the cumulative total for all uses on the **lot**;
- (P) Despite Regulation 200.15.1(1)(B), the width of an accessible **parking space** shall be 3.4 metres;
- (Q) Despite Regulation 220.5.10.1(3)(4)(5), one Type “B” loading space shall be provided on the **lot** and is the cumulative total for all uses on the **lot**;
- (R) Despite Regulation 230.5.10.1(1), a minimum of 6 short-term **bicycle parking spaces** shall be provided on the **lot**;
- (S) Despite any future severance, partition or division of the **lot** as shown on Diagram 1 of By-law, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- (T) Despite the permitted uses listed in Article 30.20.20, an Education Use and Place of Worship are not permitted

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)

(U)

Diagram 1

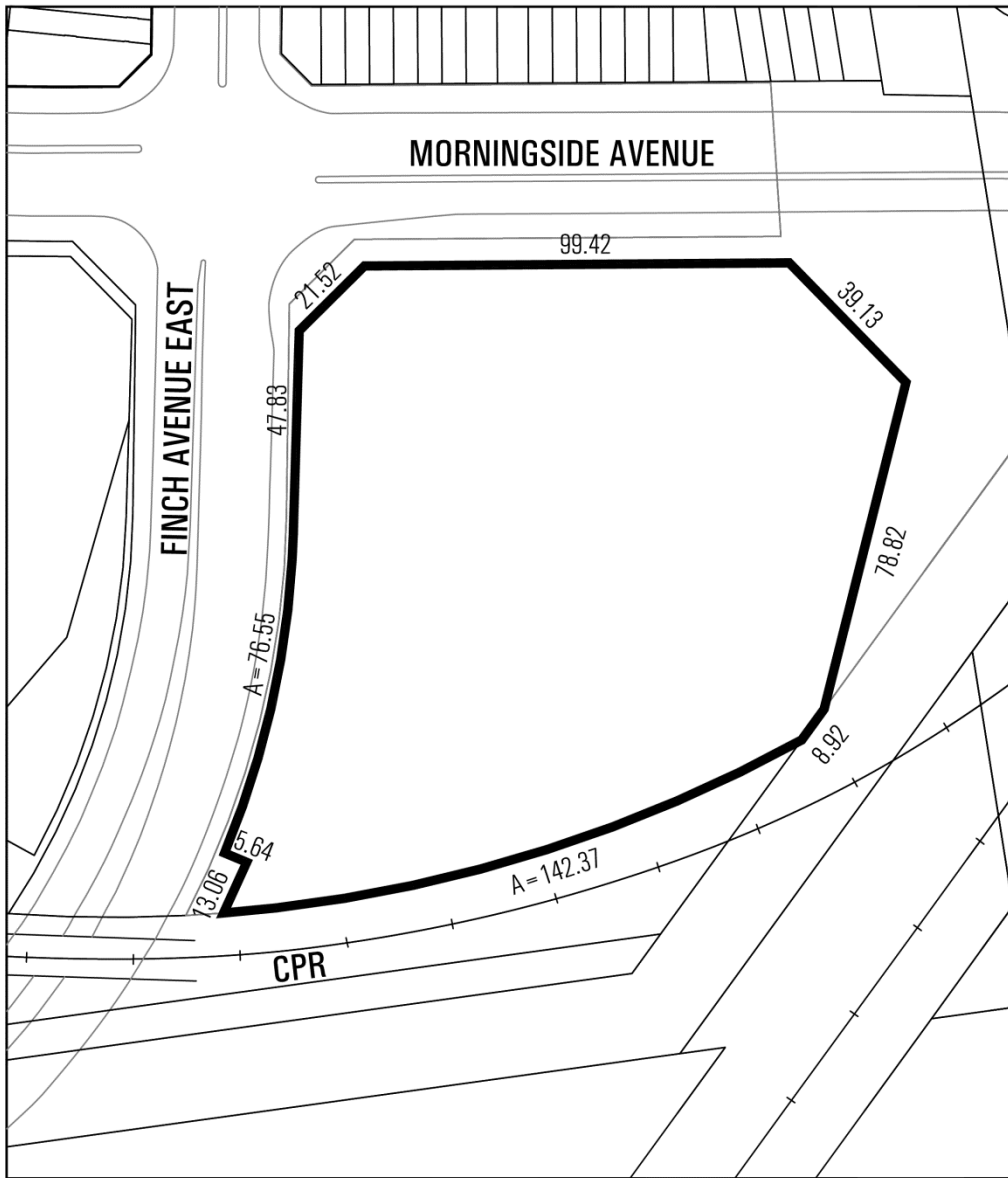


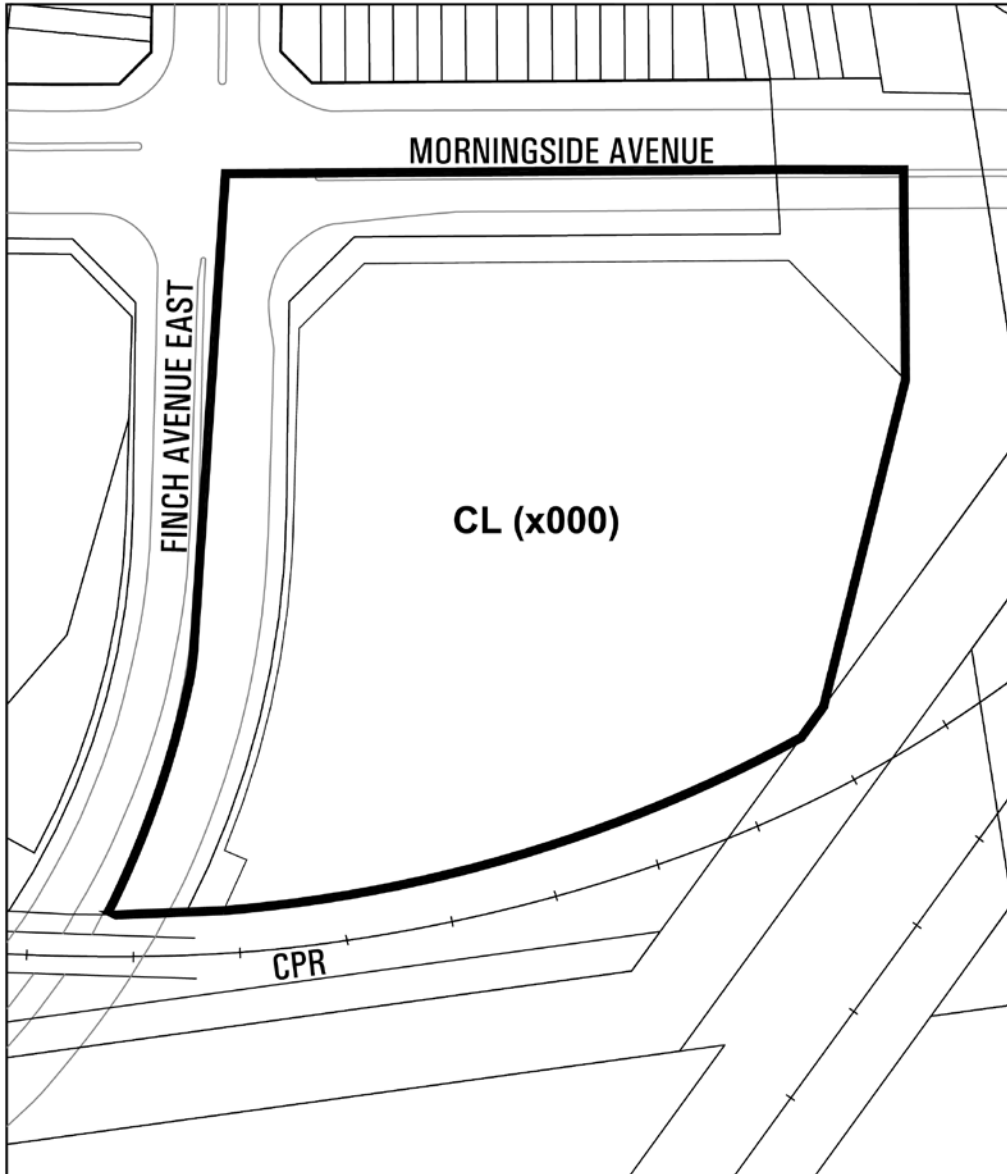

Diagram 1

2130 Morningside Avenue

File # 17 278788 ESC 42 0Z


City of Toronto By-law 569-2013
Not to Scale
04/11/19

Diagram 2



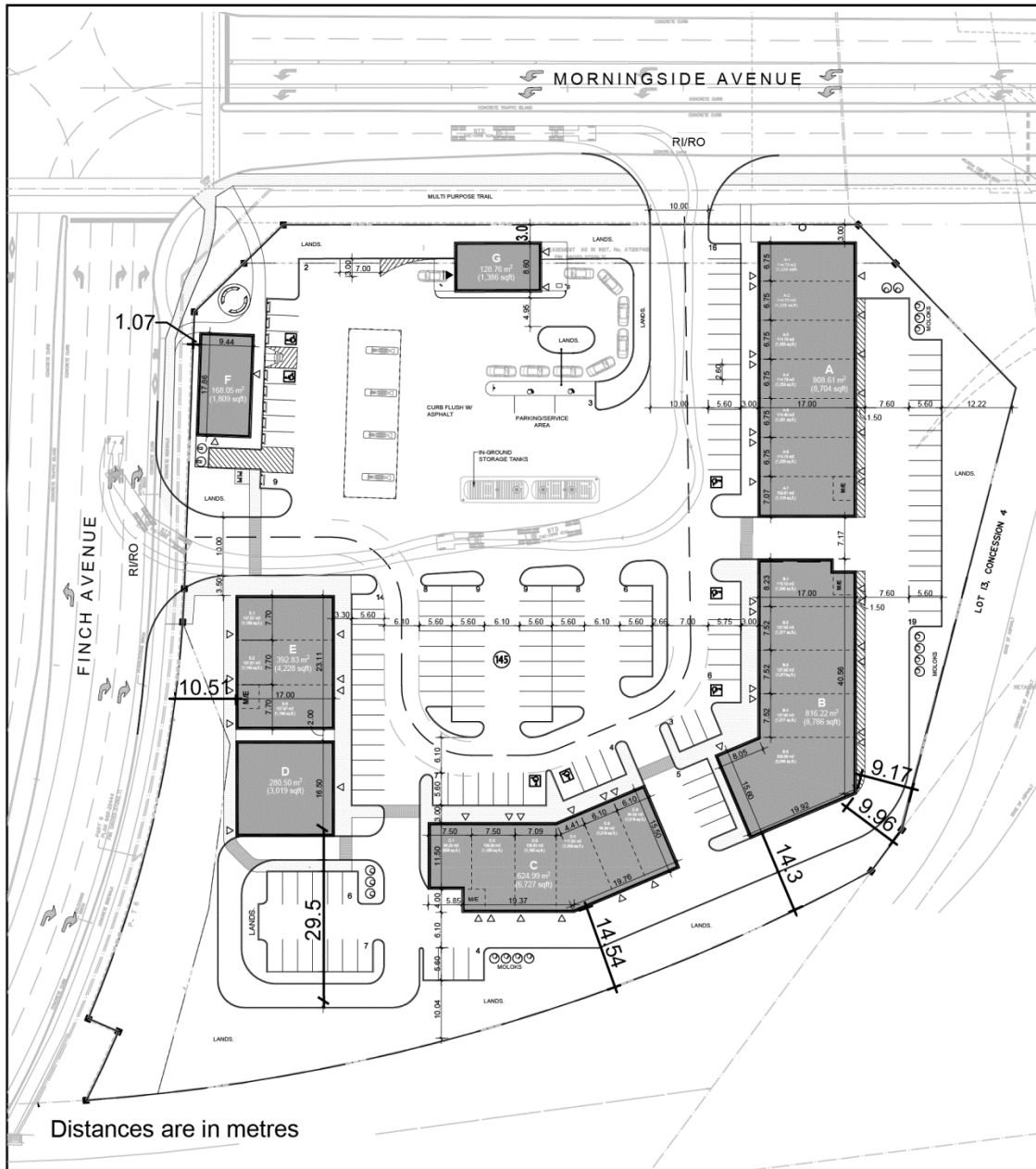
 **TORONTO**
Diagram 2

2130 Morningside Avenue

