

3585-3595 St. Clair Avenue East – Official Plan, Zoning, Subdivision Applications – Request for Direction

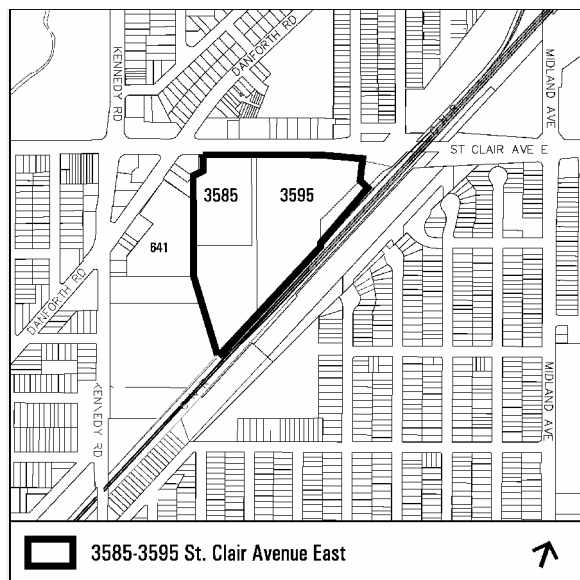
Date:	May 21, 2008
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward No. 35 – Scarborough Southwest
Reference Number:	pg080029

SUMMARY

These applications propose the conversion and redevelopment of the industrial site at 3585-3595 St. Clair Avenue East with 203 townhouses, 140 (potentially senior’s) apartment units in two buildings, a commercial block fronting St. Clair Avenue East, a small parkette, berming associated with abutting rail/industrial uses and a pattern of public streets with one public lane.

The applications have a lengthy 10-year planning history and are now under appeal to the Ontario Municipal Board. A 3rd Pre-Hearing Conference is scheduled for June 20, 2008 to settle the issues for the full Hearing commencing on August 25, 2008.

The draft plan of subdivision in particular has very recently been significantly amended by the applicant. Much of the supporting documentation required to allow the City to assess this amended application remains outstanding. Accordingly, the City has been unable to conduct a meaningful and thorough evaluation of this latest proposal.



This report is being submitted to Planning and Growth Management Committee as it deals with changes to employment lands. The report reviews the status of the applications and recommends appropriate directions to the City Solicitor and other City staff in regard to these appeals.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize and direct the City Solicitor, at the Pre-Hearing Conference scheduled for June 20, 2008, to seek an adjournment of the full Ontario Municipal Board Hearing scheduled for August 25, 2008, on the basis that the City requires the submission of complete and current technical documentation in support of the latest subdivision, revisions to the Official Plan and rezoning applications, and a reasonable period of time for review.
2. Should the Board hearing scheduled for August 25, 2008 not be adjourned, the City Solicitor and appropriate City staff be directed to oppose the planning applications in their current form unless the applications adequately address the issues set out in Attachment 3 of this report to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council authorize and direct the City Solicitor, in consultation with appropriate City staff, to continue discussions and negotiations with the applicant to achieve improvements to the proposed development to address the issues set out in Attachment 3 of this report and to secure such matters as may be appropriate to protect the City's interests.
4. City Council authorize and direct the City Solicitor to make every effort to secure the City's full and proper interests in any approvals by the Ontario Municipal Board, including appropriate Section 37 benefits and ensuring that no Order approving the official plan or rezoning amendments be issued by the Board until such time as the owner has executed subdivision and Section 37 agreements with the City of Toronto.
5. City Council confirm that the larger area land use review initiated in 1999 be deemed to be concluded on the basis that no conversions of the employment lands to the west of the subject property for non-employment purposes are currently proposed. Any future proposals for conversion will be considered within the Provincial Policy Statement, Growth Plan and Official Plan policy context in effect at that time.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal & Decision History

The applications propose amendments to the official plan and zoning by-law, together with draft plan of subdivision approval, to permit the conversion of this 7.96 ha (19.7 acre) industrial site, owned by St. Clair Investment Group, to accommodate a mix of townhouses, apartments and mixed commercial development. The site, situated on the south side of St. Clair Avenue East, immediately west of the Scarborough GO Station, contains a number of under-utilized or vacant industrial buildings which the applicant suggests are no longer functionally viable or competitive in today's industrial market.

The official plan amendment application, which originally proposed two alternative concepts for the redevelopment of the site, both of which indicated approximately 300+ single-detached, townhouse and mid-rise apartment units, was filed in October 1998. On its receipt, Planning staff concluded that any further review would be premature in the absence of a comprehensive long-term planning approach for the larger approximately 16 ha (40 acre) quadrant bounded by the GO/CNR rail line to the southeast, Kennedy Road and Danforth Road to the west/northwest, and St. Clair Avenue East to the north. Such investigation was felt to be necessary to address issues of potential incompatibility of new residential uses with industrial and other largely auto-related commercial uses on the 13 properties immediately to the west, and in particular, to address the potential destabilization of this employment area. A year of continuing discussion ensued between Planning staff and the applicant, together with other area land owners, prior to submission of the October 28, 1999 Preliminary Report to Scarborough Community Council.

The 1999 report concluded that the proposal presented an opportunity to develop a comprehensive plan for a new community to transform an aging, under-utilized industrial area, and had some merit for further review. While the loss of industrial land and potential further destabilization of adjacent land use was of concern from an employment perspective, alternative replacement employment uses could still be addressed through further comprehensive planning for this quadrant. The report recommended further processing of the application subject to the incorporation of employment generating uses in any redevelopment, and the applicant's submission of rezoning and subdivision applications, together with supporting traffic impact, site environmental and noise analysis documentation. Further, proposals to achieve a suitable interface between existing industry and the new development, and the provision of a new neighbourhood park, were also requested by Council. In particular, Planning staff were also directed to review appropriate land uses for the larger quadrant which would integrate with such redevelopment.

At its meeting on November 23, 1999, City Council adopted the staff recommendations and further directed that staff also address potential Section 37 benefits from this development and improved access to the GO station, among other matters.

