



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

670, 680 and 690 Progress Avenue – Official Plan Amendment and Zoning By-law Amendment Application - Ontario Land Tribunal Hearing – Request for Directions

Date: May 7, 2024

To: City Council

From: City Solicitor

Wards: Ward 24 - Scarborough - Guildwood

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On May 26, 2022, the applicant filed an appeal to the Ontario Land Tribunal ("OLT") in respect of City Council's neglect or failure to make a decision on applications for a Zoning By-law Amendment and Official Plan Amendment for the lands municipally known as 670, 680 and 690 Progress Avenue (the "Site"). The Zoning By-law Amendment application seeks to permit the development of the Site with seven residential buildings ranging in height from 14 to 28 storeys and twelve four-storey back-to-back townhouse blocks with a total of 2,245 residential units. Two public streets and one private street are proposed within the Site.

On March 5, 2024, the applicant filed a resubmission of the applications under appeal (the "Revised Proposal"). The Revised Proposal in its entirety is available here: <http://app.toronto.ca/AIC/index.do>

The OLT has conducted two Case Management Conferences to date, on September 23, 2022, and February 27, 2023. The OLT scheduled a two-week hearing commencing on February 26, 2024; however, the hearing was adjourned on the consent of the parties involved in this matter. The OLT has scheduled a further Case Management Conference to commence on June 4, 2024.

The City Solicitor requires further directions in respect of the Revised Proposal prior to an upcoming Case Management Conference before the OLT scheduled for June 4, 2024. Given the pending Case Management Conference, this matter is urgent and cannot be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council direct that the entirety of Confidential Attachment 1 remain confidential at the discretion of the City Solicitor as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

On December 19, 2017, the applicant filed its Zoning By-law Amendment application with the City, which is now under appeal to the OLT, along with a Draft Plan of Subdivision application for the Site. The applicant has not appealed the Draft Plan of Subdivision application to the OLT.

At its meeting of February 21, 2018, Scarborough Community Council considered a Preliminary Report, dated January 24, 2018, for the Zoning By-law Amendment and Draft Plan of Subdivision applications for this Site and directed staff to hold a community consultation meeting. The Preliminary Report and the decision of the Scarborough Community Council can be found here:

[Agenda Item History - 2018.SC28.3 \(toronto.ca\)](#)

At its meeting of July 23, 2018, City Council considered a Request for Interim Directions Report, dated June 11, 2018, for the Zoning By-law Amendment and Draft Plan of Subdivision applications. City Council directed City staff to oppose the application in its current form and attend the OLT, should it be appealed to the OLT for reasons of a failure to make a decision during the statutory time period required by the *Planning Act*, and to continue to negotiate with the applicant to resolve the outstanding issues noted in the Request for Interim Directions Report. A copy of the Interim Directions Report and the decision of City Council can be found here:

[Agenda Item History - 2018.SC32.17 \(toronto.ca\)](#)

On December 6, 2019, the applicant filed an Official Plan Amendment application to exempt the Site from policy 6.3 of the Scarborough Centre Secondary Plan in order to bring the parkland dedication rate for the Site into accordance with the parent Official Plan policies regarding parkland that are in force at the time of issuance of the first above-grade building permit.

On July 19, 2022, City Council considered a Request for Directions Report, dated June 13, 2022, in respect of the appeal. City Council directed City staff to attend the OLT and oppose the application and to continue discussions with the applicant in an attempt to resolve the outstanding issues noted in the Request for Directions Report. A copy of the Request for Directions Report and the decision of City Council can be found here: [Agenda Item History - 2022.SC33.14 \(toronto.ca\)](#)

On October 28, 2022, the applicant filed a resubmission of the applications under appeal. The revised proposal in its entirety is available here: <http://app.toronto.ca/AIC/index.do>

COMMENTS

On March 5, 2024, the applicant submitted the Revised Proposal, consisting of revised plans, the draft amendment to the City's Official Plan, the draft zoning by-law amendment and other supporting materials. The revised plans, the draft amendment to the City's Official Plan and the draft zoning by-law amendment are attached as Public Appendices "A" to "C" to this report.

The Revised Proposal proposes a mixed-use development with seven buildings ranging in height from 18 to 54 storeys, two new public roads and one private road are proposed on the Site.

