

0, 119-125, 160 and 200 Benny Stark Street and 116-122 Turnberry Avenue – Official Plan and Zoning By-law Amendment Application – Appeal Report

Date: May 20, 2025

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 9 - Davenport

Planning Application Number: 21 228594 STE 09 OZ

Related Application Number: 21 228596 STE 09 SB

SUMMARY

On October 21, 2021, an Official Plan and Zoning By-law Amendment application was submitted to permit the redesignation of the lands from Core Employment Areas to Mixed Use Areas and Parks and Natural Areas and to develop the lands at 0, 119-125, 160 and 200 Benny Stark Street and 116-122 Turnberry Avenue with three-storey townhouses, three mid-rise buildings with heights ranging between eight and 10 storeys, four tall buildings, with heights of 22, 24, 38 and 46 storeys, new public roads and a City park.

A Draft Plan of Subdivision application was also submitted to subdivide the lands into four development blocks, one park block and one open space block that would preserve the natural area associated with the Lavender Creek System. The application also proposes two new public streets and a new public lane internal to the site.

On January 27, 2025, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the timeframe prescribed by the Planning Act. The Draft Plan of Subdivision application was not included in the appeal.

This report recommends that the City Solicitor and appropriate City staff attend the OLT to oppose the Official Plan and Zoning By-law Amendment application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Official Plan and

Zoning By-law Amendment appeals for the lands at 0, 119-125, 160 and 200 Benny Stark Street and 116-122 Turnberry Avenue and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

2. City Council authorize the City Solicitor and City Staff to take any necessary steps to implement City Council's decision, including requesting any conditions of approval that would be in the City's interest, in the event the Ontario Land Tribunal allows the appeal is allowed, in whole or in part.

FINANCIAL IMPACT

The Development Review 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

In August of 2019, the City completed a Transportation Master Plan ("TMP") to examine solutions to relieve traffic congestion, improve connections for pedestrians and cyclists, and increase access to public transit, in the area of St. Clair Avenue West, between Keele Street and Old Weston Road. The recommended improvements documented in the TMP include: the widening of St. Clair Avenue West, the extension of Gunns Road to Union Street, the extension of Keele Street to meet the Gunns Road extension, and the extension of Davenport Road to Union Street. More information related to the St. Clair Avenue West TMP can be accessed at the following link:

<https://www.toronto.ca/community-people/get-involved/public-consultations/infrastructure-projects/stclairwesttmp/>.

At its meeting on October 15, 2019, Planning and Housing Committee adopted a report from the Chief Planner and Executive Director, City Planning, on the Growth Plan Conformity Exercise and Municipal Comprehensive Review ("MCR") requirements, and directed City Planning to "prioritize the study of the Keele-St. Clair area including lands around McCormack Street where lands are designated as *Employment Areas* and are not identified as a Provincially Significant Employment Zone as part of the upcoming review in order to enable the potential unlocking of the lands in the vicinity of the SmartTrack/GO Kitchener line and planned station located in the area of these lands."

The decision history can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH9.2>.

At its meeting on June 28, 2021, Planning and Housing Committee adopted a report from the Chief Planner and Executive Director, City Planning, containing a consultation summary and draft directions for policy and land use considerations for the Keele-St. Clair Local Area Study (the "KSC LAS"). A draft Official Plan Amendment ("OPA") for the St. Clair-Old Weston Protected Major Transit Station Area ("PMTSA") was also included in the report. The decision history can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH25.8>.

On November 25, 2021, Planning and Housing Committee endorsed the Keele-St. Clair Local Area Study draft Official Plan Amendments as the basis for public consultation. Planning and Housing Committee directed City Planning staff to undertake engagement

to obtain comments and feedback on the draft Official Plan Amendments. The Chief Planner and Executive Director, City Planning was directed to prepare a Final Recommendation Report with a recommended Official Plan Amendment for the Keele-St. Clair Local Area in the second quarter of 2022. The decision history can be accessed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH29.10>.

A Preliminary Report on the application at 0, 119-125, 160, and 200 Benny Stark Street and 116-122 Turnberry Avenue was adopted by Planning and Housing Committee on February 15, 2022. Staff were directed to schedule a community consultation meeting with an expanded notice area and to review the applications, which included the conversion of lands from Core Employment Areas to Mixed Use Areas and Parks and Natural Areas for the purpose of permitting non-employment uses, concurrently and in the context of the statutory review of the Official Plan, which included the Municipal Comprehensive Review that had commenced by the City. The Preliminary Report can be accessed at the following link: <https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.9>.

On July 22, 2022, City Council adopted OPA 537, Keele-St. Clair Secondary Plan, and the enacting By-law was received by the Minister of Municipal Affairs and Housing on August 9, 2022, for approval. The Minister has not yet issued their decision in relation to OPA 537. City Council's decision can be accessed at the following link: <https://secure.toronto.ca/council/agenda-item.do?item=2022.PH33.2>.

On July 3, 2024, the Committee of Adjustment approved, on condition, a Consent application (Application Number: B0017/24TEY) to sever the property at 0,119-125 Benny Stark Street and 116-122 Turnberry Avenue into two lots to facilitate the future sale of the proposed conveyed lot located at the southeast corner of Turnberry Avenue and Benny Stark Street.

THE SITE AND SURROUNDING LANDS

Description

The site is irregular in shape and is comprised of five parcels with a total area of 11.16 acres. The site is located at the terminus of Benny Stark Street, approximately 800 metres northwest of the St. Clair Avenue West and Old Weston Road intersection. The site is currently occupied by an automobile auction firm and includes a one-storey industrial building used for offices, a mechanic's garage and outdoor car parking area. The western portion of the site is located within the Toronto Region Conservation Authority ("TRCA") Regulated Area and is adjacent to Lavender Creek. See Attachment 2 for the Location Map.

Following the submission of the applications, the City undertook a land acquisition process to acquire lands required for the planned Gunns Road extension, as identified in the St. Clair Avenue West TMP. The applications preliminarily identified land that was expected to be acquired by City. Through the appeal process, staff will review the proposed development against the acquisition plans to ensure consistency. Should further land be acquired by the City for the build-out of other planned TMP improvements, it would have the effect of further reducing the site area.

Surrounding Uses

North: Immediately north of the site are two to three-storey detached and semi-detached dwellings located on Lavender Road.

South: The adjacent property to the south of the site is used for outdoor vehicle storage and farther south is a automotive repair shop.

East: The Toronto Paramedic Services - Station 30 is located east of the site. Farther east is a residential development, comprised of two-and three-storey semi-detached dwellings.

West: Immediately west of the site is a small wooded area including a stream that is part of the Lavender Creek System.

