

# **TORONTO** STAFF REPORT

---

April 22, 2002

To: Scarborough Community Council

From: Ted Tyndorf  
Director of Community Planning, East District

Subject: Ontario Municipal Board Appeal  
Official Plan and Zoning By-law Amendments  
and Draft Plan of Subdivision Application  
Transmetro Properties Limited  
Southwest corner of Brimley Road and Highway 401, and 350 Progress Avenue  
Scarborough Centre – Ward 37  
File Nos. SC-P20000014, SC-Z20000023, and SC-T20000002

Purpose:

To seek instructions for the upcoming Ontario Municipal Board hearing.

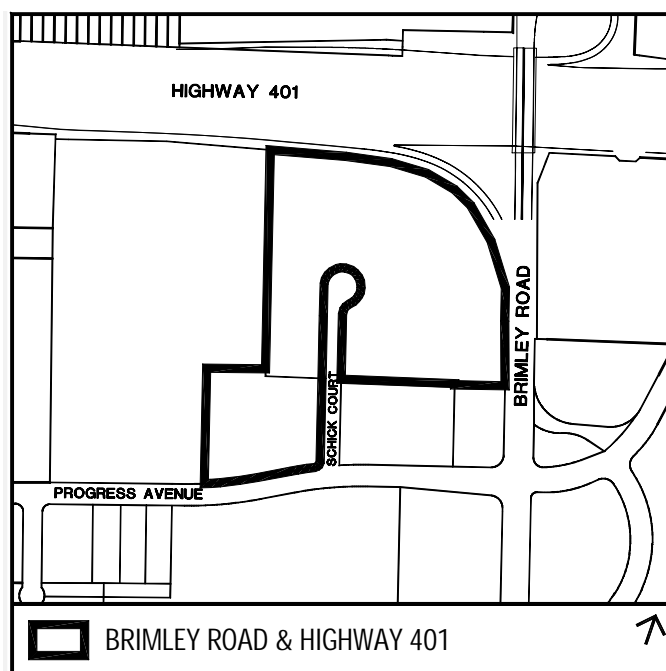
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the City Solicitor be instructed to attend at the OMB hearing to oppose the appeals and the development proposal in its current form and to resolve any incidental matters which may arise during the course of the hearing;
- (2) in the event the applicant is willing to:
  - (a) amend the applications to address the issues identified in the Preliminary Report dated January 8, 2001, and;



- (b) provide appropriate public benefits in exchange for additional density pursuant to Section 37 of the Planning Act;

the City Solicitor, in consultation with the Director of Community Planning, East District, be instructed to report back to Scarborough Community Council for further instructions.

Background:

The owner of the 8.73 hectare (21.6 acre) subject lands has appealed to the Ontario Municipal Board the proposal to amend the Official Plan and Zoning By-law, and for Draft Plan of Subdivision approval to permit up to 2,017 residential dwelling units and up to 36,750 square metres (396,000 square feet) of offices plus secondary commercial uses on the subject lands, and to expand the boundary of the City Centre Secondary Plan west from Schick Court to incorporate all of the subject lands within the City Centre.

At its meeting of January 16, 2001, Scarborough Community Council amended and adopted the Preliminary Report of the Director of Community Planning, East District dated January 8, 2001, thereby directing staff to continue to process the applications concurrently with the Scarborough Centre Review. The major issues identified in the Preliminary Report which the applicant was requested to address included:

- east-west public street connection to Brimley Road;
- parkland location, size and configuration;
- land use compatibility, transportation, and urban design issues.
- mix of uses and diversity of housing types;
- provision of public benefits pursuant to Section 37 of the Planning Act;

Following the adoption of the Preliminary Report, staff was anticipating revisions to the applications which would reduce the residential component and increase the employment component of the proposal. No changes to the applications were made and the applicant did not address the major issues outlined in the Preliminary Report. The applications were subsequently appealed to the Ontario Municipal Board in November 2001, on the basis of Council's failure to approve the applications. This report seeks instructions for the OMB hearing.

A pre-hearing conference was held at the Ontario Municipal Board on March 26, 2002. The full hearing begins on May 27, 2002 for a duration of four weeks. The Board has set aside April 24<sup>th</sup> and 25<sup>th</sup> as mediation days at which transportation and noise issues will be discussed in an attempt to reduce the issues. Also a party to the OMB hearing will be the adjacent employment operation, Dad's Cookies, who oppose the applications due to transportation and land use compatibility issues. Participants to the hearing are Sanmina, another adjacent employment operation raising the same issues as Dad's Cookies, and the Glen Andrews Community Association who shares some of the same concerns with the City such as the lack of connectivity to the surrounding community, diversity of housing, transportation, and lack of public benefits.

