

Authority: Scarborough Community Council Item 7.31,  
as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2007  
Enacted by Council: December 13, 2007

## **CITY OF TORONTO**

### **BY-LAW No. 1421-2007**

**To amend former City of Scarborough Zoning By-law No. 11883, as amended, with respect to lands municipally known as 3070 Ellesmere Road.**

WHEREAS authority is given to Council by Sections 34, 36 and 37 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'** of Scarborough Zoning By-law No. 11883, as amended, is further amended for the lands outlined on the attached Schedule '1' by deleting the existing Highway Commercial (HC) Zoning and Performance Standards and replacing it with Apartment Residential (A) and Community Commercial (CC) Zoning and Performance Standards as shown on Schedule '1' so that the amended zoning shall read as follows:

A (H) and CC(H) -37-119-151-172-184-185-186-187-188-189-201-202-214-215-216

2. **Schedule 'B', PERFORMANCE STANDARDS CHART**, of Scarborough Zoning By-law No. 11883, as amended, is further amended by adding the Performance Standards 37, 119, 151, 172, 184, 185, 186, 187, 188, 189, 201, 202, 214, 215 and 216 as follows:

#### **FRONT YARD SETBACK**

37. Minimum 3m **front yard setback** from the **main wall** of the building.

#### **INTENSITY OF USE**

119. One suite (individual **dwelling unit**) per 19.8m<sup>2</sup> of lot area.

#### **REAR YARD SETBACK**

151. Building **setback** to the north property line:

- Minimum 36m **setback** to a maximum **height** of four **storeys**.
- Minimum 42m **setback** to a **height** greater than four **storeys**.

#### **FLOOR AREA**

172. Maximum **gross floor area** of 23,100m<sup>2</sup>.

### **MISCELLANEOUS**

184. Maximum **height** of 24 **storeys** and 75 metres above average finished grade along Ellesmere Road **street** line.
185. Minimum interior amenity space to be provided: 2m<sup>2</sup> per **dwelling unit**.
186. Minimum outdoor amenity space to be provided: 0.9m<sup>2</sup> per **dwelling unit**.
187. An outdoor balcony or terrace is to be provided for each **dwelling unit**.
188. Maximum 65% of the residential units shall be one-bedroom units.
189. **Community Commercial (CC)** uses shall be limited to the ground floor.

### **MAIN WALL SETBACKS FROM STREETS**

201. Building setback to the east property line:
  - Minimum 1.5m **setback** to a maximum **height** of four **storeys**.
  - Minimum 23m **setback** to a **height** greater than four **storeys**.
202. Minimum 3.5m **setback** to the **main wall** of the building to the west property line.

### **PARKING**

214. 1.2 **parking spaces** per residential **dwelling unit** shall be provided (1 enclosed **parking space** per unit; 0.2 visitor **parking spaces** per unit).
  215. 1 parking space per 93m<sup>2</sup> of **gross floor area** for all **Community Commercial (CC)** uses, excluding Restaurants, Tea Rooms, Cafeterias, and Taverns which will be subject to the **Clause VII – General Parking Regulations For All Zones**.
  216. **Parking space(s)** shall have a minimum dimension of 2.6m width x 5.6m in length. The provisions of **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Subsection 1.3.1 shall not apply.
3. **Schedule ‘C’ EXCEPTIONS MAP**, of Scarborough Zoning By-law No. 11883, as amended, is further amended by adding the following Exception Number 18 as shown as Schedule ‘2’.

4. **Schedule 'C' EXCEPTIONS LIST**, of Scarborough Zoning By-law No. 11883, as amended, is further amended by deleting the existing content of Exception Number 16 and replacing it with the following content and adding Exception Number 18 as follows:

16. Only the following uses and performance standards are permitted prior to the removal of the Holding provision (H):

- (a) **HC – 30-35-51-68**

Only the following uses shall be permitted:

- (i) Business and Professional Offices
  - (ii) Banks
  - (iii) Pharmacy
  - (iv) **Marketplace Signs**
- (b) The Holding Provision (H) used in conjunction with the **Apartment Residential (A)**, and **Community Commercial (CC)** Zones shall be removed in whole or in part by amending By-law, when Council is satisfied that:
- (i) A Certificate of Approval has been obtained from the Ministry of Environment for the installation of the methane venting system on the site.

