

Preliminary Report - 180 and 260 Brimley Road – Official Plan Amendment, Zoning By-law Amendment, Lifting of a Holding Provision (H) and Draft Plan of Subdivision Applications

Date: November 2, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 20 - Scarborough Southwest

Planning Application Numbers: 20 230362 ESC 20 OZ and 20 230363 ESC 20 SB

Notice of Complete Application Issued: July 6, 2021

Current Use(s) on Site: A large one storey industrial warehouse.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 180 and 260 Brimley Road. The application proposes Official Plan and Zoning By-law Amendments, as well as the removal of the Holding "H" symbol in the existing zoning to facilitate a proposed plan of subdivision for an area of 15.625 hectares. The subdivision proposes a number of new public streets and blocks to facilitate the construction of 384 townhouse units (100 standard units and 184 back-to-back units) along with new park blocks. Two blocks of land (Block 46 and 47) are being reserved for future development which has been conceptually illustrated as additional back-to-back stacked townhouse development.

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 180 and 260 Brimley Road 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

Previous applications for Official Plan Amendment, Zoning By-law Amendment and draft plan of Subdivision approval were considered by Council in 2007 (File numbers: 06 106761 ESC 36 OZ and 06 103047 ESC 36 SB). These applications proposed 332 residential units, including 45 single-detached dwellings, 92 semi-detached dwellings, and 195 townhouse dwellings and a 0.64 hectare (1.5 acre) open space block for a storm water management facility. To coordinate the development at 260 Brimley Road with adjacent lands, amendments to the existing residential and park zoning on adjacent lands owned by Monarch Corporation and the City were also enacted.

In approving the application, Council enacted holding provisions as part of the amending Zoning By-law which permitted the warehouse and distribution centre while the holding symbol is in place, even though other industrial use permissions, including open storage, were removed. The holding provisions also ensure appropriate consolidation of lands to facilitate orderly development, outlined in greater detail below.

City Council's decision can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2007.SC11.23>

ISSUE BACKGROUND

Application Description

This application proposes to amend the Official Plan and Zoning By-law as well as lift a Holding provision (H) for the property at 180 and 260 Brimley Road to permit the construction of 384 townhouse units (100 standard units and 284 back-to-back units). An application for draft plan of subdivision approval has also been submitted to create the necessary streets and blocks to facilitate the development. The subdivision application also proposes two new park blocks (Block 48 at 0.167 hectares and Block 49 at 0.708 hectares) which will extend Jeanette Park which exists south of the subject lands.

The development is proposed to be laid out along a series of new public streets. Street A generally extends National Street east to connect with Brimley Road. Other proposed

public streets (B through I) would provide more local access and address to the proposed townhouse blocks.

Although the architectural design of the units is still emerging, the proposed standard townhouses are 3 storeys in height and contain integral front yard garages. The standard units are largely concentrated to the western end of the subject lands fronting Streets A, B and C, although some standard unit blocks are proposed towards Brimley Road as well along Streets A and I. The proposed back-to-back units are also proposed to be 3 storeys and are generally located in the middle of the site between Street A and Street D.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 2 of this report, for the proposed draft plan of subdivision.

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 is required 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).

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 current application is located on lands shown as *Neighbourhoods* and *Parks and Open Spaces* on Map 20 of the Official Plan, an excerpt of which is found in Attachment 2.

The application is subject to Site and Area Specific Policy 273 (SASP 273) which permits detached, semi-detached and townhouse dwellings on the lands designated *Neighbourhoods*, with the location for dwelling unit types and the density of development to be specified in the Zoning By-law.

SASP 273 also provides that new residential development will be compatible with existing low density residential uses and will include a park as the focus of the neighbourhood where a high quality of design and superior streetscapes is further guided by the Midland-St. Clair Urban Design Guidelines. The SASP also outlines the Holding Provisions ('H') which may be included in area-specific zoning by-laws. Further direction is provided to a large portion of the subject lands (which are identified as Parcel "A") within the SASP, to which a maximum unit count of 340 units is permitted.

