

Preliminary Report – 3431 to 3449 St. Clair Avenue East – Zoning Amendment Application

Date: September 20, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 20 - Scarborough Southwest

Planning Application Number: 21 165800 ESC 20 OZ

Notice of Complete Application Issued: September 13, 2021

Current Use(s) on Site: two, 1-storey retail buildings with surface parking at the front and side

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 3431 to 3449 St. Clair Avenue East. The application proposes a 16-storey mixed-use building consisting of 27,801 square metres of residential uses (388 residential units), and a retail space of 414 square metres, resulting in a Floor Space Index of 7.26. A total of 257 vehicular parking spaces and 413 bicycle parking spaces are proposed.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 3431 to 3449 St. Clair Avenue East together with the Ward Councillor.
2. Staff provide notice for the community consultation meeting to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

Pre - Application Consultation

City staff held a pre-application meeting with the applicant on August 17, 2020, to discuss their development intentions for the site. At the meeting, the applicant communicated their goals and objectives for intensification. Planning staff expressed concerns with the height, scale and density of the proposed development and provided guidance on the form of development appropriate for the site and the planned context.

The community engagement process (involving local residents, businesses and other stakeholders) and complete application submission requirements were also discussed.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Zoning By-law for the property at 3431 to 3449 St. Clair Avenue East to permit a 16-storey mixed-use building consisting of 27,801 square metres of residential uses (388 residential units) and a retail space of 414 square metres. The proposal would have a Floor Space Index of 7.26. A total of 257 car parking spaces are proposed on three levels of underground parking, as well as two car-share spaces at grade and 413 bicycle parking spaces.

See Attachments 1 and 2: 3D Model of Proposal in Context (Southwest and Northeast Views), for a three-dimensional representation of the project in context.

See Attachment 3: Location Map and Attachment 4: Site Plan.

Detailed project information is found on the City's Application Information Centre at: www.toronto.ca/3431StClairAveE

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) as amended contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities.

The subject property is located approximately 600 metres from Warden Station. City Planning staff have begun a three-phased approach to delineate and set the minimum density targets for all MTSAs across the City. Warden Station falls under Phase 3 and may require a local area study to demonstrate how the minimum targets will be planned for.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The subject property is located on Birchmount Road and St. Clair Avenue East with existing and planned right-of-way widths of 27 and 30 metres, respectively on Map 3 (Right-of-Way Widths) of the Official Plan.

The application is located on lands shown as *Mixed Use Areas* on Map 20 of the Official Plan. See Attachment 5: Official Plan Map.

Official Plan Amendment Nos. 479 and 480 - Public Realm and Built Form Policies

On September 11, 2020, the Minister of Municipal Affairs and Housing approved city-wide amendments to the Official Plan regarding public realm (OPA No. 479) and built form (OPA No. 480) as part of the Five-Year Official Plan Review under Section 26 and Subsection 17(34) of the *Planning Act*. These OPAs replace Policy 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types to:

- Promote a walkable city;
- Clarify the role of the public realm and the need for new public streets;
- Introduce development criteria for low-rise, mid-rise and tall buildings; and
- Promote public squares and Privately Owned Publicly-Accessible Spaces ("POPS").

OPA 479 also introduced planning application requirements including the submission of a Block Context Plan to demonstrate how the proposed development will be designed and planned to fit in the existing and/or planned public realm and built form context. The Block Context Plan is a fundamental component of the Terms of Reference (TOR) for the Planning Study associated with the review of the proposed development.

OPA 479 regarding public realm can be found at:

<https://www.toronto.ca/legdocs/bylaws/2020/law0083.pdf>

OPA 480 regarding built form can be found at:
<https://www.toronto.ca/legdocs/bylaws/2020/law0084.pdf>

Zoning By-laws

The property is subject to two Zoning By-laws, namely, the City of Toronto Zoning By-law No. 569-2013, as amended and Birchmount Park Community Zoning By-law No. 9174, as amended. See Attachment 6: Zoning By-law Map.

The City of Toronto Zoning By-law No. 569-2013, as amended zones the subject lands as Commercial Residential CR 0.4 (c0.4; r0.0) SS3 (x453). A variety of uses including Art Gallery, Artist Studio, Automated Banking Machine, Community Centre, Courts of Law, Education Use, Financial Institution, Fire Hall, Library, Automobile Sales, Service and Maintenance Uses, Funeral Homes, Fraternal Organizations, Hotels and Motels, Place(s) of Worship and Professional and Business Offices are permitted. However, it does not permit residential uses as shown by numerical value of zero density for residential uses, in the zoning standards noted above.