18. On the lands identified as Exception 18, the following provisions shall apply:

- (a) Only the following uses are permitted in the **Community Commercial (CC)** zone:
- Banks
  - Business and Professional Offices
  - Custom Workshop for sale of goods on premises to include only a Tailor Shop and Bake Shop
  - Library
  - Restaurants, Tea Rooms, Cafeterias, Taverns
  - Retail Stores
  - Service Shops and Agencies
  - Studios
- (b) A minimum of 400m<sup>2</sup> of commercial **gross floor area** use shall be required on the ground floor of the building.
- (c) The following uses are prohibited in the **Apartment Residential (A)** Zone
- **Group Homes**

- (d) Notwithstanding the provisions of **CLAUSE VI – PROVISIONS FOR ALL ZONES – Section 14 Underground Structures in “NC”, “CC” and “HC” Zones**, the **main wall** for underground structures shall be **setback** as follows:
- Minimum 6m from the north property line.
  - Minimum 0.3m from **street** lines.
  - Minimum 6m from the east property line for a minimum distance of 45m from the north property line.
  - Minimum 1.5m from the east property line for a distance of greater than 45m measured from the north property line.
- (e) **CLAUSE VI – PROVISIONS FOR ALL ZONES – Section 15 Lands Not Covered by Buildings**, shall not apply.
- (f) Notwithstanding the provisions of **CLAUSE V – INTERPRETATION – (f) Definitions, Main Wall**, there shall be no projections extending into a required yard.
- (g) Matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased density authorized by Performance Standard 172 are:

The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements shall be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters:

The community benefit to be secured in the Section 37 agreement is as follows:

- (i) Prior to the issuance of any building permit with respect to the lands to which this By-law applies, the owner shall pay to the City by certified cheque the amount of \$400,000.00 as indexed to the Consumer Price Index from the date of the Section 37 Agreement, such amount to be used for a new washroom/change room facility at Ellesmere Sports Fields park.

The following matters are to be secured in the Section 37 agreement as a legal convenience to support development:

- (i) Prior to the issuance of any above grade building permit with respect to the lands to which this By-law applies, the owner shall:
  - (a) carry out the remediation of the entire lands to which this By-law applies in accordance with the Restoration Action Plan for the subject property, dated November 30, 2007, as prepared by Candec Consultants Limited, Consulting Engineers and Environmental Scientists (the “Restoration Action Plan”), copies of which are on file with the City of Toronto, and the Ministry of the Environment (the “MOE”);
  - (b) have a Qualified Person (the “Qualified Person”) as defined by Ontario Regulation No. 153/04 prepare and provide to the City a Report of Satisfactory Remediation Completion and all supporting documents (hereinafter called the “RSRC”) evidencing that the site has been remediated in accordance with the Restoration Action Plan, the RSRC to be addressed to both the owner and the City (with a letter of reliance provided to the City from the Qualified Person), such RSRC to be to the satisfaction of the City’s peer reviewer;
  - (c) file a Record of Site Condition, in conformity with the RSRC, with the MOE in accordance with Ontario Regulation 153/04 and the *Environmental Protection Act*; and
  - (d) provide to the City a copy of the Record of Site Condition and the acknowledgement of receipt of same by the MOE.
- (ii) The owner shall carry out the Methane Control Measures as contained in the Restoration Action Plan, including but not limited to the regular monitoring for gas and installation and maintenance of the methane venting system along the east, west and north property boundaries of the lands to which this By-law applies. The owner further agrees to install and maintain a minimum of four methane sensors on each level of the underground parking garage to be constructed on the lands, which sensors would trigger an audible warning system and fans in order to extract the methane gas (hereinafter called the “Methane Sensor/Alarm/Fan System”). The owner acknowledges and agrees that no building permit shall be issued for the underground parking garage unless the building permit plans for the underground parking garage include the Methane Sensor/Alarm/Fan System.

- (iii) Prior to the issuance of any below grade building permit with respect to the lands to which this By-law applies, the owner shall:
- (a) post with the City a letter of credit in the amount of \$250,000.00 and in a form satisfactory to the City Solicitor, which funds may be used by the City to close the site in accordance with the closure provisions of the Restoration Action Plan in the event the remediation cannot be completed for any reason; and
  - (b) have its Qualified Person prepare specifications, acceptable to the City's peer reviewer, for the installation and utilization of the methane venting system and its components as set out pursuant to the Restoration Action Plan.

Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance.

ENACTED AND PASSED this 13th day of December, A.D. 2007.