Zoning By-laws

The subject lands are zoned by former City of Scarborough Zoning By-law No. 842-2004 for the Midland/St. Clair Community which applied a number of zones to permit single-detached residential, semi-detached residential townhouse residential and open space uses. A map of the Zoning By-law for the subject lands can be found at Attachment 4.

The Midland/St. Clair Zoning By-law also applied performance standards to the various permitted uses including:

- Minimum 9.0 metre lot frontages for single detached dwelling units;
- One semi-detached dwelling unit per parcel having a minimum front lot line of 15.0 metres and a minimum area of 420 square metres with each dwelling unit shall have a minimum front lot line of 7.5 metres and a minimum parcel area of 210 square metres;
- A range of minimum frontages for townhouse units ranging from 4.6 to 6.0 metres and a range of minimum lot sizes for townhouse units from 80 square meters to 140 square meters.

Residential uses permitted by the Zoning By-law require a minimum 3 metre front yard setback and a maximum height of 10.5 metres. Additional zoning provisions, including limiting the development of a portion of the subject lands to 340 units, are found in Exception 4 of the Midland/St. Clair Community Zoning By-law.

The Zoning By-law also includes a Holding Provision (H) in conjunction with the Single-Detached Residential (S), Semi-Detached Residential (SD), and Townhouse Residential (TH) zones. The Holding Provision (H) may be removed in whole or in part by amending the By-law, when Council is satisfied:

- a) that the owner has submitted a subdivision application to the satisfaction of Council, that addresses the development principles and guidelines of the Midland/St. Clair Urban Design Guidelines;
- b) that an appropriate level of land consolidation has occurred to provide for the orderly development of the lands;
- c) as to the availability of the infrastructure and servicing which are necessary to accommodate the proposed use(s);
- d) that environmental studies to confirm that the soil conditions and other matters relating to environmental quality meet the relevant Ministry of the Environment guidelines for the proposed use have been submitted to the satisfaction of the City of Toronto; and
- e) that the necessary transportation improvements are in place or will be available to provide for the orderly development of the lands.

The subject lands do not form part of Zoning By-law 569-2013. 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:

- Midland/St. Clair Urban Design Guidelines
- Townhouse and Low-Rise Apartment Guidelines
- Complete Streets Guidelines

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 Applications

An Official Plan Amendment application is required to amend the land use provisions of the Official Plan to facilitate the reorganization of the development. Some of the lands currently designated as *Parks and Open Spaces* are now proposed to contain residential uses and other lands currently designated *Neighbourhoods* are proposed to be future park blocks. An amendment to SASP 273 is also required to provide for the proposed additional development levels, including density.

An amendment to the Zoning By-law is required to permit the proposed townhouse units across the site as currently some lands are zoned solely for single or semi-detached dwellings. The applications are also necessary to implement new performance standards for the proposed residential uses. If a Zoning By-law amendment were to be approved by City Council it would need to incorporate the lands into Zoning By-law 569-2013.

An application to lift the Holding Provision ('H') in the Zoning By-law is required to demonstrate to Council's satisfaction that the conditions that lead to the implementation of the Holding Provision ('H') have been satisfied and that development can proceed.

An application for Draft Plan of Subdivision approval is required to divide the lands into development blocks, create the required public streets and park blocks for conveyance to the City and to secure the construction and implementation of orderly development through a Subdivision Agreement.

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

The proposed development will be evaluated for consistency with the PPS and conformity to the Growth Plan (2020).

The application will be evaluated to determine whether or not the application supports and is consistent with relevant PPS policies, including but not limited to: land use patterns and locations for intensification and redevelopment in settlement areas (1.1.3.2 and 1.1.3.3), providing an appropriate range and mix of housing types and densities (1.4.3), transportation systems and transportation demand management (1.6.7.2 and 1.6.7.4), and implementation and interpretation (4.7).