THE APPLICATION

Description

The application proposes to amend the Official Plan to redesignate the site, currently designated Core Employment Areas, to Mixed Use Areas and Parks and Natural Areas. Together with the associated Draft Plan of Subdivision application, the applications propose to subdivide the lands into four development blocks, one park block and one open space block that would preserve the natural area associated with the Lavender Creek System. The Draft Plan of Subdivision also identifies two new public streets and a public lane internal to the site and preliminarily identifies the land required for the Keele Street and Gunns Road extensions which are identified road improvements in the St. Clair Avenue West TMP.

Block 1, the northernmost development block located between the Keele Street extension and Benny Stark Street, would contain three-storey townhouse units.

Block 2, located south of Block 1, would include four buildings containing primarily residential uses with ground floor retail and commercial space facing the Keele Street extension. Three of the four buildings would be mid-rise in height, ranging between eight and ten storeys and the fourth building would have a height of 24 storeys.

Block 3, located south of Block 2 and north of Gunns Road, would include two mixed-use buildings with heights of 38 and 46 storeys and a shared podium ranging in height between two and ten storeys with retail, commercial, and office space.

Block 4, located to the east of Block 3 and Benny Stark Street, would include a 22 storey building atop a podium that would range in height between six and ten storeys.

Block 5, located north of Block 4, would be comprised of a new public park with a size of approximately 5,000 square metres.

Block 6, would be comprised of a new open space block preserving the natural area associated with the creek that forms part of the Lavender Creek System. The application identifies this block is likely to be dedicated to the City.

Density: A total Gross Floor Area (GFA) of 153,447 square metres is proposed, resulting in a density of 3.4 times the area of the lot.

Residential Component: A residential GFA of 135,325 square metres is proposed, comprised of a total of 1,818 dwelling units including 819 one-bedroom (50%), 708 two-bedroom (39%), and 196 three-bedroom units (11%).

Non-Residential Component: A non-residential GFA of 18,122 square metres including retail and office uses, is proposed.

New Road and Planned Road Extensions: A new east-west public lane north of Block 1, a new east-west public road between Blocks 1 and 2 and another east-west public road between Blocks 2 and 3 are proposed. As recommended by the St. Clair Avenue West Area TMP, the planned Keele Street and Gunns Road extensions are shown along the western and southern boundaries of the development site.

Amenity Space: 3,578 square metres of indoor and outdoor amenity space respectively, equaling a combined total of four square metres of indoor and outdoor amenity space per unit are proposed. A portion of the outdoor amenity space is proposed as a courtyard linking the four buildings on Block 2 and would be open to the public.

Bicycle Parking: A total of 1,673 bicycle parking spaces are proposed, of which 240 would be short term bicycle parking spaces.

Access, Parking and Loading: One to two storey underground parking garages are proposed within each of Blocks 2, 3 and 4 with a total of 723 vehicular parking spaces. A loading space is proposed within each of the buildings in Block 2, the two buildings in Block 3 would share three loading spaces and two loading spaces are proposed within Block 4.

Additional Information

See the attachments of this Report for the Application Data Sheet, Location Map, site plan, elevations, and 3D massing views of the proposal. 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: www.toronto.ca/200BennyStarkSt.

Reasons for Application

The Official Plan and Zoning By-law Amendment application proposes a mixed-use development on lands currently identified for employment purposes. Through OPA 537, the City has proposed to remove the site from Employment Areas on Map 2: Urban Structure, and to convert the site from Core Employment Areas to Mixed Use Areas and Parks and Natural Areas. In the absence of the Minister of Municipal Affairs and Housing decision on OPA 537, this redesignation is not yet in force and residential uses are not currently permitted on the site.

The Zoning By-law Amendment application is required because the proposed development does not comply with the land use permissions and other applicable provisions under the City of Toronto Zoning By-law 569-2013. Should the conversion of

the lands be approved by the Minister, the rezoning application would facilitate site-specific permissions related to the proposed development including the land uses, density, building heights and building envelope, parking and loading requirements, among other performance standards.

Site Plan Control

The following Site Plan Control applications were submitted on April 29, 2022:

- File Number 22-140217 STE 09 SA - for Block 2
- File Number 22-140243 STE 09 SA - for Block 3
- File Number 22-140199 STE 09 SA - for Block 4

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024) and shall conform to provincial plans

Official Plan

The site is located within an Employment Area identified in Map 2 Urban Structure of the Official Plan and is designated Core Employment Areas. See Attachment 3 of this Report for the Land Use Map.

Keele-St. Clair Secondary Plan

The site is located within the northern limit of the Keele-St. Clair Local Area Study (KSC LAS) which resulted in OPA 537, the Keele-St. Clair Secondary Plan. The Keele-St. Clair Secondary Plan was adopted by City Council in July of 2022, and referred to the Minister of Municipal Affairs and Housing for approval. A decision from the Minister is still forthcoming and therefore OPA 537 is not yet in force. The KSC LAS was initiated by City staff as part of a Municipal Comprehensive Review and Growth Plan conformity exercise. The purpose of the KSC LAS was to create a new Secondary Plan for the area, inclusive of land use designations and policies to guide growth and the creation of a complete community.

Site and Area Specific Policy (SASP) 630

The site is located within SASP 630 which delineates the St. Clair-Old Weston Protected Major Transit Station Area (PMTSA). Between 2020 and 2022, Council adopted over 180 Major Transit Station Areas and Protected Major Transit Station Areas, which are still awaiting the Minister's approval.

St. Clair Avenue West Area Transportation Master Plan

The approved St. Clair Avenue West Transportation Master Plan (TMP) identifies four area-wide infrastructure improvements that address traffic congestion on St. Clair Avenue West between Keele Street and Old Weston Road and expand multi-modal travel options. The following two improvements directly impact the site:

- The extension of Gunns Road easterly from Weston Road under the rail corridor to Union Street; and

- The extension of Keele Street south to the Gunns Road extension.

Ravine By-law

The westernmost portion of the site is subject to the Ravine and Natural Feature Protection By-law and regulated under Ontario Regulation 41/24. This portion of the site is also subject to the Toronto and Region Conservation Authority (TRCA) regulations.

Zoning

The site is zoned E 1.0 (x287) in the City of Toronto Zoning By-law 569-2013, see Attachment 4 of this report for the Zoning By-law Map. This Employment Industrial zone allows for a mix of industrial and manufacturing uses. The maximum permitted height ranges between 14 and 23 metres and the maximum permitted density is 1.0 times the area of the lot.

