

3585 and 3595 St. Clair Avenue East, 636 to 646 and 641 to 663 Danforth Road, and 411 and 415 Kennedy Road – Official Plan Amendment, Zoning Amendment, Draft Plan of Subdivision – Appeal Report

Date: April 28, 2023

To: Scarborough Community Council

From: Acting Director, Community Planning, Scarborough District

Wards: 20 - Scarborough Southwest

Planning Application Numbers: 20 211279 ESC 20 OZ, 20 211392 ESC 20 OZ, 20 211430 ESC 20 OZ, 20 211336 ESC 20 SB

Related Application Numbers: 20 211505 ESC 20 RH, 22 139234 ESC 20 SA, 22 139273 ESC 20 SA

SUMMARY

On October 27, 2020, a series of development applications were submitted to permit the redevelopment of the subject lands:

- A Zoning By-law Amendment application (20 211279 ESC 20 OZ) applying to 411 and 415 Kennedy Road and 636 to 646 Danforth Road;
- A combined Official Plan Amendment and Zoning By-law Amendment application (20 211392 ESC 20 OZ) applying to 3585 and 3595 St. Clair Avenue East;
- A combined Official Plan Amendment and Zoning By-law Amendment application (20 211430 ESC 20 OZ) applying separately to 641 to 663 Danforth Road due to the conversion of employment lands also proposed; and
- A Draft Plan of Subdivision application (20 211336 ESC 20 SB) applying collectively to the contiguous lands at 3585 and 3595 St. Clair Avenue East and 641 to 663 Danforth Road.

On September 21, 2022, the Applicant appealed the applications collectively to the Ontario Land Tribunal (the "OLT") due to City Council not making a decision within the time frame legislated by the *Planning Act*.

A separate application for rental housing demolition was also submitted on October 27, 2020 to permit the demolition of 8 rental units located at 636 to 646 Danforth Road but is not subject to the appeal. Two related site plan applications subsequently filed on April 27, 2022 in respect to 3585 and 3595 St. Clair Avenue East are also not part of the subject appeal.

The combined proposals under the original applications were subsequently revised in June 2022 to permit the construction of 7,391 new dwelling units overall in up to 14 new high-rise mixed use apartment towers ranging in height from 19 to 58-storeys on stand-alone or shared podiums of varying heights. The overall development is comprised of approximately 496,980 square metres of residential uses, 17,112 square metres of retail space, a new GO station entrance building and approximately 4,531 square metres of community use space, still representing an overall density ("FSI") of 4.88 times over the combined site area. The draft plan of subdivision proposed for the area south of St. Clair Avenue East, east of Danforth Road, would establish 8 new development blocks, introduce new public streets and create approximately 1.46 hectares of new parkland.

An initial Case Management Conference ("CMC") on the owner's appeals was conducted by OLT on February 16, 2023. A second CMC is now scheduled for May 26, 2023 to finalize the status of remaining potential parties and participants, and commence further procedural discussions in preparation for a hearing. One or more additional CMC's may also be required. No date or duration for the full hearing has been set yet by the Tribunal.

City Planning Staff do not support the application in its current form as issues related to the appropriate level of development on site, including built form, massing and transition, servicing capacities and transportation considerations have not been adequately addressed. This report recommends that the City Solicitor, with the appropriate City staff, attend the OLT hearing to oppose the application in its current form. The report also recommends that staff be authorized to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current appeal of the Official Plan amendment, rezoning and draft plan of subdivision applications at 3585 and 3596 St. Clair Avenue East, 636 to 646 and 641 to 663 Danforth Road, and 411 and 415 Kennedy Road.
2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to resolve the outstanding issues detailed in the report dated April 20, 2023 from the Acting Director, Community Planning, Scarborough District, and report back to City Council on the outcome of discussions, if necessary.
3. City Council defer making a decision at this time on the Rental Housing Demolition / Conversion Application (File No. 20 211505 ESC 20 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act*, 2006 which allows for the demolition of the eight (8) existing rental dwelling units at 636 to 646 Danforth Road, and instruct staff, if necessary, to report on the Rental Housing Demolition/Conversion Application to City Council at such time as an OLT

decision has been issued regarding the Zoning By-law Amendment Application (File No. 20 211279 ESC 20 OZ) appeal for the lands at 411 and 415 Kennedy Road and 636 to 646 Danforth Road.

4. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request the Tribunal that the issuance of any Final Order be withheld until such time as the City Solicitor advises that:

a. the final form and content of the draft Official Plan Amendment(s) and Zoning By-law Amendment(s) are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b. for any Final Order in respect to 636 to 646 Danforth Road, that City Council has approved the Rental Housing Demolition Application 21 123167 ESC 20 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act*, 2006 and, should City Council authorize the demolition, that the owner has entered into, and registered on title to the lands, an agreement pursuant to Section 111 of the *City of Toronto Act* securing the replacement of the existing rental dwelling units and rents, tenant assistance to mitigate hardship, and other rental related matters, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

c. the owner has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or it has been determined that a holding provision is required in the Zoning By-law amendment(s);

d. the owner has entered into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support the development, according to the Site Servicing Review and Traffic Impact Study accepted by the Chief Engineer & Executive Director, Engineering and Construction Services;

e. the owner has addressed all outstanding issues raised by Development Engineering and Transportation Services as they relate to the Zoning By-law Amendment application to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;

f. the owner has addressed all outstanding issues raised by Urban Forestry (Tree Protection and Plan Review) as they relate to compliance with the Toronto Green Standards, including the parts of the ecology section, which pertain to existing and proposed trees and soil volume requirements; and

g. the City's conditions of subdivision approval, including all parkland dedication and improvement related matters, and requirements stemming from the review and acceptance of appropriate functional servicing reports referenced in (c)

above have been finalized and submitted for inclusion in the Tribunal's Final Order.

5. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

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

DECISION HISTORY

Previous Decisions

The lands at 3585 and 3595 St. Clair Avenue East were previously subject to 1998 and 2000 Official Plan amendment, rezoning and draft plan of subdivision applications. The applications were appealed to the Ontario Municipal Board (the "OMB" as then constituted) on the basis of non-decision by the City. The OMB allowed the appeal and in August 2012 approved Official Plan Amendment No. 184 applying *Mixed Use Areas* to the north portion of the site, *Apartment Neighbourhoods* to the remainder and Site and Area Specific Policy ("SASP") 378 to the lands, amendments to the affected former City of Scarborough zoning by-laws, and approving conditions for draft plan of subdivision approval. The Final Order in this regard was withheld pending execution of a Section 37 agreement with the City. For various reasons that agreement was not registered until February 2018, with the Final Order not issued by the OMB's successor, the Local Planning Appeal Tribunal ("LPAT"), until April 4, 2019. The approved zoning currently applying to 3585 and 3595 St. Clair was finally enacted through By-law No. 1095-2019(LPAT).

Subject Development Applications

On April 22, 2021, Planning and Housing Committee adopted a Preliminary Report dated March 24, 2021 from the Director, Community Planning on the Official Plan amendment and rezoning application for 641 to 663 Danforth Road. Staff were directed to proceed with community consultation within an expanded notification area, and to review the application in the context of the statutory Municipal Comprehensive Review commenced by the City Planning Division in 2020.

The Preliminary Report and Scarborough Community Council decision can be found at: [Agenda Item History - 2021.PH22.3 \(toronto.ca\)](#)

On April 23, 2021, Scarborough Community Council adopted a Preliminary Report dated March 24, 2021 from the Director, Community Planning on the Official Plan amendment and rezoning application for 3585 and 3595 St. Clair Avenue East, and the rezoning application for 411 and 415 Kennedy Road and 636 to 646 Danforth Road.

Staff were directed to proceed with a coordinated community consultation on all subject applications within the same expanded notification area.

