

1680 Brimley Road - Zoning By-law Amendment and Site Plan Applications - Request for Direction Report

Date:	May 26, 2017
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 37 – Scarborough Centre
Reference Number:	06 200146 ESC 37 OZ and 06 200147 ESC 37 SA

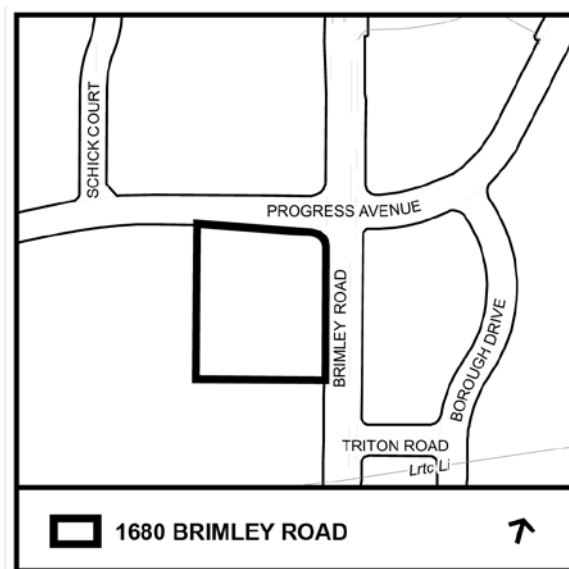
SUMMARY

This application was made prior to January 1, 2007 and is not subject to the changes to the *Planning Act* that came into effect on that date or the City of Toronto Act, 2006.

On April 27, 2016, the applicant appealed their Official Plan and Zoning By-law Amendment applications, as well as the Site Plan Control application, to the Ontario Municipal Board (OMB) citing Council's failure to make a decision on the applications within the time allotted by the *Planning Act*. A pre-hearing conference was held on July 4, 2016. The full hearing will commence on September 25, 2017.

Through negotiations with City staff, the applicant has revised the proposal to address concerns with land use compatibility, site layout and circulation, building massing and better conformity with the City's Tall Building Design Guidelines, among other matters. The revised proposal detailed in this report meets the intent of the City's Official Plan for the area and is supported by City Planning Staff.

The applications propose the development of four towers with building heights of 36, 39, 41 and 47 storeys that would contain 1,591 residential units, 3,293 square metres of retail uses and an 855 square metre childcare facility at 1680 Brimley Road. 1,193 bicycle parking



spaces and 1,214 vehicle parking spaces are proposed.

Staff are recommending that Council authorize the City Solicitor, City Planning staff and other appropriate City staff to attend the OMB hearing to support the revised redevelopment proposal for 1680 Brimley Road at the OMB subject to certain matters being addressed to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, as set out in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor together with City Planning staff and any other appropriate staff to attend any Ontario Municipal Board Hearings in support of the settlement described in the report dated May 26, 2017, from the Director, Community Planning, Scarborough District including the draft Zoning Bylaw Amendments attached as Attachments 11 and 12 to the report dated May 26, 2017, from the Director, Community Planning, Scarborough District for 1680 Brimley Road.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
3. That the Ontario Municipal Board be requested that prior to the issuance of its Final Order approving the Zoning By-law Amendments for the subject lands:
 - a. The final form of the Zoning By-law Amendments shall be satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor.
 - b. The owner shall enter into and register on the Lands, one or more agreements with the City pursuant to Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor with such facilities, services and matters to be additionally set forth in the related Zoning By-law Amendments, such agreement(s) to secure at the owner's expense and subject to requirements for insurance, indemnity, securing of letters of credit and upward indexing:
 - i. The construction, finishing, furnishing and equipping of a non-profit licensed child care facility in Tower 2 to accommodate at least 62 children, including infants, toddlers and preschoolers, comprising a minimum of 855 square metres of interior space and a minimum of 241 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area in the parking garage with safe and direct access to the child care facility. Prior to the issuance of the first above-grade building permit for Tower 2, the owner shall submit plans illustrating all details of the child care facility to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Children's Services,

- with such child care facility to be made available to the City prior to the registration of the condominium for Tower 2.
- ii. The entering into a lease agreement with the City for three (3) twenty-five (25) year terms and one (1) twenty-four (24) year term for a total of ninety-nine (99) years with no termination allowed unless the General Manager, Children's Services, the lessor and the lessee agree; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes, local improvement charges and building permit fees and development charges in accordance with the City's Term Sheet.
 - iii. Prior to the issuance of the first above-grade building permit, the owner shall make a one-time cash contribution of \$180,000 to the Child Care Facility Reserve Fund to fully equip the Child Care Facility to replace appliances and large equipment due to wear and tear, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment.
 - iv. Prior to the issuance of the first above-grade building permit, the owner shall make a one-time cash contribution of \$150,000 to Start-Up Costs for the defrayment of operational deficits during the first year of operation, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment.
 - v. The owner shall provide funds required to fully equip the Child Care Facility in accordance with provincial and municipal standards based on an inventory list provided by Children's Services and finalized by the future child care operator chosen through the Expression of Interest process. Major appliances could be included in the contractor's scope of work. The final amount shall be determined to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Children's Services and the amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment.
 - vi. The owner shall provide a contribution of \$500,000.00 to commission public art in a process generally in accordance with the Percent for Public Art Program. A letter of credit in the amount of \$500,000.00 will be provided prior to the issuance of the first above-grade building permit, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment. Prior to the issuance of the first above-grade building permit, the owner will submit a plan detailing the possible locations of any public art installations on the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation

- with the Ward Councillor. Public art provided through this process will be provided on site prior to the registration of the condominium for Tower 4.
- vii. Prior to the registration of the condominium for Tower 4, the owner will convey to the City for nominal consideration, one public pedestrian easement securing access to one privately owned publicly-accessible space (POPS), having a minimum area of 1,208 square metres, generally as shown on the draft Zoning By-law Amendments attached as Attachments 11 and 12 to this report, to provide public access for use by the general public, which easement shall include provisions for rights of support if necessary, and insurance and indemnification of the City by the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor. The public access easement is to be conveyed to the City free and clear of all physical and title encumbrances unless otherwise agreed to by City Planning and the City Solicitor. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, in accordance with the City of Toronto POPS Urban Design Guidelines, stating that members of the public shall be entitled to use the POPS at any time, 365 days a year, with any changes to terms and conditions being satisfactory to the Chief Planner and Executive Director, City Planning Division.
 - viii. The provision of a minimum of 4.7% of the residential dwelling units within the development to be three-bedroom dwelling units and a minimum additional 3.3% of the residential dwelling units within the development that are convertible to three-bedroom dwelling units, with built in features to ensure convertibility as determined prior to final site plan approval, and a minimum of 48% of the total number of residential dwelling units to be two and three bedroom dwelling units, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - ix. Prior to final site plan approval, the owner shall confirm that residents living in all buildings will have mutual access to the communal indoor and outdoor amenity areas to all buildings within this development.
 - x. Prior to the issuance of any building permit, the owner shall enter into a financially secured Development Agreement with the City, to pay for and construct any improvements to the existing municipal infrastructure, including the engineering and inspection fee, in connection with the requirements stipulated in the accepted Functional Servicing Report, to the satisfaction of the Executive Director, Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.
 - xi. The owner shall construct wind mitigation measures required pursuant to site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - xii. The owner shall comply with the Noise Impact Study, prepared by J.E. Coulter Associates Limited, dated March 15, 2016, to the satisfaction of the City.

- xiii. Prior to the issuance of the first above-grade building permit for the buildings, a Professional Engineer qualified to provide acoustical engineering services will review the building plans and provide confirmation that any noise attenuation features required for transportation noise have been incorporated into the design of the buildings, including at a minimum those recommended in the Noise Impact Study, prepared by J.E. Coulter Associates Limited, dated March 15, 2016.
 - xiv. The owner shall provide all dwelling units with air conditioning.
 - xv. The owner will ensure that the Agreement of Purchase and Sale for all residential dwelling units will include warning clause(s) indicating to the owners that the sound levels on the site from transportation noise sources have exceeded the Ministry of the Environment and Climate Change's noise guidelines.
 - xvi. The owner will ensure that the Agreement of Purchase and Sale for all residential dwelling units will include warning clause(s) notifying the owners of the presence of the adjacent industrial uses.
 - xvii. The owner will ensure that the Agreement of Purchase and Sale for all residential dwelling units will include warning clause(s) related to air quality emissions.
 - xviii. Air makeup units and any other building air intakes will be located as high as possible on the buildings.
 - xix. The owner shall install enhanced air filtration for all residential air makeup units.
 - xx. The owner shall locate the outdoor fresh air intake for the child care facility a minimum of 20 metres from the south property line.
 - xxi. The owner shall install enhanced air filtration systems for the child care facility, including a minimum two inch MERV 8 pre-filter, integral to the makeup air unit and a four inch MERV 13 filter integral to the unit, located downstream of the supply air fan.
 - xxii. Prior to the issuance of the first above-grade building permit for the buildings, a Professional Engineer or Architect will review the building plans and provide confirmation that potential for water vapour interaction and icing impacts on cladding and other building surfaces have been appropriately addressed.
- c. The owner shall submit to the Executive Director, Engineering and Construction Services for review and acceptance, a revised Functional Servicing Report, which includes sanitary and storm minor and major sewer capacity analysis, and fire demand, to demonstrate if the existing municipal infrastructure is adequate to service the proposed development and determine if any upgrades/improvements are required to the existing infrastructure to support this development proposal.
 - d. The owner shall obtain approval for the short-term and long-term discharge of the private water into the City's sewer system and demonstrate in the Functional Servicing Report that there is adequate sewer capacity, all to the satisfaction of the Executive Director, Engineering and Construction Services in consultation with the General Manager, Toronto Water.

- e. The owner shall apply for and enter into a short-term Sanitary/Storm Discharge Agreement for Private Water discharged into the municipal sewer system during the excavation for dewatering of the site in accordance with Toronto Municipal Code 681 Sewers requirements. However, nothing in this agreement will inhibit the discretion of Environmental Monitoring and Protection, Toronto Water to review the application and impose certain quality limits and design criteria.
 - f. If the proposed development will expect minimal groundwater drainage, the owner has the option to implement a water-tight structure, eliminating the need to implement Private Water Drainage System, otherwise the owner shall submit all the necessary documentation for a long-term Sanitary/Storm Discharge Agreement for Private Water discharged into the municipal sewer system, including, but not limited to, the Hydrogeological Report, Functional Servicing Report, Stormwater Management Report, mechanical and engineering drawings, all to the satisfaction of the Executive Director, Engineering and Construction Services in consultation with the General Manager, Toronto Water.
4. That the Ontario Municipal Board be requested that prior to the issuance of its Final Order approving the Site Plan for the subject lands, a Site Plan Agreement has been entered into between the City and the owner and any preconditions to Site Plan Approval are fulfilled, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor.
 5. City Council authorize the City Solicitor and other City staff to take such actions, as are required, to implement the above recommendations.

Financial Impact

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

DECISION HISTORY

In 1999, amendments to the Scarborough Official Plan and Zoning By-law were proposed and site plan approval was sought to permit 762 residential units in four towers with heights of 16-25 storeys located along Brimley Road and Progress Avenue frontages and four blocks of three-storey townhouses spread across the interior of the site. Commercial uses were proposed in the base buildings of the towers. In August 2000, City Council adopted the recommendations of Scarborough Community Council to support the proposed development, but to withhold adopting Official Plan and Zoning By-law amendments, pending further negotiations with the owners regarding satisfactory resolution of Section 37 matters. The Owners subsequently referred the matter to the Ontario Municipal Board (OMB).

In 2001, the OMB approved the Official Plan amendment to allow the proposed high density residential uses on the site and to establish Section 37 policies for the lands (PL010379). The order was withheld with respect to the Zoning By-law Amendment and Site Plan approval until a Section 37 agreement and site plan agreement were finalized between the City and owner.

Following the OMB decision, a Section 37 agreement was reached with the City. In 2005, the OMB enacted Zoning By-law No. 456-2005 to permit a maximum of 762 dwelling units and 4,033 square metres of commercial uses in four towers of 16-25 storeys with a maximum height

of 90 metres and four blocks of three-storey townhouses. A site plan agreement was not executed and the site plan approval file was closed. Development of the site based on the approved zoning permissions did not occur.

On December 29, 2006, the subject applications were submitted, which proposed a mixed-use development consisting of 1,232 units and 1,269 square metres of commercial uses in four towers with heights of 31-36 storeys and commercial space located in the base buildings of the towers. In March 2007, Scarborough Community Council adopted a Preliminary Report for the subject applications. The report provided background information on the proposal, and recommended that a community consultation meeting be held and that notice be given according to the regulations of the *Planning Act*. The Preliminary Report is available at: <http://www.toronto.ca/legdocs/mmis/2007/sc/bgrd/backgroundfile-2180.pdf>. In July 2007, the owners revised the applications to increase the unit count, density and heights of the buildings to permit 1,591 units in four towers with heights of 39-44 storeys.

ISSUE BACKGROUND

Proposal

This Zoning By-law Amendment application proposes the development of four interconnected towers ranging in height between 36 and 47 storeys, with a gross floor area of approximately 126,400 square metres, of which 122,230 square metres would be residential uses, 3,293 square metres would be retail uses and 855 square metres would be a childcare facility. The development would contain 1,591 residential units. The site is proposed to be divided by an L-shaped, two-way driveway to connect Brimley Road with Progress Avenue. An approximately 1,208 square metre open space is proposed at grade between the eastern towers.

The tower at the northwest corner of the site would be 39 storeys with an overall height of approximately 134 metres, including the mechanical penthouse. The tower portion of the building would be set back from Progress Avenue by approximately eight to ten metres. The tower at the southwest corner of the site would be 36 storeys with an overall height of approximately 126 metres, including the mechanical penthouse. The tower portion of the building would be set back from the south property line by approximately 40 metres. The two western towers would be set back from the west property line by approximately 25 metres. The towers would be separated from one another by approximately 42 metres.