File # 17 278788 ESC 42 02


City of Toronto By-law 569-2013
Not to Scale
04/25/19

Diagram 3



Toronto
Diagram 3

2130 Morningside Avenue

File # 17 278788 ESC 42 0Z

City of Toronto By-law 569-2013
Not to Scale
04/26/2019

Attachment 6: Draft By law (Morningside Heights Community By-law)

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

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2019]

To amend the Morningside Heights Community Zoning By-law (OMB Exhibit #76), as amended, with respect to the lands municipally known in the year 2019 as, 2130 Morningside Avenue

Whereas Council of the City of Toronto has the authority 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

1. **SCHEDULE 'A'** of the Morningside Heights Community Zoning By-law (OMB Exhibit #76), is amended by adding the following Schedule '1' so that the amended zoning shall read as follows:

CC-43-44-45-46-53-66-80-81-100-101-102

8

2. **PERFORMANCE STANDARDS CHART – SCHEDULE 'B'**, of the Morningside Heights Community Zoning By-law (OMB Exhibit #76), as amended, is hereby further amended by adding the following Performance Standards:

INTENSITY OF USE

- 80 The **gross floor area** of all permitted uses within all buildings minus the **gross floor area** of all **basements** shall not exceed 3 250 square metres.
- 81 The **gross floor area** of the **Vehicle Washing Establishment** shall not exceed 105 square metres.

PARKING

- 100 Minimum of 140 **parking spaces** shall be provided on the Lot
- 101 Minimum of 6 bicycle **parking spaces** shall be provided on the Lot
- 102 Minimum of One **Type B Loading space** shall be provided

BUILDING SETBACKS

- 43 Minimum **Front Yard** (north) setback shall be 3.0 metres from the north **lot line**
- 44 Minimum exterior **Side Yard** setback shall be 1.0 metres from the west **lot line**
- 45 Minimum **Rear Yard** setback shall be 9 metres from the south **lot line**
- 46 Minimum **Side Yard** setback shall be 2.0 metres from the east **lot line**

HEIGHT

- 53 Maximum **height** 10 metres, as measured from the average elevation of the ground along all **lot lines** that abut a **street** and the elevation of the highest point of the building.