The Preliminary Report and Scarborough Community Council decision can be found at: [Agenda Item History - 2021.SC23.9 \(toronto.ca\)](#)

The subject Republic Development applications for the area referred to as 'Scarborough Junction' were considered the City's Design Review Panel on May 20, 2021. City Planning's Community Consultation Meeting was subsequently conducted virtually on May 26, 2021.

Major Transit Station Areas

On July 19, 2022, City Council considered Planning and Housing Committee Item PH35.16 and the July 20, 2022, Final Report of the Chief Planner and Executive Director, City Planning entitled "Our Plan Toronto: City-wide 115 Proposed Major Transit Station Area/Protected Major Transit Station Area Delineations". The report recommended adoption of four Official Plan Amendments that include a total of 115 Major Transit Station Areas ("MTSA"s) and Protected Major Transit Station Areas ("PMTSA"s).

The subject lands were included under proposed OPA 570 as a PMTSA having a planned target under Site and Area Specific Policy 624 of a minimum 150 residents and jobs combined per hectare. The lands at 3585 and 3596 St. Clair Avenue East, 411 and 415 Kennedy Road and 636 to 646 Danforth Road were also identified to have a minimum FSI density of 2.0 times the site area. The 641 to 663 Danforth Road lands, still designated as *General Employment Areas*, were assigned a minimum FSI density of just 0.5 times the site area which didn't contemplate that City Council at the same meeting would redesignate the lands to higher *Mixed Use Areas* through a separate Official plan amendment discussed below.

On July 22, 2022, City Council passed By-law No. 889-2022 adopting Official Plan Amendment 570, entitled "implementation of fifty-seven Protected Major Transit Station Areas and associated maps across the City of Toronto".

The City Council decision record in this regard can be found at: [Agenda Item History - 2022.PH35.16 \(toronto.ca\)](#)

Municipal Comprehensive Review of Employment Lands

On July 19, 2022, City Council also considered Planning and Housing Committee Item PH35.15 and the July 20, 2022, Final Report of the Chief Planner and Executive Director, City Planning entitled "Our Plan Toronto: Recommended Official Plan Amendment for City-wide Employment Policies and Conversion Requests". The report addressed, in part, multiple conversion requests evaluated through the Municipal Comprehensive Review process, including the proposed conversion of 641 to 663 Danforth Road from *General Employment Areas* to *Mixed Use Areas* as proposed under application 20 211430 ESC 20 OZ.

On July 22, 2022, City Council passed By-law No. 1106-2022 adopting Official Plan Amendment 591, entitled "Economic Health Policies and Policies for Employment Areas" which implemented, in part a result of the Municipal Comprehensive Review, a number of land use redesignations from *Core Employment* and *General Employment Areas* to various other non-employment land use designations.

Notwithstanding a Planning staff recommendation that 641 to 663 Danforth Road be redesignated to *Regeneration Areas*, OPA 591 as approved by City Council instead included redesignation of 3569 and 3577 St. Clair Avenue East, 641, 661, 663, 619, 621, 625, and 627 Danforth Road, and 405 Kennedy Road, from *General Employment Areas* to *Mixed Use Areas*.

OPA 591 also amended Chapter 7, Site and Area Specific Policies by adding Site and Area Specific Policy 797 to the above noted stating that "Affordable housing requirements will be determined through the review of the Zoning By-law Amendment Application, including the review of density permissions. Such affordable housing will be secured through one or more agreements with the City."

The City Council decision record in this regard can be found at:
[Agenda Item History - 2022.PH35.15 \(toronto.ca\)](#)

OPA's 570 and 591 remain before the Minister of Municipal Affairs for approval and are not yet in full force and effect.

SITE AND SURROUNDING AREA

Site Overview

The subject site is located largely south of St. Clair Avenue East and east of Danforth Road (excepting some smaller properties on those frontages), adjacent to the GO Lakeshore East rail corridor. Also included are lands comprising the larger portion of the westerly Kennedy/Danforth/St. Clair triangle. Collectively these lands comprise the majority of the larger Kennedy/St. Clair/Lakeshore GO Line triangle known historically and locally as Scarborough Junction. Stable low-rise residential neighbourhoods exist south of the rail line, north of St. Clair Avenue East, and west of Kennedy Road, with industrial uses to the south along Kennedy Road.

The subject lands have an overall gross site area of approximately 10.62 hectares. Please refer to Attachment 2 - Location Map.

Existing Uses

411 and 415 Kennedy Road contain 1-storey vacant commercial buildings, while 636-646 Danforth Road contain 2-storey commercial buildings with retail, restaurant, and office uses and associated surface parking areas, plus 8 rental residential units.

641 Danforth Road contains two 1-storey buildings housing indoor soccer and a hockey arena, with a place of worship to the north at 661 Danforth Road and a used automobile dealership beyond at 663 Danforth Road.

3585 St. Clair Avenue East contains two large format industrial buildings primarily used as media production studios with a 1-storey irregularly shaped large format industrial building at 3595 St. Clair Avenue East accommodating a range of commercial employment uses.

APPLICATION

Application Description

The following details the development proposal as set out in the original 2020 applications, as revised to June 30, 2022.

Heights: The original application proposed 17 towers with heights ranging from 23 to 48 storeys on podium of various heights. As currently revised the number of towers is now reduced to 14, with an associated significant increase in proposed building heights up to 58 storeys. Please refer to Attachments 6 and 7 to this report for a rendering and Site Plan of the proposed development. The following provides a summary comparison of tower heights between the original applications and latest resubmission dated June 30, 2022:

Tower Heights	October 27, 2020		June 30, 2022
Under 30 storeys	5		3
30 to 40 storeys	8		4
40 to 48 storeys	4	40 to 50 storeys	3
		50 to 58 storeys	4
Total Towers	17		14

Density: Proposed Floor Space Index ("FSI") of 4.88 times the gross lot area of 106,200 square metres, resulting in a gross floor area of 510,105 square metres (currently 518,955 square metres) at a ratio of 96% residential to 4% non-residential.

Dwelling Units: A total of 6,619 dwelling units were proposed in 2020, which has increased to 7,391 dwelling units in 2022, with a slight increase in the proportion of two and three bedrooms units from 26.2% of all units previously to 31.8% currently. Given the continued preliminary nature of any detailed building or residential unit design, however, the above unit yield remains largely preliminary as well.

Access: The draft plan of subdivision proposes a new collector Street A entering the larger site approximately 'mid-block' on Danforth Road and extending easterly to

provide access to the proposed new central park space before turning north to connect with St. Clair Avenue East. A secondary local Street B would extend easterly from the north leg of Street A to provide access to the proposed new Scarborough GO Station entrance to be incorporated into the most easterly building (Building E) of the development. This street would also connect with St. Clair Avenue East at the existing intersection with Linden Avenue to the north.

A second local street Street C would extend southerly from Street A, west of three proposed mixed use residential buildings adjacent to the proposed new park. Under the currently proposed draft plan of subdivision, the southerly two buildings would only be serviced by a partial-width new road allowance, with the intent to enable their development when the balance of the new road allowance extending through to Kennedy Road could be secured through redevelopment of adjacent lands. Of these, only 375 Kennedy Road is currently subject to Official Plan amendment, rezoning and draft plan of subdivision applications currently under review. The ability to complete any suggested through connection utilizing 375 Kennedy Road and the rear portion of the intervening lands at 399 Kennedy Road remains unclear.

While the proposed number of dwelling units has increased, the June 2022 resubmission proposed reductions in parking supplies for both vehicles (from 3,666 spaces originally down to 3,476 spaces) and bicycles (from 7,336 spaces originally down to 6,326 spaces). The overall number of loading spaces proposed, however, has increased from 19 to 22 spaces.