Key Growth Plan policies that will be used to evaluate this application include, but are not limited to: managing growth (policy 2.2.1.4) which supports the achievement of complete communities, intensification in delineated built-up areas (policy 2.2.2.3 b, d, and f), and housing policies enabling municipalities to require multi-unit residential developments to incorporate a mix of unit sizes (2.2.6.3).

Official Plan Conformity

The application will be reviewed by staff to determine conformity with the Official Plan Site and Area Specific Policies as commented on above. In addition to the development criteria and built form policies discussed below, the application will be required to ensure the intensified residential land uses are designed to be compatible with lands designated as *Core Employment Areas* to the east of Brimley Road. Materials have been submitted in accordance with the Official Plan policies related to land use compatibility and mitigation, and are currently under review by staff.

Built Form, Planned and Built Context

Staff will assess the suitability of the proposed townhouse form based on Section 2 q. and r. (Provincial interest) of the *Planning Act*; the Growth Plan (2020) as amended, the City's Official Plan policies and the Council-adopted Urban Design Guidelines listed above. Staff will evaluate the application to determine if it is contextually appropriate and fits with the planned or built context, focusing issues including, but not limited to the following urban design matters:

- Appropriateness of the proposed buildings' height, massing, densities and setbacks and setbacks;
- The appropriateness of the townhouse forms and the proposed garages/driveways as it relates to providing an appropriate streetscape, including tree planting and boulevard treatment;
- The location and organization of the proposed development/park blocks relative to existing and proposed streets/pedestrian walkways;

- Appropriateness of the proposed park blocks and street connections relative to the existing context;
- Impacts of the development on the existing and proposed public realm; and
- Other on-site matters relating to the Townhouse & Low-Rise Apartments Guidelines.

Parkland Dedication

The subject lands are not subject to the Alternative Parkland Dedication By-law due to not being located within a Parkland Acquisition Priority Area. However the site is subject to a minimum 5% residential parkland dedication rate as specified in Chapter 415, Article III of the Toronto Municipal Code. As currently proposed, this development will generate a parkland requirement of 5,788 square meters and the park blocks (Blocks 48 and 49) as currently proposed, represent a parkland dedication of 8,750 square meters, located adjacent to the existing parkland to the south of the subject site.

Staff will evaluate the proposed location of the blocks identified for parkland to ensure they are appropriately located with adequate public street frontage and are of a shape to accommodate appropriate programming.

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 submitted arborist report indicates that the applicant is proposing to remove 43 privately-owned trees located at or adjacent to the subject site, which meet the criteria for protection. Based on the proposed removals, a minimum of 129 trees will be required to be planted on private lands based on a standard replanting ratio of (3:1) when trees are to be removed. As the application advances to additional levels of detail, staff will review the proposal to ensure trees are proposed and adequate soil volume is provided per the Toronto Green Standard.

One City-owned tree is also proposed to be removed, and it meets the criteria for protection. The application proposes a number of public streets which will be designed and detailed to ensure street tree planting, with adequate soil volume and limited utility conflicts to ensure appropriate growing conditions. Soil Volume Plans and Composite Utility Plans will be reviewed as part of the Draft Plan of Subdivision process.

Housing

A key objective of the Official Plan is to ensure development contributes to livable, healthy and inclusive communities. Providing for a full range of housing and community services within neighbourhoods is a key component of achieving these objectives. A full range of housing includes a mix of built forms, unit sizes, tenures and affordability.

Official Plan policy 3.2.1.9 states: Large residential developments provide an opportunity to achieve a mix of housing in terms of types and affordability. This site is greater than 5 hectares in size, in accordance with Policy 3 and subject to Section 5.1.1 of this Plan, where an increase in height and/or density is sought, the first priority

community benefit will be the provision of 20 per cent of the additional residential units as affordable housing.

A Housing Issues Report which comments on the above noted policy framework has been submitted by the applicant for review by staff.

Archaeological Assessment

Based on the City's mapping, a small portion of the lands has archeological resource potential. An archeological assessment has been completed and submitted for review by City staff.