The Commercial Residential zoning permits a maximum building height of 11 metres, a maximum building coverage of 33%, and a floor space index of 0.4 times the lot area for non-residential uses. This By-law also establishes minimum building setbacks from St. Clair Avenue East and Birchmount Road.

The Birchmount Park Community Zoning By-law No. 9174, as amended, zones the subject site Highway Commercial (HC 27-46-74-81), which permits day nurseries and “highway commercial” uses, but does not permit residential uses. Highway commercial uses are defined as commercial uses which necessitate a location adjacent to a major traffic arterial and do not require large areas for sustained off-street parking or those which are not suited to locations in shopping centres. Like City of Toronto Zoning By-law No. 569-2013, Eglinton Community By-law No. 9147 does not permit residential uses on the subject property.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- Mid-Rise Design Guidelines;
- Mid-Rise Building Performance Standards Addendum;
- Draft Growing Up: Planning for Children in New Vertical Communities;
- Bird-Friendly Design Guidelines;
- Pet-Friendly Design Guidelines;
- Toronto Greet Standards (TGS) Version 3;
- Complete Streets Guidelines; and
- Retail Design Manual.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

COMMENTS

Reasons for the Application

The proposal requires an amendment to the Zoning By-law to permit residential uses, and establish among other matters, development standards including use, building height, massing, setbacks, set-backs and density, number of vehicular and bicycle parking spaces.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff will evaluate this application to determine its consistency with the PPS and conformity to the Growth Plan (2020), including but not limited to whether:

- the proposal makes efficient use of land and resources
- there is adequate infrastructure and public facilities;
- employment strategies to attract and retain jobs;
- the requirement to provide a range of housing options;
- there is sufficient recreation and green space;
- appropriate development standards are promoted which facilitate a compact built form; and
- the proposal represents an appropriate type and scale of development and transition of built form to adjacent areas.

Official Plan Conformity

Staff will evaluate this planning application to determine its conformity to the Official Plan policies pertaining to *Mixed Use Areas*, Healthy Neighbourhoods, Housing, Parkland, and Public Art, amongst others.

Built Form, Planned and Built Context

City staff will evaluate the proposed development to ensure that it is compatible with the adjacent lands to the south and southeast which are designated *Apartment Neighbourhoods* and *Neighbourhoods* in the Official Plan.

Staff will continue to assess:

- The appropriateness of the proposed tall building;
- The appropriateness of the proposed height and density of the development;
- Conformity with applicable Mid-Rise Buildings Design Guidelines and Performance Standards;
- The appropriate combination of building types including midrise and lowrise buildings;
- Conformity with the *Mixed Use Areas* policies including the requirement that development results in height that provides for an appropriate transition to areas of different development, intensity and scale;
- The orientation and organization of the buildings on the site including loading/unloading and service areas, building entrances and relationship to each of the proposed buildings;
- Providing adequate light and privacy, shadow and wind impacts on neighbouring streets, properties, open spaces, having regard for the varied nature of such areas and as necessary to preserve their utility;
- The adequacy of the location and amount of proposed outdoor amenity space;
- The provision of sufficient retail and non-residential GFA;
- Conformity with all the applicable angular planes including neighborhood angular planes and front angular planes
- Providing adequate setbacks along the west and south property line; and
- Providing for adequate soft landscaping within the street and any required landscape buffer.

Range of Housing

The Toronto Official Plan contains City Council's policies and objectives for the physical development and redevelopment of the City. Policy 3.2.1 states that the City's quality of life, economic competitiveness, social cohesion, balance and diversity depend on access to adequate, affordable and appropriate housing. It states that adequate and affordable housing is a basic requirement for everyone.

Official Plan policy 3.2.1 further acknowledges that "the current production of ownership housing, especially condominium apartments, is in abundant supply. What is needed is a healthier balance among high rise ownership housing and other forms of housing, including purpose-built rental housing." Stimulating the production of new private-sector rental housing supply is identified as one of the key housing areas in need of attention. The proposed development does not indicate the tenure of the residential units. Staff encourage the provision of purpose-built rental housing as part of the proposed development.

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. Policy 3.2.1 of the City's Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. The Growth Plan (2020) also contains policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. Staff will engage in discussions with the applicant, the Ward Councillor, and City staff to evaluate potential opportunities for the provision of affordable housing. Staff will also encourage the applicant to consider the City's [Open Door Affordable Housing program](#), which provides incentives for the creation of new affordable housing beyond the requirements in the Official Plan.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an Arborist Report and a Tree Preservation Plan which are currently under review by City staff. Staff will be evaluating the application to ensure that it supports the Official Plan policies of increasing the amount of tree canopy coverage while protecting existing public/private trees.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth is a responsibility shared by the City, public agencies and the development community.