The western towers would be connected by a base building that is proposed to be set back approximately three metres from Progress Avenue to the north and zero metres from the south property line. It would run along the entire west side of the property with a zero metre setback and would range in height from two to five storeys. The base building would include multiple irregular and varied stepbacks on each floor and on all sides of the building. Retail space is proposed at grade in the base building along Progress Avenue, two-storey townhouse-style units with individual entrances are proposed along the central driveway with residential units above. An approximately 855 square metre child care facility to accommodate 62 children would occupy two floors immediately south of the townhouse-style units along the central driveway at the southern end of the base building. An approximately 241 square metre outdoor play area would be located along the south property line on the second floor, adjacent to the second floor portion of the indoor child care facility. The base building would also include a three-level above-ground parking garage, which would run along the western edge of the site. The parking

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area would be covered by and wrapped in the uses outlined above along the east (central driveway) and north (Progress Avenue) sides.

The tower at the southeast corner of the site would be 41 storeys with an overall height of approximately 139 metres, including the mechanical penthouse. The tower portion of the building would be set back from the south property line by approximately 28 metres and from Brimley Road by approximately seven metres. This tower would have a three-storey base building that would be set back from Brimley Road by approximately four metres. It would include two-storey townhouse-style units with individual entrances along the south side of the building fronting the central driveway and along Brimley Road. Retail space is proposed at both the northeast corner of the building and on the west side of the building along the central driveway. This tower would be connected to the southwest tower via an east-west bridge on the fourth and fifth floors of the buildings. The bridge would have one usable floor, but is proposed to have a height equivalent to two storeys and would contain indoor amenity space.

The tower at the northeast corner of the site would be 47 storeys with an overall height of approximately 157 metres, including the mechanical penthouse. The tower portion of the building would be set back from Brimley Road by approximately seven metres and from Progress Avenue by approximately 10 metres. This tower would have a base building ranging in height from two to six storeys with multiple and varied stepbacks proposed from the second to seventh floors. The base building would be set back from Brimley Road by approximately five metres and from Progress Avenue with a varied building footprint that ranges from 3.6 metres to 11 metres. Retail space is proposed at grade on all sides of the tower. Along Progress Avenue, the retail space is proposed to continue up to the fifth level of the building. Residential units are proposed starting on the third floor along the east, south and west sides of the building and extending up the entire tower. This tower would be connected to the southeast tower via a north-south bridge on the fifth floor of the buildings over the at-grade open space. The bridge would contain indoor amenity space. The eastern towers would be separated from one another by approximately 46 metres.

The tower at the northwest corner of the site would be separated from the tower at the northeast corner of the site by approximately 27 metres. The tower at the southwest corner of the site would be separated from the tower at the southeast corner of the site by approximately 27 metres. The tower floor plates in all buildings would be approximately 780 square metres.

Approximately 3,182 square metres of both indoor and outdoor amenity space is proposed, which is an average of two square metres per residential unit. All indoor and outdoor amenity spaces would be contiguous. The majority of the outdoor amenity space is proposed at the fourth floor along the western boundary of the site and at grade between the eastern towers. The majority of the indoor amenity space is proposed to be adjacent to the outdoor amenity space on the fourth floor of the western towers.

Vehicular access to the site is proposed via the L-shaped internal driveway, which would run north-south through the middle of the site from Progress Avenue and east-west along the southern edge of the site from Brimley Road and would provide two-way circulation through the site. Access to the parking garage is provided via the east-west portion of the driveway and from a driveway entrance at the northwestern corner of the site along Progress Avenue.

A total of 1,193 bicycle parking spaces are proposed, of which 1,082 would be for residents and 111 would be for visitors. A total of 1,214 vehicle parking spaces are proposed in two underground and three above-ground parking levels, comprised of 1,038 residential spaces, 159 visitor spaces, 11 child care spaces and six car-share spaces. Three Type G loading areas are proposed inside the buildings, including associated storage and staging areas. Loading spaces for the eastern towers would be accessed via the north-south portion of the driveway. The shared loading space for the western towers is proposed in the enclosed parking garage.

For additional details, see Attachment 1: Site Plan, Attachments 2-7: Elevations, and Attachment 10: Application Data Sheet.

Site and Surrounding Area

The site is located at the southwest corner of Brimley Road and Progress Avenue and is currently vacant. The site has an area of approximately 17,940 square metres (1.8 hectares) with frontages of 127 metres along Brimley Road and 110 metres along Progress Avenue. The site is relatively flat, except for an approximate three metre rise in elevation from the public streets along the western and southern edges of the site where it abuts an existing industrial facility.

The uses surrounding the subject site include the following:

North: Across Progress Avenue is a mix of commercial, industrial and warehouse uses including the Toronto Police Property Evidence Management Unit at 330 Progress Avenue, a vacant one-storey building that formerly contained a Goodwill store and processing centre at 350 Progress Avenue, a one-storey Mondelez Canada (Dad's Cookies) manufacturing facility at 370 Progress Avenue and a collection of low-rise large-format retail stores and restaurants on the east side of Brimley Road.

The lands to the north and west of the Mondelez Canada site at 1750 Brimley Road and 350 Progress Avenue have permission for an as-yet unbuilt 1,797-unit residential subdivision composed of buildings of up to 30 storeys with ancillary commercial uses and 40,430 square metres of office uses and accessory non-residential uses. Other uses permitted on the lands include day nurseries, private home day cares, retail stores and restaurants. Highway 401 is located to the north of these properties.

East: Across Brimley Road is a vacant parcel of land, with the Scarborough Town Centre mall located beyond. The Scarborough Centre Rapid Transit station is located south of the mall. Office uses in low and mid-rise buildings, including the municipal Civic Centre and the Government of Canada building, and a cluster of residential tall buildings are located south of the transit station.

West: A low-rise building containing an Atlantic Packaging paper and cardboard recycling manufacturing facility at 333 Progress Avenue.

South: The lands immediately south of the site are owned by Atlantic Packaging, with the Scarborough Rapid Transit corridor beyond.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety.

The PPS recognizes that local context and character is important. Policies are outcome-oriented,

and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is located near the western edge of the *Scarborough Centre*, which is one of four *Centres* identified on Map 2 of the Official Plan. The growth management strategy for the City directs growth and change to some parts of the city while protecting neighbourhoods and green spaces from development pressures. Section 2.2.2 of the Official Plan indicates that growth will be directed to the *Centres* in order to, among other matters, use municipal land, infrastructure and services efficiently; concentrate jobs and people in areas well served by surface transit and rapid transit stations; and promote mixed use development to increase opportunities for living close to work and to encourage walking and cycling.

The site is designated *Mixed Use Areas* on Map 19 of the Official Plan. This designation provides for a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Section 4.5 of the Official Plan sets out policies for development in *Mixed Use Areas*. Development in *Mixed Use Areas* will:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage areas to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Lands to the immediate west of the site are designated *Mixed Use Areas* and are included within the *Scarborough Centre* overlay, but the lands beyond are designated *Employment Areas* in the Official Plan. Policy 2.2.4.6 states that development adjacent to or nearby such lands will be appropriately designed, buffered and/or separated from industries as necessary to mitigate adverse effects from noise, vibration, traffic, odour and other contaminants, and to promote safety and security.

Section 3.1.1 of the Official Plan contains Public Realm policies that recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

Section 3.1.2 of the Official Plan contains Built Form policies, which identify that our enjoyment of streets and open spaces depends largely upon the visual quality, activity, comfortable environment and perceived safety of these spaces. Most of these qualities are influenced directly by the built form of adjacent buildings. These policies seek to ensure that new development be located and organized to fit with its existing and/or planned context and to frame and support adjacent streets, parks and open spaces.

Section 3.1.3 of the Official Plan indicates that Tall Buildings come with larger civic responsibilities and obligations than other buildings. Tall building proposals will address key urban design considerations, including:

- meeting the built form principles of the Official Plan;
- demonstrating how the proposed buildings and site designs will contribute to and reinforce the overall City structure;
- demonstrating how the proposed buildings and site designs relate to the existing and/or planned context;
- taking into the account the relationship of the topography and other tall buildings; and
- providing high quality, comfortable and usable publically accessible open space areas.

The Community Services and Facilities policies in Section 3.2.2 of the Official Plan state that strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change, and will be informed through the preparation of a community services strategy. The inclusion of community service facilities are encouraged in all significant private sector development.

Section 5.1.1 of the Official Plan contains policies to secure public benefits in exchange for increased height and density for new development pursuant to Section 37 of the Planning Act. Section 37 may be used to secure community benefits, provided the proposal represents good planning and is recommended for approval.

Scarborough Centre Secondary Plan

The policies of Section 2.2.2 of the Official Plan provide that each *Centre* will have a Secondary Plan that sets out the local goals and a development framework consistent with the Plan. The site is subject to the Scarborough Centre Secondary Plan. Major objectives of the Scarborough Centre Secondary Plan are to:

- create a vibrant mix of employment, cultural, institutional, educational, recreational, commercial and residential uses;
- ensure effective and efficient provision and use of transportation facilities and services;
- enhance the *Centre* as a destination focus;
- promote a high-quality urban form and a comfortable and safe environment;
- improve open spaces, parks and linkages;
- protect adjacent residential neighbourhoods; and
- strengthen community identity.

The Secondary Plan recognizes that the *Centre* is a large geographical area in which several development areas have emerged, each with a somewhat different focus. To enable detailed planning for the Centre, provide for a specific growth management strategy, and realize specific employment, housing, recreation, entertainment and community service objectives, the Scarborough Centre Secondary Plan divides the *Centre* into four land use precincts.

Section 4.6 of the Secondary Plan outlines General Precinct Policies, including the following:

- To protect existing residential neighbourhoods to the south of Ellesmere Road and existing employment areas outside of the *Scarborough Centre*, but adjacent to the Brimley and McCowan Precincts, new development will seek to minimize adverse impacts on adjacent neighbourhoods and employment areas.
- Lands adjacent to Brimley and McCowan Roads shown on Map 5-2 of the Official Plan will be identified as the “corridors” where higher density residential and office development could be accommodated.

The subject site is located within the Brimley Precinct, which is intended to be a focus for residential and employment growth together with uses such as parks and open spaces and community services and facilities, concentrated along the Brimley Corridor. Policy 4.6.3(b) states that the provision of community services and facilities are to be promoted within the Brimley Precinct, including community service spaces and licensed non-profit child care facilities. Section 4.6.3 of the Secondary Plan outlines policies for the Brimley Precinct and Corridor.

- The Brimley corridor is intended to have a main street character where a greater intensity of employment and residential uses will be focused.
- Buildings will be located at the streetline and will incorporate a defined building base/podium element or separate building element such as townhouses.
- New development within the Brimley corridor will be of a high quality and create an appropriate relationship between the street, public realm and proposed buildings to contribute to the animation of Brimley Road.
- Main building entrances will be clearly visible and accessible from the street.

- Street-related commercial and service uses serving the residential or employment uses will be permitted within the base element of buildings and will have entrances onto the street.

See Attachment 9: Official Plan for additional details.

Zoning

The subject site is zoned City Centre Commercial (CCC) and City Centre Residential (CCR) in former City of Scarborough Employment Districts Zoning By-law No. 24982 (Progress Employment District), as amended. These zoning categories permit all types of residential dwelling units, live-work units and a range of institutional and commercial uses such as child care facilities, offices, retail, restaurant and recreational uses. The current zoning permits a maximum of 762 dwelling units and a maximum building height of 90 metres on the site, amongst other matters.

On May 9, 2013, City Council enacted City of Toronto Zoning By-law No. 569-2013. *Centres* were not included in the City of Toronto Zoning By-law, as per the Transition Protocol. However, the site will be incorporated into the City of Toronto Zoning By-law through the subject application.

See Attachment 8: Zoning for additional details.

Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan Control has been submitted (File No. 06 200147 ESC 37 SA) and has been appealed to the Ontario Municipal Board.

Scarborough Centre Public Art Master Plan Study

The Scarborough Centre Public Art Master Plan (SCPAMP) study will provide strategic direction to the City on a public art program for Scarborough Centre. It will reflect the regional importance of the *Scarborough Centre*, the current planning policy directions and the aspirations of the local community. The SCPAMP will provide guidelines, principles and best practices for future commissioning, implementation and conservation of public art, as well as provide a framework to select and prioritize sites for public art.

The SCPAMP will assist in guiding the enhancement of the *Centre's* identity by fostering creativity and innovation in the shaping of the public realm with high quality public art in support of the City's Official Plan policies.

Study outcomes will include a demonstration plan that identifies a public space hierarchy including public realm gateways and corridors, opportunities for iconic works of art, and integrated and functional works of art. This will be supported by an evaluation and selection process linked to a funding and implementation strategy.

The City has retained DTAH and Andrew Davies Public Art Consulting to undertake the study. The study is expected to be completed by the end of 2017. Additional details are available at <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=778eeb63d1f27510VgnVCM10000071d60f89RCRD>

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated citywide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The citywide Guidelines are available at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=80a70621f3161410VgnVCM10000071d60f89RCRD>

Design Review Panel

The project was presented to the City of Toronto Design Review Panel on May 15, 2015. City Planning staff outlined the area context, history and area policy priorities and sought advice on: the proposed on-site land use compatibility mitigation measures, including a five-storey above-grade parking structure, the predominantly blank west elevations of the towers consisting mostly of coloured spandrel panels and the setbacks from the west property line to the towers; site organization, including the size, location and design of the interior driveway and open space; the building scale and massing and the location and visibility of building entrances; and the building articulation and quality of materials.

The Panel voted that the project be redesigned. While they saw promise in the design direction and felt the proposed density was appropriate, they noted that improvements to the proposed site organization, built form and public realm were needed. Below is the chair's summary of the key points:

- Reduce the podium height and massing to provide a sensitively scaled urban environment throughout the site.
- Rework the site planning to create greater public realm permeability/accessibility, increased civic/open space, improved placement of programme and a high quality pedestrian experience.
- Shift and stagger the towers to increase separation and enhance views and sun penetration.
- Reduce and simplify the many architectural moves to create a calmer, more unified expression.

The Design Review Panel discussion and meeting minutes were used to assist City Planning staff in their review of the subject proposal. The complete minutes from the Design Review Panel are available at:

<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%202015/DRP%20Minutes%20MAY%205%20FINAL.pdf>

Community Consultation

A community consultation meeting was held on September 24, 2007 to provide residents and businesses with an opportunity to review and comment on the application. Two representatives of the adjacent businesses attended. No residents from the area attended. No opposition to the proposal was expressed at the time. However, some questions were asked respecting the interface between the industrial uses and the proposed residential uses.

In the time following the community consultation meeting, surrounding businesses and their representatives have raised issues respecting the interface between surrounding industrial facilities and the proposed application. Staff have also received several inquiries from residents about including open space on the subject site as part of the development.

These issues are addressed in the comments section below.