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

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Mid-Rise Building Performance Standards;
- Townhouse and Low-Rise Apartment Guidelines;
- Growing Up Guidelines for Children in Vertical Communities;
- Complete Street Guidelines;
- Pet Friendly Design Guidelines for High Density Communities;
- Best Practices for Bird Friendly Glass; and
- Toronto Accessibility Design Guidelines

Toronto Green Standard

The Toronto Green Standard ("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 and above are voluntary, higher levels of performance with financial incentives (partial development charges refund). Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Draft Plan of Subdivision

A Draft Plan of Subdivision application was submitted on October 21, 2021 (Application Number: 21 228596 STE 09 SB). The Executive Director, Development Review has delegated authority for Plans of Subdivision under Section 415-16 of the Toronto Municipal Code, as amended.

PUBLIC ENGAGEMENT

Community Consultation

A virtual Community Consultation Meeting was hosted on April 13, 2022, and was attended by 27 members of the public, the Ward Councillor, and the applicant team. City staff and the applicant team gave presentations and answered questions from participants. The following comments and questions were raised by participants:

- Concern related to the heights of the proposed buildings, particularly the tall buildings;
- Question related to the proposed public lane and whether residents on Lavender Road will have access to it;
- Concern related to the number of parking spaces proposed, particularly concerns that not enough parking on site will result in residents of the development parking in the surrounding neighbourhood;
- Question related to the programming of the proposed park;
- Question related to the delivery of affordable housing as part of the proposed development;
- Concern related to the anticipated increase in population of the surrounding area and its impact on daycare and school capacity;
- Question related to the timing of construction of the proposed development and of the St. Clair-Old Weston SmartTrack Station;
- Question related to the future plans of the EMS Station located to the east of the site; and
- Question related to the breakdown of proposed units by number of bedrooms.

Indigenous Engagement

OPA 537 directs that Rights-Holders First Nations in the Keele-St. Clair area be engaged with on all publicly and privately initiated development proposals. In accordance with this direction, City staff invited members of the Six Nations of the Grand River, Haudenosaunee Confederacy, Huron-Wendat, and Mississaugas of the Credit to participate in a workshop to discuss this application along with other nearby development applications.

On April 26, 2022, staff met with members of the Six Nations of the Grand River and discussed matters related to archaeology, protection and improvements of the natural environment, tree replacement, impacts to wildlife, and climate change mitigation and adaptation.

COMMENTS

Provincial Planning Statement

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with recent provincial policy direction and provincial plans.

Land Use

As previously noted in this Report, as this site is located in the Keele-St. Clair Secondary Plan Area, as adopted by Council, it is the intended direction to redesignate this site from Core Employment to Mixed Use Areas and Parks and Natural Areas. The

site is also designated an Employment Priority Area in the Keele-St. Clair Secondary Plan, requiring that development provide a minimum non-residential gross floor area equivalent to 1.0 times the site area, excluding lands to be conveyed to public ownership for transportation or parkland, or 15 percent of the total GFA of the proposed development, whichever is less. A maximum of 49 percent of the non-residential GFA can be in the form of retail and personal service uses. In this instance, the proposed residential, commercial and park uses conform with the Keele-St. Clair Secondary Plan, as adopted, but the ratio of non-residential uses does not conform. Staff have requested that the applicant confirm the site area, minus the lands to be conveyed as roads, road extensions and park, to determine the exact ratio of replacement non-residential GFA proposed.

Additionally, the Keele-St. Clair Secondary Plan also requires that the minimum non-residential GFA be developed prior to or concurrent with residential development, to ensure a balance of residential and non-residential growth. Staff recommend that the Tribunal's final Orders be held until the owner submits a phasing plan to demonstrate the order in which the various elements of development would be delivered, to the satisfaction of the Executive Director, Development Review.

Built Form

The site is located in Station North on Map 2 - Structure Plan, of the Keele-St. Clair Secondary Plan, as adopted by Council. The built form policies for Station North require that development provide a variety of building types and heights, with maximum tall building heights of approximately 35 storeys in order to achieve the objective that heights decrease as they move away from Station Centre, which is the area surrounding the planned St. Clair-Old Weston SmartTrack Station. Additionally, any site or block with more than one tall building must provide a variation in height and all streetwalls should be pedestrian-scaled with heights of approximately three to six storeys. The proposed development is consistent with the objective of providing a variety of building types, however, staff have concerns with the proposed streetwall and tall building heights.

Public Realm

The proposed development includes two new public roads and a public lane which contribute to porosity through the site. However, Community Planning and Transportation Review staff request that right-of-way widths of the new streets be increased to 20 metres to facilitate a widened and enhanced public realm.

Additionally, staff require that the new street which is proposed to the north of Block 4 and is intended to terminate in a cul-de-sac, be replaced with a driveway. As previously noted, in Block 2, a separate loading space is proposed for each of the four buildings, resulting in a large circular driveway surrounding the courtyard in the middle of the block. Staff require that the loading spaces be consolidated in order to reconfigure the driveway and improve the condition for pedestrians and cyclists.

Housing

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. The development proposes 819 one-bedroom (50%), 708 two-bedroom (39%), and 196

three-bedroom units (11%), resulting in a unit mix that meets the Growing Up Guidelines.

The Keele-St. Clair Secondary Plan directs that affordable housing provided by development be maximized in accordance with the provisions of the Official Plan and provincial policy, regulatory and program requirements. The Planning Rationale submitted in support of the applications indicates that affordable housing will be accommodated in the mid-rise and tall buildings, however, additional details were not provided.

Indigenous History and Cultural and Natural Heritage

The City of Toronto Official Plan commits to listen and learn from Indigenous Peoples as we plan for growth and development of our city with and for Indigenous Peoples. In turn, the Keele-St. Clair Secondary Plan directs that Rights-Holders First Nations be engaged on all development proposals in the KSC area. Indigenous culture of the past, present, and future is to be celebrated and implemented through place making, public art, and other initiatives. Further to the workshop held on April 26, 2022, with some Rights-Holders First Nations, the applicant is encouraged to celebrate Indigenous culture through the incorporation of Indigenous place making and public art.

Pedestrian Level Wind

The Pedestrian Level Wind Study concludes that there are certain areas within the site where wind impacts will be uncomfortable for walking during the winter. The Wind Study also notes the outdoor amenity terraces located above grade for all buildings will not be suitable for sitting during the summer and spring. To ensure comfortable wind conditions can be achieved across the site, staff recommend the Tribunal's final Orders be held until the owner submits a revised Pedestrian Level Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Development Review.

Servicing

Engineering Review staff have reviewed the submitted materials and have identified several outstanding items related to Functional Servicing and Stormwater Management.