Staff will review the CS&F Study that was submitted with the application to determine whether any capital improvements or expansion of facilities opportunities were identified by the applicant or by staff and follow up on the Study deficiencies to identify other issues that need to be addressed.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement that is registered on title.

Despite the recent introduction of a new legislative framework for the imposition of a community benefits charge, Section 37.1 of the *Planning Act* provides that Section 37, as previously enacted, continues to apply until the earlier of September 18, 2022 or the day that the municipality passes a community benefits charge by-law. Planning staff also note that Section 37 has been altered and replaced with the New Community Benefits Charge regime. The new regime, while in place in legislation, provides for a transition period. The continued use of the Section 37 density bonusing framework remains in place and will be utilized where applicable until the City passes a Community Benefit Charge by-law.

Staff are reviewing the proposal to determine if Section 37 will be used to secure community benefits as may be required in relation to the proposed development. City staff may apply Section 37 provisions of the *Planning Act* should the proposal be approved in some form. In the event the applicant provides in-kind benefits pursuant to Section 37 of the *Planning Act*, the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

If it is determined that Section 37 benefits will be secured please refer to the Council approved Implementation Guidelines and Protocol for Negotiating Section 37 Community Benefits which are available here: <https://www.toronto.ca/wp-content/uploads/2017/08/8f45-Implementation-Guidelines-for-Section-37-of-the-Planning-Act-and-Protocol-for-Negotiating-Section-37-Community-Benefits.pdf>.

Infrastructure/Servicing Capacity

Staff and commenting agencies are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

In support of the proposed development, the applicant has submitted the following studies and reports for review by Engineering and Construction Services and Transportation Services staff: Geotechnical Study, Hydrogeological Report, Servicing Report, Stormwater Management Report, and Transportation Impact Study.

Staff will continue to assess:

- The Servicing Report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and
- The Transportation Impact Study submitted by the applicant, to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The TGS Checklist submitted by the applicant is currently under review by City staff for compliance with the Tier 1 performance measures.

Other Matters

During the pre-application consultation meeting with the applicant, Planning staff expressed concerns with the height, scale and density of the proposed development and provided guidance on the form of development appropriate for the site and the planned context. Planning staff have concerns with this application in its current form as it constitutes overdevelopment of the site. Primary among the issues of concern to staff is that the proposal introduces a form of development in terms of its height, scale, massing and density that is not appropriate and is not contemplated in the existing and planned context.

However, further review of the application and a public consultation process are recommended to assist in determining the nature and extent of changes that would be required to the application.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context (Southwest View)

Attachment 2: 3D Model of Proposal in Context (Northeast View)