Amenity Space: Proposed resident amenity space is now reduced in the June 2022 resubmission (both quantitatively and on a per dwelling unit basis) from 29,508 square metres for 6,619 units (4.46 square metres per unit) to 28,098 square metres for 7,391 units (3.8 square metres per unit). Proposed outdoor amenity space remains relatively unchanged at approximately 13,800 square metres but has dropped slightly on a per unit basis from 2.1 square metres to 1.86 square metres per unit.

Additional Information: See Attachments 1 through 8 of this report for a location map, Application Data Sheet, site plan, and 3D representations of the proposal in context. Detailed project information, including all plans and reports submitted as part of the application, can be found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=bd3D6%2F%2FqmlnqLSSc4EjgRQ%3D%3D>

Reason for Applications

As the westerly subject lands within the Kennedy/Danforth/St. Clair triangle are already designated *Mixed Use Areas*, only a rezoning application (File No. 20 211279 ESC 20 OZ) is required to permit and establish suitable development standards within one or more appropriate zoning categories for the proposed two tower mixed use apartment buildings (such as building envelope, density, height, angular planes, setbacks and stepbacks, amenity spaces and parking).

Due to the pre-existing *General Employment Areas* land use designation applying to 641 to 663 Danforth Road, an Official Plan amendment application was required to

redesignate to the lands, constituting an employment land conversion, to *Mixed Use Areas* to accommodate the proposed development. That application was combined with a rezoning application (both under File No. 20 211430 ESC 20 OZ) also required to apply one or more appropriate zone categories and new development standards as above. The specific issue of land use redesignation to *Mixed Use Areas* has now otherwise been addressed separately through OPA 591 which, while adopted by Council as noted above, is not yet in final effect. Further policy amendments to the Official Plan may still be required by way of separate amendment in order to accommodate the proposed development.

As noted above under Decision History, the north portion of 3585 and 3595 St. Clair Avenue East was previously redesignated to *Mixed Use Areas* by the OMB through Official Plan Amendment 184. An Official Plan amendment is still required, however, to redesignate the southerly balance of the lands, currently designated *Apartment Neighbourhoods* through OPA 184, to *Mixed Use Areas* as well. That application was combined with a rezoning application (both under File No. 20 211392 ESC 20 OZ) also required to similarly apply one or more appropriate zone categories and new development standards as above to these lands as well.

The draft plan of subdivision application (File No. 20 211336 ESC 20 SB) is required to provide for the orderly division of the lands to create a new framework of public streets, individual development blocks, and lands for dedication as public park.

Site Plan Control

The proposed development is subject to Site Plan Control. Two Site Plan Control applications were submitted on April 27, 2022 for 3585 and 3595 St. Clair Avenue East

Application 22 139234 ESC 20 SA proposes a 35-storey building (Building B), 31-storey building (Building C) and 53-storey building (Building G). Blocks B, C and G will contain 1,821 new residential units and 7,433 square metres of non-residential gross floor area, resulting in a total GFA on the Block of 129,523 square metres.

Application 22 139273 ESC 20 SA proposes a 32-storey building (Building D), a 29-storey building (Building E) containing a new pedestrian entrance and tunnel connection for transit riders to access the Scarborough GO Station, and a 40-storey building (Building F). Blocks D, E and F will contain 2,029 new residential units and 4,295 square metres of non-residential gross floor area, resulting in a total GFA on the Block of 136,204 square metres.

The applications remain under City review.

Rental Housing Demolition and Conversion By-law

On October 27, 2020 April 6, 2021, the applicant submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code to allow the demolition of the existing rental housing units. As per Chapter 667-14, a tenant consultation meeting is required to be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

POLICY CONSIDERATIONS

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.

Planning for Major Transit Station Areas

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

Toronto Official Plan

As amended through Official Plan Amendment 184 and illustrated on Attachment 2: Official Plan Land Use Map, the north portion of the 3585 and 3595 St. Clair Avenue East lands are currently designated *Mixed Use Areas* on Land Use Plan Map 20 of the Official Plan. The Kennedy/Danforth/St. Clair triangle to the west is also designated *Mixed Use Areas*. The intervening lands at 641 to 663 Danforth Road were previously designated *General Employment Areas*, with Council having recently redesignated those properties to *Mixed Use Areas* through OPA 570, though still subject to the approval of the Minister of Municipal Affairs and Housing (before Land Use Map 20 can be updated). Only the south portion of 3585 and 3595 St. Clair Avenue East remains to be redesignated to *Mixed Use Areas* as well (from *Apartment Neighbourhoods*).

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

3585 and 3595 St. Clair Avenue East are not currently subject to Zoning By-law 569-2013, as amended, and remain regulated under former City of Scarborough Kennedy Park Community Zoning By-law No. 9276, as amended. These lands were removed from the former City of Scarborough Employment Districts (Birchmount Park Employment District) Zoning By-law No. 24982, as amended, through By-law No. 1095-2019 as finally approved the Local Planning Appeal Tribunal (now OLT) to implement the original 2012 OMB decision. The current zoning applying to the lands, with some zones containing Holding (H) provisions, is illustrated on Attachment 3: Existing Zoning By-law Map (3585 and 3595 St. Clair Avenue East). The organization of the zone blocks under this zoning is reflective of a related draft plan of subdivision also draft approved by the OMB in 2012. The 2019 by-law amendment also introduced Street Townhouse

Residential (ST) as a new zone category into the Kennedy Park Community Zoning By-law No. 9276, as amended.

The current zoning permits a total of 466 dwelling units including 118 street townhouses, 48 stacked townhouses and 300 apartment units, with a block of Neighbourhood Commercial (NC) uses permitted along the St. Clair Avenue East frontage to a maximum density of 1 times FSI.

As illustrated on Attachment 4: Existing Zoning By-law Map for 411-415 Kennedy Road & 636 to 646 Danforth Road, the two proposed development blocks are both currently zoned Commercial Residential (CR) in Zoning By-law 569-2013, as amended, permitting a maximum FSI density of 0.4 times the area of each site. There are currently no residential permissions on the southern 411-415 Kennedy Road lands. The 0.4 FSI on 636-646 Kennedy Road does, however, include a maximum permitted residential FSI of 0.2, reflecting that half of the existing building on that site comprises second storey residential units.

As illustrated on Attachment 5: Existing Zoning By-law Map for 641 to 663 Danforth Road, the majority of the subject lands continue to be regulated only under former City of Scarborough Employment Districts (Birchmount Park Employment District) Zoning By-law No. 24982, as amended. The largest property, 641 Danforth Road (containing the above noted indoor hockey/soccer sports complex), is zoned Recreational Zone (RU). The northerly property at 663 Danforth Road containing the used automobile dealership is zoned Highway Commercial (HC).

The remaining lands are subject to Zoning By-law 569-2013, as amended. The middle property at 661 Danforth Road (New Apostolic Church) is zoned Institutional Place of Worship (IPW), while the remnant easterly lands adjacent to the Scarborough GO Station are zoned Employment Industrial (E).

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

Design Guidelines

The design guidelines used to evaluate this application include, but are not limited to:

- Complete Streets Guidelines
- Tall Building Design Guidelines
- Mid-Rise Building Performance Standards and Addendum;
- Growing Up: Planning for Children in Vertical Communities;
- Accessibility Design Guidelines;
- Bird Friendly Guidelines;
- Best Practices for Effective Lighting; and
- Pet Friendly Design Guidelines for High Density Communities.

The City's Design Guidelines: <https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on May 26, 2021, together with the Ward Councillor and the applicant's team. Members of the public provided feedback during the meeting and via email and phone calls with staff.