MICSELLANIOUS

- 66 Requirement to provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.
- 3. **CLAUSE V – GENERAL PROVISIONS**, Sub-Clause 10, Landscaping and Sub – Clause 24, Lands Not Covered by Buildings Requirements shall not apply.
 - 4. **CLAUSE VI – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Sub - Clause 1. General Parking Requirements shall not apply.
 - 5. **SCHEDULE “C”, EXCEPTIONS LIST and EXCEPTIONS MAP**, is amended by adding Exception No. 8 to the lands outlined on Schedule ‘2’, so that it reads as follows:
 - 8 On those lands identified as Exception No. 8, on the attached Schedule ‘C’, the following provisions shall apply:

a) Only the following additional uses are permitted:

Permitted Uses:

- Ambulance Depot
- Artist Studio
- Automated Banking Machine
- Community Centre
- Drive-through facilities
- Fire Hall
- Massage Therapy
- Office (including a medical office and a medical clinic)
- Outdoor Sales or Display
- Performing Arts Studio
- Personal Service Shop
- Pet Services
- Police Station
- Retail Food Store
- Retail Service
- Take-out Eating Establishment
- Vehicle Washing Establishment
- Vehicle Fuel Station
- Vehicle Service Shop
- Veterinary Hospital
- Wellness Centre
- **Marketplace Signs**
- **Wall Signs** which are **non-accessory**

(b) The following definitions shall apply to the lands encompassed by Exception No. 8:

- i) **Artist Studio** shall mean premises used for creating art or craft.
- ii) **Automated Banking Machine** shall mean a device at which customers can complete self-serve financial transactions.
- iii) **Community Centre** shall mean premises operated by or on behalf of a government or **non-profit organization** providing community activities, such as arts, crafts, recreational, social, charitable and educational activities.
- iv) **Financial Institution** means premises used to provide financial services to the public, other than exclusively through an automated banking machine.
- v) **Massage Therapy** shall mean premises providing **massage therapy** by persons who are medical or health professionals licensed or registered under Province of Ontario legislation. A body rub service or **wellness centre** is not a **massage therapy**.

- vi) **Performing Arts Studio** shall mean premises used for the rehearsal of performing arts, such as music, dance or theatre.
 - vii) **Personal Service Shop** shall mean premises used to provide personal grooming services or for the cleaning or care of apparel.
 - viii) **Pet Services** shall mean **premises** used to provide for the grooming of domestic animals. A **veterinary hospital** or a kennel are not **pet services**.
 - ix) **Retail Food Shop** shall mean a **building**, or portion of a **building** or structure where food goods and related wares, merchandise, substances, articles or things are stored, offered or kept for sale. A **retail food shop** includes storage on or about the store premises of limited quantities of food goods, wares, merchandise, substances, articles or things sufficient only to service the store.
 - x) **Service Shop** shall mean **premises** used for servicing, repairing or refurbishing goods, other than **vehicles**.
 - xi) **Vehicle Washing Establishment** shall mean the premises used for washing or cleaning vehicles
 - xii) **Vehicle Fuel Station** shall mean the premises where vehicle fuels are sold to the public.
 - xiii) **Vehicle Service Shop** shall mean premises used for vehicle service or customizing, such as mechanical, electrical, glass or upholstery service or installation of parts or **accessories**, but excluding:
 - (A) spray painting or repairing body or fender components; and
 - (B) the service or customizing of construction or agriculture vehicles.
 - xiv) **Veterinary Hospital** shall mean **premises** used by a licensed veterinarian for the medical treatment of animals.
 - xv) **Wellness Centre** shall mean **premises** providing services for therapeutic and wellness purposes. A **massage therapy**, medical office or **body rub service** is not a **wellness centre**.
 - xvi) **Type B Loading Space**: Means a loading space that is a minimum of 3.5 metres wide, 11.0 metres long and has a minimum vertical clearance of 4.0 metres.
- (c) Exception 8 shall apply to all of the lands collectively regardless of future severance, partition or division.