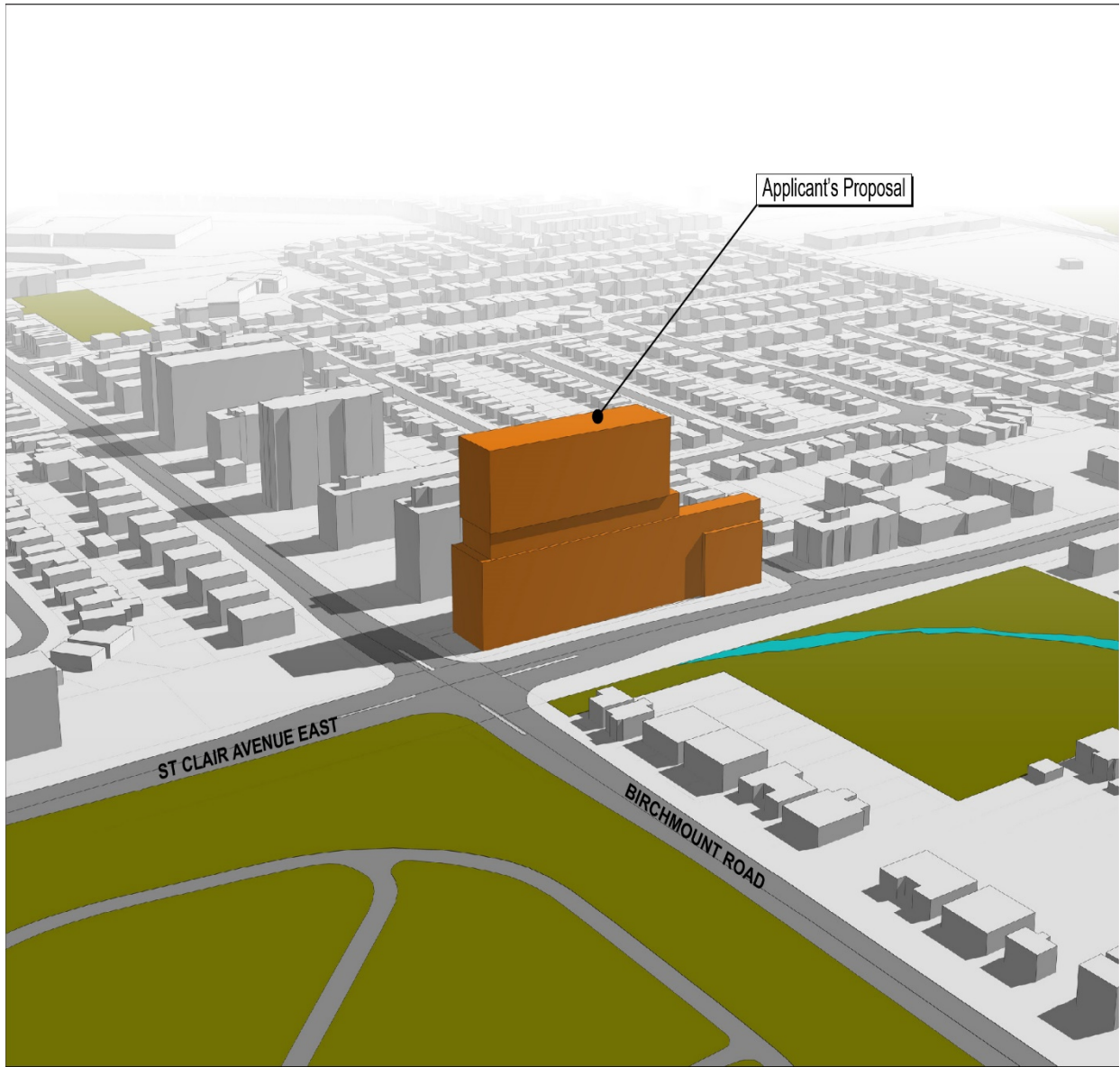
Attachment 3: Location Map

Attachment 4: Site Plan

Attachment 5: Official Plan Map