Rail Safety

The subject lands are located adjacent to the Lakeshore East GO rail corridor and in proximity to future Metrolinx infrastructure improvements along the Stouffville Line (Scarborough Junction grade separation). The application has been circulated to Metrolinx to ensure appropriate setback and derailment protection is proposed and that any conditions to secure their implementation are included in an potential approval of the applications. The Derailment Protection Report was submitted with the application and will be subject to a peer review process as part of the application review.

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.

A Community Services and Facilities Study was submitted as part of the complete application. Staff will evaluate the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support proposed future population. The application has also been circulated to local school boards to assess the ability of local schools to accommodate the expected pupil population.

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 which is then registered on title.

City Council's previous approval included the requirement for a Section 37 Agreement which secured a cash contribution of the payment of \$400,000.00 to the City of Toronto for parkland improvements within the proposed park in the Midland/St. Clair community of which \$200,000 was to be provided before enactment of the site specific zoning by-law and \$200,000 provided at the issuance of first building permit.

The proposal for additional density on the site will be reviewed to determine if additional Section 37 contributions will be required or secured. 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>.

It should be noted 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 S.37 density bonusing framework remains in place and should be utilized where applicable until the City passes a Community Benefit Charge by-law.

Infrastructure/Servicing Capacity

The application is being reviewed to determine if there is sufficient municipal infrastructure capacity (roads, transit, water, sewage, hydro) to accommodate the proposed development or if upgrades are required.

A Functional Servicing Report provided by the applicant with the submission is under review to evaluate the effects of the proposed additional units on the City's municipal servicing infrastructure and watercourses. If necessary, this review will identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure necessary to provide for adequate servicing to the proposed change in land use or development. Internal infrastructure improvements (new public streets, sewers and stormwater management features) are also under review and would be secured through the Draft Plan of Subdivision Approval. Given the size of the site, the Toronto and Region Conservation Authority (TRCA) has also been circulated to review the proposed stormwater management strategies.

The Transportation Impact Study submitted by the applicant is under review to evaluate the effects of a development on the transportation system, but also to suggest 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.

Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Where possible, parts of the development proposed to meet the Tier 1 requirements will be secured through the implementing Zoning By-law or Subdivision Agreement. Other matters will be secured through the approval of subsequent Site Plan control applications.

Other Matters

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

CONTACT

Kathryn Moore, Senior Planner, Community Planning, Scarborough District, Tel. No. (416) 395-7176, E-mail: Kathryn.Moore@toronto.ca

