

## **Final Report - 65 to 99 Silver Springs Blvd - Zoning By-law Amendment, Draft Plan of Subdivision, and Rental Housing Demolition Applications**

Date: June 14, 2022

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 22 - Scarborough-Agincourt

**Zoning By-law Amendment Application No.:** 20 164697 ESC 22 OZ

**Rental Housing Demolition Application No.:** 20 164711 ESC 22 RH

**Subdivision Approval Application No.:** 20 164705 ESC 22 SB

### **SUMMARY**

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A series of applications have been submitted to permit the redevelopment of the lands at 65 to 99 Silver Springs Boulevard:

- A Zoning By-law Amendment Application to permit the construction of three new apartment buildings with heights of 8, 17, and 22 storeys along with two new blocks of stacked back-to-back townhouses. The proposal would result in 548 net new rental dwelling units, 56 replacement rental units, and 374 retained rental units (total of 978 rental units). The proposed total gross floor area is 40,414 square metres, which represents a density of 2.15 times the lot area;
- A Rental Housing Demolition application to permit the demolition of seven 2-storey apartment buildings containing 56 rental dwelling units; and
- An application for Plan of Subdivision Approval to create a new 18.5-metre-wide public street and associated development blocks necessary to deploy the proposal.

The subject lands are located north of Finch Avenue East and south of Silver Springs Boulevard, and are approximately 4.0 hectares in size. The site currently contains 9 rental buildings comprised of seven 2-storey walk up buildings containing 56 three-bedroom rental units on the eastern portion of the site, one 9-storey building containing 88 one-bedroom rental units at the northwest portion of the site, and one 9-storey building containing 286 rental units of various sizes on the southwest portion of the site.

The proposal would rely on existing access but also provide a new public road with an 18.5-metre right-of-way to service the development along the eastern boundary of the lands while adding pedestrian and vehicular connections between Finch Avenue East and Silver Springs Boulevard. A recommended agreement pursuant to Section 37 of the

*Planning Act* would secure 9 new affordable rental dwelling units for a period of 99 years, as well as a \$1.5 million financial contribution to local community recreation infrastructure improvements.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). It adds to the range and mix of residential rental units available in a compact form. Approval of the development would also secure a number of community benefits, including the provision of 9 new affordable rental units.

This report reviews and recommends approval of the Zoning By-law Amendment and Rental Housing Demolition applications and the execution and registration of the necessary Section 37 and 111 agreements to secure the community benefits, rental housing replacement and all necessary matters to support the proposed development. The report also advises that the Chief Planner may approve the Draft Plan of Subdivision which will be secured with further reporting to City Council as necessary.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law No. 569-2013, as amended, for the lands at 65-99 Silver Springs Boulevard substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 5 to this report.
2. City Council authorize the City Solicitor to submit the necessary bill to implement the foregoing recommendation provided the City Solicitor is satisfied that the appropriate legal mechanisms are in place to ensure that no building permit will issue until such time as the Section 37 Agreement in Recommendation 3 below is executed and registered.
3. City Council require the Owner to enter into an agreement pursuant to Section 37 of the *Planning Act* (the "Section 37 Agreement") to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor to secure the following:
  - a. the community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. Prior to the issuance of the first above-grade building permit for the proposed development, the owner shall make an indexed cash contribution of one million and five-hundred thousand dollars (\$1,500,000.00) payable to the City of Toronto to be allocated towards the construction of an outdoor amphitheatre in Ward 22.
    - ii. The financial contribution in Recommendation 3.a.i above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment;

iii. In the event the cash contribution referred to in Recommendation 3.a.i above has not been used for the intended purpose within three (3) years of the Zoning By-law Amendments 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 local 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;

iv. The owner shall provide and maintain nine (9) new affordable rental dwelling units on the lands at 65-99 Silver Springs Boulevard for a minimum period of ninety-nine (99) years beginning from the date that each such unit is first occupied, in accordance with the following:

A. At least three (3) of the new affordable rental dwelling units shall be two-bedroom rental units with an average unit size that is no less than the average unit size of a non-affordable, non-replacement two-bedroom dwelling unit within the development;

B. At least six (6) of the new affordable rental dwelling units shall be one-bedroom rental units with an average unit size that is no less than the average unit size of a non-affordable, non-replacement one-bedroom dwelling unit within the development;

C. The nine (9) new affordable rental dwelling units shall be provided in a vertically and/or horizontally contiguous grouping within the development;

D. The location and layouts of the new affordable rental dwelling units within the development shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

E. The owner shall provide and maintain all nine (9) new affordable rental dwelling units as secured rental housing at affordable rents, as currently defined in the Official Plan, for a minimum period of ninety-nine (99) years beginning from the date that each such unit is first occupied. During such ninety-nine (99) year period, the rent (inclusive of utilities) charged to any tenant of a new affordable rental dwelling unit shall not exceed one (1) times the average rent for the same bedroom type in the City of Toronto, as reported by the Canada Mortgage and Housing Corporation in its most recent Rental Market Survey, and no application shall be made to demolish any affordable rental dwelling unit or to convert any affordable rental dwelling unit to a non-residential rental purpose;

F. Notwithstanding Recommendation 3.a.iv.E above, after the first year of occupancy of an affordable rental dwelling unit, the rent (inclusive of utilities) charged to any first tenant or new tenant of a new affordable rental dwelling unit may be escalated annually by not more than the annual provincial rent guideline, irrespective of whether such guideline is applicable to the unit under the *Residential Tenancies Act, 2006* or any

successor legislation governing residential tenancies in Ontario, until the tenancy ends;

G. The City's Centralized Affordable Housing Access System shall be used to advertise and select tenants for the new affordable rental dwelling units, provided such system is operational as of the date of first occupancy of the new affordable rental dwelling units. In addition, at least six (6) months in advance of any new affordable rental dwelling unit being made available for rent, the owner shall develop and implement a Tenant Access Plan in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat to ensure the affordable rental dwelling units are rented to eligible households;

H. The nine (9) new affordable rental dwelling units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units, exclusive of the replacement rental units, erected on the lands are available and ready for occupancy;

I. The owner shall provide all tenants of the affordable rental dwelling units with access to, and use of, all indoor and outdoor amenities in the development at no extra charge and on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings; and

J. The owner shall provide all tenants of the affordable rental dwelling units with laundry facilities at no charge and on the same basis as other residents of the development.

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

i. Prior to first occupancy of any new dwelling unit in the proposed development, the owner shall not apply for approval of a description in accordance with the *Condominium Act* with respect to any new dwelling unit or register any new dwelling unit under the *Condominium Act* or any other form of ownership tenure, such as life-lease or co-ownership as defined in Chapter 667 of the *Toronto Municipal Code*, that provides a right to exclusive possession of a dwelling unit.

ii. The owner shall continue to provide and maintain the existing three hundred and seventy-four (374) rental dwelling units at 65 and 75-85 Silver Springs Boulevard as rental housing, together with the new and retained associated facilities and amenities of the residential rental property, for a period of at least twenty (20) years commencing from the date the Zoning By-law Amendments come into force and effect, with no application for demolition or conversion to condominium ownership or from residential rental use during such twenty (20) year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

iii. The owner shall provide tenants of all existing three hundred and seventy-four (374) rental dwelling units at 65 and 75-85 Silver Springs Boulevard with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings.

iv. The owner shall provide, at its sole expense and at no cost to tenants, improvements to the existing rental housing at 65 and 75-85 Silver Springs Boulevard, taking into account feedback obtained through a tenant survey, as follows:

A. Prior to the issuance of Notice of Approval Conditions for site plan approval:

(i). The owner shall retain a qualified accessibility consultant to complete an accessibility audit of indoor and outdoor common areas of the existing rental buildings at 65 and 75-85 Silver Springs Boulevard with reference to the Ontario Building Code and the Design of Public Spaces Standard (DoPS) for the purposes of identifying any existing accessibility barriers within, and prospective accessibility improvements to, the existing rental housing. A copy of the final report prepared by the accessibility consultant summarizing the findings of the accessibility audit (the "Accessibility Audit Report") shall be submitted to the City Planning Division; and

(ii). The owner shall submit to the City a Construction Mitigation Strategy and Tenant Communication Plan to mitigate the impacts of construction of the development on tenants of the existing rental buildings at 65 and 75-85 Silver Springs Boulevard, to the satisfaction of the Chief Planner and Executive Director, City Planning.

B. Prior to the issuance of the first above-grade building permit for the development:

(i). The owner shall provide the City with a Letter of Credit having a maximum value of five hundred thousand dollars (\$500,000) to secure the provision of accessibility improvements recommended by the Accessibility Audit Report required in Recommendation 3.b.iv.A(i) above. For clarity, if the total construction value of the accessibility improvements recommended by the Accessibility Audit Report is less than five hundred thousand dollars (\$500,000), as demonstrated by one or more quotations provided by a qualified contractor, then such lower construction value shall determine the value of the Letter of Credit provided to the City and the owner shall undertake all improvements recommended by the Accessibility Audit Report. If the total construction value of the accessibility improvements recommended by the Accessibility Audit Report exceeds five hundred thousand dollars (\$500,000), then the owner shall undertake selected accessibility improvements having a total construction value of not more than five-hundred thousand dollars (\$500,000), which shall be the value of the Letter of Credit provided to the City, and the selection of

such improvements shall be made in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

(ii). The owner shall construct a new gymnasium and provide new gymnasium equipment on the main floor of the existing rental building at 65 Silver Springs Boulevard, as generally illustrated in the Interior Design Drawings prepared by Syllable Design and dated March 10, 2021. Any revision to these drawings shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and

(iii). The owner shall undertake improvements to each of the existing laundry rooms in the existing rental buildings at 65 and 75-85 Silver Springs Boulevard, including the provision of a television and seating area, new folding tables, additional regular-sized laundry machines, and one or more over-sized laundry machines per laundry room. The location, layout, and specifications of the laundry room improvements shall be developed and approved through the site plan review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

C. Prior to occupancy of any new residential units:

(i). The owner shall complete the accessibility improvements recommended by the Accessibility Audit Report required in 3.b.iv.A(i) above and secured by the Letter of Credit required in 3.b.iv.B(i) above to the satisfaction of the Chief Planner and Executive Director, City Planning;

(ii). The owner shall provide a new outdoor barbeque and seating area within a reasonable and accessible vicinity of the entrance of at least one of the existing rental buildings at 65 and 75-85 Silver Springs Boulevard. The location, layout, and specifications of the new outdoor barbeque and seating area shall be developed and approved through the site plan review process, to the satisfaction of the Chief Planner and Executive Director, City Planning; and

(iii). The costs associated with the provision and maintenance of the rental housing improvements and Construction Mitigation Strategy and Tenant Communication Plan required in Recommendations 3.b.iv.A(i) through 3.b.iv.C(ii) above shall not be passed on to tenants of the existing rental buildings at 65 and 75-85 Silver Springs Boulevard in any form. For clarity, the owner shall agree to not apply to the Landlord and Tenant Board, or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for an above-guideline increase in rent to recover expenses incurred in completing the rental housing improvements in Recommendations 3.b.iv.A(i) through 3.b.iv.C(ii) above.

v. The Owner shall submit a revised Hydrogeological Report and updates to the Functional Servicing Report, including all related drawings, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction

Services which addresses matters as set out in the Engineering and Construction Services memorandum dated April 25, 2022.

vi. Prior to the issuance of a building permit, the owner shall enter into a financially-secured development agreement for the construction of any improvements to the municipal infrastructure, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, if it is determined that upgrades are required to the infrastructure to support this development, according to the accepted Hydrogeological Report and accepted Functional Servicing Report referenced in Recommendation 3.b.v. above.

vii. The owner shall implement the recommendations of the Traffic Management Plan dated March 10, 2022, including two (2) car-share spaces, publicly-accessible bicycle repair stations, and bike share expansion funding through the site plan approval including appropriate conditions to be included in the Site Plan Agreement.

viii. The owner shall design, fund, and construct the relocation of the intersection of Finch Avenue East and the new public street, the cost of which will be secured as part of the Draft Plan of Subdivision.

ix. The owner shall enter into a financially secured development agreement and will be responsible to construct the relocation of the existing traffic control signal to the intersection of Finch Avenue East and the new public street (Recommendations 9 and 10), at no cost to the City.

x. The owner shall enter into a financially secured development agreement to cover the cost of the installation of the all-way stop control at the intersection of Silver Springs Blvd and new public street and will be responsible for the removal of the existing pedestrian crossover (Recommendation 12) located to the east of the proposed intersection, at no cost to the City.

xi. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard or higher, where appropriate, and consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

xii. The owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.