Reasons for Application

While the proposed land uses are already permitted under existing zoning provisions, including residential units, day nurseries and private home day cares, entertainment and recreational uses, retail stores and restaurants, an amendment to the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Progress Employment District) is required to establish appropriate performance standards to regulate the built form on the site, such as site layout, increased height, density and massing and reduced parking.

An amendment to City of Toronto Zoning By-law 569-2013, as amended, is required to incorporate the subject site into the City of Toronto Zoning By-law and to establish appropriate zoning categories and development standards.

Ontario Municipal Board Appeal

On April 27, 2016, the applicant appealed their Official Plan and Zoning By-law Amendment applications, as well as the Site Plan Control application, to the Ontario Municipal Board (OMB) citing Council's failure to make a decision on the applications within the time allotted by the *Planning Act*. A pre-hearing conference was held on July 4, 2016.

Representatives of three of the surrounding properties attended the pre-hearing and were granted 'party' status for the hearing. These are Transmetro Properties, which owns the site of the approved 1,797-unit mixed use subdivision north of the site (1750 Brimley Road), Altantic Packaging, which is the paper recycling facility located to the west and south of the site (333 Progress Avenue), and Mondelez Canada, which is the food manufacturing plant located north of the site (370 Progress Avenue).

The full hearing will commence on September 25, 2017. Should Council direct staff to appear at the OMB in support of the revised proposal as detailed in this report, this hearing would be changed to a settlement hearing between the City and the applicant.

Agency Circulation

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

COMMENTS

Official Plan Amendment Application

The original applications submitted in December 2006 included an Official Plan Amendment application. The Scarborough Centre Secondary Plan was left out of the July 2006 OMB Order 1928 that brought the majority of the current Official Plan into force because of an outstanding

site specific appeal, so the former Scarborough Official Plan applied to the site at the time of submission.

The site was designated City Centre Uses under the former City Centre Secondary Plan and the Scarborough Official Plan included a site specific policy for the subject lands that had a maximum density and allowed the use of section 37 based on the previous approval on the site from 2001. At the time of application in 2006, an Official Plan Amendment application was required to increase the permitted density on the site and provide authority to amend the Section 37 agreement.

The Scarborough Centre Secondary Plan was approved by the OMB in March 2008. As outlined above, the site is designated *Mixed Use Areas*, is within the *Scarborough Centre* and is subject to the Scarborough Centre Secondary Plan area in the current Official Plan. The Scarborough Centre Secondary Plan does not include the site specific policy related to density or the use of Section 37 from the previous approval on the site that had been included in the former Scarborough Official Plan. Rather, Chapter Five, Implementation, of the current Official Plan provides general authority for the City to use Section 37 through the enactment of Zoning By-laws for specified benefits. Section 37 matters and density limits are also addressed in the applicable Zoning By-laws for the site.

In staff's opinion, the current Official Plan policies would permit the proposed development, so the Official Plan Amendment application is not needed.

Provincial Policy Statement and Provincial Plans

The proposal is subject to and consistent with the 2005 Provincial Policy Statement. Though not technically applicable, the proposal would also be consistent with the 2014 Provincial Policy Statement. Among other matters, it would support the policy objectives of focusing growth in existing settlement areas, provide for an efficient development pattern and use of land, adequately address environmental issues associated with the redevelopment of the site, add to the supply and diversity of housing, provide for employment opportunities, use public infrastructure and services efficiently and promote the use of public transit.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal's compact and efficient form would help optimize the use of existing services and infrastructure and reduce land consumption.

Land Use

The subject site, which is designated and zoned for a mix of uses and located within the *Scarborough Centre*, is an appropriate location to permit higher intensity residential uses and grade-related retail and child care opportunities given its proximity to existing and planned nearby public transit (both bus and rail), recreational and social facilities, shopping, employment and government services. The proposed uses would contribute to increasing the vibrancy and mix of activity in the Centre.

As stated above, the proposed land uses are already permitted on the site under the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Progress Employment District), as amended, which is consistent with the Toronto Official Plan. The subject application seeks to increase the intensity of those uses on the site.

As with any development proposal, how well the proposal fits within the character and function of the surrounding area must be considered. Upon careful review of the proposal, staff conclude that it represents an appropriate approach to the intensification of the site. The proposal will help fulfill several of the long-term, planned objectives of the Scarborough Centre Secondary Plan, including the introduction of additional housing and employment opportunities to the Centre, enhancing the Centre as a mixed-use area, providing needed animation to Brimley Road and Progress Avenue and ensuring the efficient use of land, resources, infrastructure and service facilities.

Land Use Compatibility

Potential land use compatibility issues that could arise between the proposal and the existing surrounding land uses and surrounding context was of paramount consideration in evaluating the subject applications. The subject site is located on the western edge of *Scarborough Centre*. To the north exists the Mondelez Canada "Dad's Cookies" processing plant, which is located in the boundaries of *Scarborough Centre*, and to the west the Atlantic Packaging site, which is partially located in the boundaries of *Scarborough Centre* and partially in an area designated *Employment Areas* that extends to the west of the *Centre*. The Atlantic Packaging property wraps around the south side of the subject site, with the Scarborough Rapid Transit corridor to the south. Highway 401 is located approximately 400 metres north of the site.

The Atlantic Packaging facility processes recycled paper and cardboard. The plant includes pulp preparation, processing and manufacturing and cutting of new paper. Old corrugated material is recycled and stored within the interior of the building. Atlantic Packaging operates 24 hours a day. The Mondelez Canada facility is a commercial bakery that operates 24 hours a day.

In determining the appropriateness of the proposal given this existing context, City Planning staff required the submission of noise, air quality and odour assessments by the owner to demonstrate that any potential land use compatibility issues could be addressed. Based on the evaluation of this work, staff are of the opinion that the proposal can be appropriately located and designed to minimize potential land use compatibility issues, provided that certain mitigation measures are implemented into the design of the project, as outlined below and in the recommendations of this report.

Previous Approval

The 2001 Ontario Municipal Board (OMB) decision on the previous application in part determined the appropriateness of sensitive land uses on the site, including permission for residential units, a child care facility and outdoor amenity areas. The approved development proposed residential uses adjacent to existing industrial uses at two locations: the north side of Progress Avenue, formerly Nabisco Ltd. and now Mondelez Canada, both "Dad's Cookies", and west of the site at the former Bick's Pickles Plant, now the site of Atlantic Packaging. Two buildings of 16 and 25 storeys were proposed along Progress Avenue with an approximate setback from the street of zero to one metre. The 16-storey building proposed at the northwest corner of the site was set back approximately three metres from the west property line. A block of six townhouses was to be located immediately south of this building, approximately 5.7 metres from the west property line. The layout included a two-level above-ground parking structure with outdoor landscaped amenity areas on the roof of the parking structure adjacent to the west and south property lines.

The industrial interface and potential mitigation measures were significant matters of consideration for the OMB at the 2001 hearing. At that time, Bick's Pickles owned the property west of the site. Although Atlantic Packaging was not the owner of the adjacent property at the time, it was a party to the OMB hearing. Mondelez Canada "Dad's Cookies" was also a party to the hearing.

Subject Proposal

Despite the fact that the OMB established residential and other sensitive uses on the site, staff have reviewed the current proposal in terms of its compatibility with the surrounding uses and context. The Official Plan requires that development adjacent to or nearby *Employment Areas* will be appropriately designed, buffered and or separated from industries as necessary to mitigate any adverse impacts of industry on the new development and the new development on industry. Provincial regulations require compliance with the Ministry of the Environment and Climate Change (MOECC) noise guidelines (formerly NPC-205, currently NPC-300) and air quality guidelines (D-6). Noise, air quality and odour studies were submitted in support of the subject applications.

The applicant submitted a Noise Impact Study and addendums from J.E. Coulter Associates Ltd., Air Emission Summary and Dispersion Modelling Report and Steam Plume Opinion by SENES Consultants Ltd. and Modelling Assessment of Odour Emissions, Modelling Assessment of Water Vapour Emissions and Opinion by Arcadis Canada Inc. in support of the subject applications. The studies and letters were focused on assessing the proposed land uses and built form to ensure their compatibility with surrounding industrial uses and transportation corridors. The studies, assessments, addendums and opinions submitted to the City by the applicant formed part of the original submission material and have been updated over the course of the review of the applications to demonstrate compliance with applicable regulations and guidelines and recommend appropriate potential mitigation measures for the proposal. The City retained Hemmera Envirochem Inc. to undertake peer reviews of the material as well as associated support materials. Atlantic Packaging and Mondelez Canada retained GHD Ltd. to complete peer reviews of the material submitted in support of the applications, which they provided to the City. The City had Hemmera Envirochem Inc. review the peer review reports from GHD Ltd. Hemmera Envirochem Inc. completed three peer reviews on behalf of the City.

Hemmera Envirochem Inc. verified the sufficiency and accuracy of the submitted materials and concluded that they agree with the recommendations and opinions in the reports and associated documentation submitted by the applicant. Based on the conclusions of the peer reviewer, City Planning staff accept the conclusions of the assessments and will secure the recommended mitigation measures to facilitate the proposed development in the Zoning By-law, Section 37 agreement and future site plan agreement.

Staff from Toronto Public Health and the Environment and Energy Division also reviewed the material submitted in support of the applications specifically related to the proposed child care facility. Their review considered the location of air intakes and garage exhaust, enhanced filtration and air conditioning, and vegetative and physical buffers, and are in agreement with the proposed mitigation measures. The applicant and future child care operator are encouraged to work with Toronto Public Health and the Environment and Energy Division to design and

implement operational and administrative controls such as building flushing, management of outdoor play, and if needed, further mitigation of air quality impacts at the site.

Noise

J.E. Coulter Associates Ltd. prepared the Noise Impact Study submitted in support of the subject applications. The purpose of the noise study was to identify and assess noise sources and establish appropriate mitigation measures to meet the requirements of the City and MOECC. Potential noise sources identified near the development included transportation and stationary sources. Primary sources of transportation noise were identified as Highway 401, Brimley Road, Progress Avenue and the Scarborough Rapid Transit Line. Two stationary sources were identified, being Atlantic Packaging to the west and Mondelez Canada to the north.

MOECC transportation noise criteria for dwelling units are 55 A-weighted decibels (dBA) at the exterior of a living room during the daytime and 50 dBA at the exterior of a bedroom during the nighttime. Interior noise limits are 45 dBA in the living areas during the day and 40 dBA in the nighttime. An increase of up to 10 dBA is permissible provided that a warning clause is furnished and a forced air system is part of the building design (to accommodate air conditioning that can be installed at the owner's option). For more than 10 dBA over the limit, air conditioning is required. For outdoor living areas including balconies, patios and terraces greater than four metres in depth, a noise limit of 60 dBA is used where 55 dBA is not feasible to meet.

Noise levels limits are the higher of the MOECC exclusion limit values or the background noise level. At the subject site, road traffic noise dominates the sound environment. It produces levels above guidelines and triggers the need for mitigation. In particular, noise from Highway 401 dominates the sound environment. The overall sound levels at the proposed towers is predicted to range from 69 dBA to 75 dBA during the daytime and 68 to 72 dBA during the nighttime. Noise monitoring was conducted at two locations to determine the contribution of the Mondelez Canada stationary source. Noise measurements were well below the criteria established by the noise from road traffic.

In order to meet City and MOECC noise guidelines related to transportation noise sources, the following measures are required:

- Noise barriers will be installed in common outdoor amenity areas including localized gazebos or other screening to produce quieter shielded areas.
- 1.83 metre high solid, acoustically opaque parapet walls will be installed on private terraces greater than four metres deep along the northern towers.
- All dwelling units will be provided with air conditioning.
- The Agreement of Purchase and Sale for all dwelling units will include warning clause(s) indicating to the owners that the sound levels on the site from transportation noise sources have exceeded the MOECC's noise guidelines.
- The Agreement of Purchase and Sale for all dwelling units will include warning clause(s) notifying the owners of the presence of the adjacent industrial uses.
- To meet the MOECC's interior sound level requirement of 40 dBA in the bedrooms and 45 dBA in the living rooms, upgraded façade components may be required, depending on final suite configurations and building elevations. Upgrades to the glazing may be required in the living/dining rooms and bedrooms.

- Once final details of floorplans and building elevations are available, a Professional Engineer qualified to provide acoustical engineering services will review the building plans and provide confirmation that any noise attenuation features required for transportation noise have been incorporated into the design of the buildings.

On October 10, 2012, Atlantic Packaging received an updated Environmental Compliance Approval (ECA) Number 3123-8YHK7P from the Ministry of Environment and Climate Change (MOECC). This updated ECA for the facility accounted for the approved sensitive land uses on the subject site. Noise control measures were identified for Atlantic Packaging in the MOECC approval in a Noise Abatement Action Plan. Atlantic is responsible to implement the on-site noise controls detailed in the Noise Abatement Action Plan prepared in support of the current ECA. All of the measures are required to be implemented within 12 months of the issuance of an above-grade building permit for a residential building on the subject site to address potential compatibility issues between the sites. The Environment Review Tribunal decision on April 24, 2013, confirmed the ECA requirements (Case No. 12-145). A summary of the measures to be implemented are as follows:

- Enclose the south shipping dock to abate potential impulsive noise (located at the southeast corner of the property)
- Enclose and shift the orientation of the east dock to face southward to abate potential impulsive noise (located at the eastern portion of the property)
- The loading dock partial enclosures will be constructed without any gaps or holes in the roof or walls. Acoustic lining will be installed inside the enclosures to further abate the sound levels.
- Discontinue the use of Yard 2B and Yard 2A of the facility (located along the eastern edge of the property adjacent to 1680 Brimley)
- Relocate the employee parking area to the northeast corner of the site and relocate the trailer parking area to the northwest corner of the site (employee parking will be located along Progress at the northeast corner of the site adjacent to 1680 Brimley)
- Restrict the coupling/uncoupling of transport trailers in Yard 1 and Yard 3 of the site (in the southeastern portion of the property), between 2300 hours and 0700, to a combined frequency of no greater than one event per 45 minute period (located at the southeastern portion of the property)
- Replace the shunt truck with a new unit that is specially designed to reduce the noise level of the shunting event.
- Ensure that all operators involved in the shunting operation receive training in the proper use of the new shunt truck.

Following the implementation of the above measures, Atlantic Packaging is required to undertake an acoustical audit to ensure the actual noise emissions comply with applicable MOECC noise guidelines.