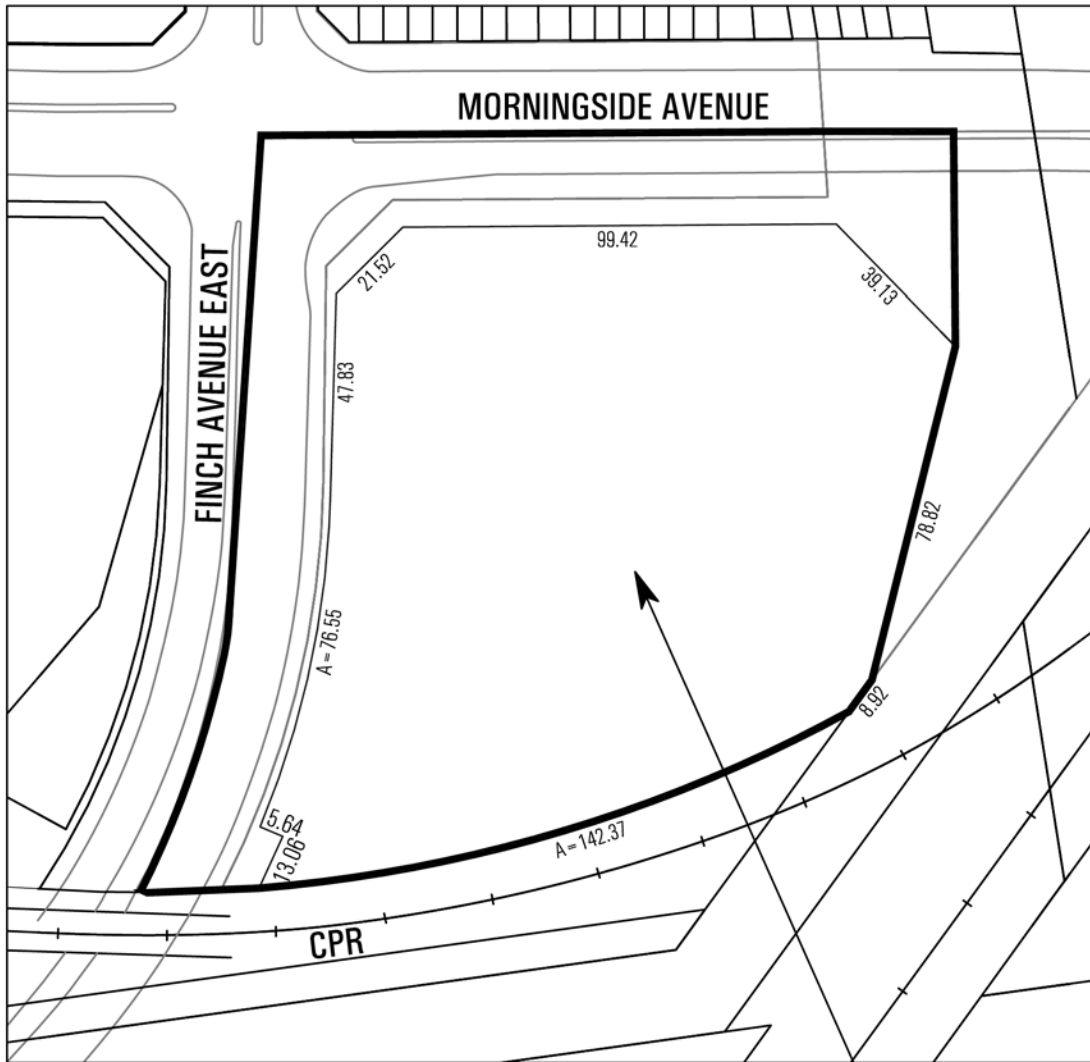
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'