Issues and concerns raised by members of the public included:

- With anticipated construction of 10 years or longer in a community still recovering from a decade of previous large redevelopments, what considerations are being given to impacts on existing residents from continued construction disruptions, increasing traffic and mounting demands on community infrastructure by 20,000 new residents?
- What are the expected increases in rush hour traffic delays on Kennedy Road, St. Clair Avenue East and Kingston Road from this development?
- With Warden Station long overdue for redevelopment, what will be the impacts on this and Kennedy Subway Station?
- With the grade-related new retail spaces being proposed, how will parking be accommodated? Will it solely be on-street, on-site, underground, etc.?
- How much of the new housing will be rental versus condominium, and priced for lower incomes?
- With such a long period for full build-out of the development, what will be done to ensure residents in the first phases will not be deprived of needed amenities like parks and community services?
- What will be the unit mix and sizes in the development?
- What is this development doing to benefit a neighbourhood apparently without sufficient amenities?
- Will the traffic studies done during Covid be redone to reflect more normal traffic patterns?

Other comments included that a curling rink should be considered for this development, and that the city needs spaces like this for more housing with adequate resident amenities that will reduce auto dependency, improve safety, and reduce health and climate impacts. One individual also offered to assist in connecting the developer with a number of affordable housing providers and related government programs.

The issues and feedback raised through community consultation have informed staff's approach to assessing the applications and the identification of issues to be resolved.

DESIGN REVIEW PANEL

The applicant and City Planning (Urban Design and Community Planning) presented the development proposal to the DRP on May 20th, 2021 and received generally unanimous support of the conceptual development in principle. The Panel suggested, however, that further work on issues such as landscape intensity, exploration of built form/building type options, and improved base building design needed to be undertaken. The Panel also recommended that "the team urgently declare the strategies that will fulfill a project with comprehensive site resilience, zero emissions, and on-site energy production".

COMMENTS

Provincial Policy Statement and Provincial Plans

While the site is an appropriate location for growth and intensification consistent with the PPS and Growth Plan, as currently proposed the application is not consistent with the PPS and does not conform to the Growth Plan. The proposal does not implement appropriate development standards built form and scale as intended through the City's Official Plan and other supporting documents.

Land Use

The larger subject lands are, with recent Council approval of OPA 570, now largely designated *Mixed Use Areas* with a large *Apartment Neighbourhoods* area also proposed to be similarly redesignated to *Mixed Use Areas*. Lands within this land use designation are expected to absorb much of Toronto's anticipated growth.

Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities, and this would nonetheless be a suitable land use designation to accommodate the mixed nature of redevelopment proposed through the subject applications.

While *Mixed Use Areas* is an appropriate land use designation for lands to which growth is being directed, the subject site is not identified on Official Plan Map 2 (Urban Structure) as either a Centre or Avenue to which most development intensification is intended to be directed. The scale of development proposed for the subject lands is the main issue to which staff take concern along with the primarily residential focus of the proposal. To warrant the particular FSI and the concentration of the tallest structures in Scarborough as proposed, the subject lands should be better served by sufficient higher order transit options beyond the existing GO Station which primarily services commuters to downtown.

Moreover, for a complete community to emerge, additional non-residential uses beyond the currently 4% of gross floor area proposed, would be needed to provide local retail and service amenity for the day-to-day needs of existing and future residents, along with potential employment opportunities also benefitting from excellent access to the

adjacent commuter rail system. Integration of land use and mobility underpins the growth management strategy of the Official Plan, but if insufficient non-residential uses are proposed, many future residents would still need to access basic daily needs and/or work opportunities elsewhere.

Built Form, Height and Density

Numerous meetings have been conducted with the owner over the past two years to attempt to reconcile multiple issues raised by City Planning and commenting partners, together with potential redesign solutions. Some positive improvements have been made to the development proposal to reduce the number of towers, reduce base building heights, improved access and loading arrangements, determining parkland area and other site organization features. City Planning staff, however, remain of the opinion that the proposed built form and massing of the proposal still does not yet adequately conform with the relevant Official Plan policies.

A key impediment to achieving substantive progress toward an overall improved development concept has been the owner's steadfast unwillingness to accede to any reduction whatsoever in site density below the 4.88 gross FSI proposed in the original applications. Having regard to the Official Plan, nearby recent proposals in Golden Mile on the new EELRT line, Agincourt Mall with an FSI of 3.5 to be served by two LRT stops and the Stouffville GO Agincourt Station, and other large developments in Scarborough, City staff have consistently advanced an FSI of 3.5 as an appropriate starting point for further negotiations on these Scarborough Junction lands.

By shaping the proposal to achieve a fixed level of density rather than letting density result from appropriate built form considerations, the applicant has struggled to address staff comments on a more granular level necessary to adequately conform with the relevant Official Plan policies. Staff comments have not been adequately addressed by the applicant on issues such as building setbacks and stepbacks, separation distances along mid-block connections, excessive tower floorplate sizes (the majority of which exceed 750 square metres), encroachments into standard angular plane limits intended to ensure proper transition to adjacent *Neighbourhoods* and park uses, and currently excessive tower heights. Similarly, excessive base building footprints are resulting in lack of adequate soil volumes and trees, with only 1 of the 9 proposed development blocks meeting TGS Total Soil Volume requirements.

City Planning also continues to advocate for a mix of building types in new multi-building developments, particularly to ensure large sites such as this are not overwhelmed predominantly by tall towers. The subject proposal, however, still lacks a meaningful representation of mid-rise building forms.

The June 2022 resubmission responded to initial City commentary with a reduction in the number of tall buildings from 17 originally to 14 currently, with some related reductions in podium base heights. The proposed 4.88 FSI site density, however, has remained unchanged as the proposed floor area has simply been redistributing through increased tower heights to a new maximum of 58 storeys, as well as the number of over-sized tower floor plates to compensate. Put in relative context as a rough estimate, the difference in position between City Planning staff and the owner on appropriate site

density for redevelopment of this large 10.6-hectare site represents approximately 220 floors overall of potential tower development.

Despite repeated requests from City Planning, the applicant has also not provided adequate larger Block Context Plans for this proposal.

Traffic Impact, Access, Parking

The ambitious density and site layout proposed presents challenges from a built form perspective, but also needs to be supported by appropriate mobility options with direct links to higher order transit as well as appropriate choice and connections to more local transit options. Active modes also must be considered with the level of density proposed to ensure that people can move conveniently and safely to and through the area without reliance on automobile trips.

Transportation Services, Transit Implementation and Transportation Planning staff continue to review the applicant's Urban Transportation Considerations Report to evaluate cumulative effects of the development on the transportation system, and in doing so identify transportation improvements, such as road widenings or additional multi-modal connections, which may be necessary to accommodate the travel demands and impacts generated by this development. Transportation improvements related to Metrolinx's Scarborough Junction Grade Separation ("SJGS") Project and redevelopment of the Scarborough GO Station also need to be considered fully, with a broad range of technical considerations still requiring evaluation.

At the time of appeal, staff were not satisfied that the proposal properly integrated into the local transportation network, nor did it apply appropriate mobility infrastructure to adequately manage travel demand as outlined by the Official Plan. Issues that remain to be addressed include:

- Further information on timing of key GO station elements and future design is also needed to inform fulsome review of the subject applications collectively, such as the overall subdivision design approach to public streets and blocks, road allowance widths based on function, wayfinding, transit station connectivity and access, etc.
- The identification of opportunities to implement an enhanced pedestrian and cycling network together with Travel Demand Management ("TDM") strategies within the overall new development.
- Connection and integration with the City's Near Term Cycling Implementation Program and design of the right-of-way and public realm with regard to planned cycling routes is also required.
- Appropriate planning for new and complete public streets of appropriate scale which adequately accommodate passenger vehicles (including GO drop-offs) and deliveries, wayfinding and pedestrian linkages, cycling, site accesses, private lands accessible by the public, and adequate sunlight, representing high level central themes of most discussions with the applicant to date.