However, while Atlantic Packaging will be held to the requirements of the ECA, additional design measures will be secured in an attempt to enhance the interface condition between the properties beyond the measures outlined above. These include the following:

- The two western towers would be set back from the south property line by approximately 40 metres. The two western towers would be set back from the west property line by approximately 25 metres. This greatly exceeds the standard setback from a shared side or rear property line to a tall building, which is 12.5 metres. It also exceeds the approval from 2001, where the tower at the northwest corner of the site was set back approximately three metres from the west property line and the townhouses to the south of the tower were set back approximately 5.7 metres from the west property line.
- The above ground portion of the parking garage is oriented along the western boundary of the site that is shared with Atlantic Packaging. The structure would be constructed into the existing topography such that two to three levels of the parking structure, depending on grade changes, would be visible above the ground level. This has been done, in part, to create a visual and acoustical buffer between the sites.
- A 1.8 metre tall solid, acoustically opaque parapet walls are proposed along the top of the parking garage where the fourth floor outdoor amenity area is proposed and on the south side of the outdoor play area associated with the child care facility on the second floor of the western base building. This would provide a barrier between the site and the Atlantic Packaging property and would help further reduce noise in these areas.
- A 3.5 metre wide and 0.9 metre high landscape buffer is proposed along the west and south sides of the fourth floor outdoor amenity area to screen views to the Atlantic Packaging property. Soil volumes will be adequate to accommodate coniferous trees and other planting to further screen views.
- Commercial and retail space is proposed along Progress Avenue to create a transition from the industrial environment to the mixed use environment of the proposed development.

All of the recommended measures will be included as part of the development's design and will be secured in the Zoning Bylaws, Section 37 agreement and Site Plan agreement, where appropriate.

Air Quality

Air quality assessment material submitted in support of the proposal identified the activity at the Atlantic Packaging facility as having the potential to impact the subject site. As outlined above, the Atlantic Packaging facility operates under ECA Number 3123-8YHK7P from the MOECC. Atlantic Packaging is required to ensure that all contaminant concentrations at points of impingement are less than the limits specified in the ECA and other operating conditions outlined in the ECA are met. The MOECC sets concentration limits at concentrations that are protective of human health and the environment. Emissions of air contaminants is regulated under Ontario Regulation 419/05, as amended, and provided the Atlantic Packaging facility operates in compliance with its ECA, adverse health impacts to future building occupants due to contaminant emissions are not expected.

Atlantic Packaging commissioned Conestoga Rovers Associates to prepare an Emission Summary and Dispersion Modelling (ESDM) report to evaluate potential impacts on air quality due to contaminant emissions and to verify compliance with MOECC point of impingement standards. In addition to this report, SENES was retained by the applicant to prepare an air dispersion modelling report to verify the findings of the ESDM report and to specifically model nitrogen oxides (NOx) and particulate matter (PM) concentrations at various vertical heights on

the proposed development to determine if concentrations at the buildings are anticipated to be less than MOECC standards.

Hemmera Envirochem Inc., the City's peer reviewer, examined the Conestoga Rover Associates and SENES reports and found that the model approaches and inputs, including the meteorological data set, were appropriate and consistent with MOECC requirements. However, they requested additional information to further address potential land use compatibility issues related to the possibility of fogging, icing and odours at the subject site, which are addressed below.

Visibility, Fogging and Icing

In 2013, SENES Consultants Ltd. determined that steam from Atlantic Packaging's operations could arrive at the subject site. The report indicated that under a worst case scenario, the wind conditions that give rise to potential steam plume could transport steam from Atlantic Packaging to the subject site up to 49 days per year. Water vapour released by Atlantic Packaging could impair visibility from the proposed buildings, condense into water droplets or cause icing at the subject site. The peer reviewer determined that additional assessment of visibility was not required given that potential fogging will typically be of relatively short duration and is unlikely to reduce the overall use or enjoyment of the subject site. However, further evaluation of potential condensation and ice formation was requested.

In 2017, the applicant retained Arcadis Canada Inc. to undertake a further evaluation of potential condensation and ice formation and shedding at the proposed development due to steam from Atlantic Packaging. Modelling was undertaken using estimated water vapour emission rates based on data provided by Atlantic Packaging, an ESDM Report from Conestoga Rovers Associates, stack testing and engineering calculation. Emissions of water vapour from Atlantic Packaging's sources were modelled using AERMOD, with hourly concentrations analyzed taking into account the saturation state of the atmosphere (the observed hourly temperature and relative humidity). The results show that frequency of the hours when fogging or icing at the development site due to water vapour emissions from APL alone is estimated not to exceed 17 hours per year or 0.19% of the time. The peer reviewer is of the opinion that fogging and icing concerns have been addressed in an adequate manner, with recommended further measures outlined below.

Odour

Another area where more information was requested related to potential odour impacts. The predicted concentrations of all odourous substances evaluated were determined to be less than the MOECC standards. However, while individual concentrations were found to be less than MOECC standards, the peer reviewer requested a further assessment of the potential for odour impacts at the subject site due to the combined effects of odours compounds.

In 2017, the applicant retained Arcadis Canada Inc. to perform an assessment of potential odour impacts on the subject site due to the combination of gases from major odour-related substances emitted from Atlantic Packaging. This assessment determined that only sulphur compounds could be of concern from an odour perspective. Air dispersion modelling of sulfide odour compounds was undertaken using emission rates provided in an ESDM Report from Conestoga Rovers and Associates required under Ontario Regulation 419/05. Emissions of sulfide

compounds emitted from Atlantic Packaging were modelled using AERMOD and predicted concentrations were analyzed to evaluate the combined effect on the subject site.

While the odour conditions at the subject site meet MOECC standards, the results of the analysis suggest that there is some potential for odour impacts at the site due to the combined effects of odorous compounds released from Atlantic Packaging. Odours could exceed provincial guidelines, reaching an odour unit level of up to 4.4 compared with the maximum provincial guideline of one odour unit. Odour concentrations were assessed at the southwest corner of the site, which is closest to Atlantic Packaging, at heights from 1.5 metres to 100 metres above the ground. The predicted frequency of odour impacts (i.e., greater than one odour unit) on the most impacted receptor on the subject site, which is at a height of 1.5 metres, is approximately 302 hours per year on average, or 3.4% of the time. Odours at the property line are predicted to exceed one odour unit for at least one hour per day, approximately 131 days per year. The maximum odour intensity decreases with height.

Since the most impacted receptor is located on the property line, rather than where buildings would be located, the predicted odour frequency of 3.4% is independent of the design of the development. As a result, the odour impact at the most impacted receptor would be no worse for the proposed development than for the development that was approved for the property in 2001.

Ontario Regulation 419/05 provides that no person shall cause the emission of any air contaminant to an extent that may cause the loss of enjoyment of normal use of property. The analysis submitted in support of the subject applications suggest that Atlantic Packaging is emitting odorous compounds to an extent that could lead to loss of enjoyment a small amount of the time. In these circumstances, the MOECC may require Atlantic Packaging to take further action to reduce its odorous emissions regardless of the intensity of the residential development approved at the subject site.

The peer reviewer is of the opinion that the potential for odours to impact the development have been addressed adequately, but does caution that there is a potential that odours that could be detected at the site may lead to complaints.

The following measures will be secured to reduce the risk of potential land use compatibility issues at the subject site related to air quality:

- The Agreement of Purchase and Sale for all dwelling units will include warning clause(s) related to air quality emissions, including to the possibility of fogging, icing and odours at the subject site.
- All dwelling units will be provided with central air conditioning to allow the windows and doors to remain closed.
- Air makeup units and any other building air intakes will be located as high as possible on the buildings, as odour intensity decreases with height.
- Enhanced air filtration for all residential air makeup units to reduce odours.
- The outdoor fresh air intake for the child care facility will be located a minimum of 20 metres from the south property line, which is more than double the recommended separation distance from potential contaminants.

- Enhanced air filtration systems for the child care facility will be provided, specifically a two inch MERV 8 pre-filter, integral to the makeup air unit and a four inch MERV 13 filter integral to the unit, located downstream of the supply air fan.
- The location of the parking garage exhaust shaft will ensure that emissions will be carried up and away from the outdoor children's play area associated with the child care facility.
- Any potential impacts of water vapour interaction on the structural integrity of the buildings can be addressed through building design. A Professional Engineer or Architect will review the building plans and provide confirmation that potential for water vapour interaction and icing impacts on cladding and other building surfaces have been appropriately addressed.

All of the recommended measures will be included as part of the development's design and will be secured in the Zoning Bylaws, Section 37 agreement and Site Plan agreement, where appropriate.

Streetscape and Public Realm

The Official Plan requires that new development enhance the existing streetscape by massing new development to define the edges of streets and open spaces with good proportion. The Official Plan also requires that attention be given to the streetscape by ensuring that these areas are attractive, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to private realms.

The proposed planting and boulevard improvements would assist in creating an improved urban streetscape along the west side of Brimley, where there are currently no sidewalks or trees. The proposal would result in a sidewalk zone that extends from the building edges to the curb along Brimley Road of approximately nine to ten metres, which exceeds the recommended six metre sidewalk zone in the Tall Building Design Guidelines. A soft landscaped streetscape design is proposed along Brimley Road with a continuous row of trees planted in grass along the street edge and a pedestrian clearway that varies in width from 2.1 metres at the southern portion of the site to approximately 7 metres at the northern end of the site.

The base building of the southeast tower would include two-storey townhouse-style units with individual entrances along the street that would have three steps up to the entrances from grade. The building would be set back from the property line along Brimley Road by approximately four metres, which exceeds the recommended three metre setback in the Tall Building Design Guidelines for private entrances to ground floor residential units. This approximately four metre setback area would be planted with a mix of trees, shrubs and perennials. The base building of the northeast tower would be lined with retail space to help create a safe and animated public realm. The space in front of the retail areas would include additional plantings, benches and short term bicycle parking. Space would also be provided for patios or other outdoor activities, depending on the use of the retail.

The proposed streetscape improvements along the south side of Progress Avenue would assist in creating an urban landscaped entrance to *Scarborough Centre* from the west. The proposal would result in a sidewalk zone along Progress Avenue of approximately eight to eleven metres. A varied streetscape is proposed along Progress Avenue. At the northwest edge of the site, the streetscape would transition from the existing grassed boulevard to the west to more hard surface

treatment moving toward Brimley Road that would include trees and planters along the street edge. The pedestrian clearway would vary in width from approximately four metres at the western portion of the site to six metres at the eastern end of the site. The entire frontage of the base buildings along Progress Avenue would be lined with retail space to help animate the street. Additional at-grade open space is proposed between the base buildings of the northern towers on both sides of the driveway entrance to the site. The area on the east side of the northwest building would be approximately 144 square metres and the area on the west side of the northeast building would be approximately 84 square metres. These would include additional tree, shrub and perennial planting beds, benches, pedestrian scale lighting and short term bicycle parking. The generous building setbacks and at-grade open spaces would help create a comfortable pedestrian environment that would be further enhanced through the landscape design as the subject site transitions from the employment area to the west.

A larger sidewalk zone of approximately 12 metres is proposed at the corner of Brimley Road and Progress Avenue to provide greater prominence to the street and provide pedestrian relief and gathering areas at what is planned to be a busy and active street corner in the future. Canopies are proposed at all building entrances and along public streets to provide pedestrian weather protection and improve the conditions in the public realm.

The site is proposed to be divided by an L-shaped, two-way internal driveway to connect Brimley Road with Progress Avenue. This would run north-south through the middle of the site from Progress Avenue and east-west along the southern edge of the site from Brimley Road. The width of this space between the base buildings would range from 20 to 23 metres, of which the vehicular lanes would be approximately six metres wide, with the remaining 14-17 metres devoted to sidewalks and trees along both sides of the driveway and additional plantings, pedestrian scale lighting and unit/building entrances. The driveway would be designed to complement and connect the existing public streets through the site and would be designed to read as a public place. It would provide direct physical and visual connections to and through the site and buildings from the public streets. Locating the driveway within the site also allows vehicular entrances and servicing functions to be located at the interior of the site, screened from view from the public streets. This central area would be lined with and animated by two-storey townhouse-style units with individual entrances, retail space and the first floor of the child care facility.

A significant open space is proposed at grade between the eastern towers. The Official Plan and the City's Privately Owned Publicly-accessible Space (POPS) guidelines encourage open spaces for pedestrians along public street frontages. These spaces will be designed to provide flexible multi-use settings for employees, pedestrians and residents and enhance the public realm. They should be urban and intimate, capable of accommodating all day-to-day uses and incorporate a mix of hard and soft landscaping, including trees and seating.

The publicly accessible open space would vary in width from 21 metres to 32 metres and would have an area of approximately 1,208 square metres. Originally, the base building of the eastern towers extended along the entire Brimley Road frontage of the site. Staff worked with the applicant to create the at grade open space between the eastern buildings in order to form a better physical and visual connection to the western towers and extend the public realm into the site.

The publicly accessible open space would be designed as an urban plaza, with high-quality and interesting paving material and patterns, seating, pedestrian scale lighting, trees and other plantings. The space would visually extend across the central driveway and terminate at the primary lobby entrance of the base building of the western towers. This would be achieved by constructing the space at one level across the driveway and using the same paving materials across the driveway up to the western building entrance. Extending the open space across the driveway at the same raised level compared to that of the driveway would also act to calm vehicular movement on the driveway in order to reinforce the pedestrian oriented feel of the space.

The edges of this central open space would be defined by well-proportioned base buildings with permeable façades and active uses at grade that would help animate the space. Main building entrances, retail space and an indoor amenity area to be used for dogs are proposed at grade on the north and south edges of the space.

City Planning staff are of the opinion that the proposed organization and layout of the site is appropriate. The proposal would create high-quality, landscaped, pedestrian-oriented open spaces and street edges along both Brimley Road and Progress Avenue. The POPS will be secured as in the Section 37 Agreement and other appropriate agreements. All of the treatments, materials and streetscape improvements will be secured through the Site Plan Approval process.

See Attachment 1: Site Plan for additional details.

Built Form

The Official Plan identifies that developments may be considered not only in terms of the individual building and site, but also in terms of how the building and site fit within the context of the neighbourhood and the city. All new development in *Mixed Use Areas* is required to locate and mass new buildings to frame the edge of the streets, maintain sunlight and comfortable wind conditions and provide a transition between areas of different development intensity and scale. These objectives are addressed by ensuring that developments provide appropriate setbacks and/or stepping down of heights and by locating the mass of new buildings in a manner that is sensitive and limits the shadow impacts during the spring and fall equinoxes.