### Comments:

#### East-West public street connection to Brimley Road

The applications propose to extend Schick Court into a P-Loop street with a 0.77 hectare (1.9 acre) park in the centre. The applicant envisions 7 to 8 residential apartment buildings with maximum heights of up to 30 storeys (90 metres) including a continuous three-storey podium of residential-office-commercial activities arranged along the public street.

The applicant was requested to re-examine the concept of a P-Loop street to explore the possibility of a street pattern which 'knits' these lands into the surrounding City Centre rather than isolating them internally. A public street connection to Brimley Road would improve accessibility to this proposal and further link it to the surrounding area.

A previous proposal by the same owner was approved by the former City of Scarborough in 1990. The owner supported the approval and agreed to construct and/or fund various matters including a public street connection to Brimley Road and the required realignment of the Highway 401 eastbound Brimley Road off-ramp. The off-ramp realignment would be necessary because of its close proximity to the proposed public street connection to Brimley Road.

The applicant is not willing to re-examine the concept of a P-Loop street, nor the Highway 401/Brimley Road off-ramp realignment in association with the current proposal. A public street connection to Brimley Road is an important objective for this project and should not be abandoned without first exploring alternatives available to achieve this connection in a feasible manner. It is the opinion of planning staff that the applications are premature until the applicant analyses the feasibility of a public street connection to Brimley Road and the associated realignment of the Highway 401/Brimley Road off-ramp in consultation with Planning, Works and Emergency Services, and Ministry of Transportation staff.

Dad's Cookies supports the east-west public street connection. Staff has observed, on several occasions, trucks using Schick Court as a staging area. There is potential for conflict between existing industrial traffic along Progress Avenue and Schick Court and the estimated 4500 residents that would emanate from the proposed residential development. A public street connection to Brimley Road would provide an alternative vehicular access route into the proposed residential community, which is favoured by Fire Services.

#### Parkland location, size and configuration

The draft plan of subdivision application proposes to extend Schick Court into a P-Loop street with a 0.77 hectare (1.9 acre) park encircled by roads in the centre of the P-Loop street (see Attachments 1 and 2). City staff has requested that the proposed park be located and designed within the subdivision to ensure maximum accessibility to the wider community. A public park situated on Brimley Road, south of an east-west public street would be more connected and accessible to the surrounding City Centre, and enable future park expansion when employment uses to the south are redeveloped. A park at this location would also serve as a transition between the proposed residential uses and the existing employment uses to the south including the Dad's Cookies operation.

Parks staff advise that the amount of parkland proposed is not adequate for the amount of residential units proposed. A 0.7 hectare (1.8 acre) park was proposed to accompany the 532 residential units in the previous 1990 proposal. The Scarborough Official Plan's minimum community parkland objective is 0.7 hectares (1.7 acres) parkland per 1,000 persons. Section 42(3) of the Planning Act allows the adoption of an alternative parkland requirement of up to 1 hectare of land or cash-in-lieu for every 300 dwelling units, where the Official Plan authorizes. Section 2.5.2 (12) of the Scarborough Official Plan (Parks Policy) states, "Where appropriate, the alternative provisions of Section 42(3) of the Planning Act R.S.O 1990, providing for a requirement of up to 1 hectare (2.5 acres) of parkland for every 300 dwelling units may be applied by detailed amendments to individual Secondary Plans."

#### Land use compatibility, transportation, and urban design issues

The proposed residential uses adjacent to existing industry raises land use compatibility issues, specifically with regard to noise impacts. A noise study requested by the City in the Preliminary Report has yet to be completed by the appellant. The applications propose to extend the City Centre boundaries westward into the Progress Employment District, converting industrial lands and an existing industrial operation at 305 Progress Avenue (Bio-Labs) into City Centre uses. This area continues to be a viable industrial location with existing neighbouring industrial operations such as Sanmina and Atlantic Packaging planning future expansions. There are ample opportunities within the existing City Centre boundaries for residential development. Several properties already have zoning in place to permit residential intensification. Office intensification is already provided for at 305 Progress Avenue under the Progress Employment District Secondary Plan. The potential disruption to existing viable industry remains a major concern.

In addition to the transportation analysis required to determine the feasibility of providing an east-west public street connection to Brimley Road, there are several other transportation matters that have not been addressed in the Traffic Impact Study, including proper turning movement counts, incorrect signal timings used in the analysis, and incorrect capacity analysis assumptions.

The proposed intensity and heights of development raise wind and micro-climate issues. To ensure a comfortable pedestrian environment, especially along the public streets and within the proposed park, a generalized wind and micro-climate study for the overall concept plan was requested in the Preliminary Evaluation report, but has yet to be completed by the applicant.

