



## STAFF REPORT ACTION REQUIRED

### 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East – Zoning Application

<b>Date:</b>	December 6, 2016
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 36 – Scarborough Southwest
<b>Reference Number:</b>	P:\2016\Cluster B\PLN\City Council\CC16155

## SUMMARY

This report reviews how the zoning by-law preconditions for the eastern portion of the Build Toronto lands (indicated as Part B on the key map below) have been addressed, as directed by City Council on September 30, 2015 (Item SC8.25). Information is also provided on the current status of Official Plan Amendment No. 288 which applies to the overall site.

On the basis that Council's preconditions have now largely been met, City Council's enactment of a zoning by-law amendment for the easterly residential portion of the Build Toronto lands at this time is now recommended.

## RECOMMENDATIONS

**The City Planning Division recommends that:**

1. City Council delete Part 8.b. of Council's decision on Item SC8.25 relating to completion of the conveyance of Runnymede Park to Build Toronto as a precondition for enactment of a zoning by-law amendment for the easterly portion of the Build Toronto lands.



2. City Council amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786 for the eastern portion of the lands at 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment attached as Attachment 1 to the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning, as may be required.
4. City Council determine that, pursuant to Section 34(17) of the *Planning Act*, no further public notice is required with regard to minor revisions made to the proposed zoning by-law to address the Section 37 arrangements made to satisfy Council's preconditions to enactment of the proposed zoning by-law.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

Scarborough Community Council on September 8, 2015 conducted a statutory Public Meeting to consider City Planning's Final Report dated August 28, 2015 on Build Toronto's Official Plan and zoning by-law amendment applications, together with a separate City-initiated Official Plan amendment to re-establish the former Blantyre Avenue road allowance on abutting lands as a planned future public street. The report also proposed conditions of approval for the draft plan of subdivision for this 7.7 hectare (19 acre) site.

Community Council adopted Planning staff's recommendations, without amendment, that the two proposed Official Plan amendments (OPA 288 relating to the Build Toronto lands and OPA 324 relating to Blantyre Avenue), together with proposed zoning by-law amendments to the former Scarborough Birchcliff Community Zoning By-law No. 8786 and Toronto Zoning By-law No. 569-2013 pertaining only to the westerly portion of the site fronting Victoria Park Avenue intended for commercial development, be approved.

A third proposed draft zoning amendment to the former Scarborough Birchcliff Community Zoning By-law No. 8786 for the remaining eastern portion of the site intended for residential development and park uses was also attached the Final Report. Community Council adopted Planning staff recommendations that this third zoning by-law amendment be approved but that the Bill not be submitted to Council for enactment until various matters discussed further below had been satisfactorily addressed. Community Council also requested Planning staff report further directly to Council on the feasibility of requiring the residential development to be constructed and maintained in accordance with Tier 2 performance measures of the Toronto Green Standard (TGS).

The Community Council decision record in this regard can be viewed at the following link under item SC8.25:

<http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getDecisionDocumentReport&meetingId=9756>

The Chief Planner and Executive Director, City Planning provided a Supplementary Report dated September 28, 2015 directly to City Council advising that Build Toronto was prepared to achieve TGS Tier 2 standards for the new residential development, and attaching a revised draft zoning by-law amendment to reflect that as a further Section 37 commitment.

City Council adopted Community Council's recommendations with amendments on September 30, 2015, and on October 2, 2015 enacted the two Official Plan (OPA's 288 and 324) and two commercial zoning by-law amendments being recommended.

The proposed third zoning by-law amendment for the remaining eastern portion of the site is the subject of this report. The City Council decision record, together with Planning staff's Final and Supplementary Reports can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC8.25>

### **Resolution of Appeals to the Ontario Municipal Board**

Appeals were subsequently filed with the Ontario Municipal Board ("OMB") of Council's approval of Official Plan Amendment No. 288, By-law No. 986-2013 amending Toronto Zoning By-law No. 569-2013, as amended, and By-law No. 987-2013 amending Birchcliff Community Zoning By-law No. 8786, as amended (i.e. the two commercial by-law amendments). The appeals were filed by the owner of lands immediately to the east of the Build Toronto lands, GCD Trustee Limited (the Conservatory Group), and Mr. Alan Burke representing the East Beach Community Association ("EBCA"). Build Toronto subsequently brought a motion that to the OMB to dismiss the EBCA appeals on the basis EBCA failed to make oral submissions at the September 8, 2015 Public Meeting or to provide City Council with written submissions necessary to secure rights of appeal. The matter was considered by the Board at a hearing on January 19, 2016 and in its Decision dated January 28, 2016, the EBCA appeals were dismissed. This Decision can be viewed at:

<http://www.omb.gov.on.ca/e-decisions/pl151072-jan-28-2016.pdf>

City Council's October 2, 2015 adoption of City-initiated Official Plan Amendment No. 324, to re-establish the former Blantyre Avenue road allowance north of Gerrard Street East as a planned new public street, was also appealed by both the Conservatory Group and the owner of the affected lands, RioCan. Due to administrative consolidation of the appeals on OPA 288 and OPA 324 by the OMB, Build Toronto brought a further motion for an order of the Board to deconsolidate the two Official Plan amendment appeals on the basis they deal with different and unrelated issues. At a Prehearing Conference on June 26, 2016, the Board was also advised that Build Toronto and Conservatory Group had entered into minutes of settlement and that all Conservatory Group appeals relating to the Build Toronto lands had been withdrawn. On this basis, OPA 288 and the two

commercial zoning by-laws relating to Build Toronto's lands are now in final effect. The appeals on OPA 324 remain outstanding with a Board teleconference now scheduled for January 13, 2017 to receive further updates from the parties. The July 20, 2016 decision of the Board in regard to this second motion hearing can be viewed at:

<http://www.omb.gov.on.ca/e-decisions/pl151072-jul-20-2016.pdf>

## ISSUE BACKGROUND

This report responds to a number of pre-requisites directed by City Council on September 30, 2015 (Item SC8.25) to be satisfied prior to introduction of a third zoning by-law amendment for enactment that will apply to the remaining easterly residential and parkland portion of the Build Toronto lands. These requirements include:

- a) Under Part 6. of Council's direction, that Build Toronto enter an agreement under Section 37 of the *Planning Act* to provide \$500,000.00 toward Above Base Park Improvements to the new public park, 30 units of affordable 'ownership' housing and to achieve Tier 2 of the Toronto Green Standard;
- b) Under Part 7., that the Chief Planner and Executive Director, City Planning, in consultation with the Director, Affordable Housing Office reporting on any further refinements required to the approach outlined in the Final Report of August 28, 2015 for the implementation of the provisions for 30 affordable ownership units, including the partnership arrangements between Build Toronto and Habitat for Humanity, Greater Toronto Area ("Habitat"), together with any related changes to the draft zoning by-law amendment proposed as may be necessary;
- c) Under Part 8.a., that OPA 288, particularly as it pertains to policies authorizing the disposal of City owned lands in Parks and Open Space Areas – Parks (i.e. Runnymede Park), is in to be in full force and effect; and
- d) Under Part 8.b., that the conveyance of Runnymede Park at 2530 Gerrard Street East to Build Toronto for inclusion in the proposed development, in accordance with the City's land disposal practices and requirements, is also to be completed to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Director, Real Estate Services and Executive Director, Engineering and Construction Services.

## COMMENTS

### Official Plan Amendment No. 288

OPA 288, in part, amended certain land use designations applying to the overall development proposed by Build Toronto, including those applying to portions of today's Runnymede Park. OPA 288 retained the current *Mixed Use Areas* on the westerly portion of the Build Toronto lands intended for new commercial and apartment residential developments. The *Parks and Open Space Areas* designation was reconfigured to reflect the new public park proposed through Build Toronto's draft plan

of subdivision, with a *Neighbourhoods* designation applied to the balance of the lands reflecting Build Toronto's proposed townhouse developments. (See Attachment 1: Schedule '1' to Official Plan Amendment No. 288.)

As noted above, with the withdrawal on the abutting property owner's appeal on City Council's enactment of OPA 288, the amendment is now in final effect. Consistent with the recommendations of Planning staff in the Final Report dated August 28, 2015, enactment of the remaining zoning by-law amendment for the eastern portion of the lands would be consistent with, and will serve to implement the policies and provisions of, the Official Plan as now amended by OPA 288. Having regard to Council's requirement c) under Issue Background above, it is now appropriate for Council to enact the zoning by-law amendment for the easterly portion of the Build Toronto site substantially in accordance with that attached as Attachment 1 to the supplementary report (September 18, 2015) from the Chief Planner and Executive Director, City Planning.