Tall buildings should address key urban design considerations in the Official Plan, including the built form policies and site design, and general fit within the existing and planned context, while providing usable publicly accessible open space. Tower placement, separation distances, building orientation, articulation, floor plate size and stepbacks are key considerations when reviewing tall buildings, especially when locating multiple tall buildings on the same site.

The proposed built form incorporates four mixed use towers ranging in height from 36 to 47 storeys atop street-related base buildings. The applicant has worked with staff to achieve a design for the site that is consistent with the Official Plan's Built Form policies, the Scarborough Centre Secondary Plan and the Tall Building Design Guidelines.

The bases of the buildings would appropriately frame the edges of streets and open space and create a comfortable urban environment on the site. In response to comments from the Design Review Panel and staff, the applicant reduced the base building heights of all buildings to range from two to five storeys. The proposed base building heights of all buildings would be consistent

with the direction of the Tall Building Design Guidelines by being proportional to the street rights-of-way widths. The base buildings would be highly articulated, with many stepbacks at varying heights and through high-quality materials and design elements that would contribute to the pedestrian realm and provide clear, unobstructed views into and out from ground floors. The design of the base buildings would vary across the site to provide visual interest and help differentiate the buildings from one another while still incorporating design features and materials that would unify and connect the space. Consistent with the Tall Building Design Guidelines, the proposed higher first floor heights give prominence to the street level, establish a clear presence for retail and increase the visibility and utility of ground floor space.

The base building that would run the length of the west property line would include a three-level above-ground parking garage. This has been reduced from an earlier iteration of the proposal that included a five-storey parking garage. The parking would be covered by and wrapped in the residential and retail uses and the child care facility outlined above along the central driveway and Progress Avenue, so that it would not be visible from the active, public areas of the site or abutting public streets. On the west side, the parking structure would be built into the existing topography, which has an approximate three metre grade change from the street, so that only two levels of the parking structure would be visible from the west. Given that this structure is proposed to act as a partial visual and acoustical buffer from Atlantic Packaging, which is a large-scale stable employment use, the south and west elevations would be partially visible from the west for the long-term. The expanse is now proposed to be visually broken down into sections with changes in materials, colour and spandrel placement to add visual interest to the garage wall.

The proposed building setbacks and separation distances between the tower portions of the buildings would exceed standard requirements. Staff generally seek to secure minimum setbacks of 12.5 metres from shared property lines to tall buildings and 25 metre separation distances between tall buildings on the same site. The placement of the towers has shifted slightly over the review of the application in response to feedback from staff and the Design Review Panel. The two western towers would be set back from the west property line by approximately 25 metres. The tower at the southwest portion of the site would be set back from the south property line by approximately 40 metres. The tower at the southeast portion of the site would be set back from the south property line by approximately 28 metres. These all greatly exceed the minimum 12.5 metre setback standard. The western towers would be separated from one another by approximately 42 metres and the eastern towers would be separated from one another by approximately 46 metres. Again, these separation distances greatly exceed the minimum 25 metre separation distance. The proposed setbacks and separation distances would minimize negative impacts on the public realm, such as shadowing and blockage of sky view and should maximize the quality of building interiors, including daylighting, natural ventilation and privacy for occupants.

The Tall Building Design Guidelines suggest a maximum tower floor plate 750 square metres including all built area within the building, but excluding balconies. Tower floor plates have been reduced from earlier iterations of the proposal to be less than 780 square metres. While these floor plates would still slightly exceed the Tall Building Design Guidelines, they are acceptable to staff because the proposed buildings are consistent with the overall intent of the guidelines and would still result in slender buildings that would minimize shadow impacts, allow acceptable sky view from the public realm and present an appropriate profile for the skyline.

The tower portions of the buildings would be acceptably stepped back from the edge of the base buildings, which reinforces the visual prominence of the base buildings and meets the intent of the design guidelines. Stepbacks vary across the site, from approximately one metre to 15 metres. Those portions of the buildings with minimal stepbacks are confined to small portions of the towers that serve as architectural expressions to enhance and differentiate the building design. The vast majority of tower stepbacks across the site exceed typical standards.

The tops of the towers have been revised to contribute to the quality and character of the skyline character and integrate rooftop mechanical systems into the design. The tops of the proposed towers are appropriate and consistent with the intent of the guidelines.

Shadow and Wind

The Shadow Study submitted in support of the application is satisfactory to City Planning staff. The massing, tower locations and building heights have been designed to minimize shadow impacts on the adjacent lands. This proposal conforms to the policy direction of the Official Plan by ensuring the development would not create undesirable shadowing impacts on shadow sensitive open space areas.

The Wind Study also confirms that the proposed development can be accommodated from a wind engineering standpoint and will provide for an appropriate microclimate environment. The study notes that prevailing winds flow over a relatively open setting comprised of low-rise industrial and commercial buildings to the north and west, existing roads and open areas. Upon impact with the proposed buildings, these winds would be deflected or redirected to flow down the buildings to the pedestrian level as downwash or through the gaps between the proposed buildings. The report advises that unsafe conditions are not anticipated to result from the proposed massing, and that wind conditions at grade around the buildings are anticipated to be appropriate for uses including walking and sitting in most areas. To ensure the creation of safe and comfortable wind conditions in all seasons, landscape and architectural mitigation measures will be secured through the Site Plan Approval process and in the Section 37 agreement.

Building Heights

The Scarborough Centre Secondary Plan suggests that taller buildings be located in close proximity to higher order transit, major arterials like Brimley Road and Highway 401. A key feature of the Brimley Precinct will be the Brimley corridor, which presents an opportunity to create an urban main street that would function as a major entry point to the *Centre* from the north and south. The Secondary Plan further encourages the creation of a distinctive skyline for *Scarborough Centre*. Tall buildings form a prominent part of the urban landscape for the *Centre*, visually reinforcing the civic importance of the area and defining its image. Tall buildings must, however, fit within their context and minimize impacts on surrounding properties.

The proposed buildings have been reviewed under the Built Form Policies of the Official Plan and the Tall Building Design Guidelines to assess the appropriateness of the proposed heights at this location. The four towers of 36 to 47 storeys with overall building heights of approximately 126 metres to 157 metres will visually reinforce the Brimley Precinct and help define its role as an urban focus area within *Scarborough Centre*. The buildings would add to the visual prominence of the *Centre*, enhancing its identity and status as a focal point in the eastern part of

Toronto. The proposed building heights would be consistent with the existing and planned tall building context in the *Centre*.

Density

The applications propose approximately 126,370 square metres of mixed-use gross floor area, which represents a density of approximately seven times the area of the site. The proposed density is comparable to existing and approved developments in *Scarborough Centre*. Staff are of the opinion that the proposed density represents an appropriate level of intensification for the site, achieving it through acceptable building heights, built form, massing and site organization. The proposed density will help to contribute to the success of the *Scarborough Centre* by adding to the critical mass residential and commercial uses and social infrastructure needed to create a vibrant urban community, which will support existing and future public investment in transit and infrastructure.

City Planning staff are of the opinion that the proposed scale and massing of the buildings would be appropriate for the site. The proposed buildings would be consistent with the existing and planned context of *Scarborough Centre*. The towers have slender floor plates and exceed typical separation distances. The tower tops will screen mechanical rooftop equipment while providing a distinct skyline presence. The variation in heights of the proposed towers would create visual interest in the skyline and would be perceived at street level. The proposed development would be consistent with the intent of the Tall Building Design Guidelines and the Official Plan. Through the Site Plan Approval process, staff will secure interesting, high-quality materials in the treatment of the proposed buildings.

Traffic Impact, Access and Parking

A Traffic Impact Study was submitted in support of the proposal. The study concluded that the projected site traffic would have minimal impacts on the area and could be acceptably accommodated on the adjacent road network with minimal road improvements including an extension of the traffic islands on Progress Avenue and Brimley Road to make the central driveway movement right-in and right-out only and improvements to the traffic signal modifications. Transportation Services staff have reviewed the proposal and have indicated that the proposal is acceptable. These improvements will be secured through the Site Plan Approval process.

An objective of the Secondary Plan is to promote reduced automobile dependency through support of urban development at key locations, such as the Brimley Corridor, that is transit supportive and to secure appropriate parking supply limits. A total of 1,214 vehicle parking spaces are proposed in two underground and three above-ground parking levels, comprised of 1,038 residential spaces, 159 visitor spaces, 11 child care spaces and six car-share spaces. Transportation Services staff are satisfied with the proposed vehicle parking supply.

Three Type G loading areas are proposed inside the buildings, including associated storage and staging areas. Loading spaces for the eastern towers would be accessed via the north-south portion of the driveway. The shared loading space for the western towers is proposed in the enclosed parking garage. Solid Waste Services staff are satisfied with the proposed loading.

Official Plan policies encourage reduced automobile dependency and promote alternative modes of transportation. The policies attempt to increase the opportunities for better walking and

cycling conditions for residents. A total of 1,193 bicycle parking spaces are proposed, of which 1,082 would be for residents and 111 would be for visitors. The proposed bicycle parking supply is satisfactory.

Residential Amenity Space

The Official Plan requires that new development provide adequate indoor and outdoor amenity space for residents. Citywide Zoning By-law No. 569-2013 establishes a standard minimum amenity space rate of four square metres for each dwelling unit (minimum two square metres indoor and minimum two square metres outdoors). Approximately 6,364 square metres of indoor and outdoor amenity space is proposed, which is an average of four square metres per residential unit, and two square metres each of indoor and outdoor amenity space. All indoor and outdoor amenity spaces would be contiguous. The majority of the outdoor amenity space is proposed at the fourth floor along the western boundary of the site and at grade between the eastern towers. The majority of the indoor amenity space is proposed to be adjacent to the outdoor amenity space on the fourth floor of the western towers.

A significant number of residents purchasing units in the proposed development are anticipated to have young children and/or dogs. The proposal incorporates common amenity spaces that would be suitable for families with children and residents with dogs, such as an outdoor playground on the fourth floor amenity area and an indoor pet area. Other common indoor amenity areas include a pool and associated change rooms, gyms, party and meeting rooms. Outdoor amenity areas include passive gathering areas, communal barbeque areas and play areas.

The proposed indoor and outdoor residential amenity space meets the zoning bylaw requirements for proportion and location. Details of amenity space design and locations will be further secured through the Site Plan Approval process.

Unit Breakdown

Official Plan policies encourage a range of housing in terms of form, affordability and tenure arrangements. The proposal contains an increased proportion of three-bedroom units, including two-bedroom units which could be converted to three-bedroom units by an end user. The unit breakdown is:

- 150 studio units (9.4%)
- 637 1-bedroom units (40%)
- 729 2-bedroom units (45.8%)
- 75 3-bedroom units (4.7%)

Fifty-three of the two-bedroom units would be designed to be convertible to three-bedroom units, which would bring the potential proportion of three-bedroom units to 8%. A larger proportion of two-bedroom units are proposed than in most new, multi-storey condominiums. Overall, 50.5% of the units would have two or more bedrooms, which staff believe is beneficial.

Tree Preservation

The Arborist Report and Landscape Plans submitted in support of the application indicate there are two trees immediately adjacent to the subject site that qualify for protection under the City's

Tree Protection By-law. Both trees are proposed to be protected. The Planting Plans show 229 new trees to be planted on private property and along Brimley Road and Progress Avenue as part of the development. Tree protection and planting details will be secured through the Site Plan Approval process.

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 the local parkland provisions across the City. The subject site is located in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The applicant proposes 1,591 residential units and 4,148 square metres of commercial space within a site area of 17,941 square metres. At the alternative rate of 0.4 hectares per 300 units, the parkland dedication would be 21,224 square metres, which equates to 118.3% of the net site. At this time there is no applicable cap that applies to the Scarborough Centre Secondary Plan Alternative Rate parkland dedication provision. City Planning has initiated a citywide process to align the local parkland dedication requirement with that of Chapter 415, Article III, of the Toronto Municipal Code.

Parks staff have determined that the applicant will satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act* and is required as a condition of the building permit application process.

Toronto Green Standard

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

The Zoning By-law Amendment and Site Plan Control applications will secure the performance measures for Tier 1 development features, including pedestrian infrastructure such as accessible walkways, sidewalks, pedestrian scale lighting and weather protection, bicycle parking, landscaping and tree planting, urban heat island reduction through the use of high-albedo surface materials and green roofs, stormwater management and retention, glass treatments to minimize bird collisions, collection of recycling and organic waste and energy efficiency standards.

Servicing

The owner is required to submit to the satisfaction of the Executive Director of Engineering and Construction Services for review and acceptance, a revised Servicing and Stormwater Management Report, which includes sanitary and storm minor and major sewer capacity analysis, and fire demand, to demonstrate if the existing municipal infrastructure is adequate to service the proposed development and determine if any upgrades/improvements are required to the existing infrastructure to support this development proposal.

If the proposed development will expect minimal groundwater drainage, the owner has the option to implement a water-tight structure, eliminating the need to implement Private Water Drainage System, otherwise the owner must submit all the necessary documentation for a long-term Sanitary/Storm Discharge Agreement for Private Water discharged into the municipal sewer system, including a Hydrogeological Report, Functional Servicing Report, Stormwater Management Report, mechanical and engineering drawings, all to the satisfaction of the Executive Director of Engineering and Construction Services in consultation with the General Manager of Toronto Water.

Staff recommend that the owner satisfy all concerns of Engineering and Construction Services and Toronto Water staff prior to the issuance of any Board Order from the Ontario Municipal Board approving the Zoning By-law Amendments.

School Capacity

The Toronto District School Board (TDSB) has advised that there is insufficient space at the local schools to accommodate students anticipated from this proposed development and that children may need to be accommodated in schools outside this area until space in local schools becomes available. The TDSB has requested that the owner enter into an agreement with the TDSB to erect and maintain signs on site and include warning clauses in all agreements of purchase and sale advising purchasers of the status of local school accommodation.

The Toronto Catholic School Board (TCDSB) has advised that enrolment trends in the area suggest that there may not be sufficient permanent capacity available to accommodate students anticipated from this proposed development. Students from this development may need to be accommodated in portable classrooms or may have to be redirected to schools outside this area until space in local schools becomes available. The TCDSB has requested that the owner enter into an agreement with the TCDSB to erect and maintain signs on site and include warning clauses in all agreements of purchase and sale advising purchasers of the status of local school accommodation.