SIGNATURE

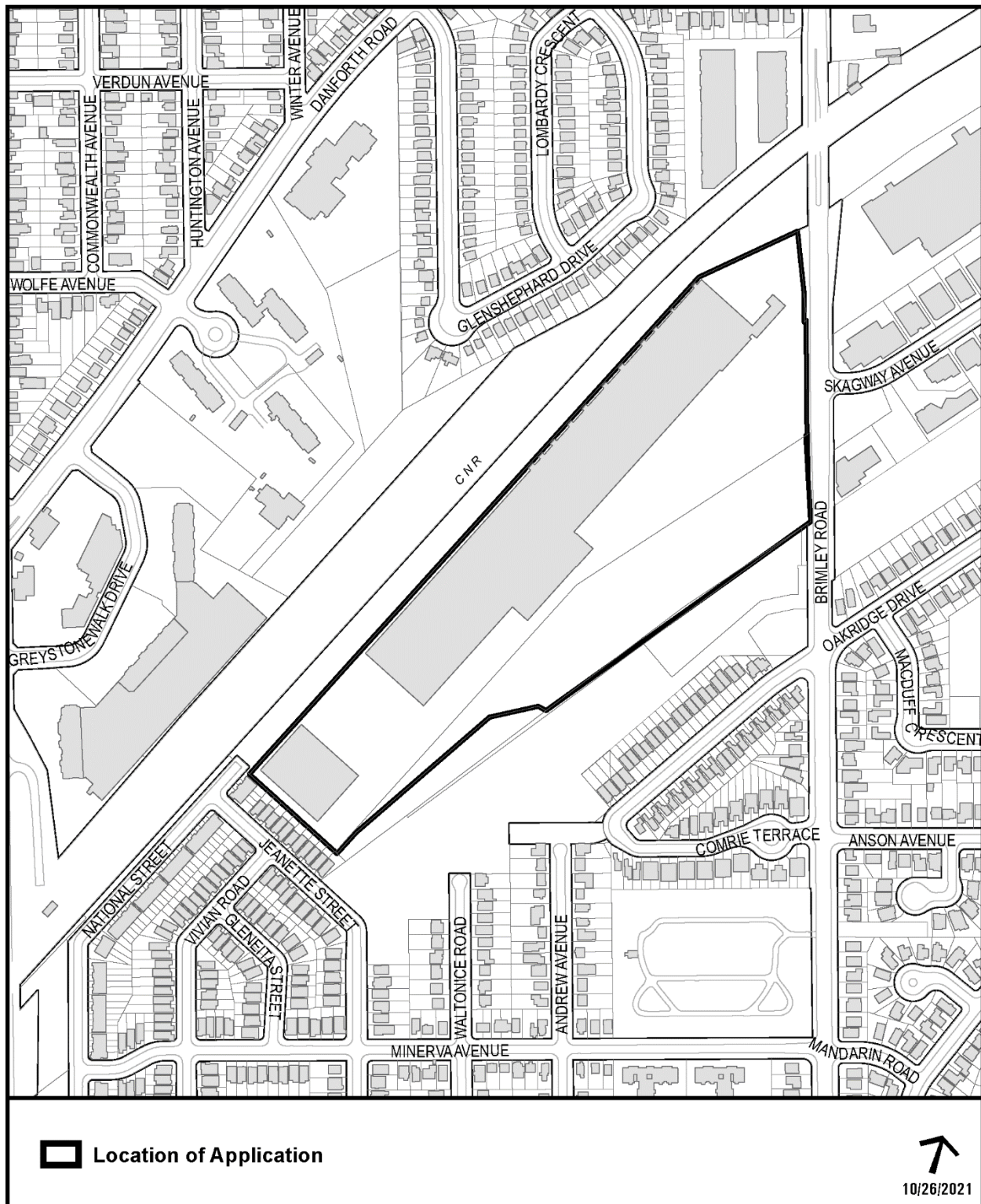
Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