In the event that the Ontario Land Tribunal allows the Official Plan and Zoning By-law Amendment appeal in whole or in part, staff recommend the final Orders be withheld until the owner, at their sole cost and expense, has submitted a revised Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and have entered into a Financially Secured Agreement to secure the construction of any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required.

Road Extensions and New Roads

In accordance with the St. Clair Avenue West Area TMP, the proposed development preliminarily identifies lands to be acquired by the City along the site's western and southern limit for the extension of Keele Street and Gunns Road. Additionally, the development proposes two new public streets and a public lane internal to the site, oriented in an east-west direction. The overall arrangement of streets and lanes internal

to the site is generally acceptable to Transportation Review staff, subject to the replacement of the proposed cul-de-sac north of Block 4 with a direct driveway connection to Block 4. Further coordination is required as it relates to how the proposed development will interface with the TMP-approved improvements, mainly the southerly extension of Keele Street to the planned Gunns Road extension.

Traffic Impact, Access and Parking

Transportation Review staff have reviewed the submitted Transportation Impact Study and are requesting several revisions including the consolidation of vehicular access wherever possible to reduce the number of driveways and the provision of 24 accessible parking spaces. Additionally, staff require the applicant provide preliminary concept plans for potential traffic signals at the intersections of Gunns Road/Keele Street and Union Street/Turnberry Avenue/Gunns Road/ Benny Stark Street. These concept plans would be required as part of any future Draft Plan of Subdivision resubmission.

The submitted Transportation Impact Study also identifies transportation demand management strategies to support and encourage the use of alternate modes of transportation and maximize the capacity of the surrounding transportation network.

To ensure transportation impacts have been sufficiently addressed and transportation demand management strategies are secured to support reduced traffic impacts, staff recommend the Tribunal's final Order be held until the owner submits a revised Transportation Impact Study and Transportation Demand Management Plan to the satisfaction of the General Manager, Transportation Services .

Parkland

In accordance with Section 42 of the Planning Act, the applicable alternative rate for on-site parkland dedication is one hectares per 600 net residential units to a cap of 10 percent of the development site as the site is less than five hectares, with the non-residential uses subject to a two percent parkland dedication.

The Keele-St. Clair Secondary Plan designates the northeastern limit of the site as Parks and Natural Areas and the application proposes to satisfy the parkland dedication requirement through an on-site dedication, aligning with the Secondary Plan's direction. The park is proposed to be 5,038 square meters and complies with Policy 3.2.3.8 of the Official Plan.

Ravine Protection

Staff recommend the Tribunal's final Orders be held until the owner submits a revised Natural Heritage Evaluation, Arborist Report, and Tree Preservation Plan to the satisfaction of the Executive Director, Environment, Climate and Forestry. Should a development be approved that requires trees on private property that are subject to the Ravine and Natural Feature Protection By-law to be injured or destroyed, the owner requires written authorization from the Environment, Climate and Forestry Division in order to proceed with the injury or removal.

Hazardous Lands

The site is located within the Humber River watershed and falls under the regulatory jurisdiction of the Toronto and Region Conservation Authority (TRCA) due to the

presence of a valley slope on the western portion of the site. TRCA has identified that a Geotechnical Slope Stability Assessment, prepared by a qualified geotechnical engineer, is required to accurately delineate the limits of the erosion hazard and its associated buffer. Furthermore, TRCA recommends that the hazardous lands, including the buffer, be restored, redesignated, and rezoned as Open Space – Natural (ON) to ensure their long-term protection and enhancement. Staff recommend that the Tribunal's final Orders be held until the owner has submitted the Geotechnical Slope Stability Assessment to the satisfaction of the Associate Director of Development Planning and Permits, Toronto and Region Conservation Authority.

Archaeological Assessment

A Stage 1-2 Archaeological Property Assessment was submitted with the application and determined that there are no further archaeological concerns regarding the site. Heritage Planning staff reviewed the report and concurred with this determination.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The application proposes to protect four by-law regulated privately-owned boundary/neighbouring trees and to remove 12 City-owned street trees, 11 by-law regulated privately owned trees and eight by-law regulated privately-owned boundary/neighbouring trees. Urban Forestry requires additional information to confirm that the planting of large-growing shade trees both on site and along the City road allowance can be implemented as proposed.

Compatibility and Mitigation Study

The submitted Compatibility and Mitigation Study examined the proposed development and surrounding area in relation to air quality, odour, noise, vibration and the transportation system and concluded that the proposal is compatible with the existing surroundings and emerging mixed-use neighbourhood.

To ensure the redevelopment of the site does not negatively impact surrounding industry and any residential development incorporates the required mitigation to ensure compatibility with the existing surroundings, staff recommend the Tribunal's final Orders be held until the owner submits a revised Compatibility Mitigation Study including peer review, at the owner's sole expense, to the satisfaction of the Executive Director, Development Review.

Noise and Vibration Impact Study

The submitted Environmental Noise Feasibility Study assesses significant noise sources in the vicinity of the site, including road and rail traffic, and neighbouring stationary sources and concludes that with the incorporation of noise mitigation measures outlined in the report, including warning clauses, applicable noise guideline limits can be met.

The submitted Railway Vibration Study assesses significant ground-borne vibration in the vicinity of the site which results from rail traffic of the nearby rail lines. The study concludes that the measured vibration velocities at the site, due to train pass-bys, did not exceed the applicable vibration criteria and vibration mitigation measures are therefore not required.

To ensure the redevelopment appropriately incorporates mitigation measures in response to noise and vibration impacts, staff recommend the Tribunal's final Orders be held until the owner submits a revised Environmental Noise Feasibility and Railway Vibration Study including peer review, at the owner's sole expense, to the satisfaction of the Executive Director, Development Review.

Holding Provision

Should the Tribunal allow the appeal, in whole or in part, staff recommend the Zoning By-law Amendment be subject to a holding provision under Section 36 of the Planning Act, restricting the proposed use of the lands until the conditions to lift the holding provision, as set out in the By-law, are satisfied.

Section 5.1.2 of the Official Plan contemplates the use of a holding provision and outlines the types of conditions that may have to be satisfied prior to the removal of a holding provision. Additionally, the Keele-St. Clair Secondary Plan contemplates the use of holding provisions within the Secondary Plan Area in order to reduce potential conflicts with the delivery of the St. Clair-Old Weston SmartTrack Station, and/or the planned improvements identified in the St. Clair Avenue West TMP, or to mitigate from any existing industries that may be negatively impacted by a greater intensity of residential development. A holding provision may also be used until it is confirmed that there is sufficient capacity to service the site.