### **Section 37 Agreement and Affordable Ownership Housing**

In regard to Council's requirements a) and b) under Issue Background above, the provision of the 30 affordable ownership units is to be secured through the Section 37 agreement between Build Toronto and the City. Of the 30 affordable ownership units, 24 of the units will be provided on lands that will be conveyed to Habitat, and 6 of the units will be provided to Habitat as unfinished units within a new apartment building. Once the lands and units are transferred, Habitat will assume the affordable housing requirements secured in the Section 37 agreement, including building or finishing the affordable ownership units, selling them at or below the affordable ownership price and maintaining the ongoing affordability of the units. In addition, Habitat will enter into a housing delivery agreement with the City to secure additional implementation matters.

The Section 37 agreement is in a final form and will be executed by Build Toronto (in satisfaction of Council's requirement a) above) before the Bill is submitted to the City Clerk for Council's enactment.

To reflect final agreement details, only technical/stylistic changes are required to the proposed by-law attached as Attachment 1 to the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning.

On this basis, it is recommended that City Council determine that no further public notice is required for the purposes of enacting this zoning by-law amendment at this time.

### **Runnymede Park**

As discussed in the Final Report of August 28, 2015 and contemplated through Council's adoption of OPA 288, portions of Runnymede Park as currently configured (in the middle of the site at 2530 Gerrard Street East) were proposed for conveyance to Build Toronto to accommodate the new residential developments and associated public streets. The reconfigured replacement parkland (as illustrated on Attachment 1: Schedule '1' to Official Plan Amendment No. 288) will then be secured and re-established through the plan of subdivision approval process. OPA 288 particularly added Runnymede Park to

Site and Area Specific Policy No. 265 of the Official Plan. This policy enables the disposal of identified City-owned lands within the *Green Space System* or *Parks and Open Space Areas*, notwithstanding other provisions of the Plan prohibiting such disposals. Again, the inclusion of Runnymede Park in Site and Area Specific Policy No. 265 through OPA 288 is also now in final effect, consistent with Council's direction c) above as well.

City Council further directed under requirement d) above that conveyance of the lands to Build Toronto in accordance with the City's land disposal practices and requirements, is to be completed to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Director, Real Estate Services and Executive Director, Engineering and Construction Services.

With OPA 288 now in effect, the Director, Real Estate Services and the Chief Corporate Officer pursuant to delegated authority authorized the declaration of Runnymede Park as surplus on November 15, 2016. Real Estate Services staff are now in the process of finalizing terms and conditions for the transfer of the park to Build Toronto in consultation with Toronto Water and Engineering and Construction Services, given existing underground municipal infrastructure traversing the lands. These matters will be further addressed in a report from Real Estate Services to Government Management Committee in early 2017 for recommendation that City Council grant authority to enter into an agreement to transfer the property with Build Toronto.

Prior public consultations, comprehensive planning evaluation and reporting on the Build Toronto applications, culminating in Council's enactment of OPA 288, have all clearly contemplated the inclusion of portions of Runnymede Park for new residential development and public streets, and that it would be replaced with new public parkland through the plan of subdivision process. Build Toronto advises that until this final zoning by-law amendment is in place, it has also been unable to conclude final arrangements with the prospective leasee for the commercial portion of the site rezoned in September of last year. With OPA 288 now in effect and Runnymede Park having now been formally declared surplus, the introduction of the subject by-law amendment to Council for enactment at this time would assist in facilitating Build Toronto's initiation of this significant first phase of site redevelopment, and be appropriate.

Real Estate Services and Engineering and Construction Services staff have been consulted in regard to this recommendation.