The subject lands are located at the northern and western approaches to the City Centre and provide an opportunity to create a sense of a 'gateway' or 'entry' to the Centre. A three-storey parking structure is proposed along the Highway 401 and Brimley Road off-ramp frontage of the property. High quality development appropriate for the City Centre should be achieved at this location, consistent with the Design Objectives of the City Centre Secondary Plan. Development is anticipated to be phased. To ensure an overall vision for a master planned community is adhered to, the existing Official Plan policies stipulate that development within this area shall implement Council adopted design guidelines. The applicant has yet to prepare such guidelines for the current proposal for the City's consideration.

### Mix of uses and diversity of housing types

The applications propose 1797 residential units, 18,600 square metres (200,220 square feet) of offices, plus an additional 18,150 square metres (195,400 square feet) of floor space which may be used for either offices or an additional 220 residential dwelling units. The current Official Plan provides for 533 residential dwelling units and 69,000 square metres (743,000 square feet) of offices for that portion of the subject lands which fall within the City Centre, plus 20,650 square metres (222,300 square feet) of Industrial (M) Zone Uses for that portion of the subject lands which fall within the Progress Employment District. The current Official Plan also provides for intensive office development for the subject lands within the Progress Employment District.

The applications propose to expand the current boundary of the City Centre westward to include the entire land holdings. Altering the boundaries of the City Centre and substantially increasing the amount of residential uses while reducing the potential for employment uses on the subject lands raises fundamental land use issues which the City are reviewing as part of the Scarborough Centre Review. The Scarborough Centre is one of the major centres in the City and consequently its future growth within the urban structure is of city-wide significance.

The existing Scarborough City Centre Secondary Plan envisions a high density mixed use centre, providing housing, but also providing employment, particularly office employment. A key objective of the City Centre Secondary Plan is to establish the City Centre as the pre-eminent employment node in Scarborough. Given the attributes of this location, and the emerging directions through the Official Plan work, it is still appropriate to strive for a mixed-use community here.

The applications propose 7-8 residential towers approximately up to 30 storeys in height containing up to 2017 residential dwelling units. A greater variety of housing types and building forms would contribute to a diverse and more liveable neighbourhood.

### Provision of public benefits pursuant to Section 37 of the Planning Act

The applications propose to delete the existing Official Plan Section 37 policies which apply to the subject lands. It is the opinion of planning staff that the Section 37 policies should be retained and utilized. These policies stipulate that “amendments to the Zoning By-law to permit increased height or density of development may require the provision of facilities, services or matters to improve the landscaping, pedestrian walkways, road improvements, transit related facilities, public utilities and/or community facilities available to the area residents and employees pursuant to Section 37 of the Planning Act, R.S.O. 1990.”

As part of the previous 1990 proposal, the owner agreed to contribute a total of \$1.25 million dollars towards community facilities including contributions towards the construction of the Brimley Road Rapid Transit (RT) Station, day care and cultural facilities, and public art. The public benefits were to be secured by subdivision agreement and Section 37 of the Planning Act.

The owner is not willing to provide any public benefits in exchange for the increase in density to 231 dwelling units per hectare, which exceeds that permitted by both the Official Plan and

Zoning By-law. Planning staff are of the opinion that appropriate S. 37 public benefits are an integral part of what constitutes good planning for the subject lands.

The continued use of S. 37 is important in helping to achieve services and facilities that enhance our communities. Section 37 has been used in the former City of Scarborough, including the City Centre, to secure a wide range of public benefits, such as community facilities, streetscape improvements, public art and daycare facilities. Potential public benefits for the subject lands could include the realignment of the Highway 401/Brimley Road eastbound off-ramp, improvements to the public park, and improvements to pedestrian linkages to the surrounding City Centre and nearby Scarborough Centre Rapid Transit station.

Conclusion:

The owner has not addressed the issues raised in the Preliminary Report dated January 8, 2001 as outlined above. They include land use compatibility and transportation issues, the provision of an east-west public street connection to Brimley Road, an appropriate parkland location and configuration, and the mix of uses. Planning staff is of the opinion that the proposal in its current form is premature and does not constitute good planning. Given the divergent positions at this time, it would be advisable for City Council to instruct the City Solicitor to attend the OMB hearing to oppose the appeals and the development proposal in its current form.

Planning staff are willing to continue discussions with the owner, should the latter be willing to address the City issues that would fulfil the City's planning goals for the City Centre. It would, therefore, also be advisable to instruct the City Solicitor, in consultation with the Director of Community Planning, East District, to report back to Scarborough Community Council, should the applicant revise the applications to address the issues identified in the Preliminary Report dated January 8, 2001 as outlined above.