4. City Council approve the Rental Housing Demolition application (*20 164711 ECS 22 RH*) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to permit the demolition of fifty-six (56) existing rental dwelling

units at 87, 89, 91, 93, 95, 97, and 99 Silver Springs Boulevard, subject to the following conditions:

- a. The owner shall provide and maintain fifty-six (56) replacement rental dwelling units for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no replacement rental dwelling unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any replacement rental dwelling unit or convert any replacement rental unit to a non-residential rental purpose. All fifty-six (56) replacement rental dwelling units shall be three-bedroom units and collectively contain a total gross floor area of at least 6,328 square metres, as generally illustrated in the plans prepared by IBI Group and dated January 31, 2022, with any revision to these plans being to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b. The owner shall provide and maintain at least forty-five (45) three-bedroom replacement rental dwelling units at affordable rents, as currently defined in the Toronto Official Plan, for a period of at least ten (10) years beginning from the date of first occupancy of each unit. The remaining eleven (11) three-bedroom replacement rental units shall have unrestricted rents;
- c. The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the fifty-six (56) existing rental dwelling units proposed to be demolished, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents, the provision of alternative accommodation at similar rents in the form of rent gap payments, and other assistance to mitigate hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;
- d. The owner shall provide tenants of all fifty-six (56) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings;
- e. The owner shall provide ensuite laundry in each replacement rental dwelling unit or access to shared laundry facilities within the proposed development at no additional cost to tenants;
- f. The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- g. The owner shall provide and make available thirty-six (36) vehicle parking spaces to returning tenants of the replacement rental dwelling units who previously leased vehicle parking spaces, and at similar monthly parking charges that such tenants previously paid, in the existing rental buildings. Should fewer



than thirty-six (36) returning tenants who previously leased vehicle parking spaces elect to lease a vehicle parking space in the development or should a returning tenant leasing a vehicular parking space in the development vacate their replacement rental unit, the owner may provide and make available no fewer than nineteen (19) vehicular parking spaces to tenants of the replacement rental units and on the same terms and conditions as any other resident of the development;

h. The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking at no charge and on the same terms and conditions as any other resident of the development;

i. The owner shall provide and make available at least thirty-seven (37) storage lockers to tenants of the replacement rental units, and such storage lockers shall be made available: firstly, to returning tenants who currently have access to storage lockers in the existing rental buildings, at the same monthly storage locker charges that they currently pay, if any, in the existing buildings; secondly, to returning tenants of the replacement rental units who do not currently have access to storage lockers in the existing buildings, on the same terms and conditions as any other resident of the development; and thirdly, to new tenants of the replacement rental units, on the same terms and conditions as any other resident of the development.

j. The fifty-six (56) replacement rental dwelling units required in Recommendation 4.a above shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units in the proposed development, exclusive of the replacement rental units, are made available and ready for occupancy, subject to any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning; and

k. The owner shall enter into, and register on title to the lands at 65-99 Silver Springs Boulevard, one or more agreement(s) to secure the conditions outlined in Recommendations 4.a through 4.j above, including an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

5. City Council authorize the Chief Planner and Executive Director, City Planning to issue Preliminary Approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* for the demolition of fifty-six (56) rental dwelling units at 87, 89, 91, 93, 95, 97, and 99 Silver Springs Boulevard after all the following have occurred:

a. All conditions in Recommendation 4 above have been fully satisfied and secured;

b. The Zoning By-law Amendments have come into full force and effect;

c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning or their designate pursuant to Section 114 of the *City of Toronto Act, 2006*;

d. The issuance of excavation and shoring permits (conditional or full permits) for the approved development on the site;

e. The owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant; and

f. The execution and registration of agreements pursuant to Section 37 of the *Planning Act* and Section 111 of the *City of Toronto Act, 2006* securing Recommendations 4.a. through 4.j above and any other requirements of the Zoning By-law Amendments (if applicable).

6. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning has given the Preliminary Approval referred to in Recommendation 5 above.

7. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Residential Demolition Permit under Section 33 of the *Planning Act* and Chapter 363 of the Toronto Municipal Code for 87, 89, 91, 93, 95, 97, and 99 Silver Springs Boulevard after the Chief Planner and Executive Director, City Planning has given the Preliminary Approval referred to in Recommendation 5 above, which may be included in the Rental Housing Demolition Permit under Chapter 667 pursuant to section 6.2 of Chapter 363, on condition that:

a. The owner removes all debris and rubble from the site immediately after demolition;

b. The owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;

c. The owner erects the proposed building no later than three (3) years from the date on which the demolition of any existing rental dwelling units commences, subject to the timeframe being extended to the discretion of the Chief Planner and Executive Director, City Planning; and

d. Should the owner fail to complete the proposed development containing the fifty-six (56) replacement rental dwelling units within the time specified in Part 9.c. above, the City Clerk shall be entitled to enter on the collector's roll, as with municipal property taxes, an amount equal to the sum of twenty thousand dollars (\$20,000.00) per dwelling unit for which a demolition permit is issued, and that such amount shall, until payment, be a lien or charge upon the land for which the Residential Demolition Permit is issued.

8. City Council authorize the appropriate City officials to take such actions as are necessary to implement City Council's decision, including execution of the Section 111 agreement and other related agreements.
9. City Council authorize the installation of traffic control signals at the intersection of Finch Avenue East and the future new public street.
10. Subject to approval of Recommendation 9 above, City Council authorize the removal of the existing mid-block pedestrian traffic control signal on Finch Avenue East and a point 220 metres east of Birchmount Road.
11. City Council authorize the installation of all-way compulsory stop control at the intersection of Silver Springs Boulevard and future New Public Street;
12. Subject to approval of Recommendation 11 above, City Council authorize the removal of the pedestrian crossover on Silver Springs Boulevard and a point 166 metres west of Wayside Avenue.
13. The Owner shall enter into a financially-secured development agreement to cover the cost of the design and implementation of Recommendations 9, 10, 11 and 12 above.
14. City Council authorize the City Solicitor to make such stylistic and technical changes to draft Zoning By-law Amendments as may be required.

## **FINANCIAL IMPACT**

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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**

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The subject application was submitted on July 13, 2020, with additional material filed on March 16, 2022. The application was deemed complete as of September 25th, 2020.

The Rental Housing Demolition application was submitted with the Zoning By-law Amendment application on July 13, 2020 and deemed complete on September 25, 2020.

A Preliminary Report was adopted by Scarborough Community Council on December 9, 2020 authorizing staff to schedule a community consultation meeting for the applications. This consultation meeting was held on April 21, 2021. Community Council's decision can be found at the following link:

## PROPOSAL

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The Zoning By-Law Amendment application proposes an infill development on the site. The proposal entails the demolition of 56 rental dwelling units located within the seven 2-storey walk up apartment buildings, the retention of the two existing 9-storey rental buildings, and the construction of four new purpose-built rental buildings. The proposal would result in 604 additional purpose-built rental units (inclusive of 56 replacement rental units) and 374 retained units (978 total units). The proposed total gross floor area is 46,903 square metres, which represents a density of 2.15 times the lot area.

The proposed redevelopment consists of:

- Building A: a 22-storey residential building containing 226 rental units, including 24 replacement rental units;
- Building B: a 17-storey residential building containing 202 rental units, including 32 replacement rental units;
- Building C : three blocks of 4-storey stacked, back-to-back townhouses containing 52 rental units;
- Building D: an 8-storey residential building containing 124 rental units; and
- A new 18.5-metre wide public road that runs north-south from Silver Springs Boulevard to Finch Avenue East.

The unit breakdown of the 604 new rental units is as follows: 294 one-bedroom units (49%), 181 two-bedroom units (30%), and 165 three-bedroom units (21%). Of the 604 new rental units, 56 are replacement rental units.

A total of 1,652 square metres of additional outdoor amenity space and 1,281 square metres of indoor amenity space is proposed to support the new development.

A total of 752 vehicle parking spaces (174 new and 578 retained) are being proposed, with 117 spaces provided on a surface lot and the remaining 635 spaces contained within an underground parking structure. Access to parking would be provided from the new public street. The proposal includes two Type-G loading spaces and one Type-C loading spaces to service the proposed development. The proposal includes 508 bicycle parking spaces.

The Rental Housing Demolition application proposes to demolish the existing 56 three-bedroom rental dwelling units at 87, 89, 91, 93, 95, 97, and 99 Silver Springs Boulevard, and to replace all 56 three-bedroom rental units within the development. 24 replacement rental units are proposed to be located between the first and sixth floors of 'Building A' and the remaining 32 replacement rental units are proposed to be located on the first through fourth floors of 'Building B'.

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

## Revisions to Original Proposal

Revised proposals were submitted on May 2021 and October 2021, incorporating a number of changes from the original proposal in June 2020 in response to staff input and community consultation. The following table summarizes the development statistics. The intensity of the development has been adjusted only slightly but was revised to ensure appropriate built-form relationships, proper transition and appropriate levels of amenity space. Table 1 below illustrates the progression of changes from the original submission to the current proposal (October 2021 Revision) being recommended for approval. Table 2 demonstrates changes to the position of the buildings and setbacks to ensure appropriate support to the public realm is provided.

**Table 1 - Comparison of Original vs. Final Submission**

|                        | <b>July 2020 Submission</b>                      | <b>October 2021 Revision</b>                                   |
|------------------------|--|--|
| Site Area              | 40,414 square metres                             | 40,414 square metres   |
| Total Gross Floor Area | 87,062 square metres                             | 86,698 square metres   |
| Proposed               | 46,903 square metres                             | 46,539 square metres   |
| Retained               | 40,159 square metres                             | 40,159 square metres   |
| Density (overall site) | Net Density: 2.37 FSI<br>Gross Density: 2.15 FSI | Net Density: 2.37 FSI<br>Gross Density: 2.15 FSI               |
| Building Height (New)  |  |  |
| Building A             | 22 storeys (67.2 m)                              | 22 storeys (67.2 m)  |
| Building B             | 16 storeys (51.0 m)                              | 17 storeys (53.7 m)  |
| Building C             | 4 storeys (12.0 m)                               | 4 storeys (12.0 m)   |
| Building D             | 6 storeys (24.0 m)<br>Heights include MPH        | 8 storeys (26.2 m), incl. amenity space<br>Heights include MPH |
| Total Unit Count       | 978 units (total)                                | 978 units (total)  |
| Total New Units        | 604 units  | 604 units  |
| 1-Bedroom              | 316 1-bedroom                                    | 294 1-bedroom  |
| 2-Bedroom              | 177 2-bedroom                                    | 181 2-bedroom  |
| 3-Bedroom              | 111 3-bedroom (incl. 56 RR)                      | 129 3-bedroom (incl. 56 RR)                                    |
| Total Retained Units   | 374 retained units                               | 374 retained units   |
| 1-Bedroom              | 115 1-bedroom                                    | 115 1-bedroom  |
| 2-Bedroom              | 223 2-bedroom                                    | 223 2-bedroom  |
| 3-Bedroom              | 36 3-bedroom                                     | 36 3-bedroom   |

|  | <b>July 2020 Submission</b>          | <b>October 2021 Revision</b>         |
|--|--------------------------------------|--------------------------------------|
| Total Car Parking Spaces                               | 868 parking spaces (total)           | 752 parking spaces (total)           |
| New Spaces   | 290 new                              | 174 new                              |
| Retained Spaces  | 578 retained                         | 578 retained                         |
| Total Bicycle Parking Spaces                           | 500 Bicycle parking spaces (all new) | 486 Bicycle parking spaces (all new) |
| Additional Bicycle Parking Spaces (Existing Buildings) |                                      | 32 (Existing)                        |
| Total Loading Spaces                                   | 2 Type G Loading Spaces and 1 Type C | 2 Type G Loading Spaces and 1 Type C |