At this point, staff have offered suggestions to change and improve the proposed new GO Station pedestrian entrance in the easterly Building E, which the owner responds are not possible citing current financial arrangements with Metrolinx. An applicant

response to City comments provided to improve integration with surface transit also remains outstanding.

A Transit Integration Workshop with the applicant, City staff and related agencies like TTC and Metrolinx, to better understand, coordinate and potentially advance all transit-related improvements in a mutually productive manner, would therefore greatly facilitate further comprehensive evaluation of the subject development proposal.

Sustainable Development

A sustainable development strategy cannot be isolated from other urban design issues and must be considered concurrently. An applicant response is required to staff comments provided regarding sustainable development features. A Sustainable Building and Landscape Design Workshop offered by City staff would be of assistance once a proposed strategy is provided by the applicant.

Housing

The Official Plan contains a number of policies intended to achieve a full range of housing opportunities in terms of form, tenure and affordability, across the City to meet the current and future needs of residents. Policy 3.2.1.1 of the Official Plan provides that:

"A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock".

Similarly, Policy 3.2.1.9 also provides, in part, that:

"Large residential developments provide an opportunity to achieve a mix of housing in terms of types and affordability. On large sites, generally greater than 5 hectares in size (such as the subject site):

b) in accordance with and subject to Section 5.1.1 of this Plan where an increase in height and/or density is sought, the first priority community benefit will be the provision of 20 per cent of the additional residential units as affordable housing. This affordable housing contribution may take the form of affordable housing constructed on-site or the conveyance of land in the development to the City for the purpose of affordable housing, or, at the discretion of the City:

i. with the agreement of the developer, affordable housing units constructed near the development site or elsewhere in the City;

ii. the conveyance of land to the City for the purpose of affordable housing near the proposed development site; or

iii. cash in lieu for the purpose of constructing affordable housing in or near the proposed development site."

In addition to approving the conversion of employment lands to *Mixed Use Areas* for 641 to 663 Danforth Road and other nearby properties through OPA 591 discussed above, the amendment also established Site and Area Specific Policy 797 on the lands establishing a clear expectation for affordable housing to be realized (without particular numeric targets expressed) "through the review of the Zoning By-law Amendment Application, including the review of density permissions. Such affordable housing will be secured through one or more agreements with the City."

The currently in force and recently approved Official Plan policies all provide for the achievement of a range of housing tenures and affordability through the proposed redevelopment of the subject lands. The scale of this large site and the ambitious density proposed make the provision of affordable housing a key first priority for the City.

The owner suggested at the community meeting that the new housing in this development will be inherently more 'attainable' to the public than more expensive downtown housing by virtue of lower costs to develop in Scarborough. It was also suggested that of the 6,600 units proposed at that time, approximately 1,200 could be rental units. Despite continued requests from City staff, however, the owner has still not offered any clearer commitments to either providing a set amount of new rental housing stock within this development, or any particular level of housing affordability that would be achieved.

The Housing Issues Report originally submitted by the applicant addresses matters related to the proposed rental housing conversion application for 636 to 646 Danforth Road only. In response to City comments, the applicant in their latest resubmission on the subject applications in June 2022 indicated a revised Housing Issues Report would be forthcoming to provide an affordable housing strategy for the site, however such an updated report has not been provided to date.

An affordable housing strategy for the site would be expected to address the following policy objectives:

- The inclusion of affordable housing within each phase of the overall development, ensuring that the affordable housing is provided at a similar pace as the market residential housing; and
- How the strategy will address Official Plan policy 3.2.1.9. Given the different costs to deliver affordable housing, the City has established equivalent delivery options that address the policy.

The City's Open Door for Housing program provides incentives for the creation of new affordable housing beyond those required by the Official Plan, subject to certain terms and conditions. The applicant has not indicated any intention to participate in the Open Door program.

Rental Housing Demolition and Conversion By-law

Further to the above, Section 111 of the *City of Toronto Act*, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the Planning Act may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Ontario Land Tribunal.

On October 27, 2020, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of 8 rental dwelling units at 636 to 646 Danforth Road. As per Chapter 667-14, a tenant consultation meeting will need to be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

Site Environmental Conditions

This site has a history of significant underground contamination requiring remediation of such magnitude as to have apparently precluded the previous 2012 OMB approvals for a 466-unit townhouse and apartment subdivision from proceeding to development by the previous owner. The current applicant maintains, without details offered, that such significant site remediation costs to accommodate future residential uses and publicly dedicated new streets and parkland is driving the need to achieve no less than a gross FSI return of 4.88.

Phasing Strategy

A clear phasing plan for the development as related particularly to a coordinated strategy for concurrent delivery of supporting public infrastructure and supportive community services and amenities remains to be developed for City staff review and continued discussion with the applicant.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the subject site and have been reviewed by Engineering and

Construction Services. A number of requested revisions and additional information are still required.

In the event that the OLT allows the appeal in whole or in part, the Final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Open Space/Parkland

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement for the current proposal would be approximately 92,093 square metres or 102.4% of the subject lands (less public streets). For sites greater than 5 hectares (such as the subject site), a cap of 20% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication.

In total, the parkland dedication requirement for the current proposal is 17,450.84 square metres. The applicant, however, is proposing parkland dedication totalling 16,893 square metres over two blocks; a central Block J of 16,293 square metres and a northerly of 600 square metre Block D2 fronting St. Clair Avenue East (across from the new Scarborough GO Station pedestrian entrance proposed in Building E).

As the size and location of the proposed northerly park remains a concern to Parks, Forestry and Recreation staff, the current under-dedication of 558 square metres for parkland could appropriately be fulfilled by increasing and reconfiguring the northerly park size to 1,158 square metres.

The applicant has not responded to this proposal and related Parks comments from August 2022. Further more detailed discussions with the applicant around potential park design, landscaping, base and above-base park improvements, cost estimates, or water, storm and sanitary servicing have not yet advanced meaningfully.

Enhanced Landscape Areas

Several privately-owned lands that will be accessible to the public via public easement ("Enhanced Landscape Areas") are being proposed throughout the development which staff consider will provide positive elements to the proposal, particularly for pedestrians. With the new *Planning Act* regime for securing community benefits under Section 37, the potential to secure Enhanced Landscape Areas that are publicly accessible alternatively through the Site Plan Control approval process remains uncertain. Additional publicly accessible spaces are also required to better meet public realm design objectives and TGS soil volume requirements.

Tree Preservation

Urban Forestry is not opposed in principle to development of this site, however at this time is not supportive of the Zoning By-law Amendment proposal, because aspects of the overall plan/concept for the site are, in Urban Forestry's opinion, inconsistent with

parts of the City's Official Plan and City Council's objectives concerning tree canopy cover (summarized above), and do not demonstrate compliance with Tier 1 of TGS Version 3 (ecology section).

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. While the applicant is required and is proposing to meet Tier 1 of the TGS, the applicant is also encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures to achieve Tier 1 development features would be secured in the site-specific Zoning Bylaw and others through Site Plan Control.

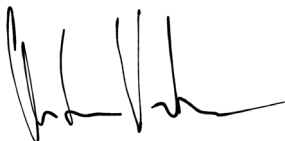
Conclusion

City Planning staff cannot support the subject applications in their current form. The applications have been reviewed against the applicable planning framework and as currently proposed are not consistent with the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Accordingly, the proposal does not represent good planning, and its approval would be premature and not in the public interest. Staff recommend that the City oppose the subject appeals in their current form and continue to negotiate with the applicant toward potentially resolving the appeals.