Attachment 6: Zoning By-law Map

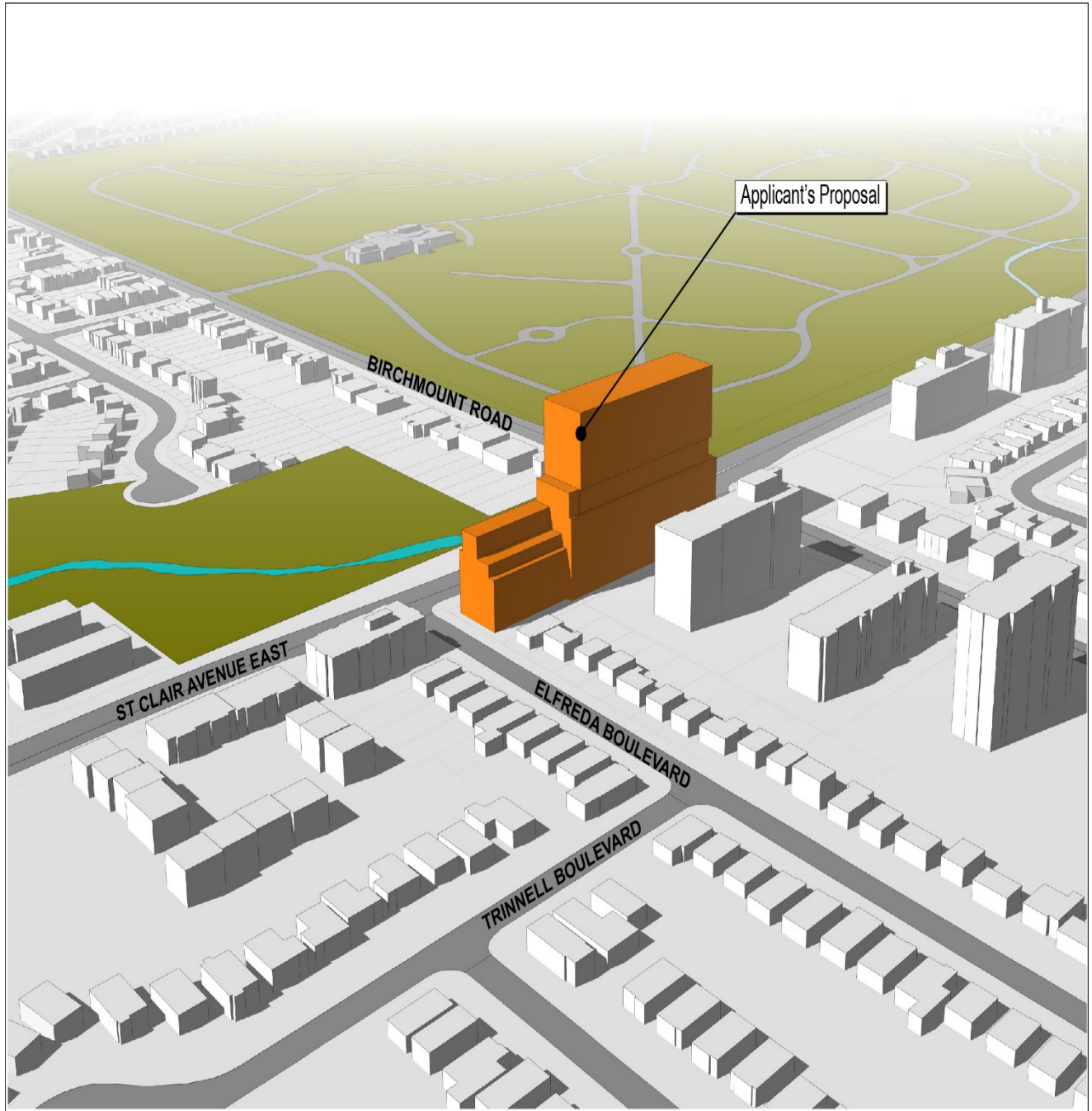
Attachment 1: 3D Model of Proposal in Context (Southwest View)