Public Art

Public art is encouraged in all new development to enhance the quality of the public realm, add interest and create a sense of place. The owner has agreed to contribute \$500,000 towards on-site public art, which will be secured through the Section 37 agreement. The Owner will be required to prepare a public art plan detailing how public art is to be provided on site, which will be further secured through the Site Plan Approval process.

Child Care Facility

Policy 4.6.3(b) of the Scarborough Centre Secondary Plan states that within the Brimley Precinct, the provision of community services and facilities including a licensed non-profit child care facility are encouraged. The need for such a facility was identified by a Community Services and Facilities Strategy that was completed by the City for the Scarborough Centre Secondary Plan area, which was confirmed by the applicant through the submission of a Community Services and Facilities study as part of the subject application.

A non-profit licensed child care facility that would be maintained and operated in accordance with the Children's Services Child Care Development Guideline (2016) is proposed as part of the development in the base of the tower at the southwest corner of the site. City Planning staff have Staff report for action – Request for Direction - 1680 Brimley Road

worked with the applicant and staff from Children's Services to ensure that the proposed facility will accommodate a minimum of 62 children (10 infants, 20 toddlers and 32 preschoolers). The facility will comprise a minimum of 855 square metres of interior space and a minimum of 241 square metres exterior space adjacent to the interior space, including three playgrounds and outdoor storage. The owner will be required to provide a dedicated elevator and stairs within the facility, designated parking for staff and visitors and to accommodate pick-up and drop-off functions and safe and direct access from the parking garage to the child care facility.

The applicant will enter into a lease agreement with the City for a total of 99 years and the facility will be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes, local improvement charges and building permit fees and development charges.

In addition, the applicant will be required to make a one-time cash contribution in the amount of \$180,000.00 to the Child Care Facility's Reserve Fund to replace appliances and large equipment due to wear and tear, a one-time cash contribution in the amount of \$150,000.00 towards the Start-Up Operating Costs for the defrayment of operational deficits during the first year of operation and funds required to fully equip the facility. This would all be secured in the Section 37 Agreement. Further details of the design of the child care facility will be developed between the applicant and Children's Services staff and be determined through the Site Plan Approval process.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used to secure other matters as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits recommended to be provided and secured in the Section 37 Agreement are as follows:

1. The construction, finishing, furnishing and equipping of a non-profit licensed child care facility in Tower 2 to accommodate at least 62 children, including infants, toddlers and preschoolers, comprising a minimum of 855 square metres of interior space and a minimum of 241 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area in the parking garage with safe and direct access to the child care facility. Prior to the issuance of the first above-grade building permit for Tower 2, the owner shall submit plans illustrating all details of the child care facility to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Children's Services, with such child care facility to be made available to the City prior to the registration of the condominium for Tower 2 (the tower at the southwest corner of the site).
2. The entering into a lease agreement with the City for three (3) twenty-five (25) year terms and one (1) twenty-four (24) year term for a total of ninety-nine (99) years with no

termination allowed unless the General Manager, Children's Services, the lessor and the lessee agree; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs, repair and maintenance costs, property damage, liability insurance, realty taxes, local improvement charges and building permit fees and development charges in accordance with the City's Term Sheet.

3. Prior to the issuance of the first above-grade building permit, the owner shall make a one-time cash contribution of \$180,000 to the Child Care Facility Reserve Fund to fully equip the Child Care Facility to replace appliances and large equipment due to wear and tear, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment.
4. Prior to the issuance of the first above-grade building permit, the owner shall make a one-time cash contribution of \$150,000 to Start-Up Costs for the defrayment of operational deficits during the first year of operation, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment.
5. The owner shall provide funds required to fully equip the Child Care Facility in accordance with provincial and municipal standards based on an inventory list provided by Children's Services and finalized by the future child care operator chosen through the Expression of Interest process. Major appliances could be included in the contractor's scope of work. The final amount shall be determined to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Children's Services and the amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment.
6. The owner shall provide a contribution of \$500,000.00 to commission public art in a process generally in accordance with the Percent for Public Art Program. A letter of credit in the amount of \$500,000.00 will be provided prior to the issuance of the first above-grade building permit, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment. Prior to the issuance of the first above-grade building permit, the owner will submit a plan detailing the possible locations of any public art installations on the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor. Public art provided through this process will be provided on site prior to the registration of the condominium for Tower 4 (the tower at the northeast corner of the site).
7. Prior to the registration of the condominium for Tower 4 (the tower at the northeast corner of the site), the owner will convey to the City for nominal consideration, one public pedestrian easement securing access to one privately owned publicly-accessible space (POPS), having a minimum area of 1,208 square metres, generally as shown on the draft Zoning By-law Amendments attached as Attachments 11 and 12 to this report, to

provide public access for use by the general public, which easement shall include provisions for rights of support if necessary, and insurance and indemnification of the City by the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor. The public access easement is to be conveyed to the City free and clear of all physical and title encumbrances unless otherwise agreed to by City Planning and the City Solicitor. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign, at its own expense, in accordance with the City of Toronto POPS Urban Design Guidelines, stating that members of the public shall be entitled to use the POPS at any time, 365 days a year, with any changes to terms and conditions being satisfactory to the Chief Planner and Executive Director, City Planning Division.

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

1. The provision of a minimum of 4.7% of the residential dwelling units within the development to be three-bedroom dwelling units and a minimum additional 3.3% of the residential dwelling units within the development that are convertible to three-bedroom dwelling units, with built in features to ensure convertibility as determined prior to final site plan approval, and a minimum of 48% of the total number of residential dwelling units to be two and three bedroom dwelling units, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
2. Prior to final site plan approval, the owner shall confirm that residents living in all buildings will have mutual access to the communal indoor and outdoor amenity areas to all buildings within this development.
3. Prior to the issuance of any building permit, the owner shall enter into a financially secured Development Agreement with the City, to pay for and construct any improvements to the existing municipal infrastructure, including the engineering and inspection fee, in connection with the requirements stipulated in the accepted Functional Servicing Report, to the satisfaction of the Executive Director, Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.
4. The owner shall construct wind mitigation measures required pursuant to site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
5. The owner shall comply with the Noise Impact Study, prepared by J.E. Coulter Associates Limited, dated March 15, 2016, to the satisfaction of the City.
6. Prior to the issuance of the first above-grade building permit for the buildings, a Professional Engineer qualified to provide acoustical engineering services will review the building plans and provide confirmation that any noise attenuation features required for transportation noise have been incorporated into the design of the buildings, including at a minimum those recommended in the Noise Impact Study, prepared by J.E. Coulter Associates Limited, dated March 15, 2016.

7. The owner shall provide all dwelling units with air conditioning.
8. The owner will ensure that the Agreement of Purchase and Sale for all residential dwelling units will include warning clause(s) indicating to the owners that the sound levels on the site from transportation noise sources have exceeded the Ministry of the Environment and Climate Change's noise guidelines.
9. The owner will ensure that the Agreement of Purchase and Sale for all residential dwelling units will include warning clause(s) notifying the owners of the presence of the adjacent industrial uses.
10. The owner will ensure that the Agreement of Purchase and Sale for all residential dwelling units will include warning clause(s) related to air quality emissions.
11. Air makeup units and any other building air intakes will be located as high as possible on the buildings.
12. The owner shall install enhanced air filtration for all residential air makeup units.
13. The owner shall locate the outdoor fresh air intake for the child care facility a minimum of 20 metres from the south property line.
14. The owner shall install enhanced air filtration systems for the child care facility, including a minimum two inch MERV 8 pre-filter, integral to the makeup air unit and a four inch MERV 13 filter integral to the unit, located downstream of the supply air fan.
15. Prior to the issuance of the first above-grade building permit for the buildings, a Professional Engineer or Architect will review the building plans and provide confirmation that potential for water vapour interaction and icing impacts on cladding and other building surfaces have been appropriately addressed.

Conclusions

The proposed development is an appropriate intensification of the currently vacant site that would build on the underlying approved mixed use development. It responds to the planned and existing content of the area, creates an appropriate site layout and built form, provides publicly accessible open space on the site, enhances the streetscape on adjacent streets, contributes to the mix of housing, retail and services in the area and provides a not-profit child care facility as a community benefit. The proposal conforms to Official Plan goals for development within *Mixed Use Areas* and *Centres* and addresses the need to reduce potential land use compatibility issues with the site's surroundings. Staff are recommending that Council authorize the City Solicitor, City Planning staff and other appropriate staff to attend the OMB hearing to support the revised redevelopment proposal

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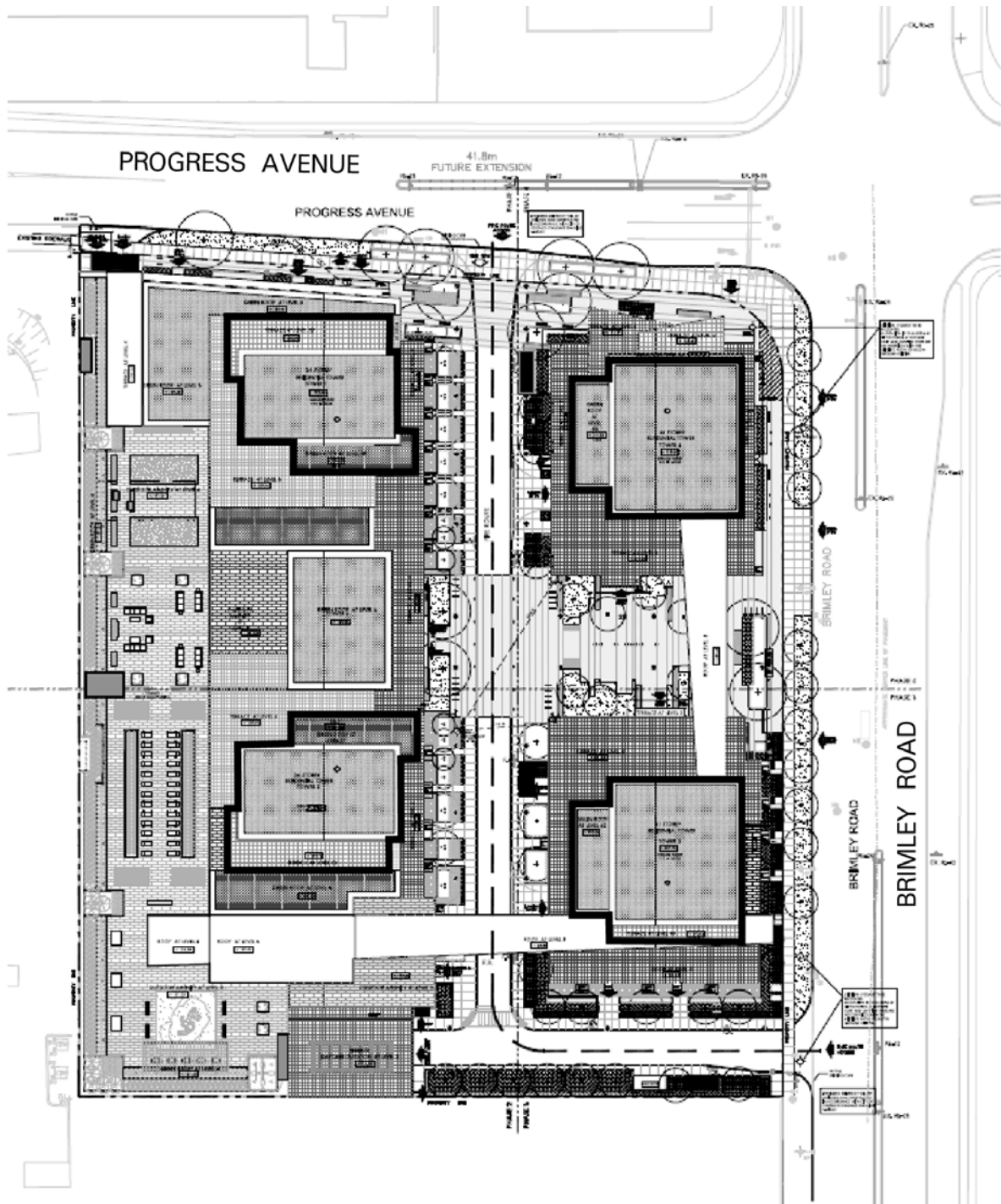
SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: North Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Interior West Elevation
Attachment 7: Interior East Elevation
Attachment 8: Zoning
Attachment 9: Official Plan
Attachment 10: Application Data Sheet
Attachment 11: Draft Zoning By-law Amendment to City of Toronto By-law 569-2013
Attachment 12: Draft Zoning By-law Amendment to former City of Scarborough Employment Districts Zoning By-law No. 24982 (Progress Employment District)