The Executive Director, Development Review and their designate have the authority to make decisions on applications to remove holding provisions, which do not contain financial implications not previously authorized by Council.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS in force at the time of a complete application for Site Plan Control. 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.

Given the size of the site, the applicant is encouraged to explore and consider the incorporation of high energy performance measures in order to achieve a zero emissions development and green infrastructure solutions to maximize the retention and absorption of stormwater. Should the design of the proposed development evolve through the appeal process, the applicant is encouraged to consider site design, siting and orientation, massing, building envelope, and mechanical systems that reduce energy demands and improve stormwater management, reduce heat island impact, enhance biodiversity, and improve pedestrian comfort.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

The Keele-St. Clair Secondary Plan identifies the northeast corner of Turnberry Avenue and Benny Stark Street (where Block 4 is proposed) as a Community Focal Point. Community Focal Points are areas adjacent to planned parks in the Secondary Plan, which should be prioritized for indoor and outdoor community spaces with a range of publicly accessible programming. Through the appeal process, staff may explore the incorporation of an in-kind community benefit in order to address this policy objective.

Further Issues

Should Planning staff be required to evaluate supplementary or revised materials submitted by the applicant after the date of this report, additional issues may be identified.

Conditions to Any Tribunal Order

Should the Ontario Land Tribunal allow the appeal, in whole or in part, the following include a preliminary list of conditions that should be imposed on the issuance of any final order of the Tribunal to the satisfaction of the appropriate City Officials:

- the final form and content of the draft Official Plan Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;
- the final form and content of the draft Zoning By-law Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;
- the Minister of Municipal Affairs and Housing issues a decision on Official Plan Amendment 537 related to the Keele-St. Clair Secondary Plan;
- the owner has, at their sole cost and expense:
 - submitted a revised Functional Servicing, Stormwater Management, and Hydrogeological Reports for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water. The reports will determine whether the municipal water and fire flow, sanitary and storm sewer capacity can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required;
 - entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, to the satisfaction of the City, should it be determined that upgrades and road improvements are required to support the development, according to the Transportation Impact Study accepted by the Executive Director, Development Review and the Functional Servicing Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - submitted a revised Transportation Impact Study and Transportation Demand Management Plan to the satisfaction of the General Manager, Transportation Services;

- submitted a revised Compatibility Mitigation, Environmental Noise Feasibility and Railway Vibration Studies including peer review to the satisfaction of the Executive Director, Development Review;
- submitted a revised Pedestrian Level Wind Study to the satisfaction of the Chief Planner, City Planning and Executive Director, Development Review;
- submitted a revised Natural Heritage Evaluation, Arborist Report, and Tree Preservation Plan to the satisfaction of the Executive Director, Environment, Climate and Forestry and,
- submitted a phasing plan to demonstrate the order in which the various elements of development would be delivered, to the satisfaction of the Executive Director, Development Review.
- Should it be determined that infrastructure upgrades are required to support the development according to the accepted Functional Servicing and Stormwater Management Report and/or the Transportation Impact Study, or until such time as the planned improvements identified in the St. Clair Avenue West Area Transportation Master Plan are delivered, City Council direct the City Solicitor and appropriate City staff to request that a Holding Provision be included in the final form of the site-specific Zoning By-law Amendment; and the Holding Provision not be lifted until such a time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City for the design and construction of any improvements to municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services.

CONTACT

Joanna Kimont, Senior Planner, Community Planning, 416-392-7216,
Joanna.Kimont@toronto.ca

SIGNATURE



Carly Bowman, M.Sc.Pl., MCIP, RPP
 Director, Community Planning
 Toronto and East York District

ATTACHMENTS

- 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: Site Plan

Attachment 6: 3D Model of Proposal in Context - Southwest

Attachment 7: 3D Model of Proposal in Context - Northeast

Attachment 1: Application Data Sheet

Municipal Address: 0, 119-125, 160 & 200 BENNY STARK ST, 116-122 TURNBERRY AVE Date Received: October 21, 2021

Application Number: 21 228594 STE 09 OZ

Application Type: Official Plan & Zoning By-law Amendment

Project Description: Official Plan and Zoning By-law Amendment application to facilitate the redevelopment of the site for a mixed-use development comprised of 7 buildings throughout the site, anchored by a public park. The proposed residential gross floor area is 135,325 square metres, and the proposed non-residential gross floor area is 18,122 square metres. A total of 1,818 residential dwelling units are proposed.

Applicant	Architect	Owner
BENNY STARK LIMITED 119 BENNY STARK ST TORONTO, ON M6N 3N4	TACT ARCHITECTURE 660R COLLEGE ST TORONTO, ON M6G 1B8	BENNY STARK LIMITED 119 BENNY STARK ST TORONTO, ON M6N 3N4

EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	Keele-St.Clair Secondary Plan
Zoning:	E1.0 (x287)	Heritage Designation:	
Height Limit (m):	23, 14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 45,182 Frontage (m): Depth (m):

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			15,315	15,315
Residential GFA (sq m):			135,325	135,325
Non-Residential GFA (sq m):			18,122	18,122
Total GFA (sq m):			153,447	153,447
Height - Storeys:	1		46	46
Height - Metres:			147	147

Lot Coverage Ratio (%) 33.9 Floor Space Index: 3.4

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	135,325	
Retail GFA:	5,032	
Office GFA:	13,090	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			1,818	1,818
Other:				
Total Units:			1,818	1,818

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			916	707	195
Total Units:			916	707	195