The subject rezoning and subdivision applications were subsequently filed in October 2000 and proposed a modified concept of 299 townhouse units in a number of blocks on a mix of public streets and lanes. Planning staff submitted a Status Report dated October 15, 2001 to Scarborough Community Council to advise on progress with respect to the 1999 Preliminary Report directions, and to address changes to the development as proposed in these new applications. Planning staff were directed to continue public consultations once a revised subdivision proposal was received.

Progress on the applications over the next five years was minimal, characterized by numerous modifications to the applicant's development concept followed by lengthy periods of inactivity. All of these alternative development concepts involved a range of lower density residential uses with little or no employment component. A number of alternative concepts for the larger area arising from these changes were also discussed.

In November 2005, the City also received an official plan amendment and rezoning application from a purchaser of the abutting westerly property at 641 Danforth Road (occupied by the former Paradise Lanes bowling alley). These applications proposed two 10-storey apartment buildings (146 units each) and 32 stacked townhouses (total 388 units). This proposal further highlighted the need to develop a comprehensive planning approach for the larger quadrant, and prompted further discussion by Planning staff with both applicants on an appropriate integrated design context for the two developments. A revised scheme for 641 Danforth Road involving three 4-storey buildings was presented at a community consultation meeting in 2006, but the application was never formally revised. These applications were subsequently not pursued further by the applicant and the City's files were closed in the fall of 2007.

On December 22, 2006, St. Clair Investments appealed its applications to the Ontario Municipal Board (OMB), citing the City's failure to render a decision on them. Two Pre-Hearing Conferences have already been conducted (October 9, 2007 and January 15, 2008), with a third scheduled for June 20, 2008. The full Hearing has been scheduled by the Board to commence on August 25, 2008.

The applicant has continued to propose and discuss with Planning staff a series of development options for the site to address site environment constraints, buffering from the employment uses to the west, higher residential densities in proximity to the Scarborough GO Station and the provision of potential job-generating land uses.

Most recently, on April 24, 2008, the applicant formally amended the subdivision application to provide for 203 on-street, back-to-back and stacked townhouses, two 5-storey apartment buildings containing 140 units (potentially senior's apartments), a 0.9 ha (2.2 acre) 'commercial' block fronting St. Clair Avenue East, a 0.072 ha (0.2 acre) park block, with a new public street pattern and one public lane, as shown on Attachment 2. (Refer to Attachment No. 4 for additional for project data.)

The applicant has verbally advised of the intent to formally revise the official plan and zoning applications to align with this revised subdivision application, but such revisions have not, to date, been received by the City.

The proposed pattern of development in the latest subdivision varies somewhat from the two alternative concepts proposed in original 1998 official plan amendment application, but the 343 units of townhouse and mid-rise apartment units being proposed are still relatively similar to the original application. It should be noted that the original subdivision application submitted in 2000, was quite different from the current and the original development schemes, in that it proposed 299 townhouse units only, with no mid-rise housing component. Council's 1999 and 2001 directions for consideration of these applications, such as addressing the incorporation of employment-generating uses, potential Section 37 benefits, housing affordability, submission of necessary supporting technical documentation and achieving improved access to the GO station, remain valid and appropriate considerations for the revised development proposal. Planning staff conclude, therefore, that the current proposals can be deemed to represent an amendment to the original applications, do not constitute 'new' applications, and accordingly can be considered having regard to the applicable policy context at the time of application.

This report has been prepared to obtain direction for the City Solicitor to represent the City's interests in the up-coming Pre-Hearing Conference and the full Hearing which will commence during Council's summer recess. As the applications involve the proposed conversion of industrial employment lands, this report is submitted to Planning and Growth Management Committee in accordance with the City's guidelines.

Site and Surrounding Area

The subject 7.96 ha (19.7 acre) industrial property, which has approximately 307 m (1,006 ft.) of frontage on St. Clair Avenue East, presently contains 3 industrial buildings totalling approximately 23 968 m² (258,000 sq.ft.) gross floor area. Some ground contamination issues have been identified by the applicant, largely on the eastern portion of the site.

The site backs onto the Canadian National Railway and GO Transit line to the southeast, with a pedestrian access tunnel from St. Clair to the Scarborough GO Station immediately to the east. To the west are a single-family dwelling, a place of worship, a vacant bowling alley and a number of auto-related and industrial/commercial businesses along Danforth Road, with industrial uses fronting on Kennedy Road. (Refer to Attachment 1 - Context Plan)

Commercial development exists on the triangle to the west bounded by Kennedy Road, Danforth Road and St. Clair Avenue East, with Pine Hills Cemetery to the north-west. On the west side of Kennedy Road is the Birchmount Park Community.

The subject property is immediately south of the Kennedy Park Community, with a place of worship and various highway commercial businesses along the north side of St. Clair Avenue East. The neighbourhood to the north also comprises the western portion of the

Eglinton East/Kennedy Park ‘priority neighbourhood’ identified through City Council’s 2005 ‘Toronto Strong Neighbourhoods Strategy’.

Provincial Policy Statement and Provincial Plans

Section 2 of the Planning Act establishes matters of provincial interest that municipalities and the Ontario Municipal Board shall have regard to. This includes, among other matters, the orderly development of safe and healthy communities, the adequate provision of a full range of housing, the adequate provision of employment opportunities, the protection of the financial and economic well-being of the Province and its municipalities, and the appropriate location of growth and development. These particular interests have not changed since the original official plan amendment application in 1998.

The current Provincial Policy Statement of March 1, 2005, the Provincial Growth Plan for the Greater Golden Horseshoe which came into effect June 16, 2006, the Planning Act Amendments that came into effect on January 1, 2007, together with the City’s Official Plan (July 6, 2006), and the Ministry of the Environment’s (MOE) Land Use Compatibility Guidelines, would normally establish the full policy context within which proposals for the conversion of employment lands must be considered. The subject applications, however, were filed in 1998 and 2000, well before any of these documents (other than the MOE guidelines) came into force. Given these application dates, the OMB may have regard for the current Provincial Policy Statement and the Provincial Growth Plan, but is not bound to make a decision which is in conformity with them.