**Table 2 - Setback Comparison**

|                             | <b>July 2020 Proposal</b>      | <b>October 2021 Revision</b>    |
|-----------------------------|--------------------------------|---------------------------------|
| Building A – Base Building  |                                |                                 |
| North                       | 13.9 m                         | 4.3 m                           |
| East                        | 2.5 m (from new street)        | 2.5 m (from new street)         |
| South                       | 5.6 m (from new property line) | 5.6 m (from new property line)  |
| West                        | 23.2 m                         | 21.1 m                          |
| Building A – Tower Setbacks |                                |                                 |
| North                       | 19.1 m                         | 2.5 m                           |
| East                        | 5.5 m (from new street)        | 7.5 m (from new street)         |
| South                       | 15.7m (from new property line) | 15.6 m (from new property line) |
| West                        | 23.2 m                         | 21.1 m                          |
| Building B – Base Building  |                                |                                 |
| North                       | 4.2 m                          | 6.0 m                           |
| East                        | 0 m (from new property line)   | 0 m (from new property line)    |
| South                       | 58.9 m                         | 10.7 m                          |
| West                        | 2.5 m (from new street)        | 2.5 m (from new street)         |
| Building B – Tower Setbacks |                                |                                 |
| North                       | 37.6 m                         | 37.6 m                          |

|                       | <b>July 2020 Proposal</b>      | <b>October 2021 Revision</b>   |
|-----------------------|--------------------------------|--------------------------------|
| East                  | 5.5 m (from new property line) | 5.5 m (from new property line) |
| South                 | 63.9m                          | 15.6 m                         |
| West                  | 5.5 m (from new street)        | 5.5 m (from new street)        |
| Building C – Setbacks |                                |                                |
| North                 | 5.0 m                          | 6.0 m                          |
| East                  | 4.2 m                          | 11.5 m                         |
| South                 | 99.4 m                         | 99.4 m                         |
| West                  | 4.0 m (from new street)        | 4.0 m (from new street)        |
| Building D – Setbacks |                                |                                |
| North                 | 110.7 m                        | 110.7 m                        |
| East                  | 0.8 m                          | 5.5 m                          |
| South                 | 4.9 m                          | 4.5 m                          |
| West                  | 4.5 m (from new street)        | 4.0 m (from new street)        |

### **Subdivision of Lands**

The subject site is proposed to be divided into two blocks, with a new public street. Please refer to Attachment 11, Draft Plan of Subdivision.

### **Site and Surrounding Area**

The site is located north of Finch Avenue East and south of Silver Springs Boulevard between Birchmount Road and Kennedy Road and has an overall area of 40,214 square metres (approximately 4.0 hectares). The site is rectangular in shape and has a frontage of approximately 196 metres along Finch Avenue East.

The subject lands are currently occupied by seven 2-storey rental apartment buildings and two 9-storey rental apartment buildings. Passive open space, walkways, and basketball courts are interspersed throughout the site between the apartment buildings.

According to the rent rolls submitted with the applications, the two 9-storey rental apartment buildings at 65 and 75-85 Silver Springs Boulevard together contain 374 rental dwelling units comprised of unit mix and rent classifications detailed in Table 3 below.

**Table 3 - Unit Mix and Rent Classifications**

|            | <b>Studio</b> | <b>1-Bedroom</b> | <b>2-Bedroom</b> | <b>3-Bedroom</b> | <b>Total</b> |
|------------|---------------|------------------|------------------|------------------|--------------|
| Affordable | 0             | 90               | 167              | 30               | 287          |

|           | <b>Studio</b> | <b>1-Bedroom</b> | <b>2-Bedroom</b> | <b>3-Bedroom</b> | <b>Total</b> |
|-----------|---------------|------------------|------------------|------------------|--------------|
| Mid-Range | 0             | 25               | 56               | 6                | 87           |
| High-End  | 0             | 0                | 0                | 0                | 0            |
| Total     | 0             | 115              | 223              | 36               | 374          |

The seven two-storey rental apartment buildings at 87, 89, 91, 93, 95, 97, and 99 Silver Springs Boulevard together contain 56 rental dwelling units, of which 45 have affordable rents, as currently defined in the Official Plan, and the remaining 11 units have high-end rents.

As of the date of application, all but one of the 374 rental units at 65 and 75-85 Silver Springs Boulevard were occupied and 53 of the 56 rental units at 87, 89, 91, 93, 95, 97, and 99 Silver Springs Boulevard were occupied.

Surrounding land uses are as follows:

**North:** To the direct north of the site is L'Amoreaux Park South, which is 30.85 hectares in size and contains a number of recreational facilities, including a tennis centre, a sports complex, washroom change facilities, and an outdoor pool and water park. Further north is L'Amoreaux Park North which contains a baseball diamond, multi-purpose fields, basketball court bike trails, ponds, and a fieldhouse.

**West:** Across Silver Springs Boulevard are two 19-storey residential buildings and associated surface parking lots. To the north west is Birchmount Plaza located at the northwest corner of Birchmount Road and Finch Avenue East.

**East:** To the immediate east of the site there is Yorkland High School, a place of worship, and low-density residential uses.

**South:** Across Finch Avenue East to the south are low-density residential uses comprised of single- and semi-detached houses, as well as townhouses.

### **Reasons for Applications**

The application to amend the Zoning By-law is required to vary performance standards including building height, density, and building setbacks.

An application for Draft Plan of Subdivision approval is also required to provide for the dedication of the proposed public street.

A Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* is required to demolish the 56 existing rental housing units at 87, 89, 91, 93, 95, 97, and 99 Silver Springs Boulevard.



## **APPLICATION BACKGROUND**

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### Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Topographic Plan of Survey;
- Architectural Plans, Elevations and Sections;
- Landscape Plans;
- Tree Preservation Report and Plan;
- Civil Plans;
- Sun/Shadow Study;
- Planning Rationale Report;
- Public Consultation Strategy Report;
- Community Facilities & Services Study;
- Housing Issues Report;
- Pedestrian Wind Study;
- Transportation Impact Study;
- Functional Servicing and Stormwater Management Report;
- Hydrogeological Review Summary and Report;
- Energy Modelling Report;
- Draft Zoning By-law Amendments;
- Toronto Green Standards Checklist; and
- Digital copy of the Building Massing Model.

### **Agency Circulation Outcomes**

The applications, together with the material noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate Zoning By-law standards.

### **Statutory Public Meeting Comments**

In making their decision with regard to the Zoning By-law Amendment and Rental Housing Demolition applications, City Council members have an opportunity to consider the submissions received prior to and at the statutory public meeting held by the Scarborough Community Council for the applications. Oral submissions made at the virtual meeting will be broadcast live over the internet and recorded for review.

## **POLICY CONSIDERATIONS**

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### **Planning Act**

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities. The outcome of staff analysis and

review of relevant matters of provincial interest are summarized in the Comments Section of this report.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

#### **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- ensuring the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing, including affordable housing, to meet changing needs;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer, and other infrastructure is available to accommodate current and future needs; and
- protecting people, property, and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions, or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

#### **Provincial Plans**

Provincial plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of provincial plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with provincial plans. All comments, submissions, or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with provincial plans.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

The Growth Plan for the Greater Golden Horseshoe 2019 was prepared and approved under the *Places to Grow Act, 2005* to come into effect on May 16, 2019. Amendment 1 (2020) to the 2019 Growth Plan came into effect on August 28, 2020. The amended Growth Plan 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 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 a diverse range of housing options, protected employment zones, public service facilities, recreation and green spaces, and more efficient public transit facilities;
- 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 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 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. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

### **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan. Key policies are noted below.

## **Public Realm**

The Public Realm policies of Section 3.1.1 of the Official Plan 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 layout, organization, and massing of private developments to ensure that the public realm is beautiful, comfortable, safe, and accessible.

Policy 3.1.1.7 states that new streets should be public streets, with additional design considerations for private streets where they are appropriate.

## **Built Form**

Policy 3.1.2.1 provides that new development shall be located and organized to fit with its existing and/or planned context, and shall frame and support adjacent streets, parks, and open spaces to improve the safety, pedestrian interest, and casual views to these spaces through a number of ways, including by locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk and providing ground floor uses that have views into and, where possible, access to adjacent streets, parks, and open spaces.

Policy 3.1.2.2 provides that new development shall locate and organize vehicle parking, vehicular access, service areas, and utilities to minimize their impact on the property and on surrounding properties, and to improve the safety and attractiveness of adjacent streets, parks, and open spaces. This shall be done by, amongst other considerations, consolidating and minimizing the width of driveways and curb cuts across the public sidewalk and providing underground parking where appropriate.

Policy 3.1.2.3 further provides that new development shall be massed and its exterior façade shall be designed to fit harmoniously into its existing and/or planned context, and shall limit its impact on neighbouring streets, parks, open spaces, and properties. Buildings are to be massed to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion and create appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan. Further, the policies direct that the provision of adequate light and privacy be secured by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

Policies 3.1.2.4 and 3.1.2.5 require new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable, and functional for pedestrians. This can be achieved through the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks (to create attractive transitions from the private to public realms), and landscaped open space within the development itself, among other ways. The intention is to enable new developments to 'fit' within the context of the immediate neighbourhood, while also improving the character of the surrounding area.

Policy 3.1.2.11 provides that residents of new multi-unit residential developments shall have access to high-quality and well-designed indoor and outdoor amenity spaces that are considerate of the needs of residents of all ages and abilities over time and throughout the year.

## **Tall Buildings**

The Official Plan Built Form policies (Section 3.1.3) set out development criteria for tall buildings. Tall buildings are to be comprised of three components: the base, the middle, and the top. Each of these three components of tall buildings helps to support the location and design of tall buildings to fit harmoniously into the existing and planned context and serve as significant visual landmarks for the City. Tall building developments shall also provide high quality, comfortable, and usable publicly accessible open space areas.

## **Housing**

Section 3.2.1 of the Official Plan contains the City's policies pertaining to the provision, maintenance, and replacement of housing.

Policy 3.2.1.5 states that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development, will secure the rental tenure of the existing rental units and should secure needed improvements and renovations to extend the life of the building(s) that are to remain and to improve amenities, without pass-through of costs to tenants.

Policy 3.2.1.6 prevents new development that would result in the loss of six or more rental dwelling units unless all of the existing rental units have rents that exceed mid-range rents at the time of application or, in cases where planning approvals other than site plan are being sought, at least the same number, size, and type of rental units are replaced and maintained with similar rents and the applicant develops an acceptable tenant relocation and assistance plan, addressing the right to return to the replacement units at similar rents and other assistance to mitigate hardship.

## **Community Services and Facilities**

The Official Plan recognizes the importance of community services and facilities in ensuring the quality of life and health and well-being of Toronto's communities, and encourages adequate and equitable access to community services and local institutions.

## **Land Use Designation**

The application is located on lands designated *Apartment Neighbourhoods* in the City of Toronto Official Plan (see Attachment 3: Official Plan Land Use Map). *Apartment Neighbourhoods* are made up of apartment buildings, parks, local institutions, cultural and recreation facilities, and small-scale retail, service, and office uses that serve the needs of area residents.

Policy 4.2.2 outlines development criteria for *Apartment Neighbourhoods*, including the location and massing of new buildings, which should provide a transition between areas of different development intensity and scale, with adequate setbacks, and having minimal shadow impacts on properties in adjacent lower-scale *Neighbourhoods*. The policies further outline that new buildings should frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces. There should be sufficient off-street motor vehicle and bicycle parking for residents and visitors as well as the provision of appropriate indoor and outdoor recreation space for building residents in every significant multi- residential development.

Policy 4.3.3 specifies that significant growth is generally not intended within developed *Apartment Neighbourhoods*. However, the policy does state that compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate both developments. Infill development must meet the development criteria outlined in Policy 4.2.2 in addition to providing adequate levels of residential amenity and providing existing residents with access to community benefits. Any infill development is required to maintain adequate sunlight, privacy, and landscaped open space and preserve or replace important landscape features or on-site recreational features. Adequate parking and loading should be provided and consolidated with the existing development.

## **Zoning**

The site is zoned Multiple Family Residential under the former L'Amoreaux Zoning By-law and (Residential Apartment Commercial) RAC (u430) (x76) under Toronto By-law 569-2013.