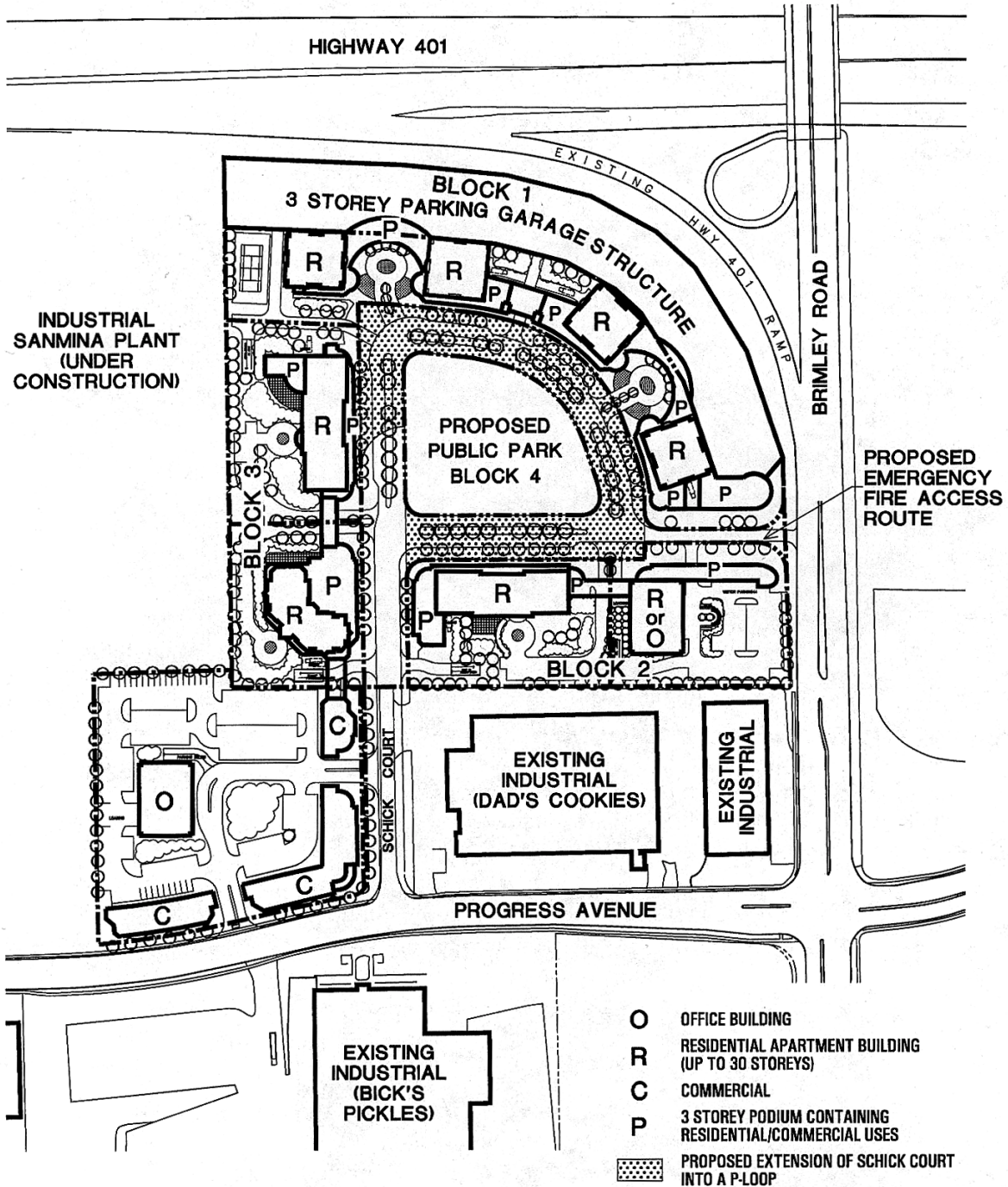
Contact:

Joe Nanos, Senior Planner  
Phone: 416-396-7037  
Fax: 416-396-4265  
e-mail: nanos@city.toronto.on.ca

Ted Tyndorf  
Director of Community Planning, East District  
JMN/jmn

List of Attachments:

Attachment 1: Proposed Concept Plan  
Attachment 2: Proposed Plan of Subdivision



## Proposed Concept Plan

Applicant's Submitted Drawing

## Brimley Road & Highway 401

File # SC-P20000014, SC-Z20000023, SC-T20000002

Not to Scale

2/1/01

JOB No. Z20000023-C



Attachment 1



### Applicant's Submitted Drawing

File # SC-P20000014, SC-Z20000023, SC-T20000002

3/1/01

**JOB No. Z20000023-S**

**Attachment 2**