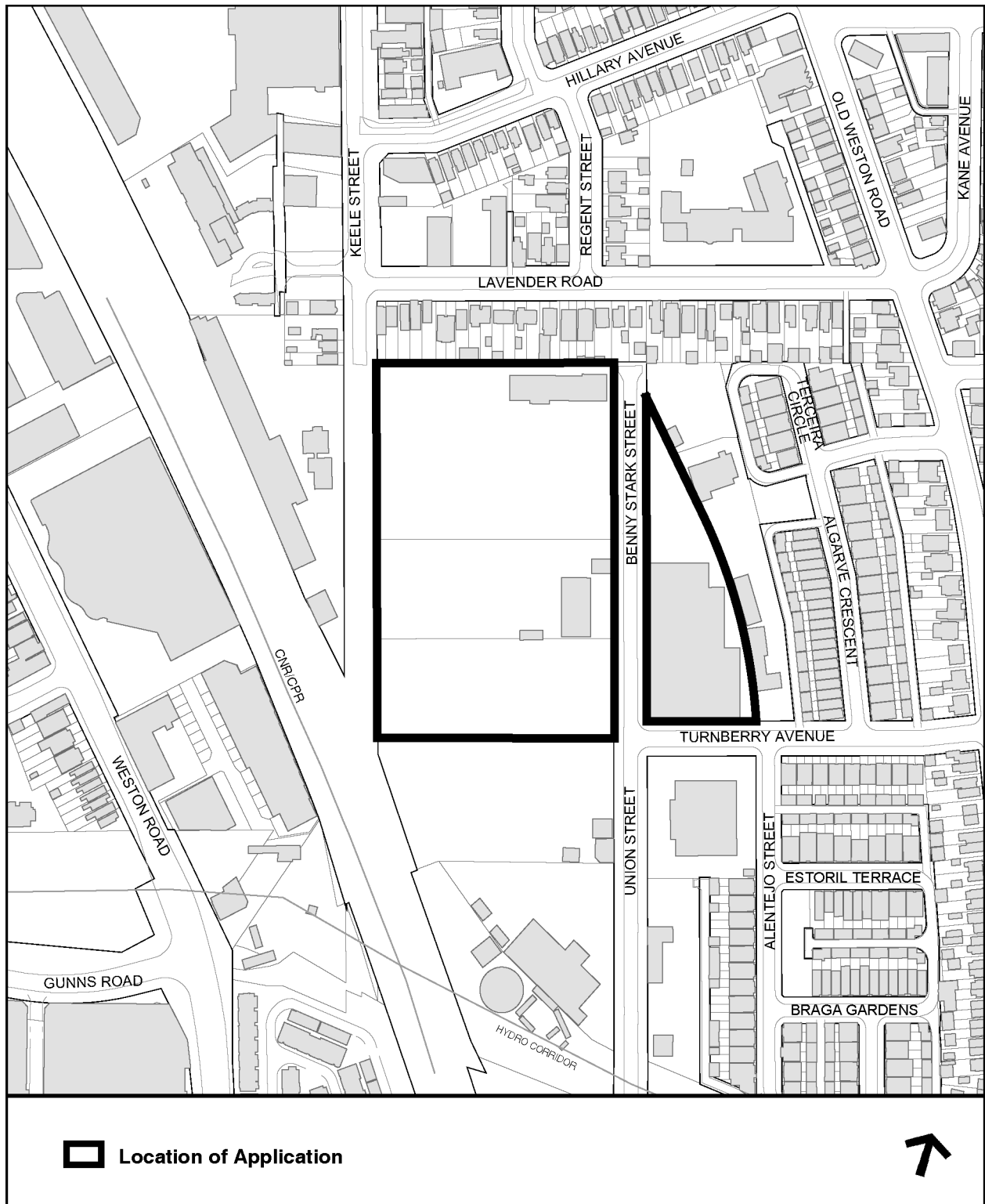
Parking and Loading

Parking Spaces:	723	Bicycle Parking Spaces:	1,913	Loading Docks:	8
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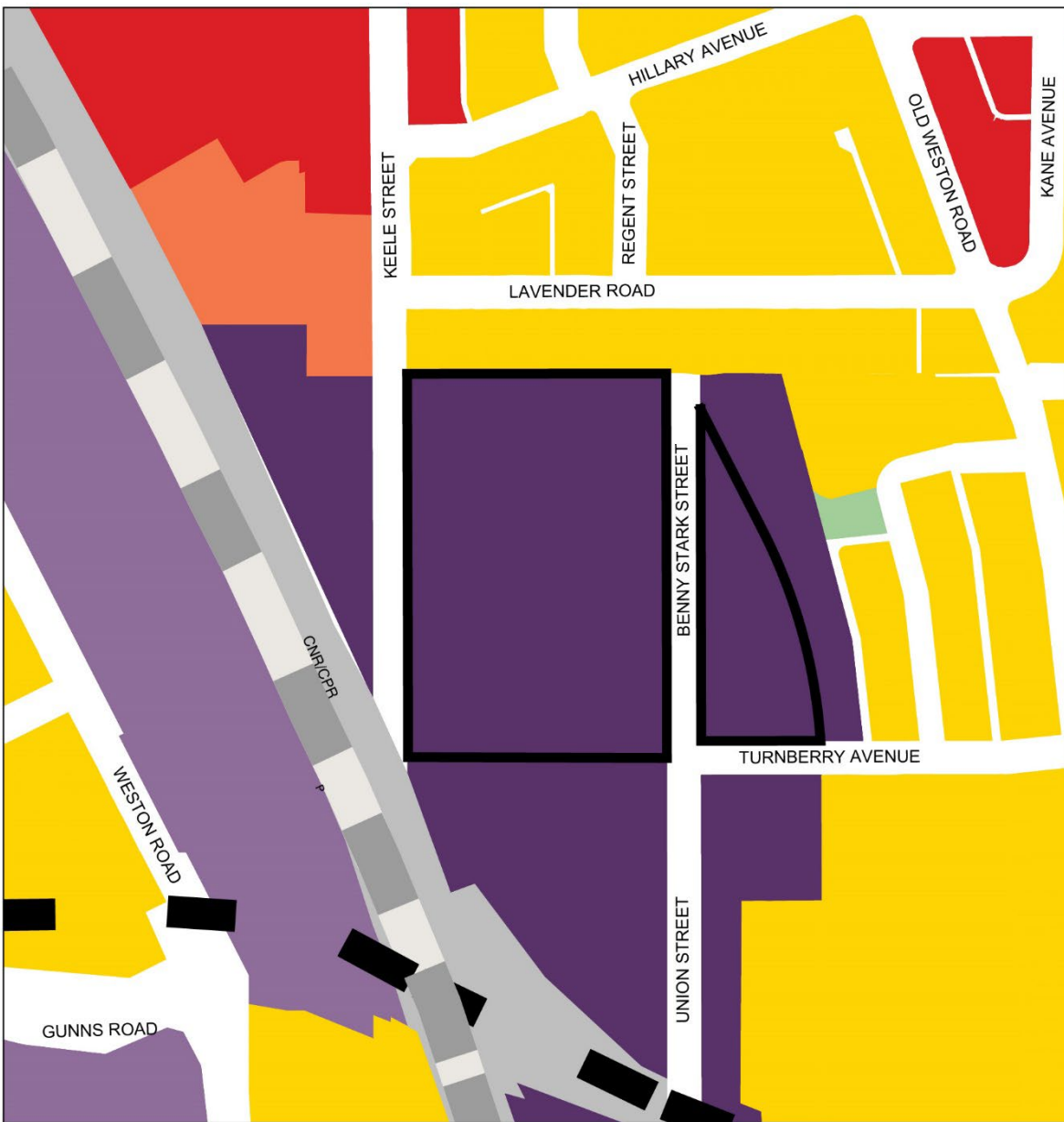
CONTACT:

Joanna Kimont, Senior Planner, Community Planning
 416-392-7216
Joanna.Kimont@toronto.ca

Attachment 2: Location Map



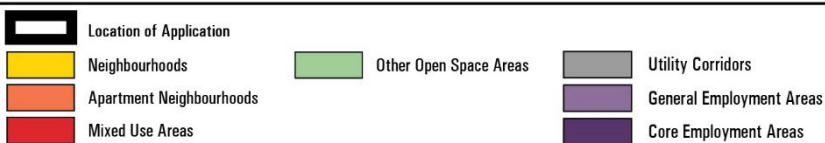
Attachment 3: Official Plan Land Use Map



Toronto

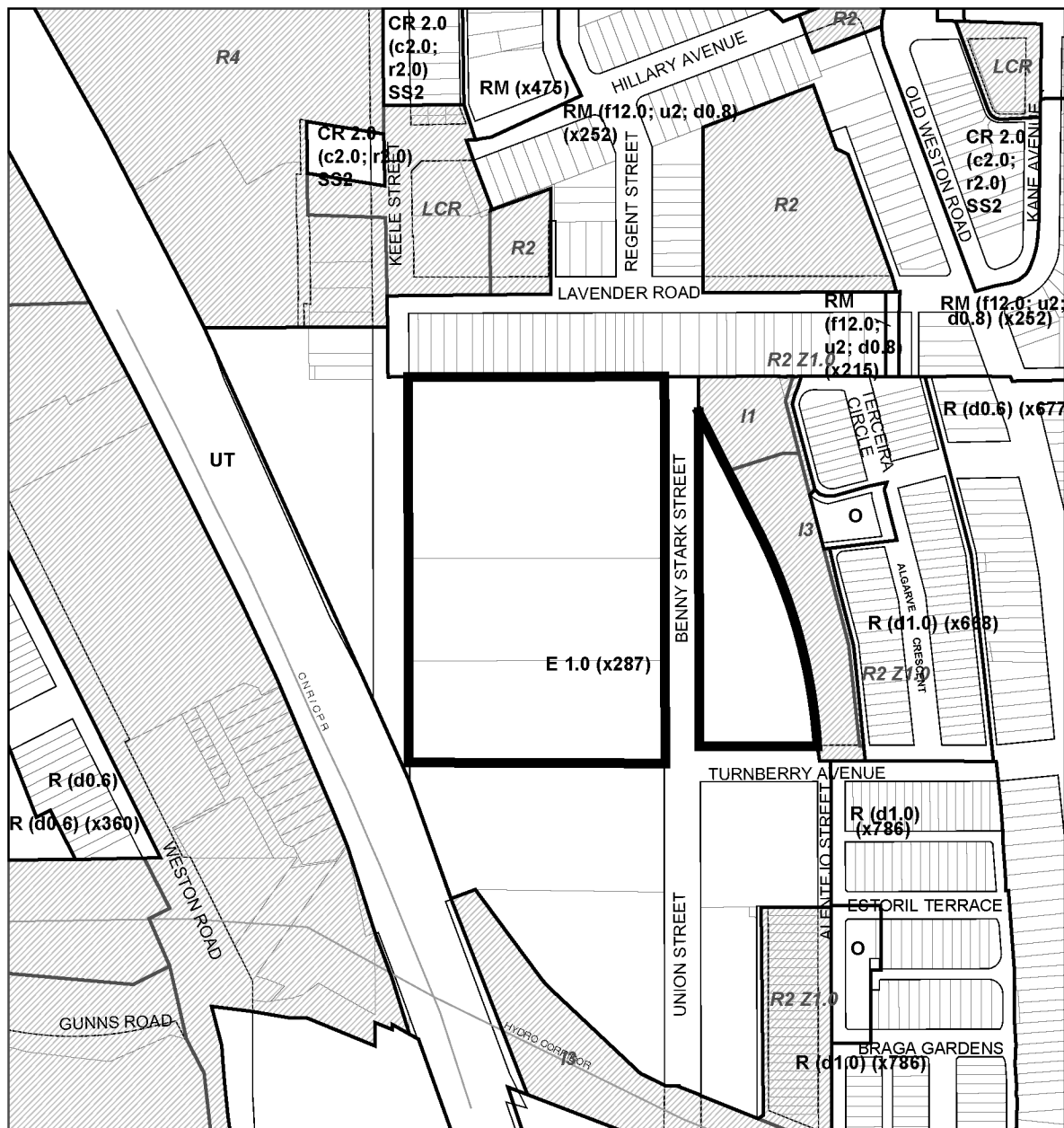
Official Plan Land Use Map #17

0, 119-125, 144, 160, & 200 Benny Stark Street,
116-122 Turnberry Avenue
File # 21 228594 STE 09 0Z



