

Supplementary Report - Final Report - 66 and 80 Dale Avenue – Official Plan and Zoning By-law Amendment Application

Date: September 13, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 24 - Scarborough Guildwood

Planning Application Number: 18 154389 ESC 36 OZ

SUMMARY

This report provides supplementary information to the Final Report dated August 23, 2021 from the Director, Community Planning, Scarborough District to be considered by Scarborough Community Council at its meeting on September 17, 2021 (the "Final Report"). The report provides minor modifications to Recommendations 7 and 8, which make certain minor clerical amendments and provide greater clarity regarding the timing of certain matters intended to be secured as part of the Section 37 agreement supporting this development.

The changes recommended here are already reflected in Attachment 6: Draft Zoning By-law Amendment to Former City of Scarborough By-law No.10010 (Scarborough Village Community) and Attachment 7: Attachment 7: Draft Zoning By-law Amendment to City-wide Zoning By-law No. 569-2013 included in the Final Report before Council.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Scarborough Community Council delete Recommendation 7 in the Final Report - 66 and 80 Dale Avenue – Official Plan and Zoning By-law Amendment Application dated August 23, 2021 from the Director, Community Planning, Scarborough District and replace it with the following:

"7. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to obtain all necessary approvals as may be required by the City and enter into a Land Exchange Agreement with the City for the transfer by the Owner of Parts 10 and 11 as shown on Attachment 10 to this Report to the City in exchange for

the City transferring Parts 6 and 9 to the Owner, all to the satisfaction of the City Solicitor and the Executive Director, Corporate Real Estate Management."

2. Scarborough Community Council delete Recommendation 8 in the Final Report - 66 and 80 Dale Avenue – Official Plan and Zoning By-law Amendment Application dated August 23, 2021 from the Director, Community Planning, Scarborough District and replace it with the following:

"8. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act, and any other necessary agreement(s), including provision of indemnity, insurance, financial security, maintenance, HST and indexing, as applicable, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, as follows:

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

1. Prior to the issuance of the first above grade building permit, the Owner shall make a cash contribution to the City in the amount of eight hundred thousand dollars (\$800,000) to be used for 'above base' improvements to the proposed public park located on Dale Avenue to the satisfaction of the General Manager of Parks, Forestry and Recreation (PFR);

2. The cash contribution identified in Recommendation 8.a.1 above shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the non-residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor; and

3. In the event the cash contribution identified in Recommendation 8.a.1 has not been used for the intended propose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

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

1. The owner shall construct and maintain, at its own expense, an area of not less than 2,438 square metres, along the northern and western edges of the development site (80 Dale Avenue), for use by the general public as a Privately Owned Publicly Accessible Open Space (POPS) walking trail with the specific location, configuration and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief

Planner and Executive Director, City Planning;

2. Prior to the issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an easement in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and

3. The owner shall at a minimum construct and maintain the development of the site in accordance with Tier 1 of the Toronto Green Standard. Through the site plan approval process, City staff will work with the owner to try and achieve the application of Tier 2 of the Toronto Green Standard, or higher, to the development where possible.

4. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:

a. Incorporation in the construction of the building the exterior materials shown on 1:50 scale drawings as approved by the Chief Planner and Executive Director and submitted as part of the Site Plan Approval process;

b. Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning;

c. Construction of the City sidewalk to City standards for the lands fronting 80 and 90 Dale Avenue, to the satisfaction of the General Manager, Transportation Services;

d. Incorporation of signage to identify the proposed Privately Owned Publicly Accessible Open Space (POPS) walking trail to be located at the entrance of the development site;

e. Provision of a construction management plan which includes an on-site contact during the construction process for residents and stakeholders to contact;

f. Satisfy the requirements of Metrolinx and the Canadian National Railway, particularly regarding noise and vibration attenuation requirements and operational easement requirements, and insert any warning clauses in purchase and sale/tenancy agreements as required in connection with noise and vibration; and

g. Satisfy the applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation."

FINANCIAL IMPACT

The Financial Impact Section has not changed since the August 23, 2021 Final Report.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to Parks and Open Space Areas policies and the development criteria for Apartment Neighbourhoods. The proposed residential apartment buildings represent appropriate intensification, fit within the existing and planned context, and include an on-site POPS. The proposal enables the orderly development of the subject lands for parkland and residential intensification. Staff worked with the applicant and community to resolve key concerns related to the proposed built form and site layout. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

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