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

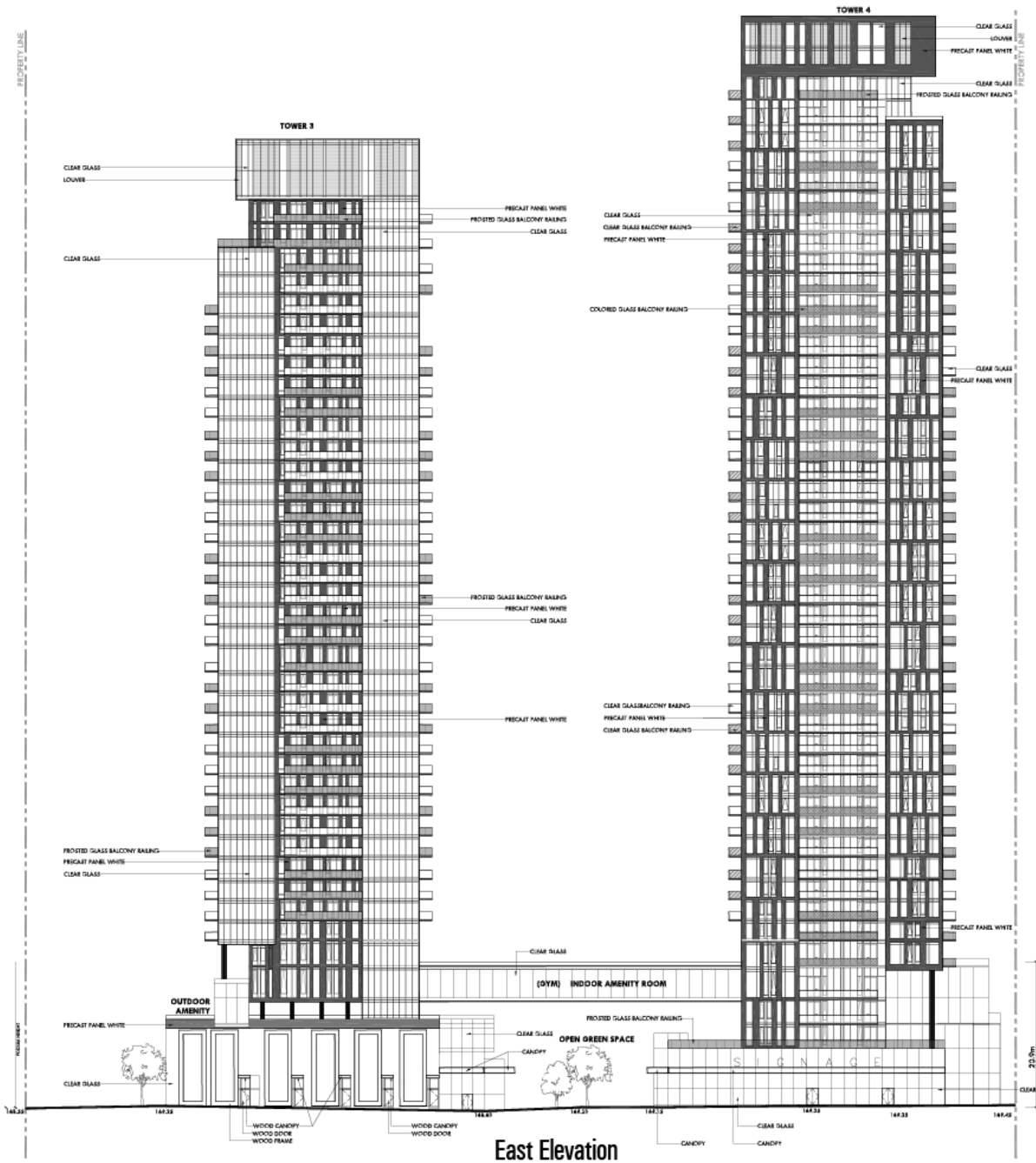
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1/16/17