## **CONTACT**

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## **SIGNATURE**

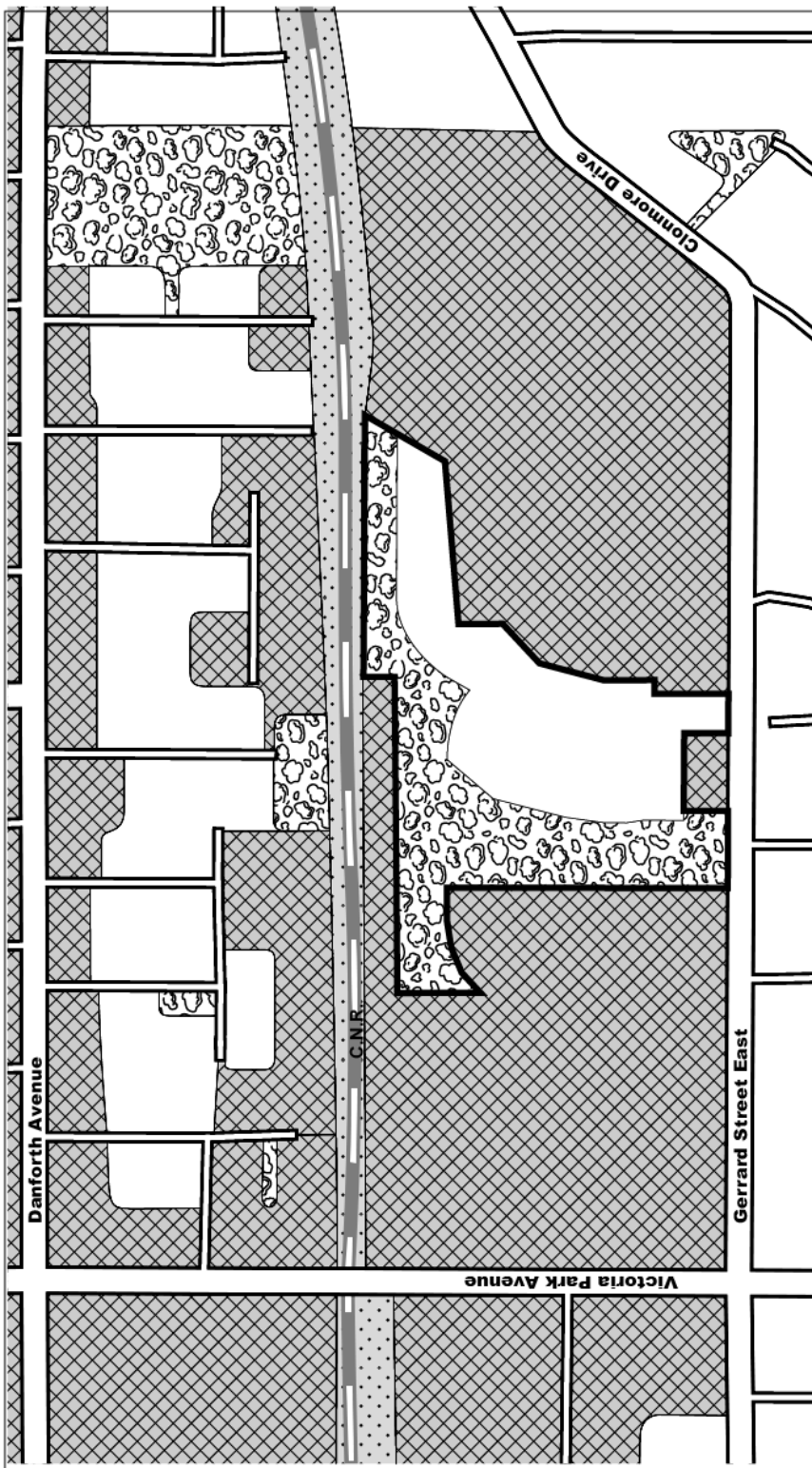
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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Schedule '1' to Official Plan Amendment No. 288

# Attachment 1: Schedule '1' to Official Plan Amendment No. 288



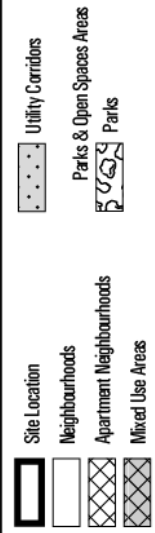
411 Victoria Park Avenue

**Toronto** City Planning

**Official Plan Amendment #288**

File #s 12 297365 ESC 36 0Z  
and 13 233037 ESC 36 SB

Revisions to Land Use Maps 20 and 21 to Redesignate lands from Mixed Use Areas and Parks to Neighbourhoods, Apartment Neighbourhoods and Parks



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North to Scale  
08/11/15