Land use permissions in both Zoning By-laws are generally the same concerning the range of uses allowed including apartment buildings, parks, and emergency service facilities. Additional uses such as retail and commercial uses are permitted in the RAC Zone with conditions. The zoning designation permits a maximum of 430 dwelling units on the site. Exception RAC 76 specifies that the maximum number of dwelling units is the lesser of 30 or 40 for each hectare of lot area.

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/>

## **Rental Housing Demolition and Conversion By-law**

Section 111 of the *City of Toronto Act, 2006* authorizes the City to regulate the demolition and conversion of residential rental properties. Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control By-law, implements Section 111. The By-law prohibits the demolition of rental housing in any building or related group of buildings that collectively contain six or more dwelling units without obtaining a permit from the City and requires a decision by City Council or, where delegated, the Chief Planner.

Under Sections 14 and 15 of Chapter 667, Council may refuse an application or impose conditions on an approval, including conditions requiring an applicant to replace the rental units proposed to be demolished and/or to provide tenant relocation and assistance, which must be satisfied before a demolition permit is issued. These conditions implement the City's rental housing protection policies in the Official Plan.

Section 33 of the *Planning Act* also authorizes Council to regulate the demolition of residential properties. Section 33 is implemented through Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of any demolition of a residential property that contains six or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit under the *Building Code Act, 1992*. Where a proposal requires Council approval of a residential demolition application under Chapter 363 and a Rental Housing Demolition application under Chapter 667, Council typically considers both applications at the same time.

The proposal to demolish 56 rental dwelling units at 87, 89, 91, 93, 95, 97, and 99 Silver Springs Boulevard requires approval under both Chapters 363 and 667 of the Toronto Municipal Code because it would entail the demolition of at least six dwelling units and at least one rental dwelling unit.

## **Design Guidelines**

### **City-Wide Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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 link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

### **Mid-rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. The Study identifies a list of best practices and establishes a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, and transition to *Neighbourhoods, Parks and Open Space Areas*, and corner sites. The link to the performance standards is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council has also adopted a revised Mid-Rise Building Performance Standards Addendum for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

### **Townhouse and Low-rise Apartment Guidelines**

City Council has adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed builtform meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>.

### **Growing Up: Planning for Children in New Vertical Communities**

On July 28, 2020, City Council adopted the Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the Guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children living in vertical communities, at the neighbourhood, building and unit scale. The Guidelines indicate that a building should provide a minimum of 25% large units, of which 10% should be 3-bedroom units and 15% should be 2-bedroom units. The Guidelines are available at:

<https://www.toronto.ca/citygovernment/planning-development/planning-studiesinitiatives/growing-up-planning-forchildren-in-new-vertical-communities/>.

### **Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings**

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high-density residential communities. The Guidelines are available at:

<https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-PetFriendlyGuidelines.pdf>.

The Tall Building Design Guidelines, The Avenues and Midrise Building Study and Performance Standards, Townhouse Guidelines, Growing Up Guidelines and Pet Friendly Design Guidelines and Best Practices for new Multi-Unit Buildings have informed the review of the Zoning By-law Amendment application.

### **Site Plan Control**

The proposed development is subject to site plan control. A site plan control application has not been submitted. It is anticipated that site plan applications for individual blocks will be submitted in accordance with the development's phasing plan.



## **Community Consultation**

A virtual community consultation meeting was held on April 21, 2021 and attended by approximately 25 members of the community. Specific comments related to the proposed development included:

- Existing and future traffic congestion on Silver Springs Boulevard and surrounding streets;
- Parking deficiency for the site;
- Proposed building heights and sun shadow impacts;
- Tenant relocation plan with comparable rent during construction;
- Expected timeline of the application review process, tenant relocation, and completion of construction;
- Construction management; and
- Servicing capacity.

Staff worked with the applicant to address these issues and concerns as outlined in the report.

## **Tenant Consultation**

On March 28, 2022, a tenant consultation meeting was held to review the City's housing policies, the impact of the proposed demolition on existing tenants, and the proposed Tenant Relocation and Assistance Plan. The meeting was held virtually and attended by 26 tenants, the property manager, representatives of the applicant and owner, City Planning staff, and the local Councillor.

During the meeting, tenants asked questions and expressed concerns about:

- The timing of the proposed demolition, when tenants would have to vacate their existing rental units, and the estimated length of time over which the proposed development would be constructed;
- The proposed replacement rental unit layouts;
- Seniority and the process for selecting and returning to a replacement rental unit;
- How rent increases would be calculated over the construction period;
- Whether tenants could move to alternative interim accommodation on-site;
- How and when the financial compensation provided under the City-approved Tenant Relocation and Assistance Plan would be calculated and administered to tenants;
- Whether the City has contingencies in place for construction delays; and
- The scale of the proposed development vis-à-vis the existing condition.

A tenant survey was also administered (both in person and online) from May 10 to May 28, 2021 to solicit feedback from existing tenants on needed and prospective improvements to the existing rental buildings and amenities that are to be retained, in addition to new common areas and amenity spaces that would be provided as part of the proposed development. The survey received a total of 42 responses out of 410 questionnaires administered, for an overall response rate of 10.2%. Key findings from the tenant survey are described in the Rental Housing Intensification section below.

## COMMENTS

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### Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; the appropriate location of growth and development; the adequate provision and efficient use of communication, transportation, sewage, and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

The proposal is in an appropriate location for infill development. It represents an appropriate built form that would provide a range and mix of housing, including family-sized and affordable rental units.

It is staff's opinion that the proposed development has appropriate regard for the relevant matters of provincial interest outlined in the *Planning Act*.

### Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS and the Growth Plan. Staff have determined that the proposal is consistent with the PPS and conforms to the Growth Plan as noted below.

### Provincial Policy Statement (2020)

The proposal is consistent with PPS Policy 1.1.1 as it is an efficient development that will provide a variety of residential unit types that use existing services within an existing built-up area, resulting in an efficient land use pattern. The proposed infill redevelopment is in a compact built form, consistent with PPS direction to achieve cost-effective development patterns, optimized transit investments, and standards to minimize land consumption and servicing costs.

Policy 1.1.3.2 of the PPS (2020) provides that land use patterns shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, existing and planned infrastructure; and are transit-supportive and support active transportation. Consistent with this direction, the development is proposed in a compact built-form within a strategic growth area, which is identified by the Province as being appropriate for accommodating higher density in a compact built form. The site is located on Finch Avenue East and approximately 150 metres west of Birchmount Road which are both identified Major Streets that are serviced by frequent transit.

Furthermore, Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure. The development review

process has ensured that future service infrastructure will be in place to serve the projected population.

Policy 1.1.3.4 promotes appropriate development standards, which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The proposal, as implemented through the draft Zoning By-law recommended for approval and subsequent approval of the Draft Plan of Subdivision is consistent with this direction in the PPS (2020).

Policy 1.4.3 states planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents. The proposal provides a range of unit types including two- and three-bedroom units, and involves the retention of 374 existing rental units and the addition of 604 new rental units.

Section 1.6 of the PPS includes policies on infrastructure and public service facilities. Policy 1.6.3 states that the use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities. With respect to transit and transportation systems, Policy 1.6.7.4 promotes a land use pattern, density, and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with the PPS in this regard, as the proposed land use and density results in a built form that supports an efficient use of land and existing transit infrastructure.

### **The Growth Plan (2020)**

The proposal conforms to the Growth Plan as it accommodates new growth within a built-up area of the community through intensification.

Policy 2.2.1.4 of the Growth Plan provides direction on the achievement of complete communities, setting out objectives for a mix of land uses and a range and mix of housing options to accommodate people at all stages of life and the needs of all household sizes and incomes. Convenient access to a range of transportation options, public service facilities, open spaces, and recreational facilities is also highlighted as a key component of complete communities along with the development of high-quality and compact built-form and an attractive and vibrant public realm.

The proposed level of intensification is appropriate for the site, and enhances connectivity with a new public street between transit stops along Finch Avenue East and the major community facilities within L'Amoreaux Park.

### **Official Plan**

The applications have been reviewed against the Official Plan policies and planning studies described in the Policy Consideration Section of this report as well as the policies of the Toronto Official Plan as a whole.

## Land Use

The subject lands are designated *Apartment Neighbourhoods* in the Official Plan. The proposed land use is permitted by the *Apartment Neighbourhoods* policies and while the Official Plan states that significant growth is generally not intended within developed *Apartment Neighbourhoods*, staff consider the proposed infill development as compatible with existing development patterns within the land use designation. Thus the proposal is consistent with Official Plan Policy that permits compatible infill development on a site containing an existing apartment building with sufficient underutilized space to accommodate both developments. Planning staff are of the opinion that the proposed infill development conforms to this land use designation and the associated development criteria.

## Height, Massing and Transition

The Built Form and *Apartment Neighbourhoods* policies of the Official Plan require new development be appropriately massed and located to provide a transition between areas of different development intensity and scale, with adequate setbacks, and having minimal shadow impacts on properties in adjacent lower-scale *Neighbourhoods*.

The proposed building heights of 4, 7, 17, and 22 storeys fit with the existing buildings and provide an appropriate transition between areas of different development of intensity and scale. The immediate surrounding context includes two buildings on the west side of the site that are 19 storeys, and further west there are a number of apartment buildings ranging in height from 10 to 23 storeys. The taller building elements of the proposal (Buildings 'A' and 'B') have been massed to frame the street edges with appropriate setbacks. Both buildings have a 4-storey podium base with appropriate stepbacks from the street. Further, both Buildings 'A' and 'B' have a maximum floorplate of 750 square metres and maintain a separation distance of 25 metres, meeting the City's Tall Building Design Guidelines.

The lower-scale townhouses in Block 'C' and mid-rise Building 'D' are located along the eastern boundary to allow for a gradual transition in scale between the tall building elements and the adjacent low-rise *Neighbourhoods*. The proposed townhouse block is set back 11.5 metres from the east property line to accommodate a pedestrian mews along the east end of the block, and meets the 45-degree angular plane to the adjacent lands designated *Neighbourhoods* and is consistent with the Townhouse and Low-rise Apartment Guidelines.

In response to feedback from City staff, Building 'D' is now set back 5.5 metres from the east property line. While Building 'D' does not meet the 45-degree angular plane to the designated *Neighbourhood* to the immediate east, it is acceptable in this instance as the adjacent uses to the east are a high school and a Place of Worship which are not uses requiring transition in scale to mitigate overlook or shadow impact. Therefore, staff are of the opinion that the building separation and the rear setback form an adequate transition from adjacent *Neighbourhoods* in this context.

Overall, the proposed massing generally conforms to the Built Form policies of the Official Plan as it would fit with the existing and planned context, comply with the

applicable design guidelines, and frame the existing and proposed streets at an appropriate proportion.

## **Sun, Shadow**

Section 4.2, Policy 2.c) of the Official Plan states that development within *Apartment Neighbourhoods* should be located and massed 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.

The applicant submitted a revised Shadow Study prepared by IBI Group illustrating the incremental shadow impacts on the site. The proposed development would result in incremental shadowing on lands designated *Neighbourhoods* located north-east of the site between 4:18 p.m. and 6:18 p.m. during March and September, and limited shadowing after 5:18 p.m. on June 21st. There are no shadows caused by the development in the morning or early afternoon on this area. The proposed development allows for 7 hours of sunlight on lands designated *Neighbourhoods* and thus adequately limits the shadow impact as provided for by the Official Plan.

With respect to shadow impacts on parks, the proposed development would create a small amount of shadow on the south-east edge of L'Amoreaux Park between 9:18 a.m. and 11:18 a.m. during March and September. The proposed buildings would not create a shadow on the L'Amoreaux Park at any other time.

As it relates to shadowing on streets, the height and massing of the proposed development has been positioned to minimize shadow impact on the public realm and provide a minimum of five hours of sunlight on the opposite side of adjacent streets at the equinoxes, having regard for Section 1.4(a) of the Tall Building Design Guidelines. Planning staff have assessed the proposed development in terms of the incremental shadow impacts resulting from the proposed 11-storey building and are of the opinion that it would adequately limit shadows on the site.

The shadow impacts from the proposed development are considered acceptable and no further mitigation measures are required.