CONTACT

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SIGNATURE



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Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Official Plan Land Use Map (OPA 591 not reflected)

Attachment 3: Existing Zoning By-law Map (3585 and 3595 St. Clair Avenue East)

Attachment 4: Existing Zoning By-law Map (411 and 415 Kennedy Road and 636 to 646 Danforth Road)

Attachment 5: Existing Zoning By-law Map (641 to 663 Danforth Road)

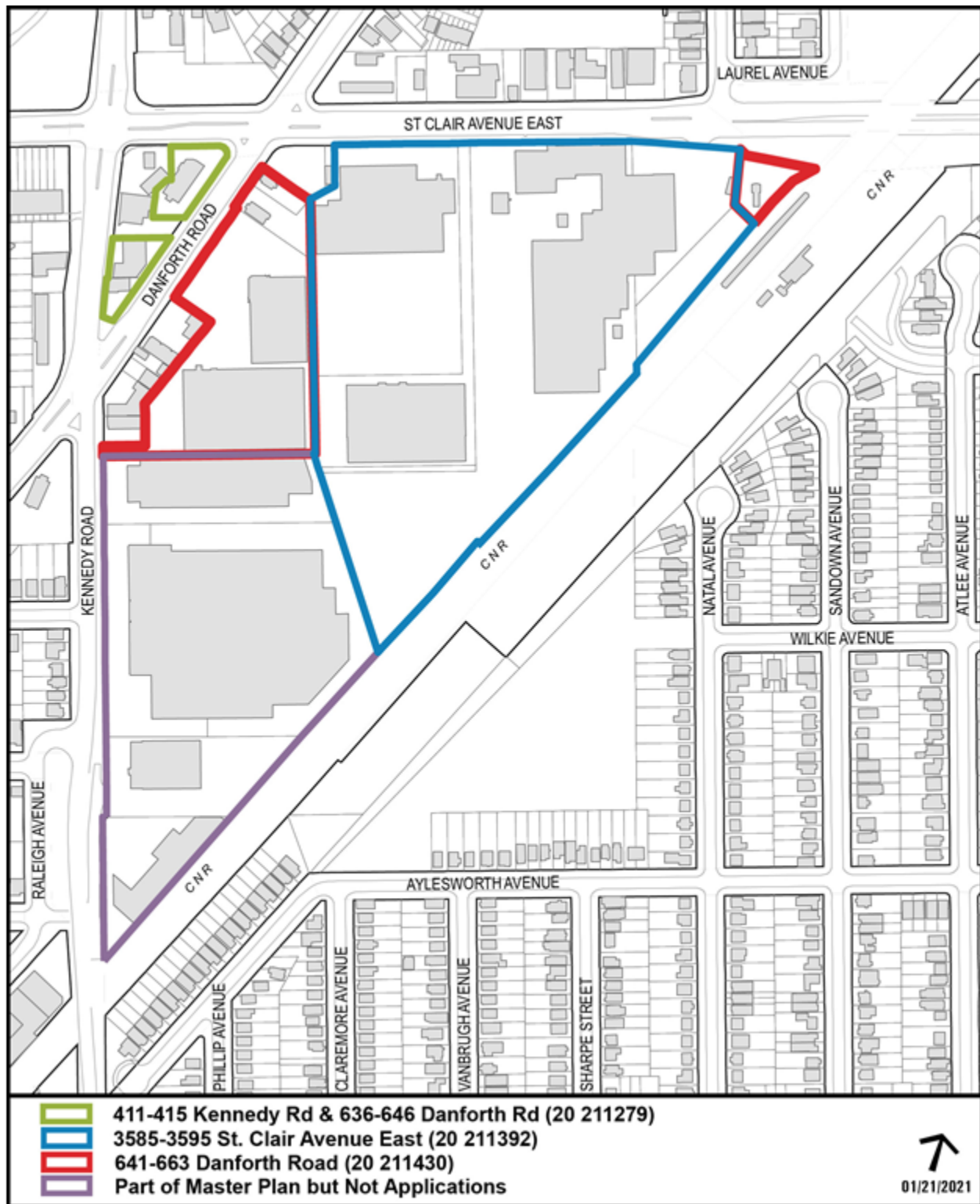
Applicant Submitted Drawings

Attachment 6: Overall Development Concept (June 2022) - Artist's Perspective
Rendering Viewed Southerly from North of St. Clair Avenue East

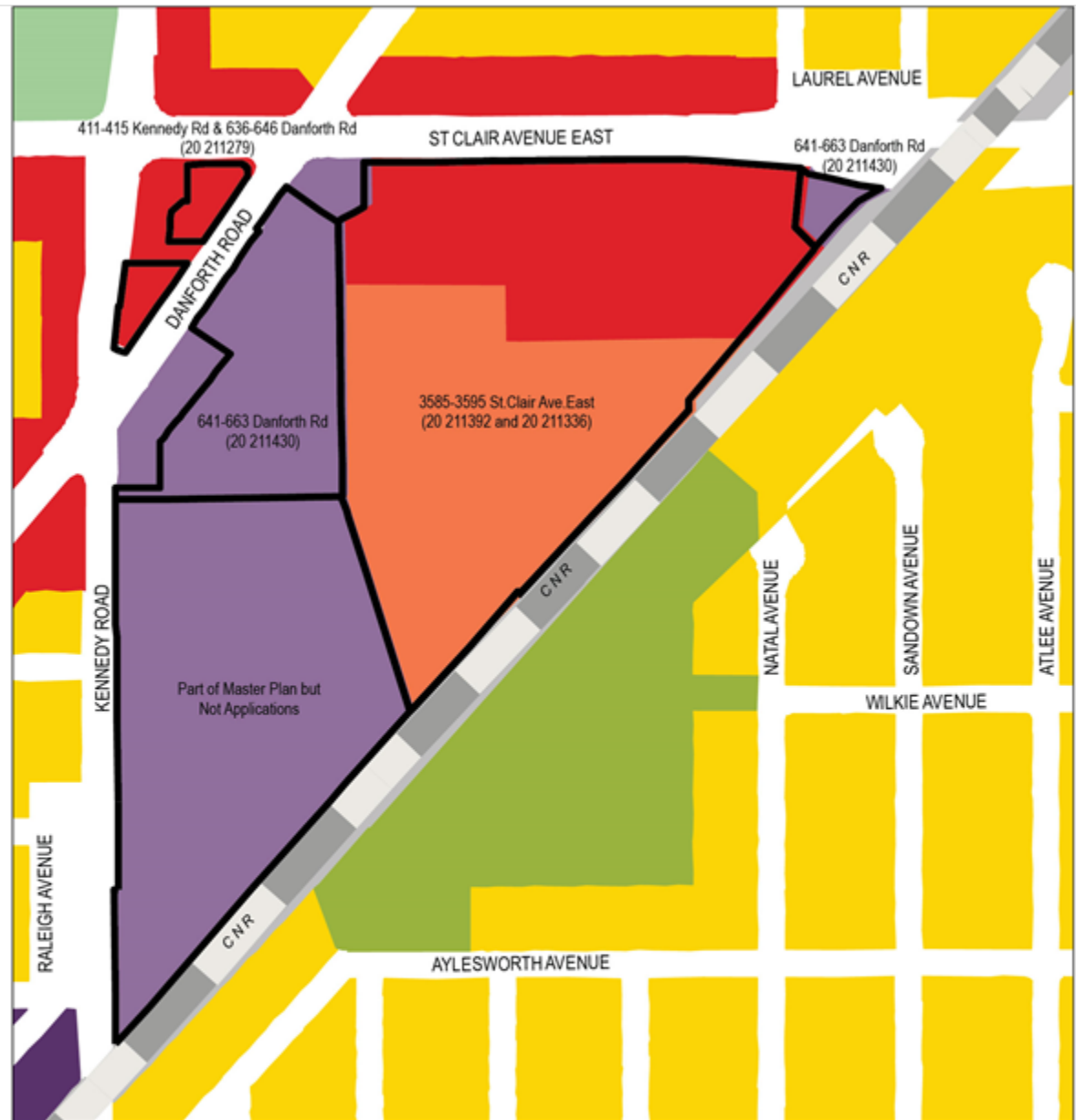
Attachment 7: Site Plan

Attachment 8: Draft Plan of Subdivision

Attachment 1: Location Map



Attachment 2: Official Plan Land Use Map (OPA 591 not reflected)