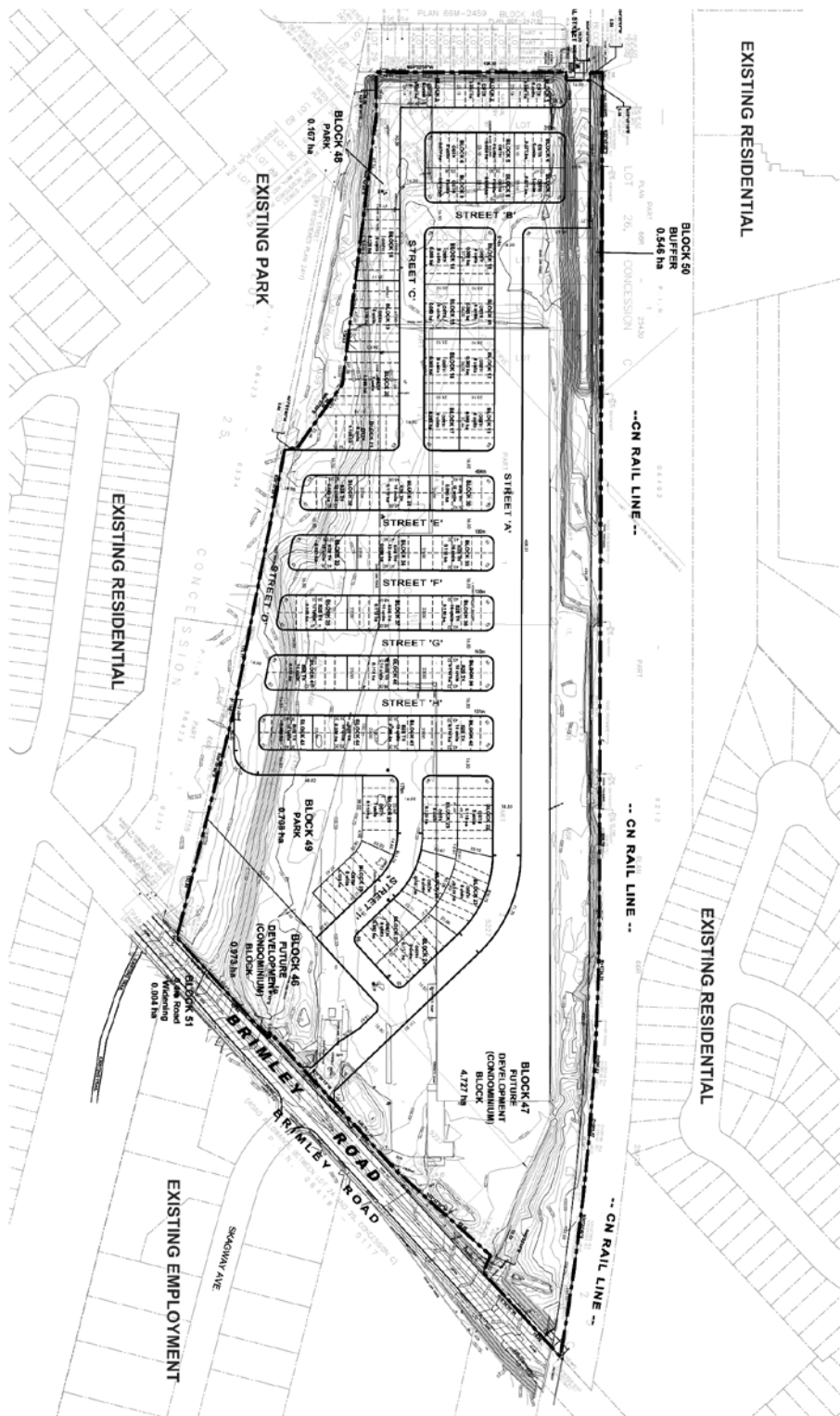
City of Toronto Drawings

Attachment 1: Location Map
Attachment 2: Proposed Draft Plan of Subdivision
Attachment 3: Official Plan Map
Attachment 4: Zoning By-law Map