## **Transportation**

### *Implementation of A New Public Street*

The Built Form policies of the Official Plan require that new development locate and organize vehicular access to minimize its impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets. The Public Realm policies require that new streets implement the Complete Streets approach to develop a street network that balances the needs and priorities of the various users and uses within the right-of-way (ROW).

The applicant is proposing a new public street that runs north-south from Silver Springs Boulevard to Finch Avenue East with a planned ROW of 18.5 metres, which includes an 8.5-metre paved road and a 5.3-metre boulevard and sidewalk on the west side and

4.7-metre boulevard and sidewalk on the east side. The proposed public street helps break up the existing large block, contributing to increased connectivity and permeability, particularly for active modes of transportation while allowing for access through the site from transit stops on Finch Avenue East with a main entrance to L'Amoreaux Park.

The dedication of the new public street will be secured through the Draft Plan of Subdivision conditions, plan registration, and the subdivision agreement. These matters will be reported on to a forthcoming meeting of City Council.

### *Traffic Impact*

A Traffic Impact Study, prepared by LEA consulting dated July 2020 with a subsequent addendum report dated March 16, 2022, was submitted assessing the traffic impacts of the proposal. The transportation report estimates that the new development would generate an increase of 219 vehicle trips during the weekday morning and 204 vehicle trips during the weekday afternoon. Transportation Services has determined that the traffic impacts of the proposed development can be accommodated by the local street network and are acceptable.

### *Traffic Signal Relocation*

There is an existing traffic control signal located slightly west of the proposed intersection of the new public street with the arterial road to facilitate pedestrian crossings of Finch Avenue East.

The Traffic Impact Study prepared by LEA Consulting Ltd. concluded that maintaining the intersection of the new public street and Finch Avenue East as unsignalized and maintaining the location of the existing signalized pedestrian crossing is acceptable from a traffic volume perspective. However, both Transportation Planning and Transportation Services have determined that in order to ensure active transportation connectivity and safety for all active modes, the existing Traffic Control Signal must be relocated to the intersection of Finch Avenue East and New Public Street and upgraded to a full control signal. In addition, Transportation Services requires the installation of an all-way stop control at the intersection of Silver Springs Blvd and New Public Road and to replace the existing pedestrian crossover located to the east of the proposed intersection. These requirements are in keeping with the City's Vision Zero Initiative, which is focused on reducing traffic-related fatalities and serious injuries on Toronto's streets. The owner will be agree to be responsible for costs associated with the relocation of the signals as secured through the Section 37 Agreement as a legal convenience, with the design and implementation financially secured as a condition of the Subdivision Agreement.

The applicant has revised the Traffic Demand Management Plan to include 2 car-share spaces, publicly accessible bicycle repair stations, and bike share expansion funding. Transportation Demand Management measures will be secured through the Section 37 agreement and monitored to ensure the continued emergence of mobility options as the site is redeveloped.

## *Parking and Loading*

The proposal will provide a total parking supply of 752 vehicular parking spaces 174 new and 578 retained. 117 vehicular parking spaces are provided on the existing surface lot with the remaining 636 spaces contained within an underground parking structure. No parking is located under the public street.

Parking spaces will be provided at a rate of approximately 0.75 spaces per unit (for all units on the subject site). Those tenants whose units are proposed to be demolished and currently lease a parking space would have the first option to lease a new parking space upon return to their replacement rental unit. At least two vehicular parking spaces for car-share operators would be provided on the site. Through the review of forthcoming applications for Site Plan Control, the applicant will be required to submit plans for all parking levels of the existing parking facilities with illustration of typical dimensions of the parking spaces and drive aisles.

The proposed bicycle parking supply of 508 bicycle parking spaces, including 78 short-term and 430 long-term bicycle parking spaces, meets the Toronto Green Standards Version 3.0, Tier 1, Zone 2.

The proposal includes two Type-G loading spaces and one Type-C loading space to service the proposed development. Access to the proposed loading facilities are provided from the proposed public street. The location and layout of the proposed loading spaces will be secured through the site plan review process.

## **Servicing**

The applicant submitted a Functional Servicing and Stormwater Management Report prepared by Counterpoint Engineering (updated October 2021), which provided an analysis of the existing municipal infrastructure for water distribution, sanitary sewers, and storm sewers. Engineering and Construction Services staff continue to review the Hydrogeological Assessment and corresponding sections of the Functional Servicing Report to confirm the nature of maximum short-term and long-term discharge levels to ensure that all blocks can meet the City's requirements for groundwater discharge volumes. Should this review determine changes in groundwater quantity from what was previously analysed through the Functional Servicing Report, a revised report will be required to review sewer capacity with the additional discharge rates.

The owner will submit to the Chief Engineer & Executive Director of Engineering and Construction Services, for review and acceptance, a revised Hydrogeological Report, and updates to the Functional Servicing Report to determine the storm water runoff, sanitary flow, temporary or permanent groundwater discharge, and water supply demand resulting from this development and its ability to be serviced. This is recommended to be secured in the Section 37 Agreement as a matter of legal convenience and should it determine that upgrades are required these improvements will be secured as conditions of the draft plan of subdivision approval and/or site plan process as appropriate.

## **Streetscape**

The proposed development will introduce a new public street allowing for improved pedestrian connectivity and permeability through the subject site. The proposed new landscaping and the provision of continuous street wall pattern will appropriately frame the street and improve the public realm along Finch Avenue East and Silver Springs Boulevard. A 2.1-metre pedestrian clearway is proposed along all public street frontages along with appropriate areas for street tree planting. The proposed buildings provide grade-related pedestrian entrances onto the streets adding to the vibrancy of the existing streetscape.

## **TTC**

TTC staff have reviewed the revised plans and advise that the existing bus stop #2658 on Finch Avenue would be relocated where the pedestrian signal is placed at the intersection of the new public street and Finch Avenue East. The applicant would be required to provide a platform to ensure the TTC is able to operate as per the agency's accessibility requirements.

## **Rental Housing Demolition and Replacement**

In accordance with Policy 3.2.1.6 of the Official Plan, the applicant is proposing to replace all 56 existing rental dwelling units by their respective bedroom types, at similar or larger unit sizes, and at similar rents to those in effect at the time of application. The total gross floor areas (GFA) of the 56 replacement rental units is 6,328 square metres, which exceeds the GFA of the existing rental units proposed to be demolished by 485.6 square metres, and the percentage difference between each existing rental unit size and corresponding replacement rental unit size is no less than -3%.

24 replacement rental units are proposed to be located between the first and sixth floors of 'Building A' (22-storey building) and the remaining 32 replacement rental units are proposed to be located on the first through fourth floors of 'Building B' (17-storey building). All three bedrooms in each replacement rental unit would be located on an exterior wall, to align with the existing condition. Details on the phasing of the proposed demolition and construction of the replacement rental units are included in the Phasing of the Development section below.

The applicant has confirmed that tenants would reserve the right to return to a replacement rental unit of a similar unit type at similar rent, and that rents for replacement rental units without returning tenants would not exceed the applicable affordable or mid-range rent thresholds for a period of at least 10 years. Tenants who return to replacement rental units would be protected by the Provincial Rent Increase Guideline, irrespective of whether such Guideline applied to the proposed development under the *Residential Tenancies Act 2006* (RTA), until their tenancies end.

## **Tenant Relocation and Assistance Plan**

The applicant has agreed to implement the City-approved Tenant Relocation and Assistance Plan for all Eligible Tenants who reside in the existing rental apartment buildings to be demolished at 87, 89, 91, 93, 95, 97, and 99 Silver Springs Boulevard.



The plan would assist tenants in finding and securing alternative accommodation while the proposed development and replacement rental dwelling units are being constructed. The plan would consist of the following:

For each Eligible Tenant:

- The right to return to a replacement rental unit of the same bedroom type and a similar unit size, and at similar rent, as the rental unit they currently occupy;
- At least six months' notice before having to vacate their existing dwelling unit;
- Financial compensation, above and beyond that required under the *Residential Tenancies Act, 2006*, in the form of a rent gap payment, where the rent gap would be calculated as the difference between the rent paid by a tenant on the date their tenancy is terminated and the most recent average rent for vacant private rental apartments by unit type in Canada Mortgage and Housing Corporation's (CMHC) Rental Market Survey (RMS) Zone 11 – Scarborough (North), which encompasses the development site, over a 36-month period. In the event the proposed development took longer than 36 months to complete, the owner would provide each tenant additional monthly rent gap payments until the replacement rental units were ready for occupancy.
- Two moving allowances to cover expenses for moving off-site into alternative interim accommodation and then moving back to a replacement rental unit;
- Special needs compensation for applicable tenants; and
- Upon request, make a rental leasing agent available to the Eligible Tenant to provide them with a list of rental vacancies in the neighbourhood, co-ordinate referrals and references from the current landlord, and provide similar assistance commensurate with the tenant's needs.

Any Post-Application Tenants would receive the same amount of notice before having to move as Eligible Tenants, as well as the baseline financial compensation equal to three months' rent or an alternative unit acceptable to the tenant, as required under the *Residential Tenancies Act, 2006*.

The Tenant Relocation and Assistance Plan is consistent with the City's current practices, will ensure that tenants can continue to access and afford suitable housing within the neighbourhood until the replacement rental units are complete, and will be secured through one or more agreements with the City and to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

## **Rental Housing Intensification**

The proposal is consistent with the Policy 3.2.1.5 of the Official Plan, as it would result in new rental housing supply through residential intensification and infill, while retaining and improving the retained rental housing on the lands. The applicant has confirmed that they will continue to provide and maintain all 374 existing rental dwelling units at 65 and 75 to 85 Silver Springs Boulevard as rental housing for at least 20 years, with no application for demolition or conversion to condominium ownership or from residential rental use during that period, in accordance with Policy 3.2.1.5.(a) of the Official Plan.

A tenant survey was administered (both in person and online) from May 10 to May 28, 2021 to identify needed improvements to the retained rental buildings and amenities for the purposes of satisfying Official Plan Policy 3.2.1.5(b). Rental housing improvements should be capital in nature and extend beyond repairs which form part of regular building maintenance. Key findings from the tenant survey include:

- 90% of respondents indicated that improving the existing laundry rooms was very important;
- 83% of respondents indicated that having better accessibility in the indoor common areas was very important, and 56% of respondents indicated that improving accessibility to the existing outdoor amenity areas was very important;
- 81% of respondents indicated they would like a gym space in the new buildings, and 78% of respondents indicated they would use a gym/exercise space in the new buildings; and.
- 82% of respondents indicated they would use new outdoor amenity areas with places to sit and relax (e.g. outdoor seating, barbeques, lighting), and 61% of respondents indicated that improving the outdoor seating area was very important.

As informed by the results of the tenant survey, City Planning staff recommend that the applicant undertake improvements to address accessibility, along with upgrades to recreation and laundry facilities in the existing building, without pass-through of any costs to tenants. These improvements are as follows:

- The owner shall retain a qualified accessibility consultant to complete an accessibility audit of indoor and outdoor common areas of the retained rental buildings at 65 and 75-85 Silver Springs Boulevard to identify any existing accessibility barriers and prospective accessibility improvements. A copy of the final report prepared by the accessibility consultant shall be submitted to the City Planning Division prior to the issuance of the first Notice of Approval Conditions for any application for Site Plan Control.

Prior to the issuance of the first above-grade building permit for the new development:

- The owner shall provide the City with a Letter of Credit having a maximum value of \$500,000 to secure the provision of accessibility improvements recommended by the accessibility audit referenced above. If the total construction value of the accessibility improvements recommended by the audit is less than \$500,000, then such lower value shall determine the value of the Letter of Credit provided to the City and the owner shall undertake all improvements recommended by the audit. If the total value of the accessibility improvements exceeds \$500,000, then the owner shall undertake selected accessibility improvements having a total value of not more than \$500,000, and the selection of the accessibility improvements shall be made in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division;
- The owner shall construct a new gymnasium and provide new gymnasium equipment on the main floor of the existing rental building at 65 Silver Springs Boulevard, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

- The owner shall undertake improvements to each of the existing laundry rooms in the existing rental buildings at 65 and 75-85 Silver Springs Boulevard, including the provision of a television and seating area, new folding tables, additional regular-sized laundry machines, and one or more over-sized laundry machines per laundry room. The location, layout, and specifications of the laundry room improvements shall be developed and approved through the site plan review process, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Prior to first occupancy of the new residential building:

- The owner shall complete the accessibility improvements recommended by the accessibility audit reference above and secured by the Letter of Credit referenced above, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- The owner shall provide a new outdoor barbeque and seating area within a reasonable and accessible vicinity of the entrance of at least one of the existing rental buildings at 65 and 75-85 Silver Springs Boulevard. The location, layout, and specifications of the new outdoor barbeque and seating area shall be developed and approved through the site plan review process, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

The owner will be prevented from passing through the costs associated with the provision and maintenance of the rental housing improvements listed above to tenants, including by way of an application to the Landlord and Tenant Board for an above-Guideline increase in rent to recover expenses incurred in completing the improvements. Prior to the issuance of site plan approval, the applicant will also be required to submit a Construction Mitigation Strategy and Tenant Communication Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, to mitigate construction impacts on existing residents.