Official Plan Land Use Map #20

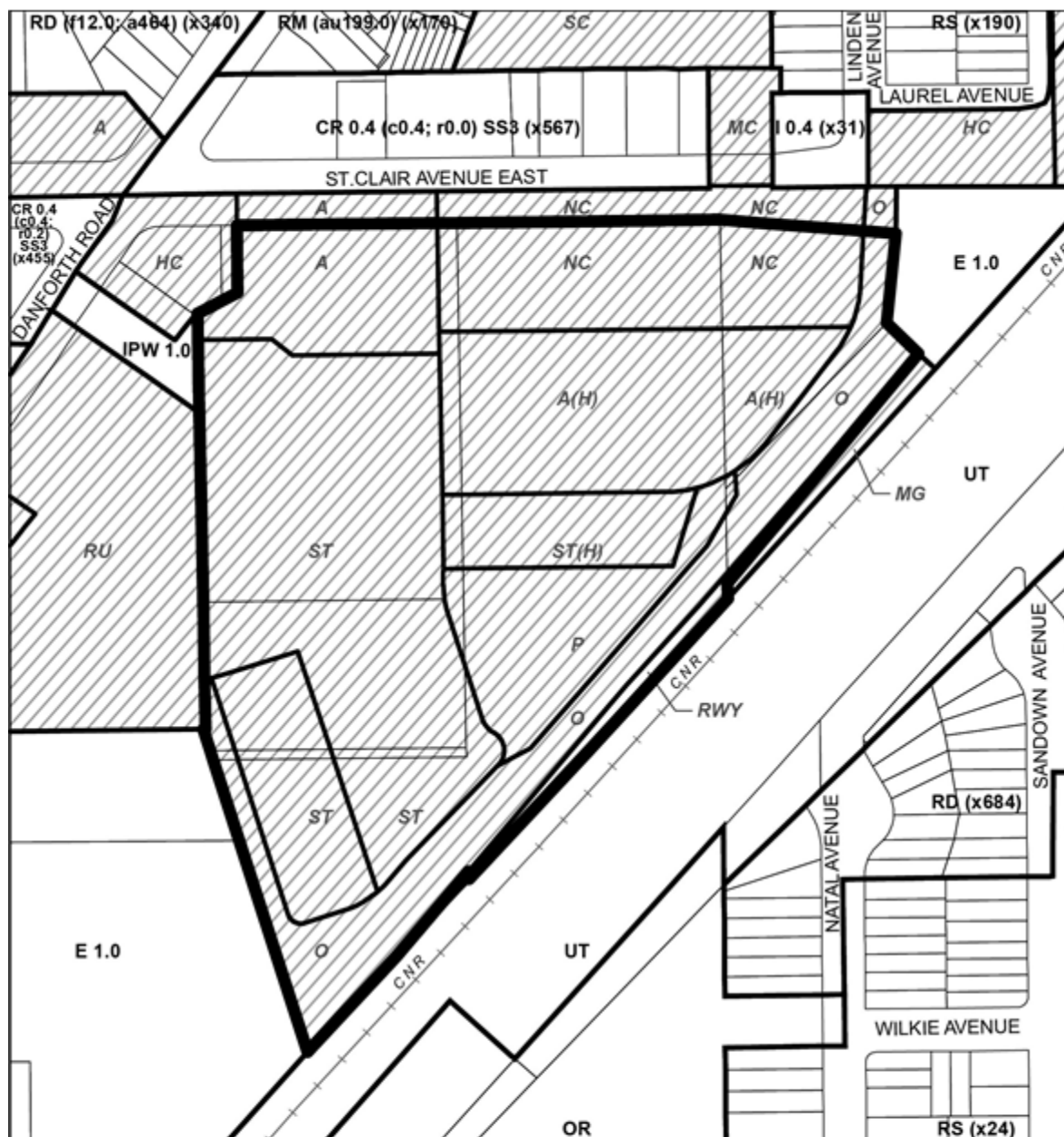
Scarborough Junction

File # 20 211279 ESC 20 OZ; 20 211392 ESC 20 OZ
and 20 211336 ESC 20 SB; 20 211430 ESC 20 OZ



↑
Not to Scale
01/21/2021

Attachment 3: Existing Zoning By-law Map (3585 and 3595 St. Clair Avenue East)



Zoning By-law 569-2013

3585-3595 St. Clair Avenue East

File # 20 211392 ESC 20 OZ and 20 211336 ESC 20 SB

Location of Application

RD Residential Detached
RS Residential Semi-Detached
RM Residential Multiple
CR Commercial Residential
E Employment Industrial
I Institutional

IPW Institutional Place of Worship
OR Open Space Recreation
UT Utility and Transportation

See Former City of Scarborough Kennedy Park Community By-law No. 9276 and Employment District By-law No. 24962 (Birchmount Park)

S Single Family Residential Zone
T Two Family Residential Zone
ST Street Townhouse Residential
A Apartment Residential
NC Neighbourhood Commercial
MC Industrial Commercial Uses

MG General Industrial Zone
HC Highway Commercial Zone
SC School
RU Recreational Zone
O Major Open Spaces
RWY Railway Corridor Zone

P Park
 Net to Scale
Extracted: 01/19/2021

Attachment 4: Existing Zoning By-law Map (411 and 415 Kennedy Road and 636 to 646 Danforth Road)



Zoning By-law 569-2013

411-415 Kennedy Road and
636-646 Danforth Road
File # 20 211279 ESC 20 02



Location of Application

RD Residential Detached
RS Residential Semi-Detached
CR Commercial Residential
IPW Institutional Place of Worship
OC Open Space Cemetery



See Former City of Scarborough Kennedy Park Community By-law No. 9276 and
Former City of Scarborough Employment District By-law No. 24982 (Birchmount Park)

A Apartment Residential
MDC Industrial District Commercial Zone
HC Highway Commercial Zone
RU Recreational Zone



Not to Scale
Extracted: 01/07/2021

The map displays a complex network of streets and zoning districts. Key streets include Kennedy Road, Danforth Road, Sandown Avenue, and St. Clair Avenue East. Zoning districts are labeled with codes such as CR 0.4, RU, HC, IPW 1.0, and SS3. The map also shows the location of the City of Chicago and the City of Cook County.

641-663 Danforth Road

Zoning By-law 569-2013

File # 20211430 ESC 2007

See Former City of Scarborough Kennedy Park Community By-law No. 9276 and Employment District By-law No. 24982 (Birchmount Park)

Location of Application

Residential Detached
Residential Semi-Detached
Residential Multiple
Commercial Residential
Employment Industrial

I Institutional
IPW Institutional Place of Worship
OR Open Space Recreation
OC Open Space Cemetery
UT Utility and Transportation