**CC-43-44-45-46-53-66
-80-81-100-101-102**

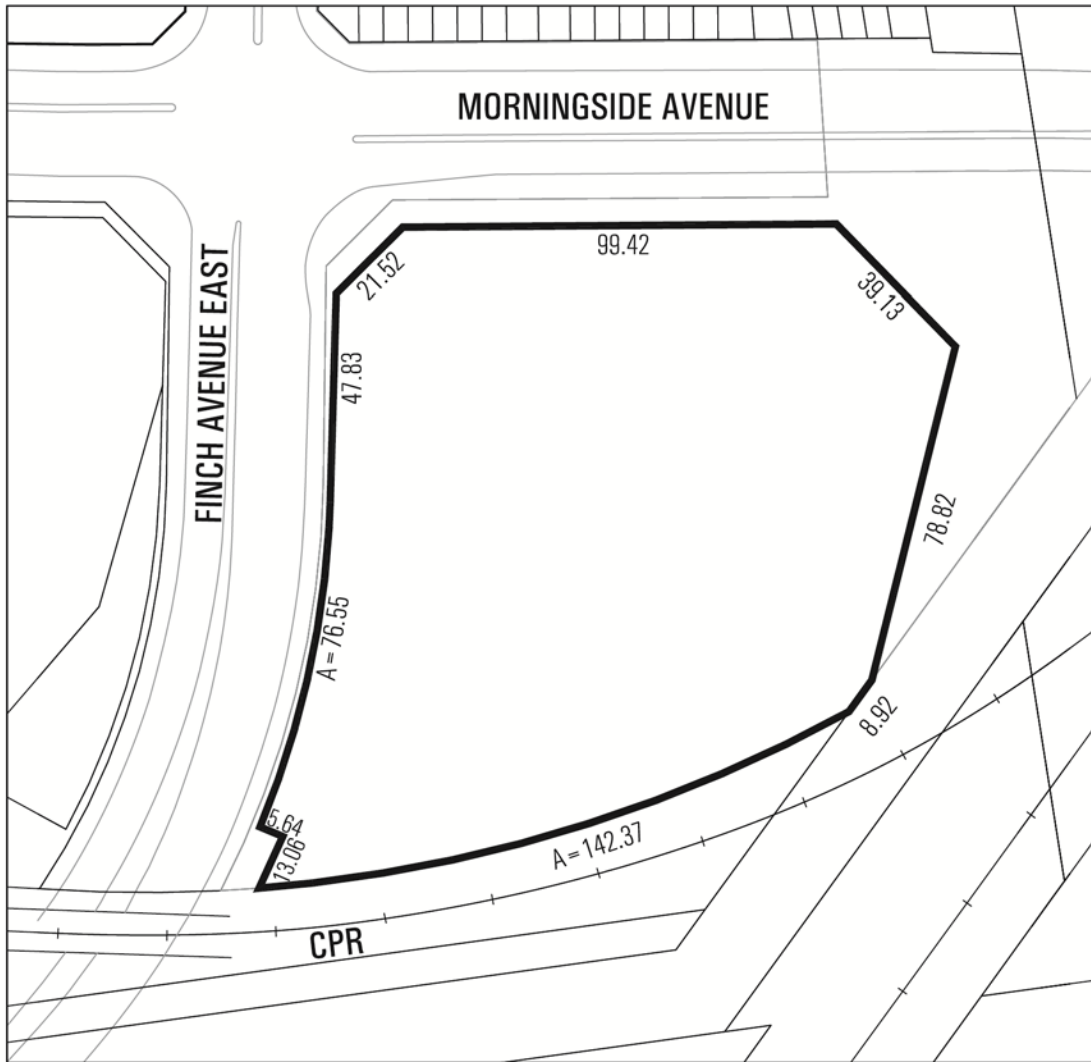
Toronto
Zoning By-Law Amendment

2130 Morningside Avenue
File # 17 278788 ESC 42 0Z

 Area Affected By This By-Law

Morningside Heights Community Bylaw
Not to Scale
05/06/19


Schedule '2'



Exception No. 8

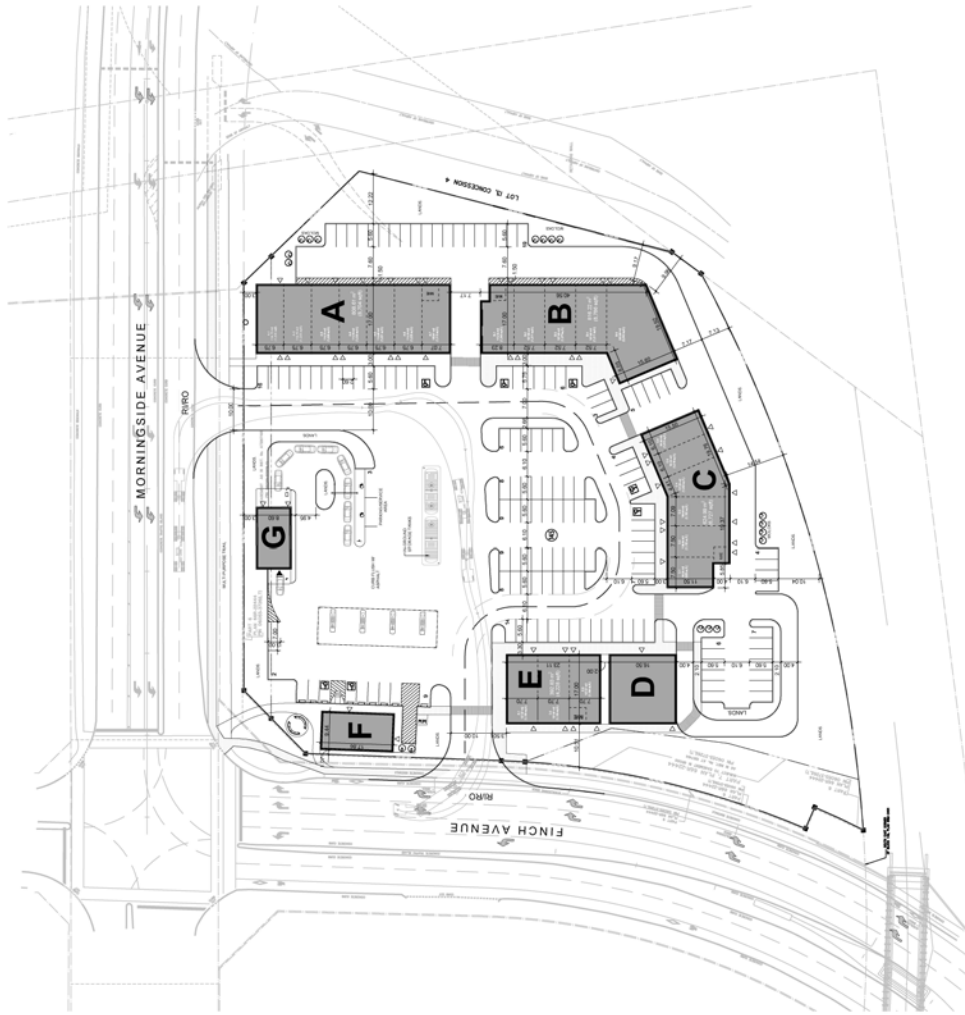
 **TORONTO**
Zoning By-Law Amendment

2130 Morningside Avenue
File # 17 278788 ESC 42 0Z

 Area Affected By This By-Law

Morningside Heights Community Bylaw
Not to Scale
04/17/19


Attachment 7: Site Plan (as provided by applicant)