GLORIA LINDSAY LUBY,  
Deputy Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**Schedule '1'**

Lot 11

Con. 2

(110)

MORNELLE COURT

(3070)

(3100)

MORNINGSIDE AVENUE

ELLESMERE ROAD

Con. 1

A(H) and CC(H)-37-119-151-172-184-185-  
186-187-188-189-201-202-214-215-216

**Zoning By-Law Amendment**

3070 Morningside Avenue

File # 06-116200 0Z



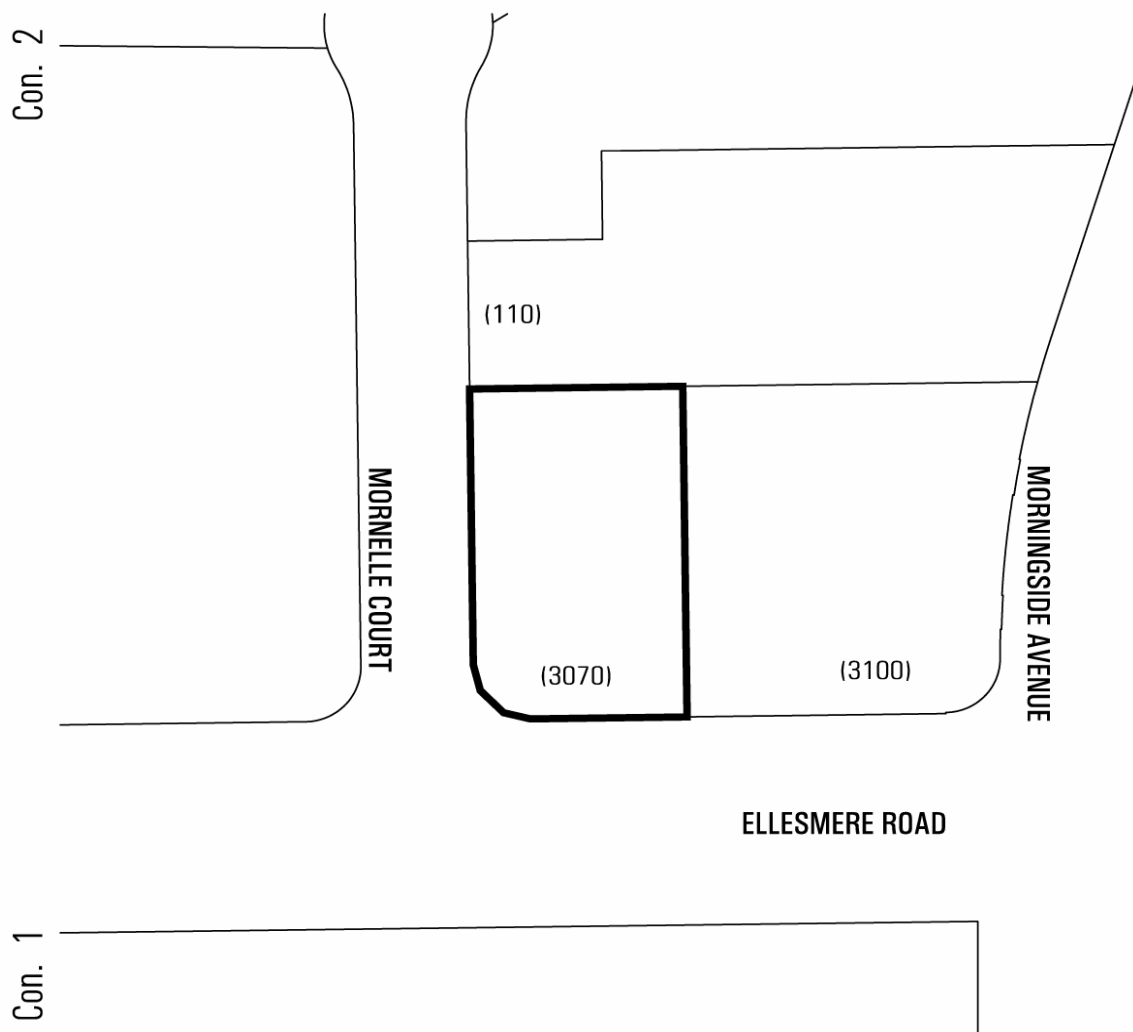
Area Affected By This By-Law

Morningside Community  
Not to Scale  
06/13/07



**Schedule '2'**

Lot 11

**Exception No.16,18**City Planning  
Division**Zoning By-Law Amendment**

3070 Morningside Avenue

File # 06-116200 OZ



Area Affected By This By-Law

Morningside Community  
Not to Scale  
06/13/07