View of Applicant's Proposal Looking Southwest

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Attachment 2: 3D Model of Proposal in Context (Northeast View)

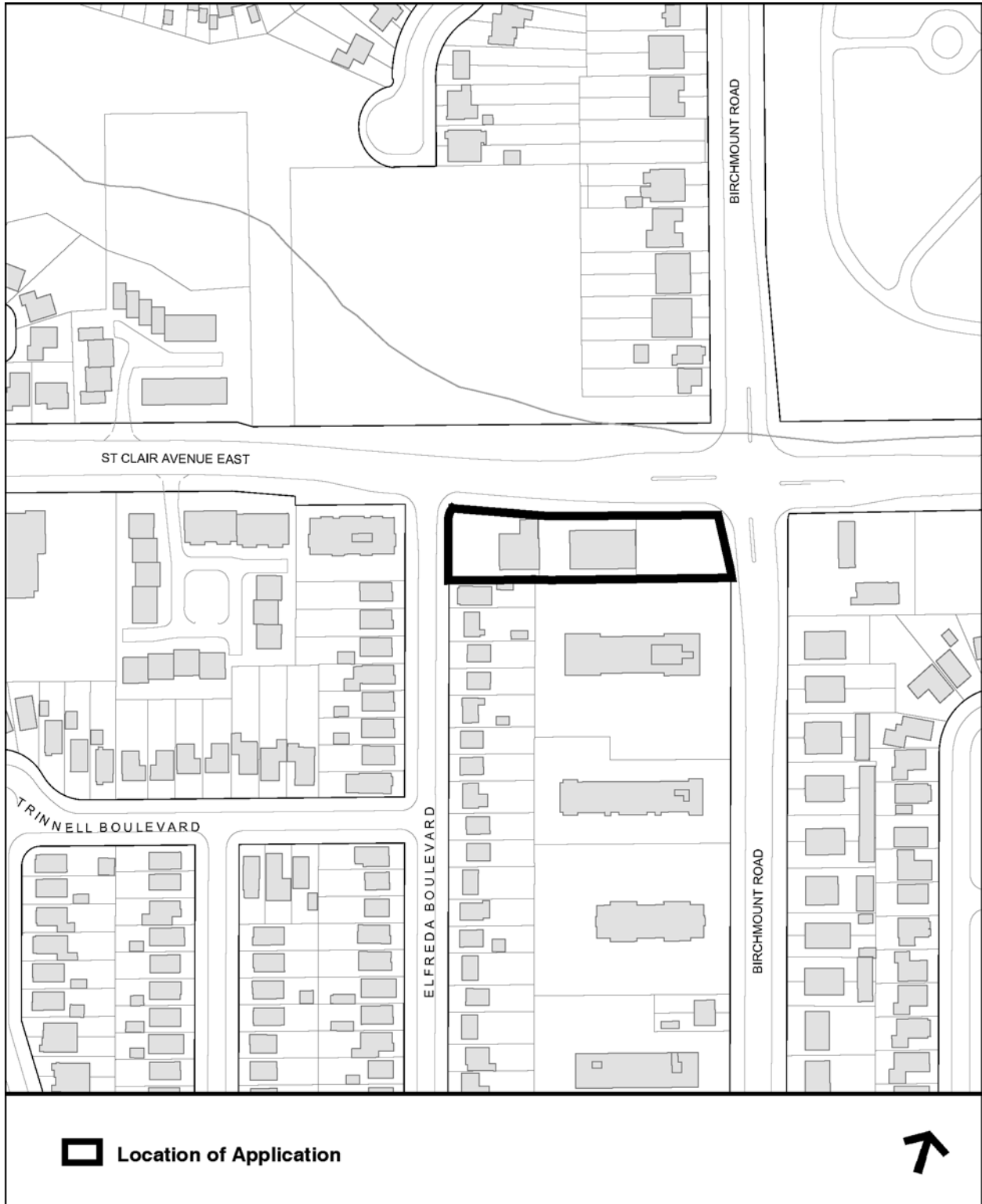