The 1997 PPS provides the applicable provincial policy context in this case. Policy 1.1.1 states, in part, that ‘development and land use patterns which may cause environmental or public health and safety concerns will be avoided’. Demonstration that site environmental conditions can be appropriately mitigated to accommodate human residency on site therefore remains a valid consideration before the Board. Similarly, the MOE Land Use Compatibility Guidelines, which address appropriate buffering and separations from industrial activities for sensitive land uses, were in effect in 1998 and should be respected.

Policy 1.1.2 states ‘Land requirements and land use patterns will be based on a), ‘the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities, and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of 20 years’. Policy 1.1.3 states ‘Long term economic prosperity will be supported by b), providing a supply of land to meet long term requirements in accordance with Policy 1.1.2’. These considerations are consistent with the various Official Plan planning objectives and policies discussed further below.

As the circumstances in this case are unique, Planning staff stress that favourable consideration of this proposal by either the City or the OMB should clearly not be viewed to be precedent setting, in any respect, on the question of ‘employment land conversion’ under today’s applicable policy framework. The current PPS and Provincial Growth Plan

will continue to apply fully to any other new applications within the quadrant west of the subject site.

Official Plan

St. Clair Investment Group did not appeal the Minister of Municipal Affairs and Housing's 2003 decision to approve the Toronto Official Plan. The former Scarborough Official Plan was therefore repealed as it pertains to these lands upon the OMB's approval of the new Plan in its Order of July 6, 2006. The new Official Plan, therefore, constitutes the legally in-force local planning policy context for the Board's consideration in the upcoming hearing. Any official plan amendments required to permit this proposal would have to be made to the new Official Plan.

The subject site is now designated 'Employment Area' in the Official Plan. Employment Areas provide for offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, ancillary retail uses to the preceding uses, and restaurants and small scale stores to serve local businesses and workers. An official plan amendment will be necessary to permit the introduction of residential and other non-employment generating uses on this site.

The subject lands are not identified as an 'Employment District' on Map 2 (Urban Structure) of the Plan. Employment Districts comprise lands of strategic importance to the City's long term economic future that will be protected and promoted exclusively for economic activity. Similarly, the Official Plan does not otherwise identify the subject lands as being required to accommodate residential growth.

Former Metropolitan Toronto Official Plan

Because of the circumstances of this case, the OMB may consider the planning regime in place at the time the application was first made. The Official Plan of the former Municipal of Metropolitan Toronto (Metro Plan) was in effect at that time.

Metro Plan designated and established policies relating to 'Industrial/Employment Areas', with the objective of maintaining a sufficient supply of industrial lands and a diversity of employment necessary to enhance Metropolitan Toronto's economic competitiveness. The Plan policies provide, in part, that:

- a) any redesignation of lands within such Areas will be peripherally located and not result in small pockets or isolation of existing viable industrial uses;
- b) residential conversions will integrate with an existing residential area;
- c) new uses will be compatible with adjacent employment and other uses;
- d) the site is no longer suitable exclusively for industrial use; and
- e) the redesignation will not result in an insufficient supply of industrial/employment land to meet Metropolitan Toronto's economic needs.

The subject lands were not identified as one such Industrial/Employment Area where these policies on redesignation would particularly apply. Nonetheless it is appropriate with the land use conversion under discussion here to address the broader economic

objectives of the Plan and ensure that conversions of industrial employment lands are very carefully considered. In this case, the integration of new residential uses here with an existing residential area, consideration for the continued industrial viability of this site, and possible implications for adjacent industrial/employment uses particularly, together with the potential to further support an abutting regional commuter rail facility, are appropriate planning considerations with this proposal.

Former City of Scarborough Official Plan

The Official Plan of the former City of Scarborough was in effect when these applications were submitted. The Scarborough Plan did not conflict with, and thereby conformed to, the Metro Plan in regard to the considerations noted above. The Plan designated the subject lands for 'General Industrial Uses with High performance Standards'. This designation provided for a variety of industrial, scientific, technical research and development, training and educational facilities, offices and recreational uses. 'High Performance Standards' could include special requirements to limit uses, building siting, landscaping areas, parking, signage, and the prohibition or screening of outside and open storage. Notably, the Scarborough Plan indicated that the adjacent bowling alley site at 641 Danforth Road, designated 'Institutional Uses (Recreational)', could be redeveloped for General Industrial Uses without any requirement to amend the Plan.

The Scarborough Plan did not otherwise contain express policies to limit the conversion of industrial lands for residential purposes and did not inherently preclude submission or consideration of these applications.

Zoning

The subject site is currently zoned 'General Industrial (MG)' permitting industrial, education and training, office, day nursery, open storage, place of worship and indoor recreation uses.

Site Plan Control

The property is subject to Site Plan Control. Applications in this regard have not been filed with the City, and will be required on a block-by-block basis once the type, configuration and location of the various new land uses are determined through further review of the subdivision application.

Reasons for Application

The applicant has indicated that the existing industrial buildings are now out-dated, with low ceiling heights and limited viability to attract or retain any industrial tenants. The applications have been submitted in order to provide for the largely residential redevelopment proposed and to provide for the orderly division of the land including establishment of a public street network.

Community Consultation

Community information meetings with respect to the subject site were undertaken in May 2000 and October 2002. A subsequent community meeting involving both this site and the former applications on 641 Danforth Road was held in April 2006, with a related meeting for area businesses held in June 2006. Issues raised included concerns regarding traffic impacts, compatibility and nuisance between land uses, local community service capacities, scale and form of development, etc. Since June 2006, a number of substantial revisions to the proposed development have been discussed with the City, although without formal amendment to the applications until the most recent revision to the subdivision application in April of this year. No further community consultations have taken place on these latest revised development options.

Agency Circulation

The applications have been circulated to all appropriate agencies and City divisions. In particular, the latest substantially revised subdivision proposal submitted on April 24, 2008 remains in circulation.