Attachment 1: Location Map



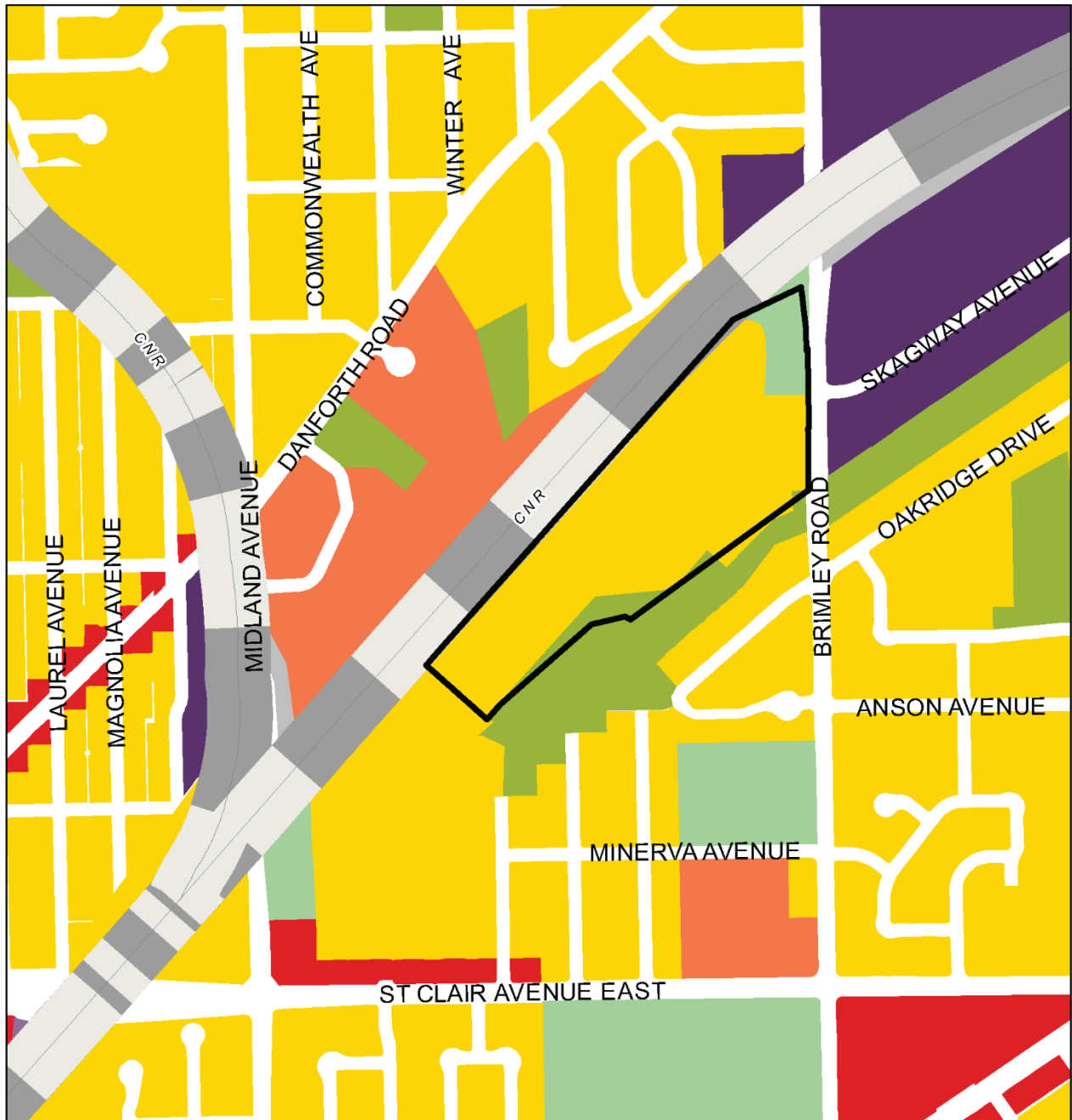
Attachment 2: Proposed Draft Plan of Subdivision