View of Applicant's Proposal Looking Northeast

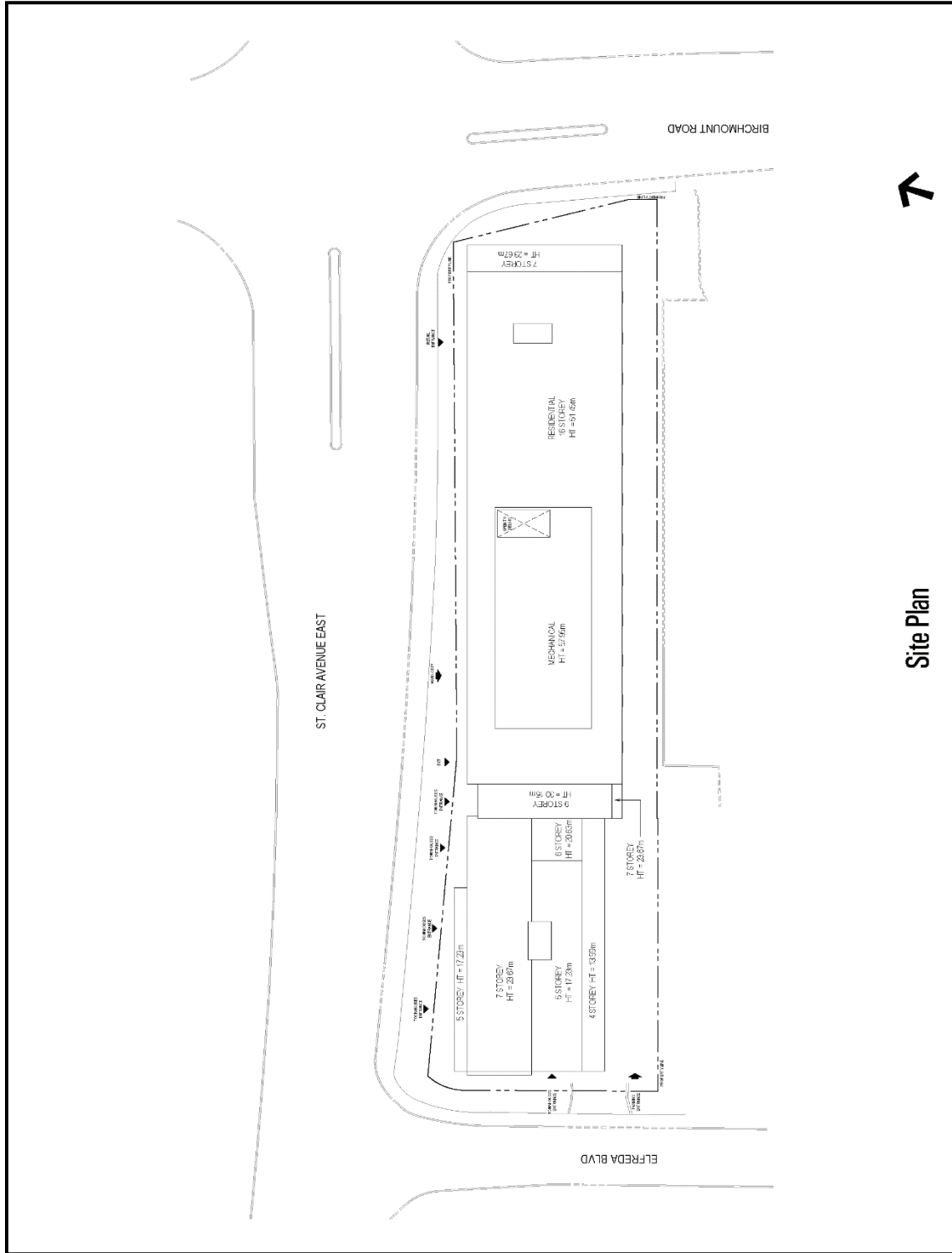


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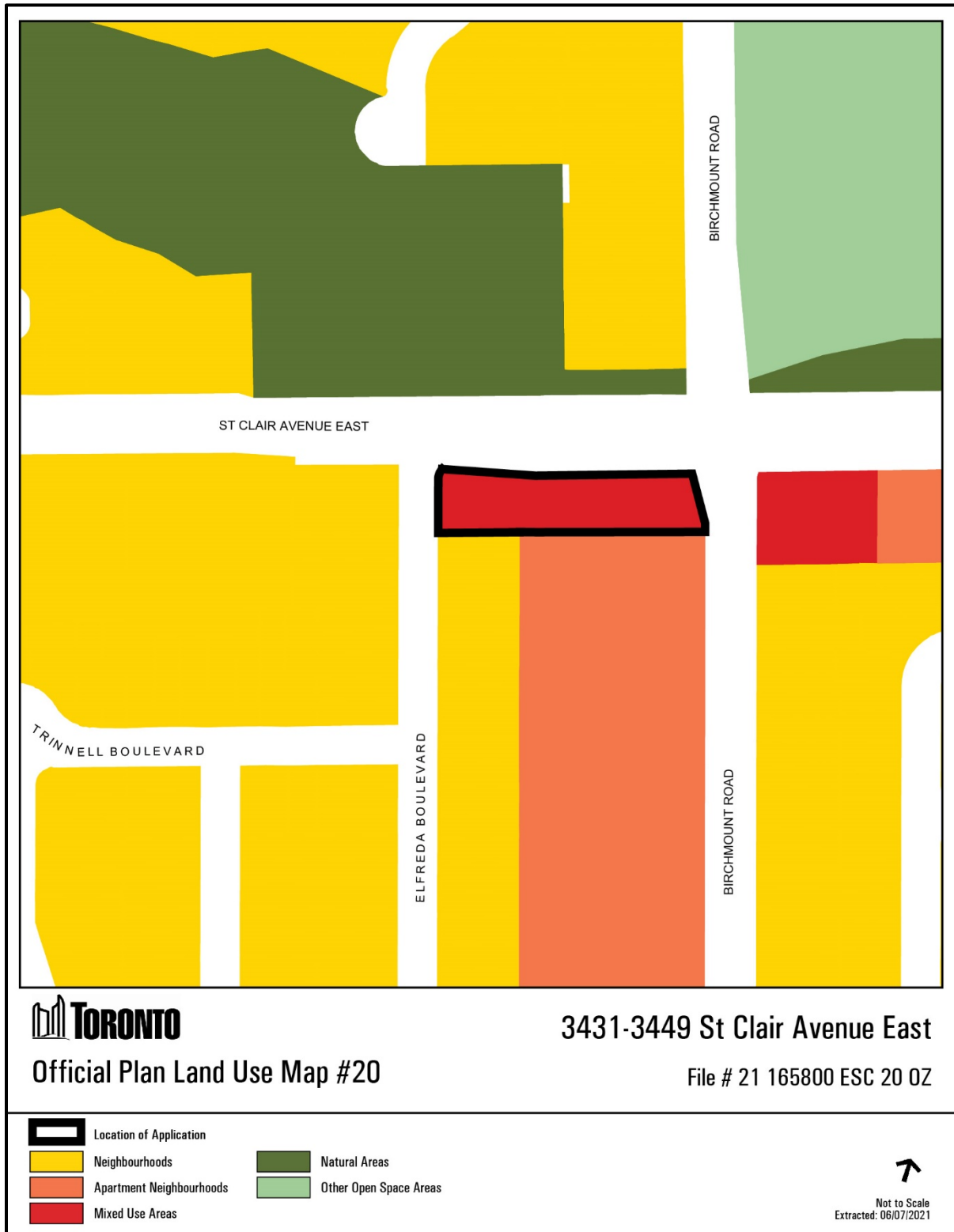
Attachment 3: Location Map