In this regard, Technical Services staff have now indicated that the latest subdivision submission is incomplete and cannot be reviewed further until detailed functional servicing, stormwater management and traffic impact reports are provided by the applicant. The provision of detailed comments and proposed draft plan of subdivision condition requirements from commenting agencies and divisions are essential in order to ensure that appropriate conditions of approval can be presented to the Ontario Municipal Board. These cannot be determined until the necessary supporting documentation has been submitted and reviewed.

COMMENTS

Land Use

The fundamental land use question which needs to be addressed here is whether or not residential or non-employment uses can or should be introduced into this employment area. Under the current policy context both the 2005 Provincial Policy Statement (PPS) and the 2006 Provincial Growth Plan require such conversions to demonstrate that the land in question is no longer needed for employment uses and that it is needed for the proposed new use. City Council could not approve such a conversion if these tests have not been met and in the absence of a comprehensive municipal review. These prerequisites for conversion have not been demonstrated for either the St. Clair Investment Group lands or for the larger area extending west to Kennedy Road.

The OMB may, however, also assign considerable weight to the 1997 PPS as the applicable provincial policy, together with the MOE Land Use Compatibility Guidelines and the former Metropolitan Toronto and Scarborough Official Plans. The Board will also be apprised of Council's actions with respect to the Preliminary and Status reports in 1999 and 2001 respectively for this site, as well as the 2006 Preliminary Report for 641 Danforth Road, which contemplated the potential conversion of these employment lands

in this quadrant into a new mixed use neighbourhood comprising a mix of residential and employment uses.

A March 2001 memorandum from Economic Development staff to City Planning, in particular, acknowledged that it may no longer be economically viable to retain this site in employment use. Residential redevelopment on the site would be acceptable if a significant employment component were achieved on St. Clair Avenue East or within the development itself.

It is possible that the owner's position before the Board may be that they have continued to rely on such a policy framework and guidance from the City over the past 10 years as a basis for continued discussions with the City. Planning staff believe that many objectives of the new Toronto Official Plan can be still achieved, such as urban in-fill and intensification, transit supportive development, the inclusion of employment generating land uses, environmental enhancements and the development of a well designed new neighbourhood, subject to the applicant satisfactorily addressing the issues as set out in this report and summarized on Attachment 3. On balance, Planning staff accept that considering the introduction of some residential use on the subject lands is reasonable, subject to the applicant satisfactorily addressing the issues set out in this report (as summarized in Attachment 3).

It should be noted that any approval of the land use conversion proposed for this site would largely be a recognition of the applicable 1998 policy context. Such an outcome cannot be construed as precedent setting under today's policy framework with respect to any similar new applications for conversion of employment lands that might be filed for the area to the immediate west, where the conversion 'tests' set out in the current Provincial Policy Statement and the Growth Plan must still be addressed. Further consideration of such conversions through continuation of the larger area land use review directed by Scarborough Community Council in October 1999 is no longer warranted.

Economic Impact

The subject property currently provides limited business generation or employment activity. This employment area, by virtue of its location, narrow discontinuous configuration and aging stock of small mixed industrial and automotive service use properties, remains challenged. Planning staff have, with assistance from Economic Development staff, been strongly encouraging the owner to consider incorporating some employment uses in the proposed development. Provision of a meaningful mixed-use component along St. Clair Avenue, with a significant employment element, may provide some level of replacement or compensation for loss of former industrial employment. If some further institutional or mixed use development providing accommodation, service and care for seniors could be achieved here as well, additional job opportunities may become available for area residents.

The current subdivision proposal suggests approximately 3 000 m² (32,300 sq.ft.) of commercial development on the block facing St. Clair Avenue. Planning staff are concerned that, in the absence of a particular development proposal, this might only

result in a strip commercial plaza development having little or no planning merit at this location. Planning staff would encourage a significantly greater amount of development here, again preferably in a truly mixed use, 'main street' built form. Planning staff believe that further discussion is required to fully explore this potential with the owner.

The applicant has advised as well, that they are in discussion with a senior's housing provider to see if there may be a viable opportunity to potentially revise the indicated apartment buildings to some form of retirement and/or long term care facility having some job creation potential as well. Again, further details in this regard need to be determined to ensure that appropriate zoning and subdivision standards can be put in place.

Environment

In response to ongoing discussion with Planning staff on different land use options and given previous industrial activities on this site, the owner has over the past one or two years undertaken increasingly detailed site environmental investigations. The applicant has only recently concluded environmental studies to determine the clean-up requirements and cost implications related to some ground and groundwater contamination from past industrial activities. Full documentation of this work, however, has yet to be submitted to the City for peer review in regard to the condition of lands proposed for dedication to the City for public streets or park use. The applicant advises that a full risk assessment for the proposed development that is satisfactory to the Ministry of the Environment could also take another year to complete. The applicant has indicated the further position that whether this property were to be redeveloped with employment uses such as industry, or non-employment uses such as residential, significant and potentially quite costly site remediation must still be undertaken to satisfy today's environmental standards.

The applicant has indicated that non-migrating inert materials, such as metal debris and minerals, can be readily excavated and relocated on the site within proposed berms adjacent to the rail line and industrial uses to the southwest. Of greater concern is groundwater contamination due to a previous spill of industrial solvent on the eastern portion of the site, which is migrating at a very slow rate northwesterly. The applicant suggests that left unchecked, this carcinogen would eventually migrate onto other properties, including City road allowances, and could potentially enter the City's sewer system where it might readily disperse to other areas.

The applicant is presently considering options to address this environmental issue, ranging from the full excavation and removal of contaminated soils to some type of below-grade containment/collection system that would meet with MOE approval. If a below-grade containment collection system were to be used, it is necessary that the City fully understand how any lands to be dedicated for public street or parks purposes might be affected.

The applicant has indicated that from the owner's standpoint, redevelopment of the western portion of the site (west of Street "A") needs to proceed first, in order to generate

the revenues necessary to cover the owner's associated site remediation costs for the eastern portion. The applicant is, however, also now exploring the relationship between potential alternative development types and densities to the costs of various alternative site remediation and clean-up techniques. The results of this work may result in further changes to the current subdivision and development proposals.