The rental tenure of the existing apartment buildings, the rental housing improvements, and the Construction Mitigation Strategy and Tenant Communication Plan will be secured through the Section 37 Agreement (as a legal convenience) and incorporated into the Section 37 provisions of the amending zoning by-laws.

### **Provision of New Purpose-Built and Affordable Rental Housing**

The owner is planning to construct the proposed development as purpose-built rental housing and agreed that, prior to first occupancy of any new dwelling unit in the proposed development, it will not apply for approval of a description in accordance with the *Condominium Act* with respect to any new dwelling unit or register any new dwelling unit under the *Condominium Act* or any other form of ownership tenure, such as life-lease or co-ownership as defined in Chapter 667 of the Toronto Municipal Code, that provides a right to exclusive possession of a dwelling unit.

This would mean that the owner, or any future owner(s), of the lands would be required to submit a Rental Housing Demolition and Conversion application to the City if they proposed to condominium register any of the residential units in the proposed development, since all units would first be occupied for residential rental purposes and

therefore be rental units as defined under Chapter 667 of the Toronto Municipal Code. The owner's commitment to not apply for approval of a description or register any new dwelling unit under the *Condominium Act* or any other form of ownership tenure will be secured through an agreement pursuant to Section 37 of the *Planning Act* as a legal convenience.

The owner is also proposing to provide nine (9) of the 548 net new rental dwelling units within the development as affordable rental housing as part of its Section 37 community benefits contribution. The nine new affordable rental units would be comprised of six (6) one-bedroom units and three (3) two-bedroom units, and the minimum average unit size for each affordable rental unit would be the average unit size of a rental unit of the corresponding bedroom type within the development as a whole. Rents would be secured at affordable rents, as currently defined in the Official Plan (no more than the average market rent (AMR) by bedroom type for the City of Toronto) for 99 years beginning from the date each unit is first occupied. During the affordability period, rents could be escalated annually by not more than the provincial guideline, irrespective of whether such guideline applied to the units under the *Residential Tenancies Act, 2006*.

The Owner will be required to develop and implement a Tenant Access Plan and use the City's forthcoming centralized housing access system for filling affordable housing units to ensure all nine new affordable rental units are leased to households who have a demonstrated need for affordable rental housing.

### **Residential Unit Mix and Sizes**

The applications propose the provision of 181 of the 548 net new residential units as two-bedroom rental units (representing 33.0% of all net new residential units) and 73 of the net new residential units as three-bedroom rental units (representing 13.3% of all net new residential units), which satisfies the unit mix objectives of Guideline 2.1 the Growing Up Guidelines. In addition, 68 of the net new three-bedrooms units (representing 12.4% of all net new residential units) approximate or are larger than 100 square metres in size, which satisfies the three-bedroom unit size objective of Guideline 3.0 of the Growing Up Guidelines.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced, and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The proposal is subject to a cap of 15% parkland dedication. Parks, Forestry and Recreation staff recommend the owner be required to satisfy this parkland dedication requirement by providing cash-in-lieu. The value of the cash-in-lieu of parkland dedication would be appraised through Real Estate Services. The appraisal would be conducted upon the submission of an application for the first above-grade building

permit for the proposed development and would be valid for six (6) months. Payment would be required prior to the issuance of this above-grade building permit.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Articles II (Street Tree By-law) and III (Private Tree By-law). The applicant is proposing to remove 3 City-owned trees and 42 privately-owned trees. The applicant is not proposing to remove any Boundary/Neighbouring trees. Urban Forestry is in receipt of the required Application to Injure or Destroy Trees and the applicable fee for permission to remove/injure the aforementioned trees. Urban Forestry has no objection to the proposal.

The final number and location of new trees will be secured through the Site Plan application review process.

### **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 TGS. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner. Performance measures for the Tier 1 development features will be secured through the Site Plan Control Process.

### **School Boards**

The Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) staff have advised there are currently student enrollment pressures in the area. The phased nature of the development will require monitoring of enrollment levels over time as applications for site plan control are submitted. Both school boards request that the owner be required to erect signs on-site to communicate the accommodation situation and include warning clauses related to this issue in new tenancy agreements.

Staff are recommending the TCDSB and TDSB obligations to erect signs and include warning clauses also be secured in the Section 37 Agreement as a legal convenience.

### **Community Services Assessment**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong, and complete communities. CS&F are the lands, buildings, and structures necessary for the provision of programs and services provided or subsidized by the City or other public agencies, boards, and commissions, such as recreation facilities, libraries, childcare facilities, schools, and public health, human, cultural, and employment services.

The timely provision of CS&F 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 recognizes that the provision of, and investment in, CS&F supports safe, liveable, and accessible communities. Providing for a full range of CS&F in areas experiencing major or incremental growth is a responsibility shared by the City, public agencies, and the development community.

The CS&F Study Analysis provides a demographic profile for the L'Amoreaux Neighbourhood, which is bounded by Steeles Avenue to the north, McCowan and Middlefield Roads to the east, Sheppard Avenue East to the south and Warden Avenue to the west. There are 38 child care centres with a total of 2,400 spaces. The proposed development is expected to result in an estimated additional 50 children requiring childcare. The Children Services' capital priority mapping (January 2020) identifies the subject site as being in an area of high priority. As such, the needs of future residents may need to be accommodated, in part, at facilities located outside of the Study Area.

There are two recreation centres in the catchment area: Stephen Leacock CRC and L'Amoreaux CRC. The FMP Implementation Strategy identifies provision gaps for indoor pools in mid-Scarborough and gymnasium additions to existing CRCs in north Scarborough. Further study will be undertaken to determine appropriate sites for these facilities. The current 10-year capital budget and plan projects funding for a new bike park in Scarborough at a site yet to be determined. It also calls for consideration of a future outdoor artificial ice rink and tennis courts in Ward 22 as well as other improvements to improve the amenity and utility of local parks.

The CS&F Study indicates that the Study Area is served by a number of CS&F including 9 human service organizations and 4 libraries. At its meeting of June 10, 11, 12 and 13, 2014, Council adopted a City-initiated zoning by-law amendment for 1251 Bridletowne Circle to permit the development of a multi-service community hub and ancillary uses on the northerly portion of 1251 Bridletowne Circle. The project is a partnership between YMCA of Greater Toronto, The Scarborough Hospital, and Agincourt Community Services Association. Once completed, this hub will be located 1.5 kilometres to the west of the subject site.

## **Phasing of the Development**

The proposed development would be built out over time in three phases:

- Phase 1 includes the demolition of four low-rise apartment buildings (87, 89, 91 and 93 Silver Springs Boulevard), the construction of Building B, and the construction of an interim driveway;
- Phase 2 includes the demolition of 95 Silver Springs Boulevard, the construction of Building A and the completion of the new road; and
- Phase 3 includes the demolition of the remaining two low-rise apartment buildings (97 and 99 Silver Springs Boulevard) and the construction of Buildings C and D. It is proposed to construct the interim private driveway to public street standards and

dedicate it upon the completion of the full public road. This will provide servicing to Building B as part of Phase 1 within the same location as the ultimate condition. This phasing ensures that new rental units in Building B are brought to market faster while limiting the number of existing rental units which need to be demolished as part of Phase 1.

Staff are generally satisfied with the phasing of the development as it relates to the built form and unit demolition and reconstruction. However, specific details related to the phased registration of the plan of subdivision and conveyance of the new public street would be subject to further review and secured through the implementing development agreements and subsequent approval/registration of the Plan of Subdivision.

## **Plan of Subdivision**

An application for Draft Plan of Subdivision approval has been submitted in order to ensure the orderly development of the site, the creation of development blocks, and the provision of a new public street and infrastructure to support development.

The draft Plan of Subdivision (found at Attachment 11) has been reviewed by City staff and is generally acceptable, with further review and refinements necessary to ensure it can be registered in phases to allow for the required public street to be conveyed to the City and ensure orderly development. Additional information needs to be submitted to allow staff to finalize the draft list of subdivision conditions that would need to be addressed in order to support the development of the site. These draft conditions would include, but not be limited to, ensuring the lands conveyed to public ownership, satisfy appropriate environmental standards, the construction of municipal infrastructure is financially secured, and phasing is appropriately implemented. Approval of the draft Plan of Subdivision, including conditions, has been delegated to the Chief Planner and will be secured with further reporting to City Council as necessary.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are an indexed cash contribution of \$1.5 million, and the provision of nine affordable housing units on the terms set out in the Recommendations section of this report. A number of matters of legal convenience shall also be secured in the Section 37 Agreement, including securing (1) compliance with Tier 1 performance measures of the Toronto Green Standard; (2) the rental tenure and use of amenities for the existing buildings; (3) school board warning clause requirements; (4) accessibility and general improvements to the existing buildings; (5) the submission of additional technical reports, (6) the implementation of a Traffic Management Plan, and (7) the installation of a new intersection with traffic control signals, as set out in the Recommendations section of this report.

## Conclusion

This report recommends that City Council approve of the application to amend the zoning by-law to permit the redevelopment of the lands. This report also recommends approval of the applications to demolish 56 rental dwelling units at 65 to 99 Silver Springs Boulevard.

The proposal has been reviewed against the policies of the PPS, the Growth Plan, and the Toronto Official Plan. Through the review process, a number of revisions were made to address City Planning staff and community comments to improve the deployment of the proposal and improving its relationship with the existing and planned context. Staff have concluded that the proposal is consistent with the PPS, conforms and does not conflict with the Growth Plan, and conforms with the Toronto Official Plan as it relates to the Healthy Neighbourhoods, *Apartment Neighbourhoods*, and Built Form and Housing policies.

The proposal involves the retention and improvement of existing rental apartment buildings at 65 and 75 to 85 Silver Springs Boulevard and full replacement of the existing rental housing at 87 to 99 Silver Springs Boulevard. The recommended Tenant Relocation and Assistance Plan was reviewed and accepted by staff as it will assist tenants in securing alternative interim rental accommodation at similar rents as the proposed development is under construction. The proposed development would facilitate significant new rental housing supply while contributing to the provision of a broader range and mix of housing options to accommodate the needs of current and future residents. A number of improvements to the existing rental buildings in the form of new amenities, accessibility enhancements and recreation facilities are also being secured with the intensification of the site pursuant to Official Plan policies.

Through the recommended Section 37 Agreement, the City would secure nine of the net new rental housing units at affordable rents for 99 years and a \$1.5 million cash contribution to be allocated towards a community amphitheatre in L'Amoreaux Park. Various other matters, including the rental housing improvements, replacement rental housing, and tenant assistance will be secured through the Section 37 Agreement as a legal convenience, as well as in the amending by-law and an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*.