1680 Brimley Road

File # 06 200146 ESC 37 0Z

Attachment 2: East Elevation



Elevations

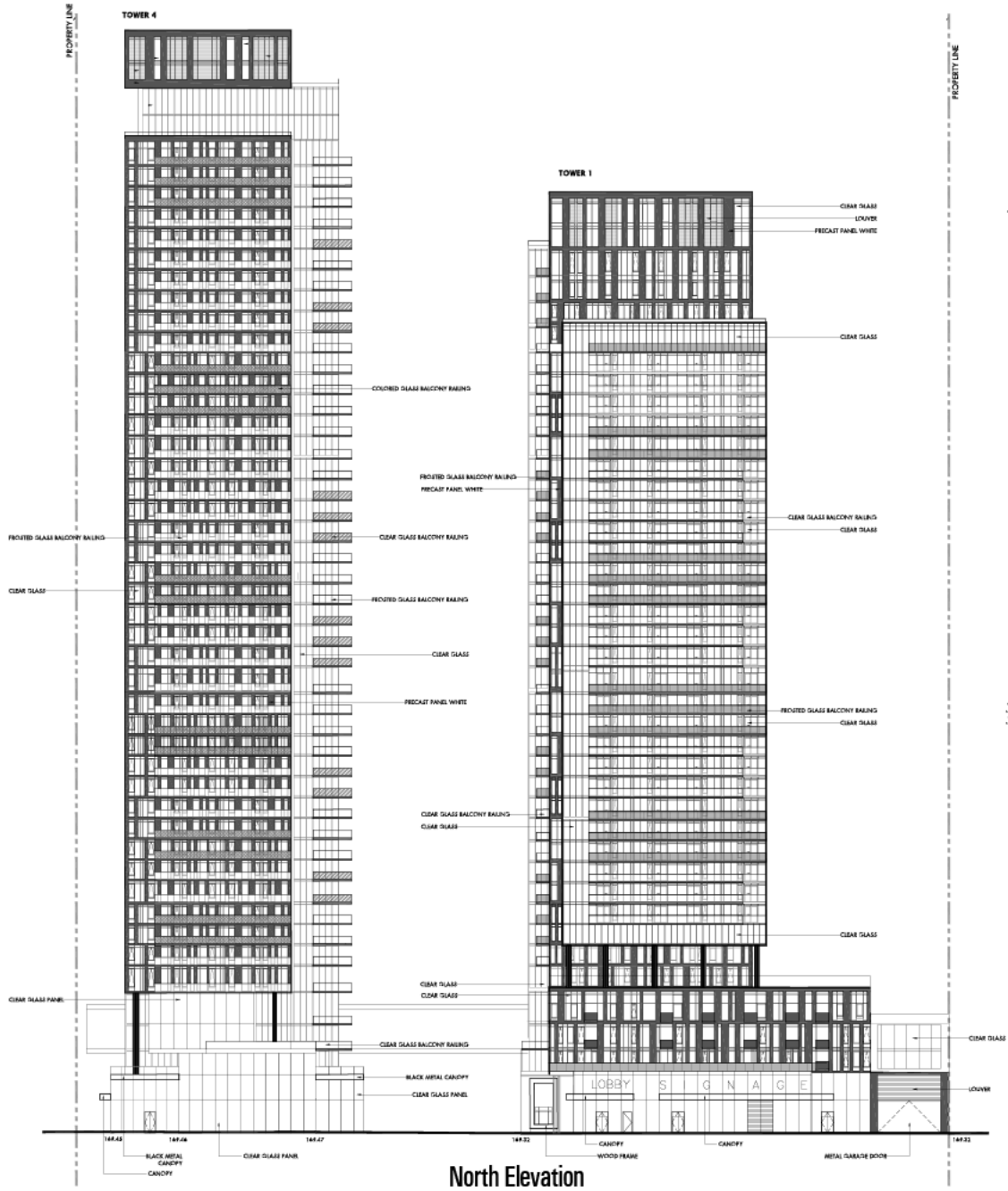
Applicant's Submitted Drawing

Not to Scale
05/12/17

1680 Brimley Road

File # 06 200146 ESC 37 0Z

Attachment 3: North Elevation



Elevations

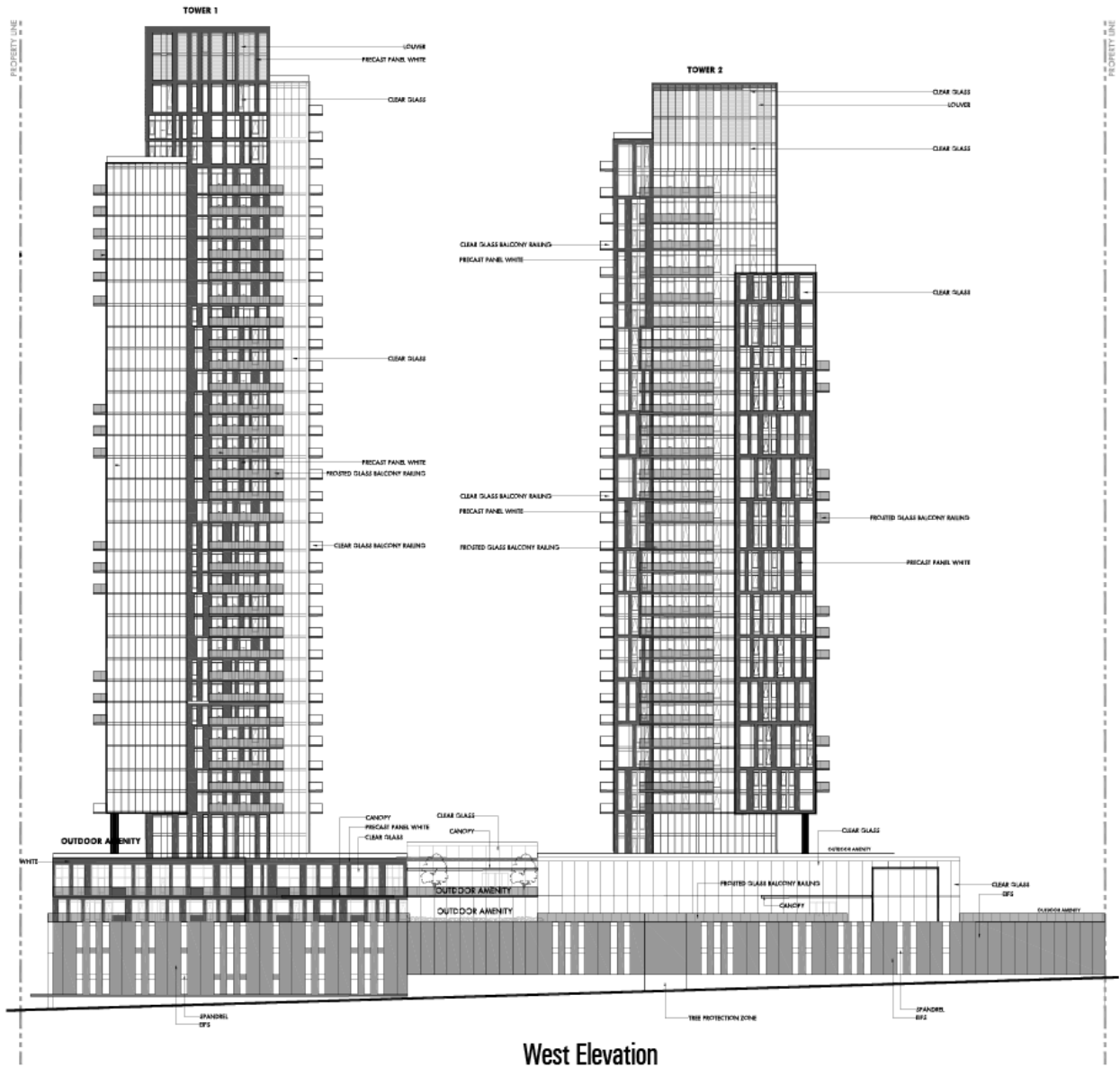
Applicant's Submitted Drawing

Not to Scale
05/12/17

1680 Brimley Road

File # 06 200146 ESC 37 0Z

Attachment 4: West Elevation



West Elevation

Elevations

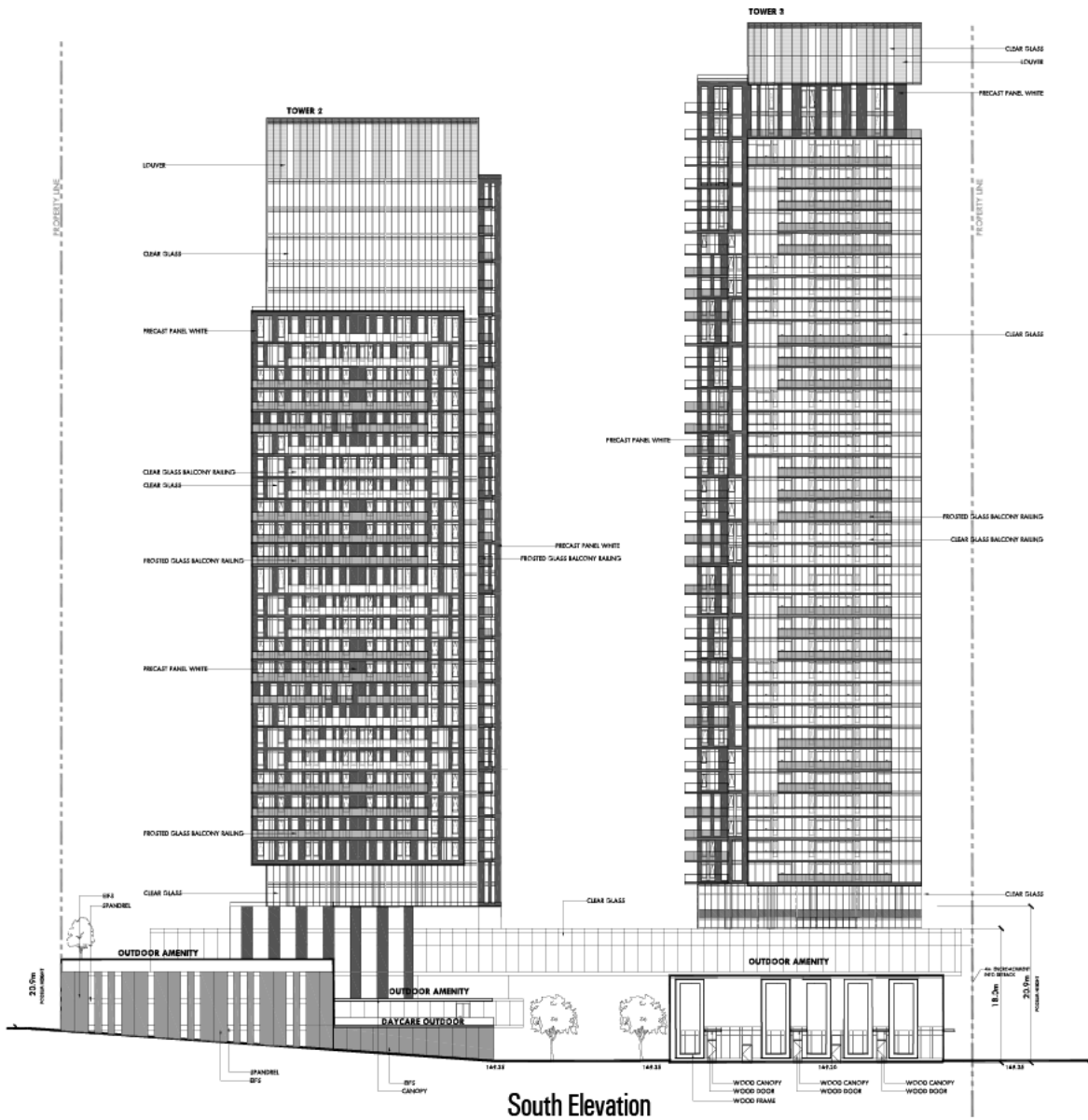
Applicant's Submitted Drawing

Not to Scale
05/12/17

1680 Brimley Road

File # 06 200146 ESC 37 02

Attachment 5: South Elevation



South Elevation

Elevations

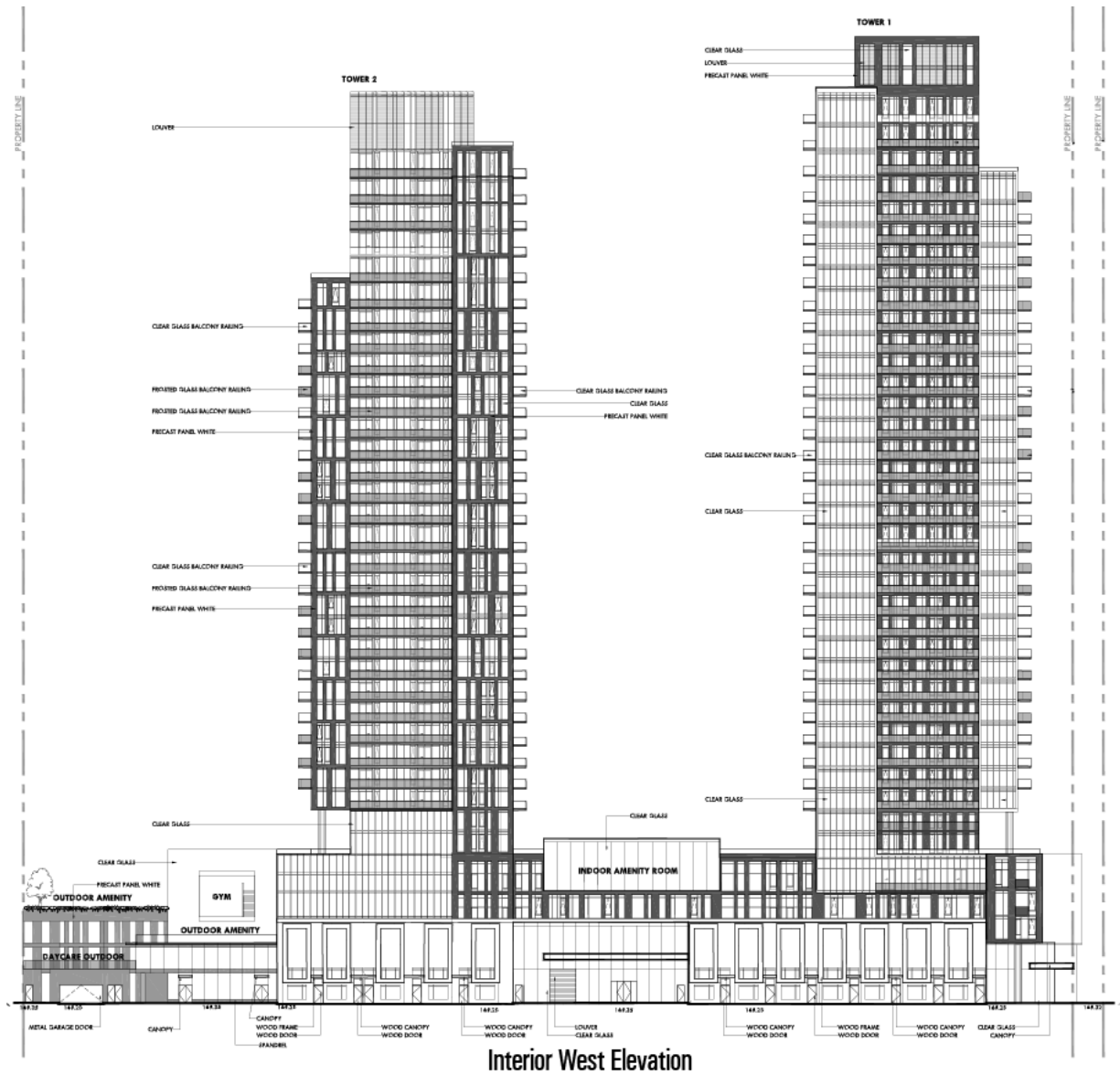
Applicant's Submitted Drawing

Not to Scale
05/12/17

1680 Brimley Road

File # 06 200146 ESC 37 02

Attachment 6: Interior West Elevation



Interior West Elevation

Elevations

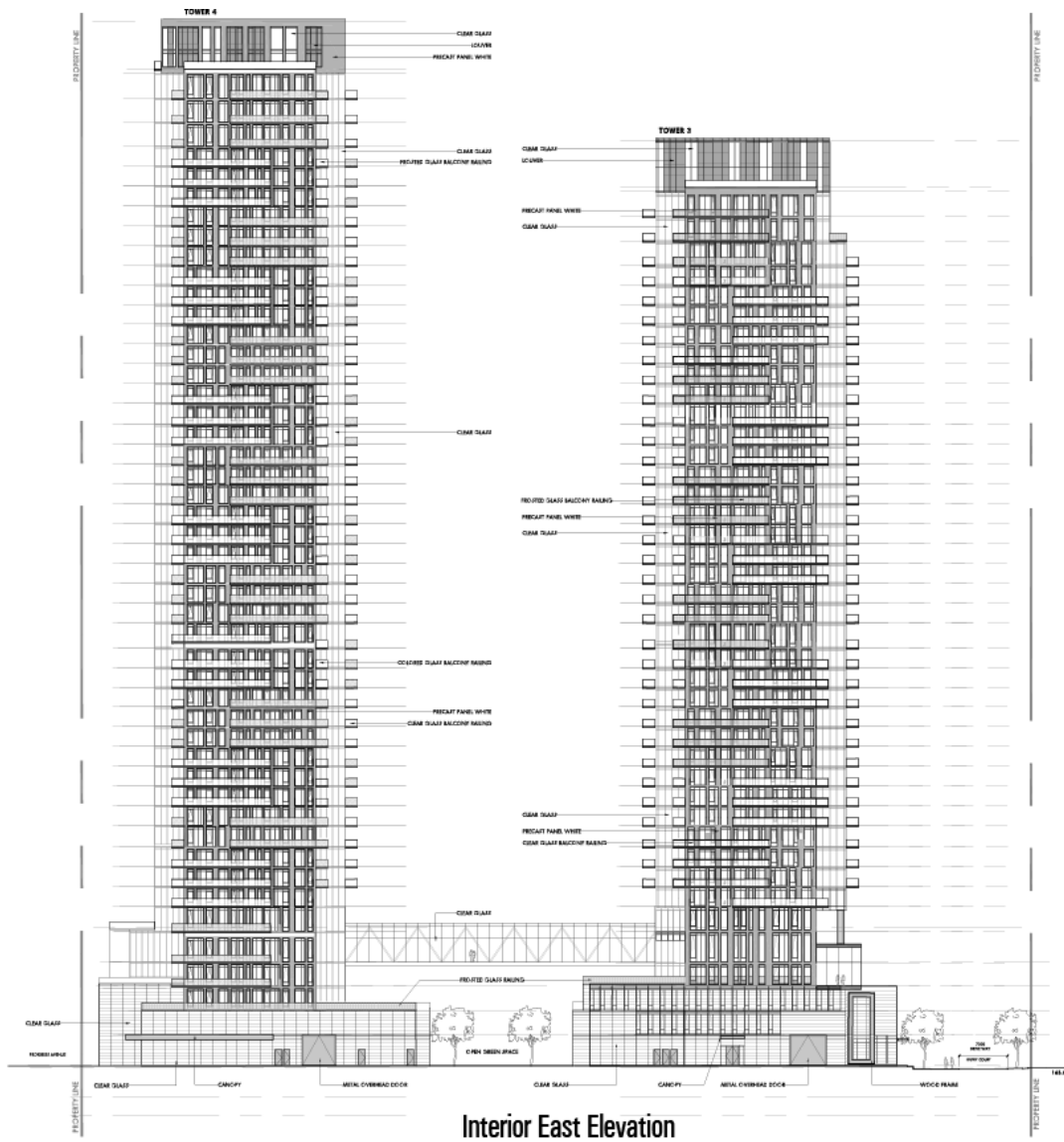
Applicant's Submitted Drawing

Not to Scale
05/12/17

1680 Brimley Road

File # 06 200146 ESC 37 0Z

Attachment 7: Interior East Elevation



Interior East Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
05/12/17

1680 Brimley Road

File # 06 200146 ESC 37 02

Attachment 8: Zoning



Zoning By-Law No. 569-2013

1680 Brimley Road

File # 06 200146 ESC 37 0Z

Location of Application

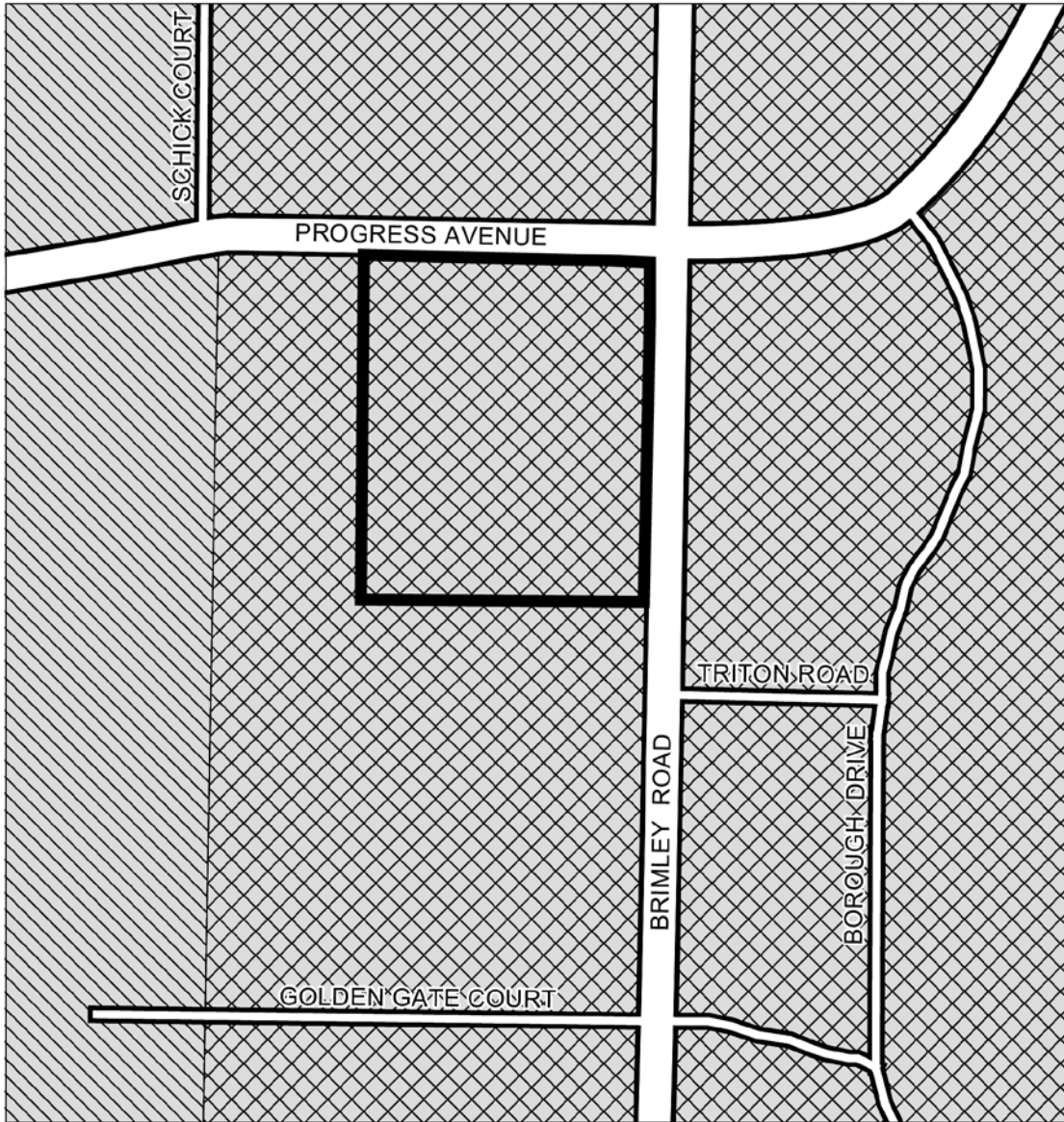
See Former City of Scarborough Employment District By-Law No. 24982 (Progress)

M Industrial Zone
AG Agricultural Zone
(H) Holding Provision

CCC City Centre Commercial Zone
CCO City Centre Office Zone
CCTS City Centre Town Square Zone
CCR City Centre Residential Zone

Not to Scale
 Extracted: 01/12/2017

Attachment 9: Official Plan



 **TORONTO** City Planning
Official Plan

1680 Brimley Road

File # 06 200146 ESC 37 02

-  Site Location
-  Mixed Use Areas
-  Employment Areas


Not to Scale
1/13/16

Attachment 10: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	06 200146 ESC 37 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 29, 2006

Municipal Address: 1680 Brimley Road

Location Description: CON 2 PT LT25 RP 64R 10330 PT 2 VACANT LAND **GRID E3701

Project Description: Proposed development of four towers with building heights of 36, 39, 41 and 47 storeys that would contain 1,591 residential units, 3,293 square metres of retail uses and an 855 square metre childcare facility. 1,193 bicycle parking spaces and 1,214 vehicle parking spaces are proposed.

Applicant:	Agent:	Architect:	Owner:
Walker, Nott, Dragicevic Associates Ltd.		A& Architects	Brimley Progress Development Inc.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	City Centre Residential & City Centre Commercial	Historical Status:	
Height Limit (m):	90	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	17941	Height:	Storeys:	47
Frontage (m):	127 (Brimley)		Metres:	156.3
Depth (m):	110 (Progress)			
Total Ground Floor Area (sq. m):	12238.9			Total
Total Residential GFA (sq. m):	122229.4		Parking Spaces:	1214
Total Non-Residential GFA (sq. m):	4148		Loading Docks	0
Total GFA (sq. m):	126369.4			
Lot Coverage Ratio (%):	69			
Floor Space Index:	7			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	122229.4
Bachelor:	150	Retail GFA (sq. m):	3293
1 Bedroom:	637	Office GFA (sq. m):	0
2 Bedroom:	729	Industrial GFA (sq. m):	0
3 + Bedroom:	75	Institutional/Other GFA (sq. m):	855
Total Units:	1591		

CONTACT:	PLANNER NAME:	Paul Johnson, Planner
	TELEPHONE:	416-397-0259

Attachment 11: Draft Zoning By-law Amendment to City of Toronto By-law 569-2013

To be available June 13, 2017 at Scarborough Community Council

**Attachment 12: Draft Zoning By-law Amendment to former City of Scarborough
Employment Districts Zoning By-law No. 24982 (Progress Employment District)**

To be available June 13, 2017 at Scarborough Community Council