Affordable Housing

The Toronto Official Plan requires all residential developments on sites 5 hectares and larger to provide a minimum of 20% of its dwelling units as affordable housing, which Planning staff have been attempting to achieve with new applications since City Council's adoption of the Plan in 2002. Indeed, the former Scarborough Official Plan in effect at the time of application set a higher objective of at least 25% of new housing being affordable housing as defined under provincial policies. The applicant should be requested to demonstrate how these objectives could be met, and the OMB should be requested to impose requirements to achieve such housing affordability as part of its approval of residential development on this site.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. Parks, Forestry and Recreation staff have advised that the development site is subject to the alternate rate park levy.

Planning staff were directed in 1999 to pursue achieving a neighbourhood park in this proposed redevelopment. Parkland proposed by the applicant has varied widely in both location and size in the numerous development concepts prepared over the years by the applicant. The small park now indicated in the revised subdivision concept is likely to be of questionable benefit for the new residents. Under the City's new alternate parkland dedication rate of 0.4 ha per 300 units, the proposed development would require 0.46 ha (1.13 acres) of parkland.

Planning staff are in continuing discussion with Parks, Forestry and Recreation staff to determine whether the proposed park, a significantly larger on-site park dedication and/or a cash-in-lieu approach would be most appropriate in this case, in order to properly advise the Ontario Municipal Board.

Traffic Impact, Access, Parking

An updated assessment in support of the proposed new road and intersection configurations has not been submitted. The City needs the opportunity to review such a report, seek changes where necessary and identify appropriate conditions of approval at the upcoming OMB hearing. The applicant's current proposal is based on a public street system, and Planning staff will continue to apply the City's Development Infrastructure Policy and Standards (DIPS) in this regard in further subdivision design discussions with the applicant.

Servicing

An updated municipal servicing assessment to reflect the latest subdivision proposal has also not been submitted. The City needs the opportunity to review such a report as well, and determine necessary changes in order to ensure that the City's servicing requirements and wet-weather flow objectives are appropriately provided for at the upcoming OMB hearing.

Section 37

Although the former Scarborough Official Plan did not contain overall policies relating to the application of Section 37, the practice of the former municipality was to apply Section 37 on a case by case basis through individual applications for Plan amendment. Securing community benefits through Section 37 was indeed a specific City Council direction in this case. Planning staff will, having regard to the current Toronto Official Plan's Section 37 policies, continue negotiations for appropriate Section 37 contributions with the applicant and Ward Councillor. Potential contributions toward enhancing the availability and amenity of area park facilities warrant further consideration by the City. Similarly, although no specific projects have yet been identified, provision of day care space and of improved community spaces have generally been identified as priority needs in this area. Contributions towards such projects within the vicinity would constitute appropriate Section 37 contributions with respect to redevelopment of this site.

GO Transit

GO Transit, which is a party in the upcoming hearing, has indicated a number of requests and requirements of the owner. Beyond usual setback and berming requirements for the new development associated with the impacts from rail activities, GO has requested that the owner dedicate an approximately 230 m long by 4.5 m wide strip of land (approximately 0.1 ha, or 0.25 acre) along the north side of the rail line for public transit corridor reserve purposes under Section 51 of the Planning Act. The owner is agreeable and this block has been identified accordingly on the latest revised subdivision submission. On the basis that such a widening will help contribute to maintaining and enhancing a high level of regional transit service benefiting both Toronto and the larger region, Planning staff fully support this request.

In order to improve access to the Scarborough GO Station for the new residents and discourage hazardous trespassing activities, GO is also requesting the owner to participate in two new pedestrian facilities. GO is currently planning to construct a new pedestrian tunnel from the existing platform to the south side of the rail corridor, west of the existing tunnel leading to St. Clair Avenue East. GO would provide a knock-out panel at the north end of the tunnel, with the owner being requested to fund and complete the remainder of the tunnel into the new development.

The second facility would be a new pedestrian bridge over the rail line further to the west, again paid for by the owner, with a central stairway connection down to the station platform. GO suggests that these improvements would have the benefit of better connecting this new neighbourhood with the existing community, and particularly Natal

Park, to the south, thereby also satisfying a number of the City's Official Plan objectives for connecting neighbourhoods. GO proposes that both facilities, once constructed, then be dedicated to and assumed by the City of Toronto.

Planning staff are supportive, in principle, of pursuing pedestrian connections to link the proposed development, the Scarborough GO Station and the community and park immediately south of the rail corridor. The details of required easements, land dedications, actual design including accessibility considerations, acceptability to the City of assuming ownership, maintenance and liability responsibility for such facilities, and any design implications for the proposed subdivision itself, however, all remain to be determined and discussed in much greater detail. Further reporting to City Council to confirm any City commitments to such facilities will then be necessary.

Additionally, the City requires the opportunity to circulate and review an updated noise and vibration analysis by the applicant that addresses mitigation of potential railway impacts on the new residents. It is doubtful whether all of this complex work can be sufficiently addressed by the parties prior to a full Hearing in August.

Toronto Green Development Standard

No clear proposals have been made by the applicant to address the City's Green Development Standard. Planning staff will continue to encourage the applicant to consider the Green Development Standard in its overall design of this new neighbourhood and the design of individual buildings.

Tenure

Many of the townhouse units will be situated on public streets and therefore would be freehold. The eastern portion of the site, south of the commercial block on St. Clair Avenue East, is currently indicated as being a future condominium, although there is recently now a possibility than an alternative, potentially senior's, housing provider might also be found. The applicant proposes that such a future owner will ultimately be responsible for maintaining all berms and any underground plant associated with containment and treatment of the groundwater contamination. To better assist the City and OMB to determine the appropriateness of the land use changes being proposed, it would be appropriate for the applicant to demonstrate how such obligations might impact on the viability of a future condominium or alternative housing development.