Staff recommend that City Council approve the applications and Draft Zoning By-law Amendment subject to the conditions identified in the Recommendations section of this report.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Official Plan Land Use Map  
Attachment 4: Existing Zoning By-law Map  
Attachment 5: Draft Zoning By-law Amendment

### **Applicant Submitted Drawings**

Attachment 6: Site Plan  
Attachment 7: North Elevation  
Attachment 8: East Elevation  
Attachment 9: South Elevation  
Attachment 10: West Elevation  
Attachment 11: Draft Plan of Subdivision

## Attachment 1: Application Data Sheet

Municipal Address: 75-85 SILVER SPRINGS BLVD Date Received: July 8, 2020

Application Number: 20 164697 ESC 22 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment application to permit new residential development on two blocks of land currently under draft plan of subdivision approval. Block 1 includes 3 new apartment buildings (6, 16 and 22 storeys). Block 2 includes stacked back-to-back townhouse units. Total 604 residential rental units proposed.

|                  |       |           |                                 |
|------------------|-------|-----------|---------------------------------|
| Applicant        | Agent | Architect | Owner                           |
| CAITLIN<br>ALLAN |       |           | IMH 65-99 SILVER<br>SPRINGS LTD |

### EXISTING PLANNING CONTROLS

|                            |   |                          |
|----------------------------|---|--------------------------|
| Official Plan Designation: | Apartment<br>Neighbourhood<br>RAC (u430)<br>(x76) | Site Specific Provision: |
| Zoning:                    |   | Heritage Designation:    |
| Height Limit (m):          |   | Site Plan Control Area:  |

### PROJECT INFORMATION

|                   |        |               |     |            |     |
|-------------------|--------|---------------|-----|------------|-----|
| Site Area (sq m): | 40,414 | Frontage (m): | 196 | Depth (m): | 204 |
|-------------------|--------|---------------|-----|------------|-----|

|                             |          |          |          |        |
|-----------------------------|----------|----------|----------|--------|
| Building Data               | Existing | Retained | Proposed | Total  |
| Ground Floor Area (sq m):   | 7,430    | 4,259    | 6,046    | 10,305 |
| Residential GFA (sq m):     | 47,368   | 40,159   | 46,539   | 86,698 |
| Non-Residential GFA (sq m): |          |          |          |        |
| Total GFA (sq m):           | 47,368   | 40,159   | 46,539   | 86,698 |
| Height - Storeys:           | 9        |          | 22       | 22     |
| Height - Metres:            |          |          | 61       | 61     |

|                        |      |                    |      |
|------------------------|------|--------------------|------|
| Lot Coverage Ratio (%) | 25.5 | Floor Space Index: | 2.15 |
|------------------------|------|--------------------|------|

|                          |                    |                    |
|--------------------------|--------------------|--------------------|
| Floor Area Breakdown     | Above Grade (sq m) | Below Grade (sq m) |
| Residential GFA:         | 86,698             |                    |
| Retail GFA:              |                    |                    |
| Office GFA:              |                    |                    |
| Industrial GFA:          |                    |                    |
| Institutional/Other GFA: |                    |                    |

|                                |          |          |          |       |
|--------------------------------|----------|----------|----------|-------|
| Residential Units<br>by Tenure | Existing | Retained | Proposed | Total |
| Rental:                        | 430      | 374      | 604      | 978   |
| Freehold:                      |          |          |          |       |
| Condominium:                   |          |          |          |       |
| Other:                         |          |          |          |       |
| Total Units:                   | 430      | 374      | 604      | 978   |

#### Total Residential Units by Size

|              |       |          |           |           |            |
|--------------|-------|----------|-----------|-----------|------------|
|              | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
| Retained:    |       |          | 115       | 223       | 36         |
| Proposed:    |       |          | 294       | 181       | 129        |
| Total Units: |       |          | 409       | 404       | 165        |

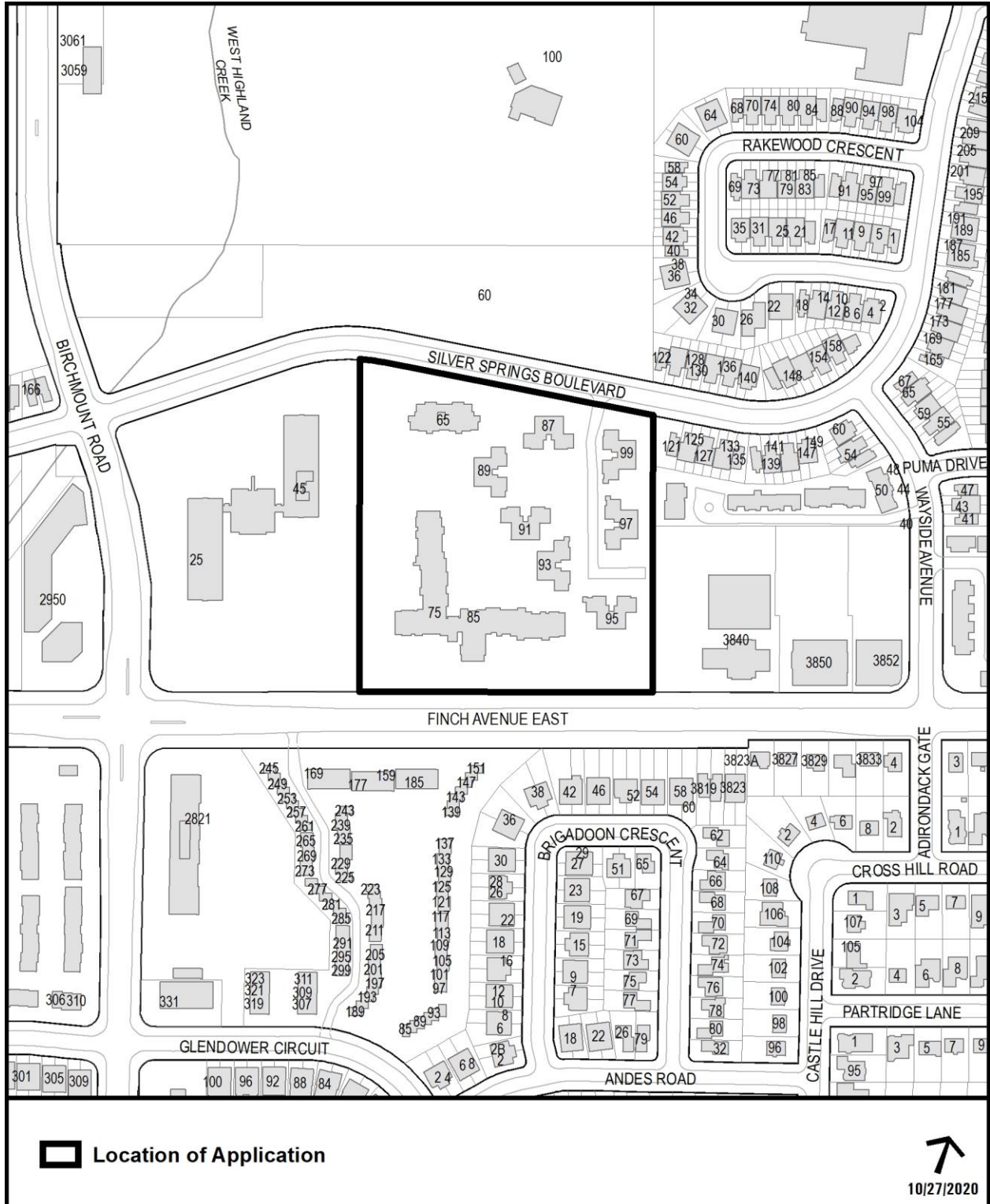
#### Parking and Loading

|                    |     |                         |     |                |   |
|--------------------|-----|-------------------------|-----|----------------|---|
| Parking<br>Spaces: | 752 | Bicycle Parking Spaces: | 508 | Loading Docks: | 3 |
|--------------------|-----|-------------------------|-----|----------------|---|

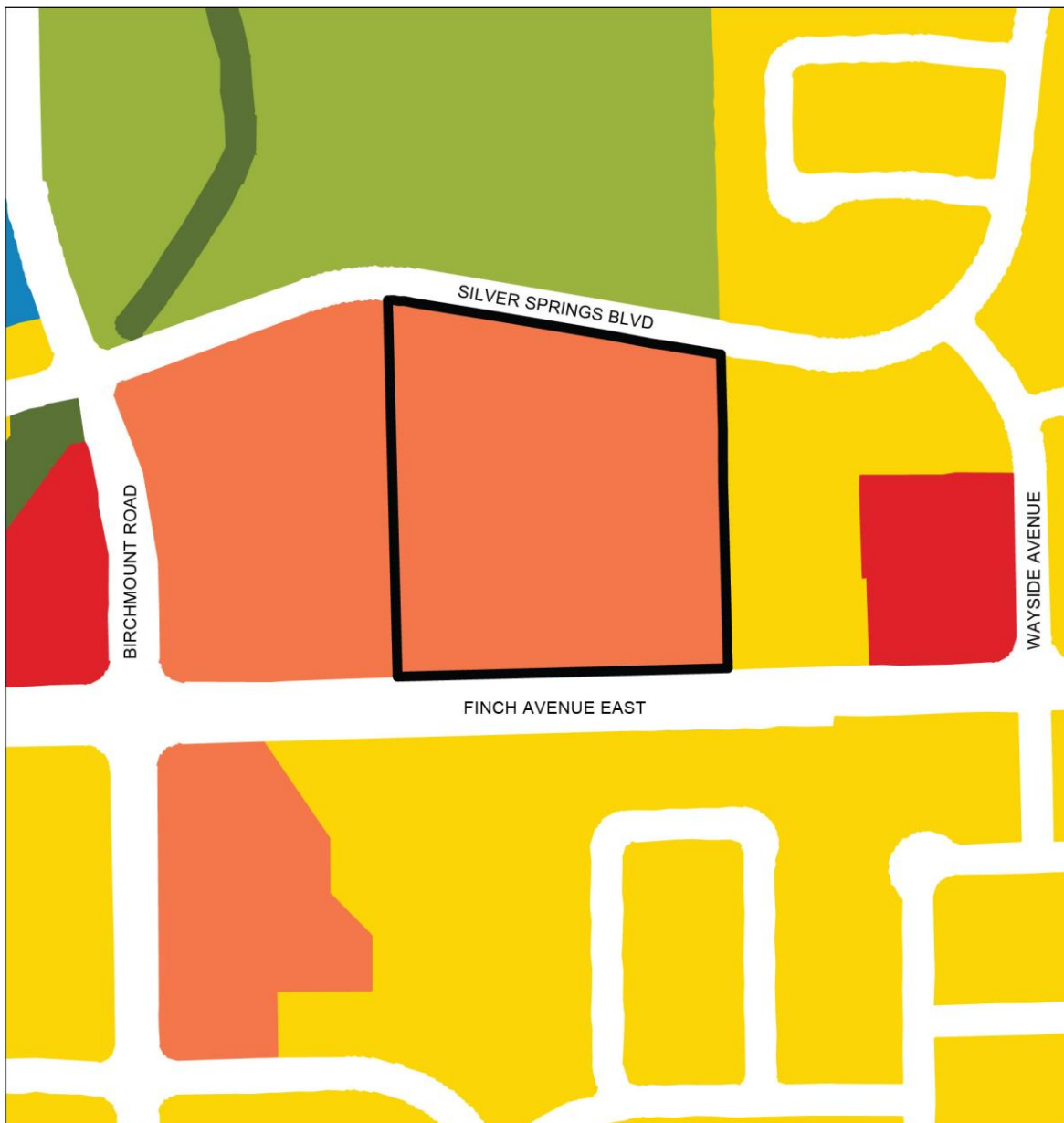
#### CONTACT:

Kelly Jones, Senior Planner  
(416) 392-4293  
Kelly.Jones@toronto.ca

## Attachment 2: Location Map



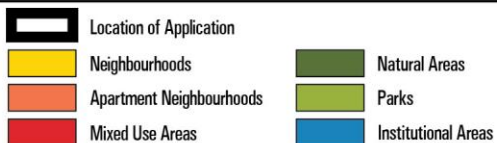
## Attachment 3: Official Plan Land Use Map



### Official Plan Land Use Map 19

65-99 Silver Springs Blvd

File # 20 164697 ESC 22 OZ, 20 164705 ECS 22



  
 Not to Scale  
 05/04/2022

## Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

65-99 Silver Springs Blvd

File # 20 164697 ESC 22 OZ, 20 164705 ECS 22 SB



Location of Application

RD Residential Detached  
RS Residential Semi-Detached  
RT Residential Townhouse  
RM Residential Multiple  
RAC Residential Apartment Commercial

CL Commercial Local  
CR Commercial Residential  
I Institutional  
IH Institutional Hospital  
ON Open Space Natural  
OR Open Space Recreation