The table below outlines the changes between the original submission from December 19, 2017, the resubmission from October 28, 2022, and the Revised Proposal:

	Original Application December 19, 2017	Resubmission October 28, 2022	Revised Proposal March 5, 2024
Gross floor area	155,616 square metres	196,289 square metres	195,612 square metres
Residential GFA	995 square metres	1,599 square metres	1,599 square metres
Non-Res GFA	n/a	937 square metres	1,442 square metres
Daycare Community Space	n/a	468.5 square metres	n/a
Floor space index	5.79	5.5	5.57

	Original Application December 19, 2017	Resubmission October 28, 2022	Revised Proposal March 5, 2024
Tower floor plates	Not provided	2 x 750 square metres 3 x 780 square metres 1 x 784 square metres 1 x 820 square metres (1-39 storeys) and 750 square metres 40-54 storeys)	2 x 750 square metres 3 x 780 square metres 1 x 789 square metres 1 x 820 square metres (1-39 storeys) and 750 square metres 40-54 storeys)
Tower Separation Distances Minimum Maximum	18.5 metres 33 metres	25.2 metres 57.2 metres	25.2 metres 57.2 metres

	Original Application December 19, 2017	Resubmission October 28, 2022	Revised Proposal March 5, 2024
Building heights (excl. mech. penthouse)			
Block 1	35 storeys (109 metres) 14 storeys (46 metres) 3 storeys (10.5 metres)	40 storeys (124.95 metres) 18 storeys (60.1 metres)	40 storeys (124.95 metres) 18 storeys (60.1 metres)
Block 2	26 storeys (82 metres) 3 storeys (10.5 metres)	37 storeys (110.85 metres)	37 storeys (111.65 metres)
Block 3	28 storeys (88 metres) 3 storeys (10.5 metres)	39 storeys (122.5 metres)	39 storeys (122.5 metres)
Block 4a	48 storeys (148 metres) (originally Blk 1a) 14 storeys (46m) (originally Blk 1a)	54 storeys (163.3 metres) 18 storeys (59.65 metres)	54 storeys (163.3 metres) (re-named Blk 5) 18 storeys (59.65 metres) (re-named Blk 5)
Block 4b	23 storeys (73 metres) (originally Blk 1b) 3 storeys (10.5 metres) (originally Blk 1b)	43 storeys (133.35 metres)	43 storeys (133.35 metres) (re-named Blk 4)
Setbacks to property line North South East West	Varies between 0 to 4.7 metres across the site	3.0 metres 3.0 metres 3.0 metres 3.0 metres	3.0 metres 3.0 metres 3.0 metres 3.0 metres

	Original Application December 19, 2017	Resubmission October 28, 2022	Revised Proposal March 5, 2024
Amenity space			
Indoor	3,964 square metres (1.63 square metres/unit)	6,826 square metres (2.0 square metres/unit)	6,728 square metres (2.1 square metres/unit)
Outdoor	3,666 square metres (1.8 square metres/unit)	6,826 square metres (2.0 square metres/unit)	6,728 square metres (2.1 square metres/unit)
Parkland Dedication (net of public roads)	2,863 square metres (9.6 percent)	3,701 square metres (14.8 percent) - delivered in Phase 3	2,641 square metres (11.1 percent) - delivered in Phase 2
Dwelling unit mix			
Studio	0	171	158
One bedroom	1,402	2,388	2,242
Two bedroom	378	513	481
Three bedroom	202	341	322
Townhouses	263	0	0
Total	2,245	3,413	3,203
Parking			
Vehicle	1,654	1,381	1,374
Bicycle	1,703	2,321	2,526
Loading	7	13	7
Public Street A	18.5 metres row (no phasing provided)	18.5 metres row - delivered in Phase 2	18.5 metres row-half delivered in Phase 1 with cul-de-sac; other half in Phase 2 removing cul-de-sac

	Original Application December 19, 2017	Resubmission October 28, 2022	Revised Proposal March 5, 2024
Public Street B			
E-W portion	10.0 metres row proposed as a private driveway until property to the north redevelops	10.0 metres row-delivered in Phase 1 (with assumption other 10 metres of row would be provided by property to the north)	15.0 metres row-half built in Phase 1 with cul-de-sac; other half in Phase 2 with cul-de-sac removed and connection to Street A
N-S portion	17.0 metres row only for portion between Progress Avenue and Street A (no phasing provided)	Pedestrian only until lands to the east (700 Progress Avenue) redevelop between Street A and E-W portion of Street B; south portion between Street A and Progress Avenue	15.0 metres row-Phase 2 sees portion between Public Street A and E-W portion of Street B; Phase 3 delivers south portion connecting to Progress Avenue and installation of new signals and elimination of driveway on 700 Progress Avenue

The City Solicitor requires further instructions on the development applications under appeal and now constituted as the Revised Proposal prior to the Case Management Conference scheduled to commence at the OLT on June 4, 2024. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Appendix "A" – Revised Proposal Architectural Plans prepared by Arcadis Architects Inc., dated February 6, 2024
2. Public Appendix "B" – Revised Proposal Draft Official Plan Amendment
3. Public Appendix "C" – Revised Proposal Zoning By-law Amendment
4. Confidential Attachment 1 - Confidential Information