Streetscape

Planning staff have been clear with the applicant throughout that the City's clear objective is to achieve a vibrant mixed use street presence on St. Clair Avenue East for the new development. To date, none of the development concepts provided by the applicant over the years have been sufficiently detailed to even begin to address this objective. Planning staff will pursue this further through submission of the necessary detailed Site Plan Control application(s) by the applicant. It is particularly important that the relationship of the new development to St. Clair Avenue East be better understood earlier in the process in order to identify appropriate zoning regulations relating to such matters as land use, building setbacks and heights, landscaping and parking that the OMB

would be requested by the City to establish in any zoning by-law amendment approval. Further discussion with the applicant in this regard is needed.

Development Charges

It is estimated that the 2008 development charges (subject to any Council amendment in 2008) for this project, in its current form, will be \$2,872,977. This is an estimate, based on 203 townhouses, one-half of the 140 apartment units being two-bedrooms or larger, and 3 000 m² of retail commercial floor space. The actual charge is assessed and collected upon issuance of the building permit.

Conclusions

The subject property has a lengthy 10-year planning history, with these applications now before the Ontario Municipal Board for final determination. This is a unique situation where the applicable policy framework and relevant documents span different periods. The applicable 1997 Provincial Policy Statement (and indeed the former Scarborough Official Plan in effect at the time of application) did not inherently discourage or preclude the current proposal. By virtue of the date of the appeal of these applications in 2006, it is not known what weight the OMB will give to the new 2005 Provincial Policy Statement and 2006 Provincial Growth Plan with respect to this application. However, these Provincial policies will be given full consideration by the City in the event any further conversions of employment lands are proposed west of the St. Clair Investments site. On this basis, Planning staff believe that further consideration of such land use changes through the area land use review previously directed in 1999 is no longer warranted.

St. Clair Investments did not appeal the approval of the new Toronto Official Plan by the Minister of Municipal Affairs and Housing and it is now in effect on the subject lands. These employment lands have not been identified as an Employment District on Map 2. They are designated as Employment Lands on the Land Use Maps. Lands designated on the Land Use Maps as Employment Lands, but not located within an Employment District on Map 2 may not be required to be maintained exclusively for employment purposes over the long term planning horizon of the Official Plan.

Having regard for the particular circumstances of these application's long history, Planning staff accept that, in principle, the introduction of some well-designed, transit supportive residential uses can be reasonably achieved on the subject lands. Planning staff continue to believe, however, that the City must make every effort to achieve a reasonable level of replacement employment on these lands.

In order for both the City and the Ontario Municipal Board to fully and properly assess the applicant's proposal, particularly respecting residential uses, this report outlines numerous outstanding information requirements and actions that should appropriately be required of the applicant. A summary of these requirements is included as Attachment 3, which would form the basis for the City's issue list at the up-coming Pre-Hearing conference.

Planning staff conclude that it will be extremely difficult for the applicant to fully respond to these issues and to provide the City with a reasonable opportunity to thoroughly review and assess those responses, within the three months remaining until the full Hearing commences.

Many of these issues can and should be resolved prior to the full Hearing to reduce the time and resources expended by both the Ontario Municipal Board and all parties. In order to avoid an unnecessarily protracted hearing, the City should seek a further Pre-Hearing Conference to determine progress made on the issues, with a postponement of the full Hearing until there has been an adequate opportunity to address the outstanding issues. Depending on the applicant's responses and progress with respect to the issues discussed in this report and summarized on Attachment 3, further reporting to City Council for additional directions may be required following Council's summer recess.

CONTACT

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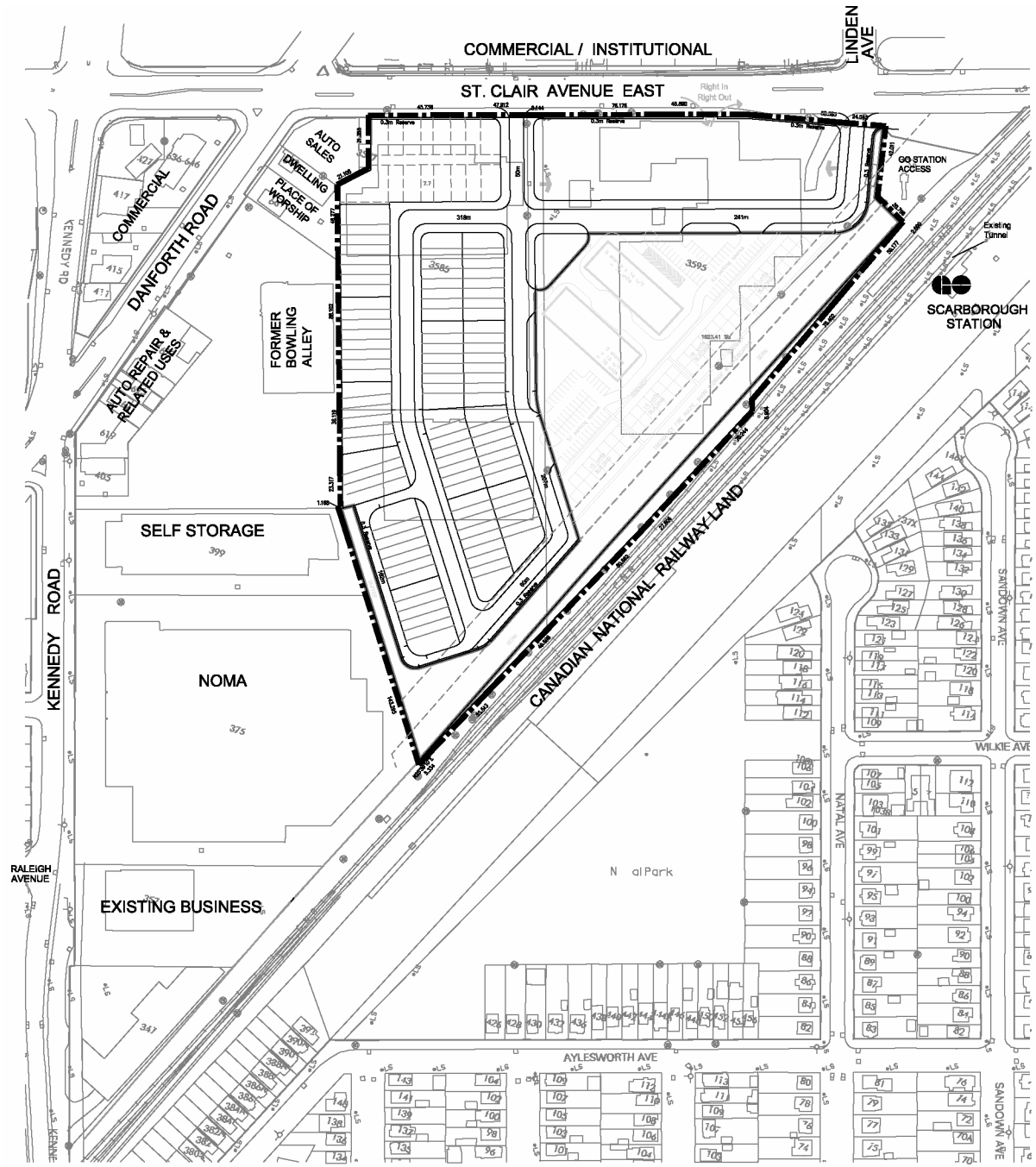
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Gary Wright
Chief Planner and Executive Director