↑
Not to Scale
Extracted: 10/25/2021

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

0, 119-125, 144, 160, & 200 Benny Stark Street
116-122 Turnberry Avenue

File # 21 228594 STE 09 02

Location of Application

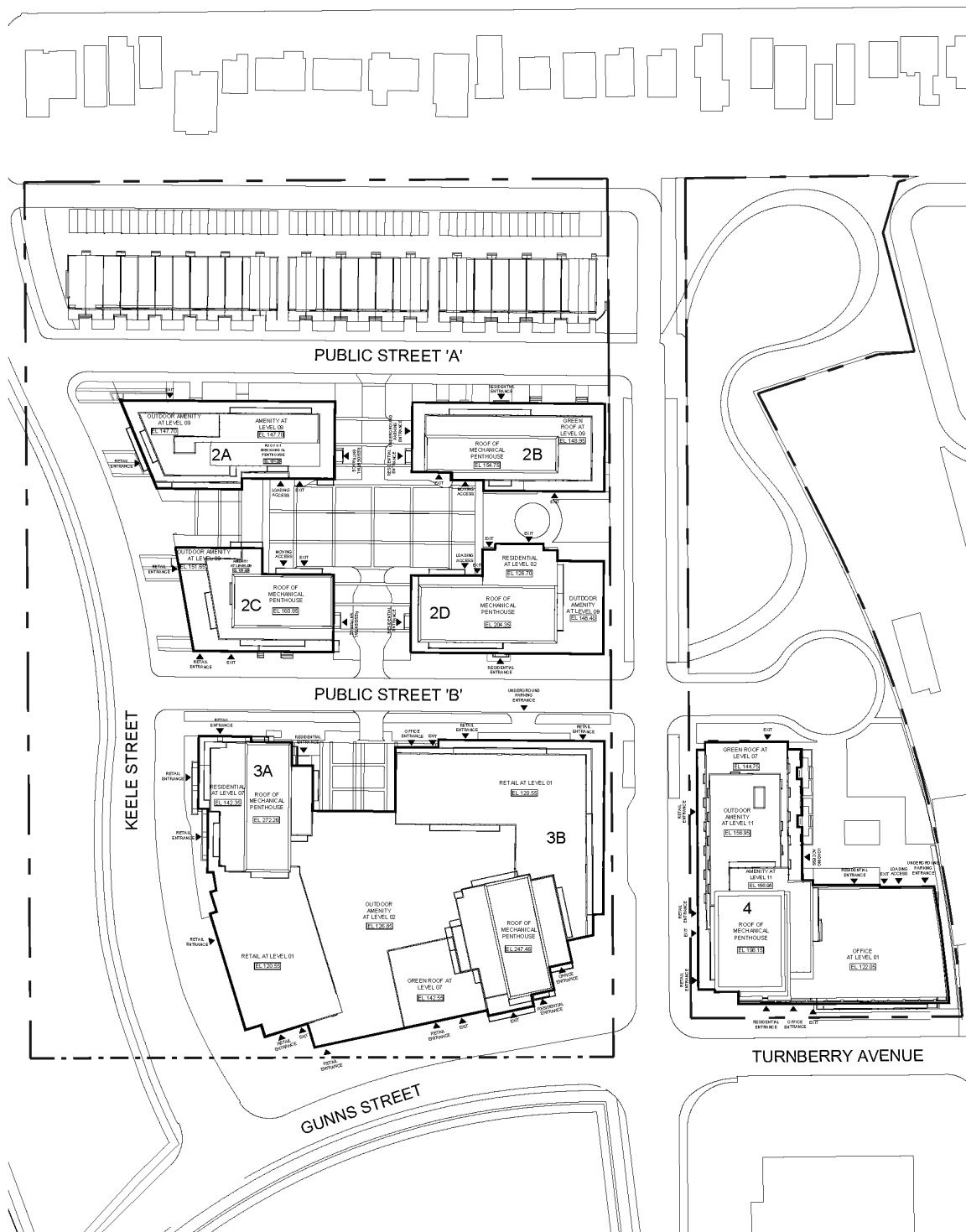
R Residential
RM Residential Multiple
CR Commercial Residential
E Employment Industrial
O Open Space
UT Utility and Transportation

See Former City of Toronto By-law No. 438-86

R2 Residential District
I1 Industrial District
Gh Parks District
R2 Residential Districts
R4 Residential
LCR Local Commercial Residential
CE Commercial Employment Zone

Not to Scale
Extracted: 10/25/2021

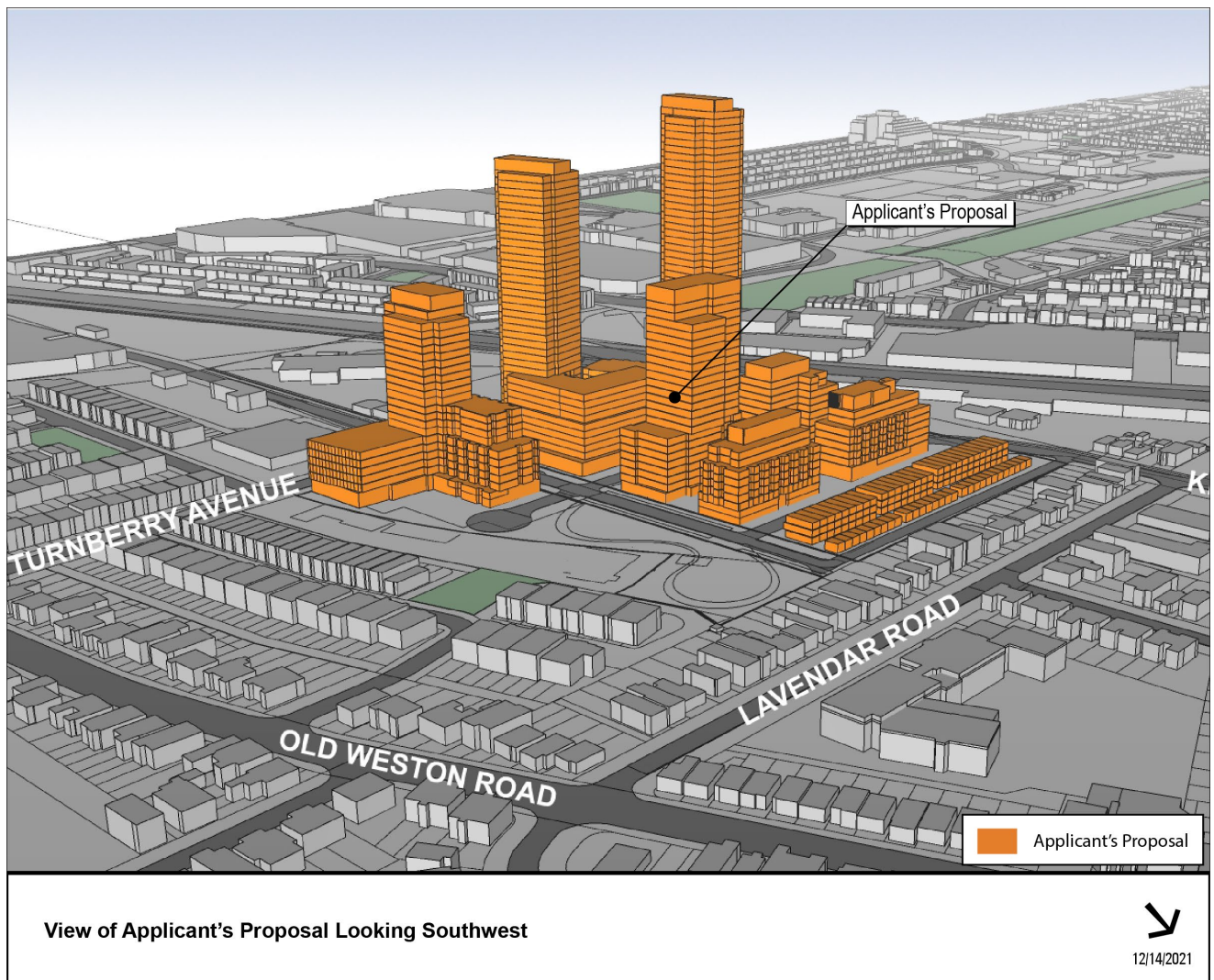
Attachment 5: Site Plan



Site Plan



Attachment 6: 3D Model of Proposal in Context - Southwest



Attachment 7: Attachment 3: 3D Model of Proposal in Context - Northeast