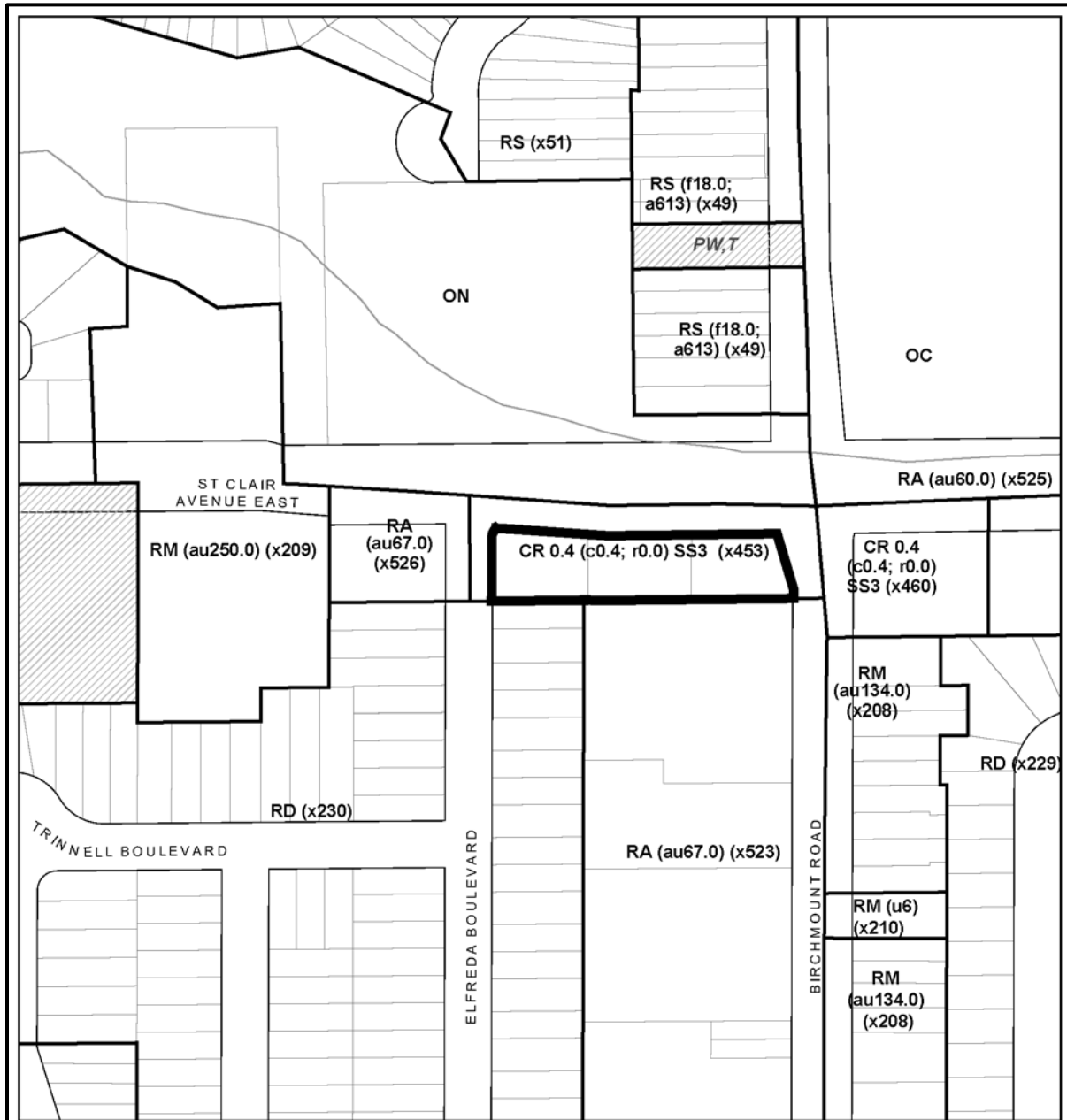
Attachment 4: Site Plan



Attachment 5: Official Plan Map



Attachment 6: Zoning By-law Map



3431-3449 St Clair Avenue East

Zoning By-law 569-2013

File # 21 165800 ESC 20 0Z



Location of Application

- RD** Residential Detached
- RS** Residential Semi-Detached
- RM** Residential Multiple
- RA** Residential Apartment
- CR** Commercial Residential
- ON** Open Space Natural

OC Open Space Cemetery



See Former City of Scarborough Community By-laws
M Multiple-Family Residential
PW,T Place(s) of Worship, Two-Family Residential



Not to Scale
 Extracted: 06/07/2021