ATTACHMENTS

Attachment 1: Context Plan
Attachment 2: Proposed Draft Plan of Subdivision
Attachment 3: Summary of Issues to be Addressed/Resolved
Attachment 4: Application Data Sheet

Attachment 1: Context Plan



Context Plan

Applicant's Submitted Drawing

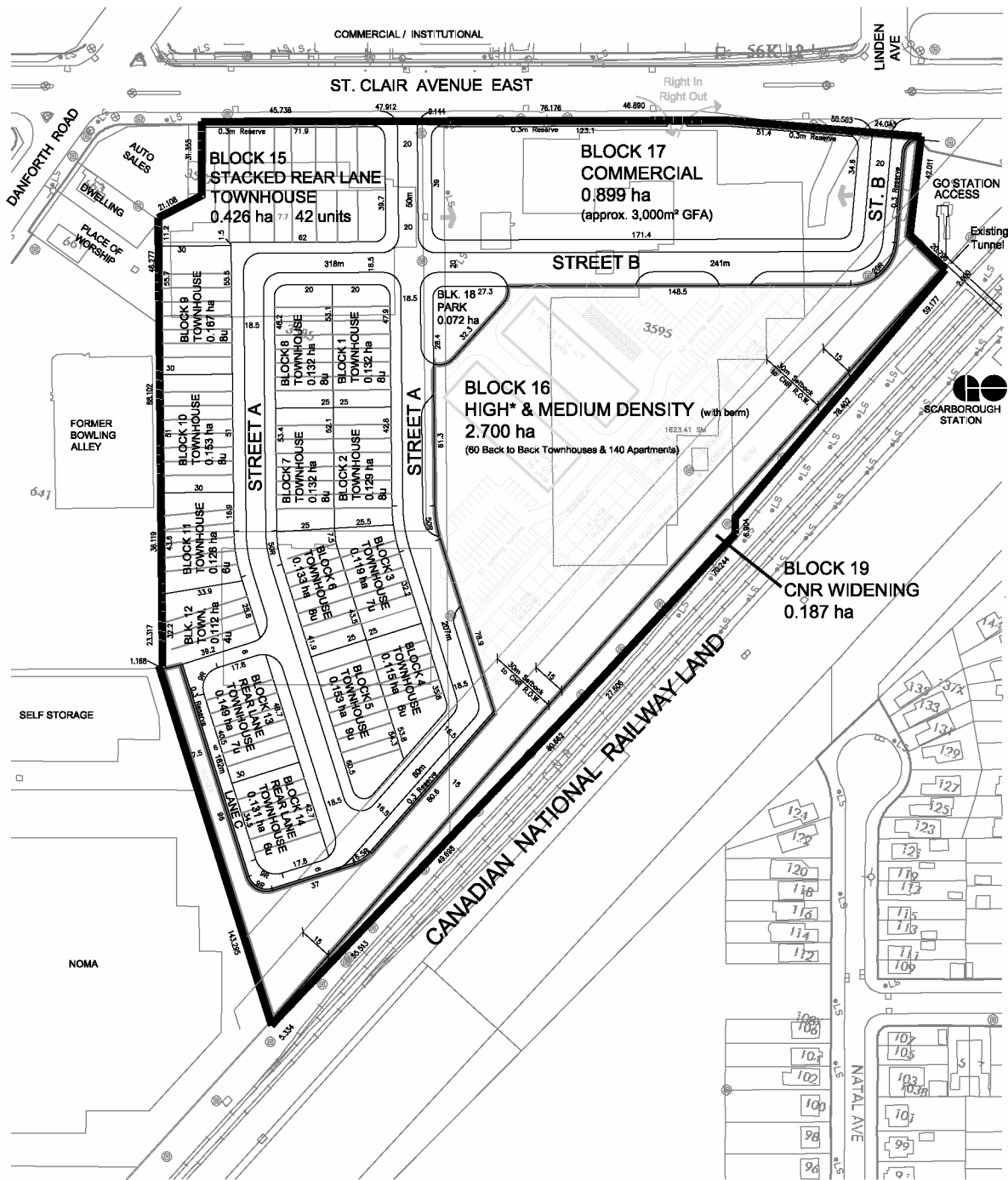
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5/15/08



3585-3595 St. Clair Avenue East

File # T20000004

Attachment 2: Proposed Draft Plan of Subdivision



Proposed Draft Plan of Subdivision 3585-3595 St. Clair Avenue East
Applicant's Submitted Drawing