See Former City of Scarborough  
L'Amoreaux Community By-law No. 12466

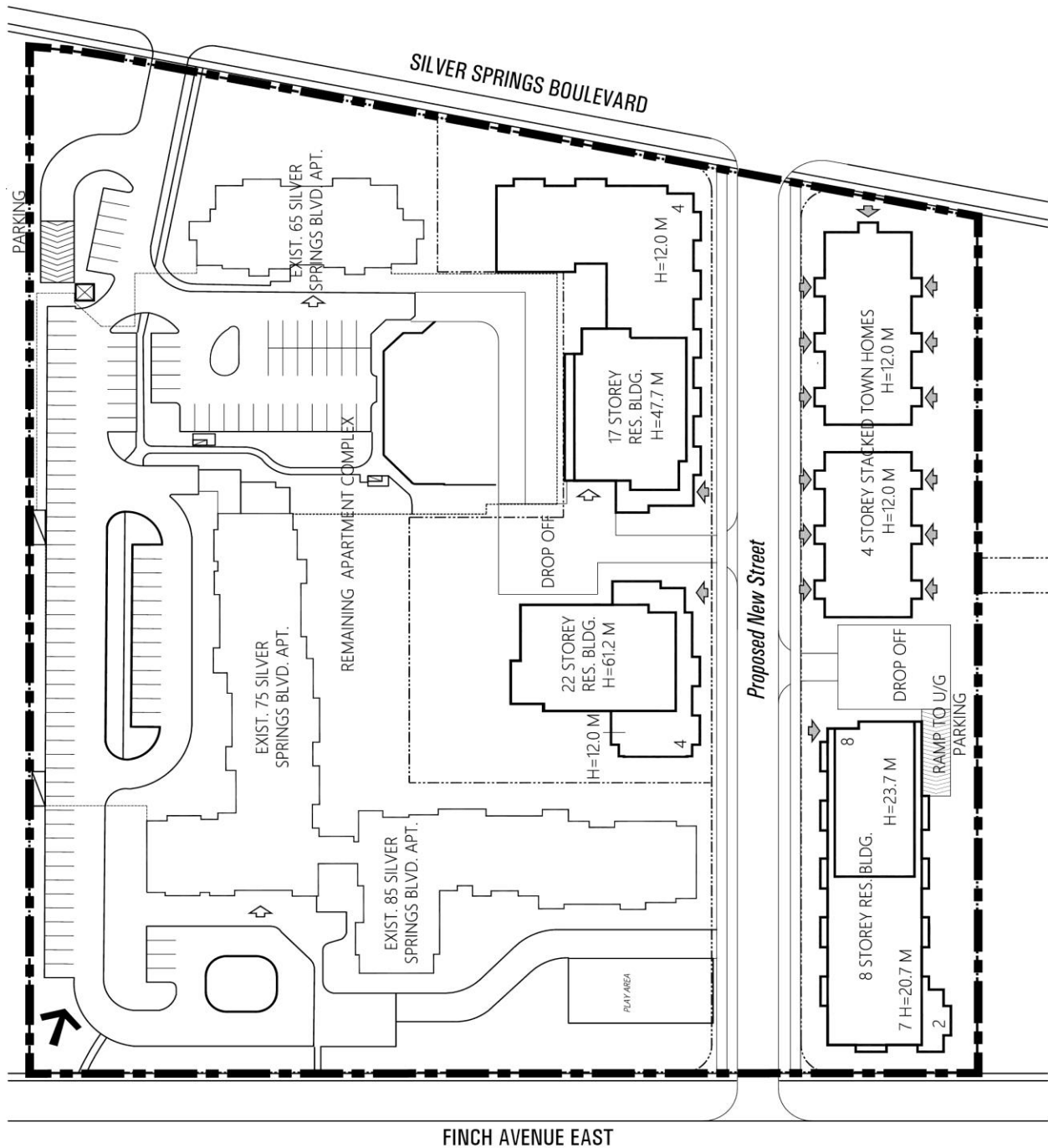
S Single-Family Residential  
T Two-Family Residential  
IE Institutional-Educational  
SC School  
PW Place(s) of Worship



Not to Scale  
Extracted: 05/04/2022

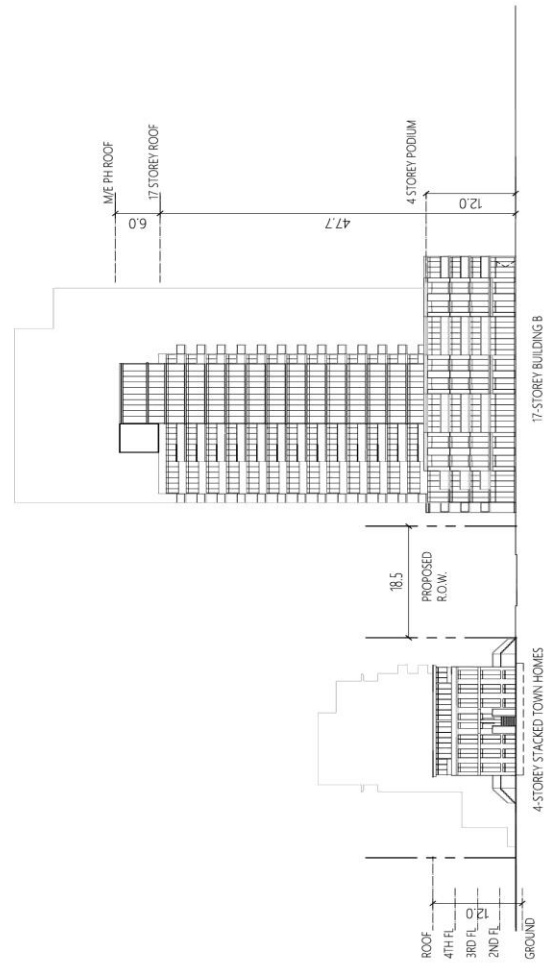
**Attachment 5: Draft Zoning By-law Amendment**  
(attached separately as a PDF)

## Attachment 6: Site Plan



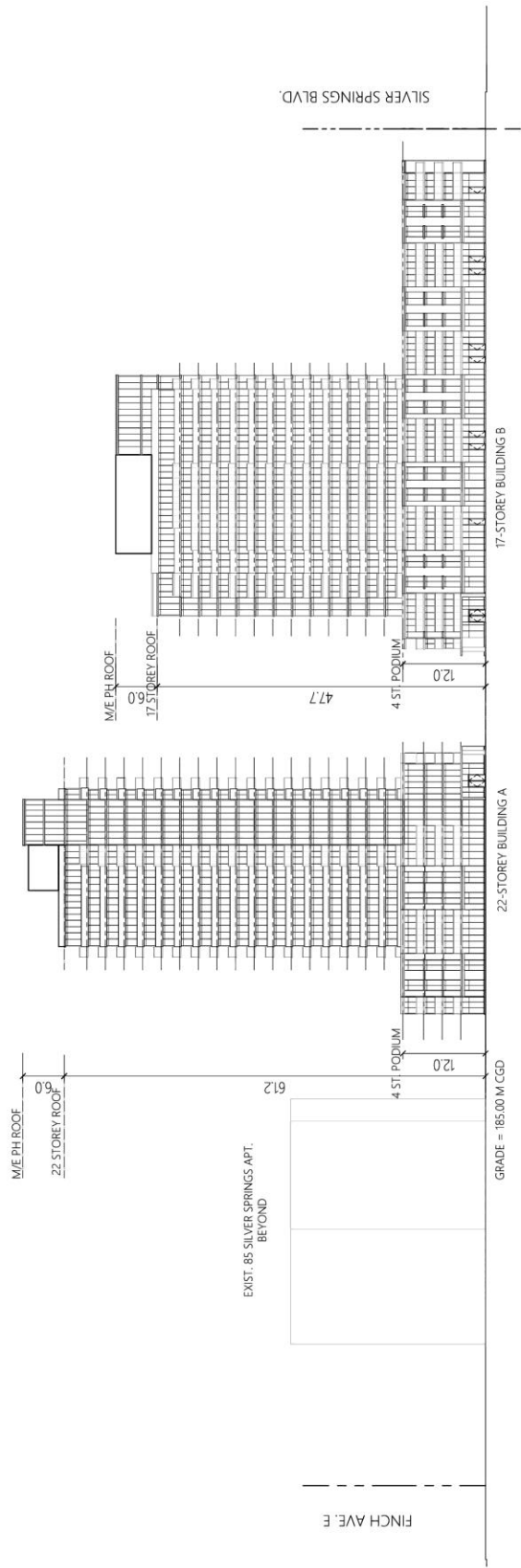


## Attachment 7: North Elevation



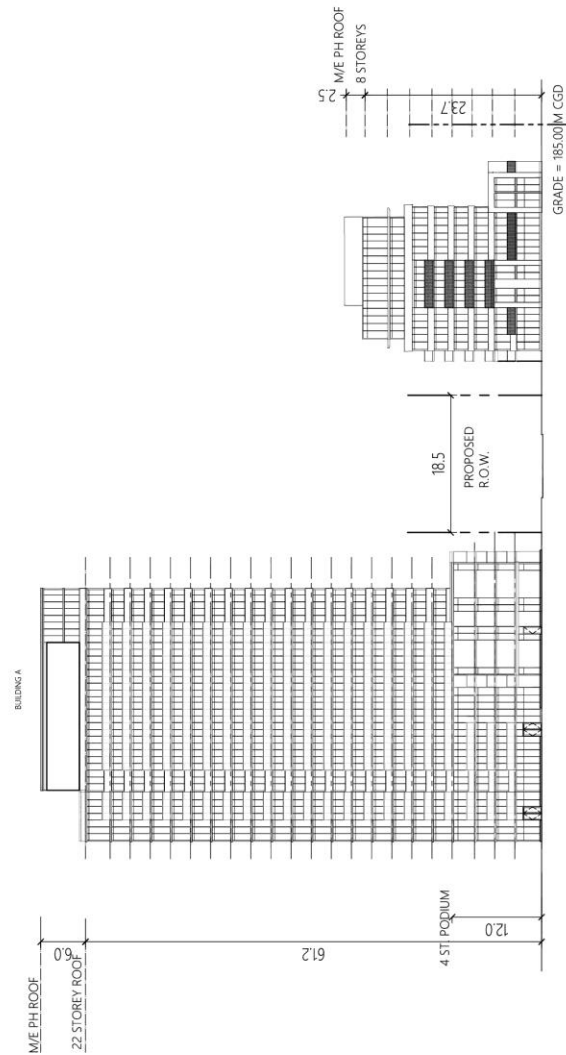
North Elevation - Looking from Silver Springs Boulevard

Attachment 8: East Elevation



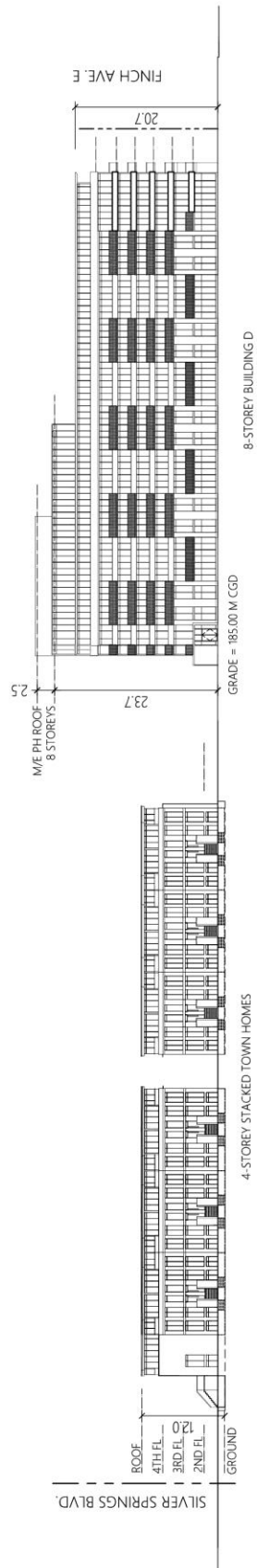
East Elevation - Along Public Road

## Attachment 9: South Elevation



South Elevation - Looking from Finch Avenue East

Attachment 10: West Elevation



West Elevation - Along Public Road

## Attachment 11: Draft Plan of Subdivision