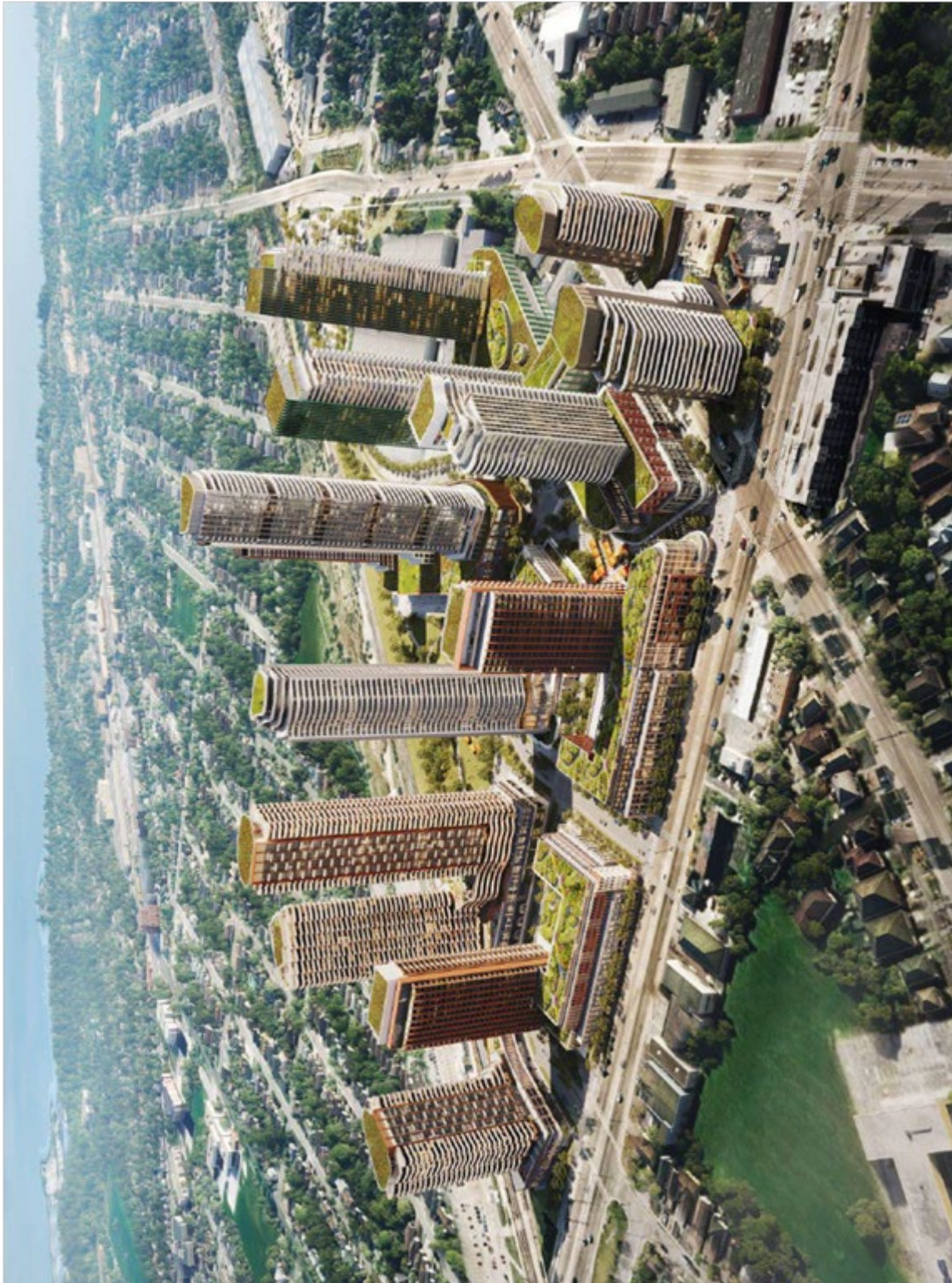
Single-Family Residential Zone
Two Family Residential Zone
Street Townhouse Residential
Apartment Residential
School

O Major Open Spaces
P Park
RU Recreational Zone
RWY Railway Corridor Zone
NC Neighbourhood Commercial

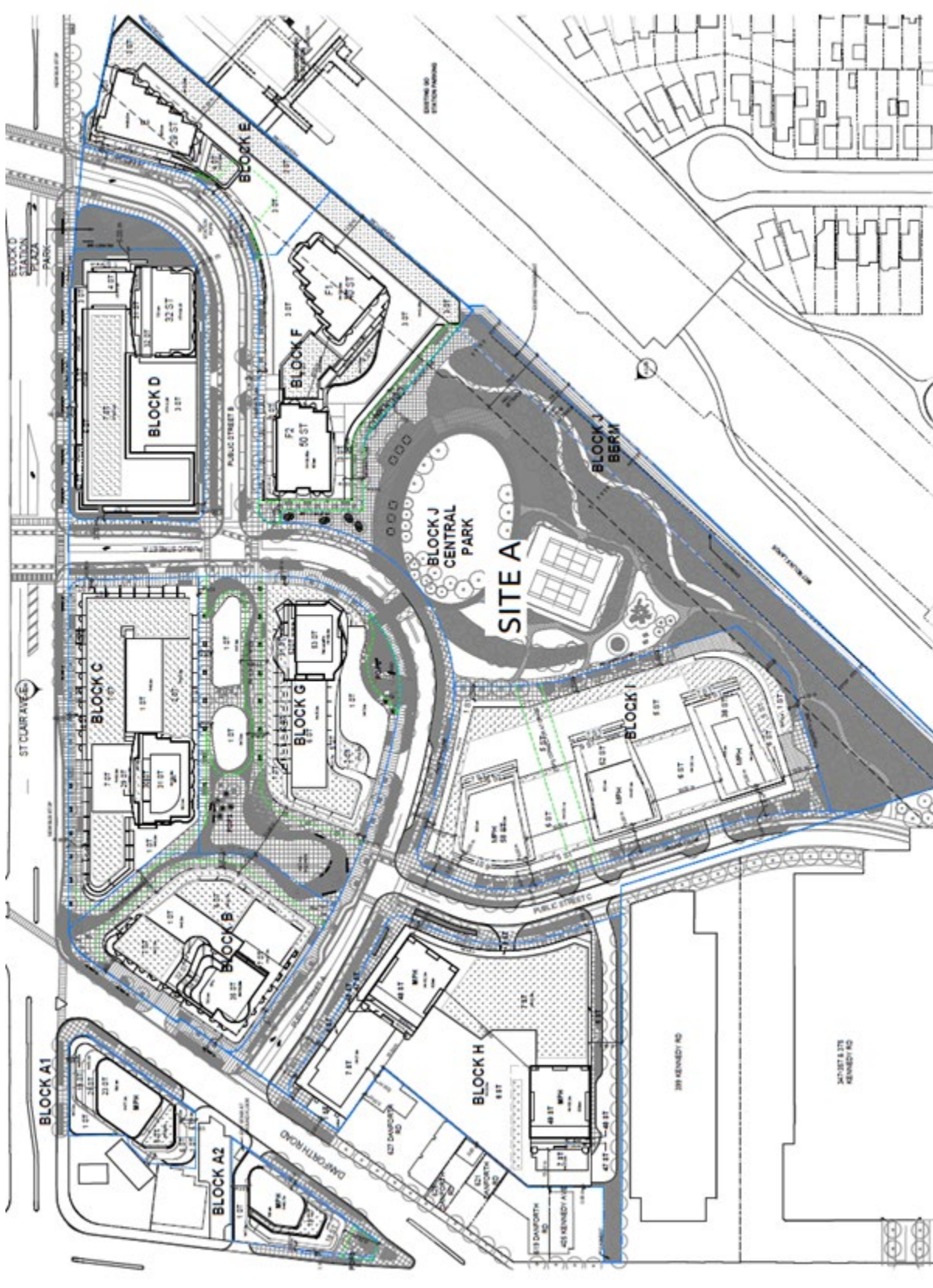
	MC	MG	MDC	HC
Industrial Commercial Uses				
General Industrial Zone				
Industrial District Commercial				
Highway Commercial Zone				

Not to Scale
Extracted: 01/20/2021

Attachment 6: Overall Development Concept (June 2022) - Artist's Perspective Rendering Viewed Southerly from North of St. Clair Avenue East



Attachment 7: Site Plan



Appeal Report - St. Clair Avenue East, Danforth Road and Kennedy Road