Not to Scale
 5/15/08

File # T20000004

Attachment 3: Summary of Issues to be Addressed/Resolved

1. Submission by the applicant of full technical documentation in support of the proposed subdivision and a reasonable period of time for circulation to, review by and any further consultation as warranted with the City's usual commenting agencies and divisions is necessary to identify appropriate conditions for draft plan of subdivision approval and the subdivision agreement. Such documentation includes:
 - a) Functional site servicing report, including site grading plans;
 - b) Stormwater management report;
 - c) Transportation impact study, including a functional traffic operations assessment of the new public streets and intersections on St. Clair Avenue East being proposed;
 - d) Noise and vibration report on measures to address potential impacts associated with abutting railway activities;
 - e) Assessment of the proposed development in relation to adjacent, industrially designated and/or zoned lands having regard to the Ministry of the Environment's Land use Compatibility Guidelines; and
 - f) Contaminated site assessment, including proposals to address site remediation, Ministry of the Environment requirements, and on-going maintenance and liability responsibilities.
2. Identify and ensure that an appropriate level of employment generation in association with the proposed employment land conversion, beyond simply employment associated with the small scale commercial development proposed, is provided for and/or secured.
3. Ensure that an appropriate intensity of residential and non-residential development is achieved in proximity to, and in support of, the Scarborough GO Station.
4. As any redevelopment will have a significant public presence on St. Clair Avenue East, identification of the most appropriate built form, mix of uses and intensity of development is warranted.
5. Certainty must be established with respect to the ownership, technical and financial viability, on-going maintenance responsibilities and liabilities, including any implications on/for the City of Toronto, for the proposed berms, buffer strips and site environmental measures being proposed.
6. GO Transit's request to implement two pedestrian connections/crossing of the CNR tracks (one tunnel and one bridge) requires substantial further discussion with the applicant, GO and appropriate City staff as to whether both are necessary, where they should be located, public accessibility and safety, necessary easements or land dedications, proposed ownership, maintenance and liability responsibilities, and

specific implications for the draft plan of subdivision under consideration. Further reporting to City Council will be required to confirm the details of any commitments by or obligations on the City of Toronto with respect to such facilities.

7. The parkland currently proposed by the applicant is undersized and impractical. It needs to be determined whether the proposed park, a significantly larger and appropriately located on-site park dedication and/or a cash-in-lieu approach would be most appropriate in this case
8. The implications of and acceptability to the City of Toronto of any underground environmental contamination, and proposed containment and/or collection systems within lands proposed for dedication to the City for public street and parks purposes remains to be determined.
9. As the site is proposed to be redeveloped in phases, it remains to be determined whether the first phase (the westerly portion of the site) can proceed without fully completing proposed new road system, particularly with respect to the timing for providing access to the traffic signal at St. Clair Avenue East and Linden Avenue.
10. As part of determining appropriate minimum densities for residential and particularly employment generating development in proximity to the Scarborough GO Station, consideration needs to be given to whether zoning restrictions requiring the provision of senior's apartments with a level of common amenity and/or a long term care facility as part of the redevelopment of this site would be appropriate here.
11. To address to the housing policies of the Official Plan, particularly with respect to housing affordability in the proposed redevelopment, the applicant should prepare and submit a Housing Issues Report to the City for review and consideration.
12. Formal amendment by the applicant to the official plan and rezoning applications under appeal to the Ontario Municipal Board is still required to reflect the current revised subdivision proposal. Once required documentation has been submitted and thoroughly reviewed, it is likely that the proposed draft plan of subdivision will require further adjustment. The City will then be in a position to determine the draft plan of subdivision conditions, and the applicant can proceed to finalize, in consultation with Planning staff, appropriate proposed official plan and zoning by-law amendments for submission to Board.
13. Further consultation with the Ward Councillor is required in order to determine appropriate height and/or density incentives that should be secured from this development through Section 37 of the Planning Act and in accordance with Official Plan policies. Such community benefits will require further negotiation with the applicant prior to commencement of the Ontario Municipal Board hearing.

Attachment 4: Application Data Sheet

Application Type	Official Plan amendment, Rezoning Draft Plan of Subdivision	Application Number:	98 036230 ESC 35 OZ 00 036163 ESC 35 OZ & 00 036162 ESC 35 SB
Details	OPA, Rezoning, Subdiv. Standard	Application Date:	October 19, 1998 & October 11, 2000
Municipal Address:	3585 – 3595 ST. CLAIR AVE. E.		
Location Description:	PLAN 3086 PT BLK B PT BLK C **GRID E3508		
Project Description:	This is an Official Plan amendment, zoning by-law amendment and Draft Plan for Subdivision application to redevelop the subject industrial land for a 343-residential dwelling units development. This proposal consists of 88 street, 13 rear lane, 42 stacked and 60 back-to-back townhouses, as well as 140 apartment units.		

Applicant:	Agent:	Architect:	Owner:
ANDREW MADDEN DIRAL DEVELOPMENT CORP.			ST. CLAIR INVESTMENT GROUP

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	
Zoning:	MG (General Industrial)	Historical Status:	
Height Limit (m):	0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	79580	Height:	Storeys:	3 - 5
Frontage (m):	308		Metres:	0

Total Ground Floor Area (sq. m):	Not available (N.A.).		Total
Total Residential GFA (sq. m):	N.A.	Parking Spaces:	N.A.
Total Non-Residential GFA (sq. m):	3 000 ±	Loading Docks	0
Total GFA (sq. m):	N.A.		
Lot Coverage Ratio (%):	N.A.		
Floor Space Index:	N.A.		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Freehold and Condominium		Above Grade	Below Grade
Rooms:		Residential GFA (sq. m):	N.A.	0
Bachelor:	N.A.	Retail GFA (sq. m):	3 000 ±	0
1 Bedroom:	N.A.	Office GFA (sq. m):	(")	0
2 Bedroom:	N.A.	Industrial GFA (sq. m):	0	0
3 + Bedroom:	N.A.	Institutional/Other GFA (sq. m):	0	0
Total Units:	343			

CONTACT:	PLANNER NAME:	Rod Hines, Principal Planner
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