2130 Morningside Avenue

Site Plan

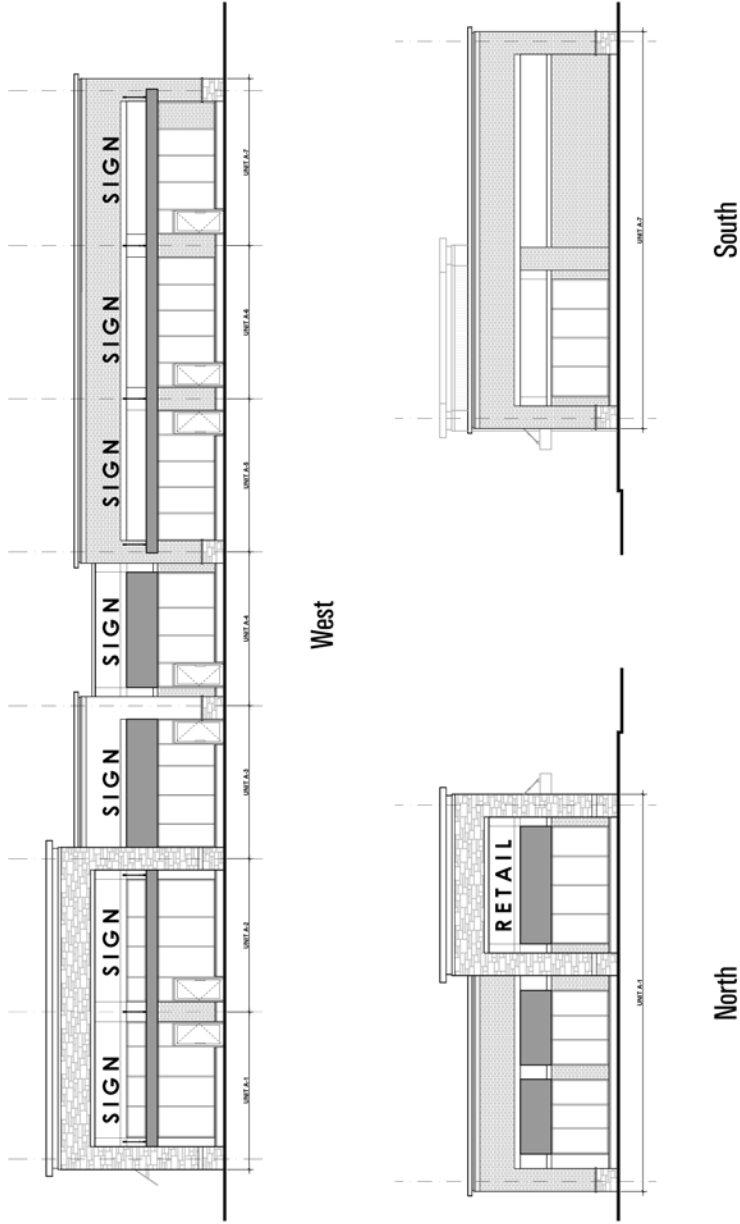
Applicant's Submitted Drawing

Not to Scale
01/29/18



File # 17 278788 ESC 42 0Z

Attachment 8: Elevations (as provided by applicant)