Draft Subdivision Plan



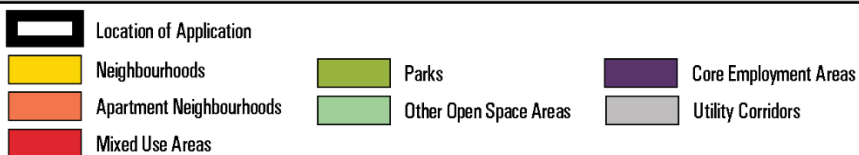
Attachment 3: Official Plan Map



260 Brimley Road

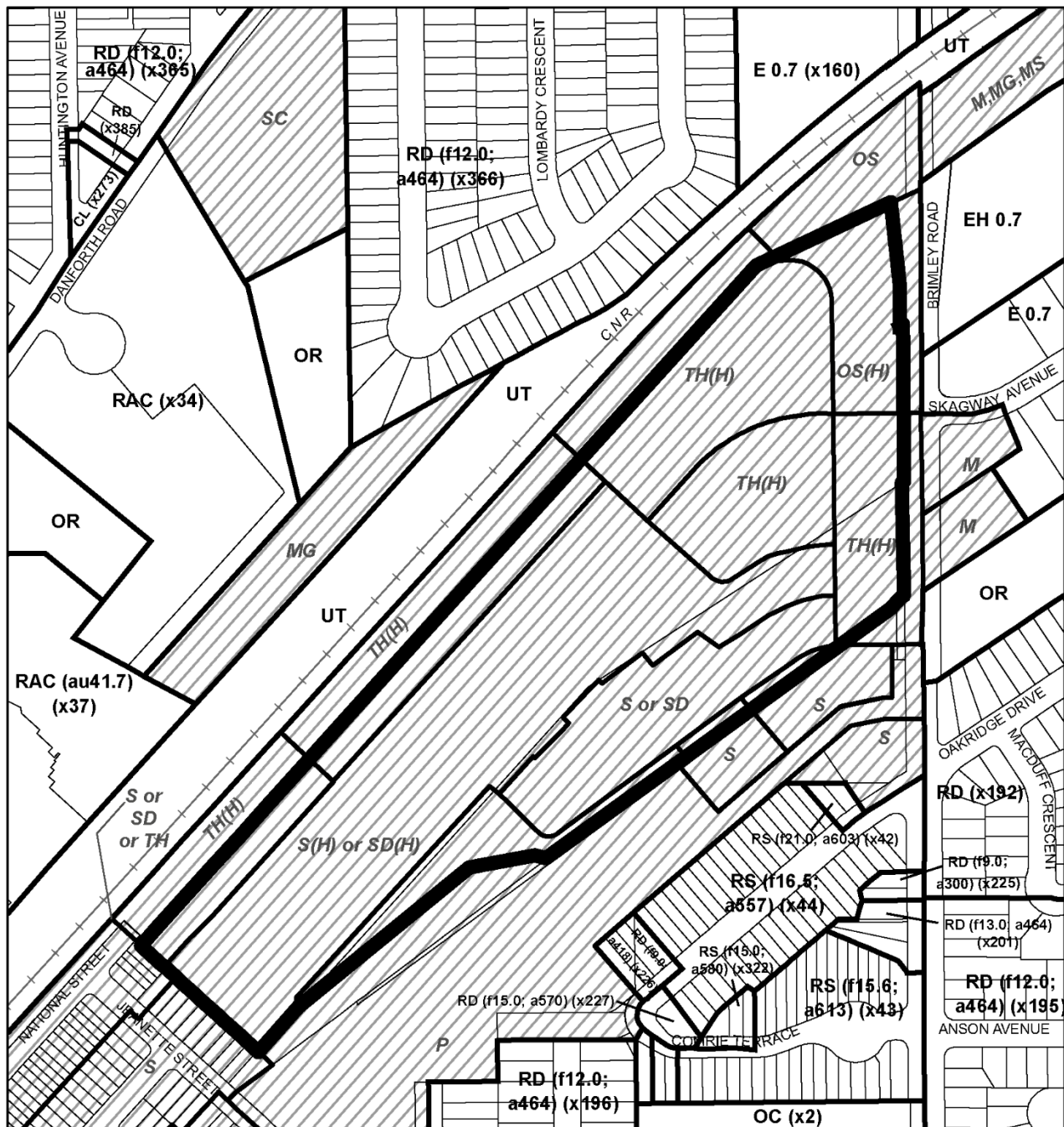
Official Plan Land Use Map #20

File # 20 230362 ESC 20 02



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Not to Scale
10/26/2021

Attachment 4: Zoning By-law Map



Zoning By-law 569-2013

260 Brimley Road

File # 20 230362 ESC 20 02

Location of Application

RD Residential Detached
RS Residential Semi-Detached
RAC Residential Apartment Commercial
CL Commercial Local
S

E Employment Industrial
EH Employment Heavy Industrial
OR Open Space Recreation
OC Open Space Cemetery
UT Utility and Transportation

See Former City of Scarborough Eglinton Community By-law No. 10048
See Former City of Scarborough Midland / St. Clair Community By-law No. 842-2004

S Single Family Residential
TH Townhouse Residential
SC School
OS Open Space
P Park

S or SD or TH Single Family Residential / Semi-Detached Residential / Townhouse Residential
S or SD Single Family Residential or Semi-Detached Residential
See Former City of Scarborough Employment Districts By-law No. 24982 (Knox Hill)
M Industrial Zone
MG General Industrial Zone
M, MG, MS Industrial Zone, General Industrial Zone, Special Industrial Zone

Not to Scale
Extracted: 02/11/2021