2130 Morningside Avenue

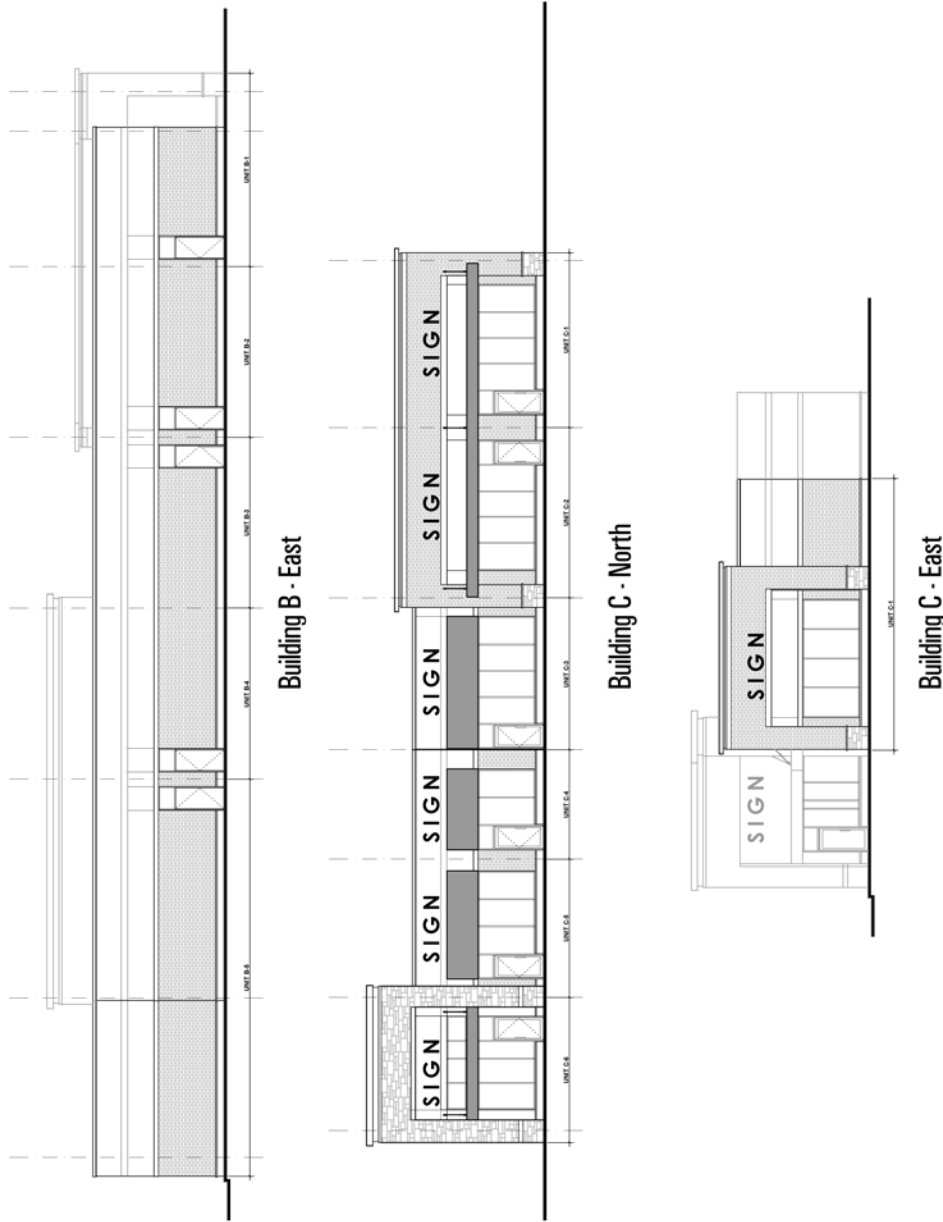
Elevations Building A

Applicant's Submitted Drawing

Not to Scale
01/29/18

File # 17 278788 ESC 42 0Z

Attachment 9: Elevations (as provided by applicant)



2130 Morningside Avenue

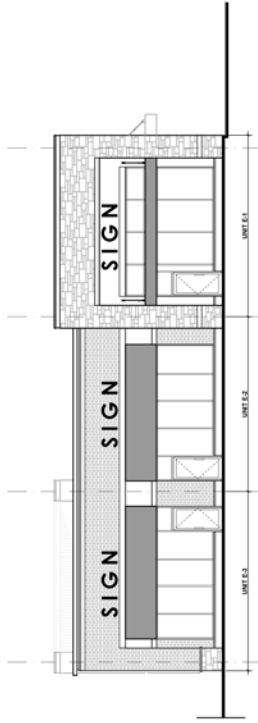
Elevations Building B and C

Applicant's Submitted Drawing

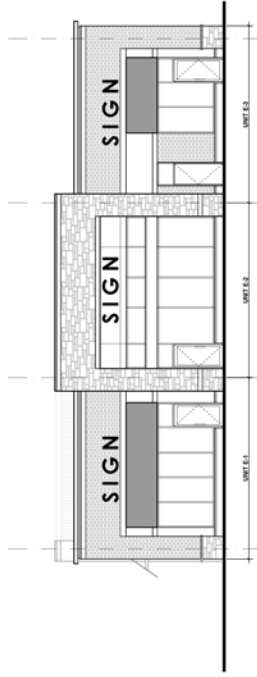
Not to Scale
01/29/18

File # 17 278788 ESC 42 0Z

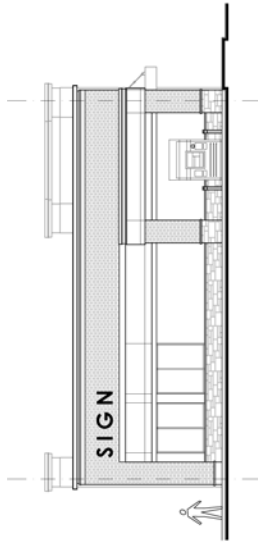
Attachment 10: Elevations (as provided by applicant)



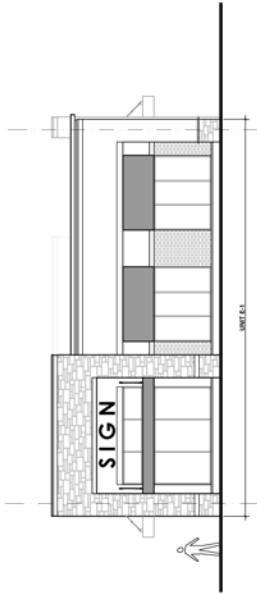
Building E - East



Building E - West



Building D - South



Building E - North

2130 Morningside Avenue

Elevations Building D and E

Applicant's Submitted Drawing

Not to Scale
01/29/18

File # 17 278788 ESC 42 0Z