

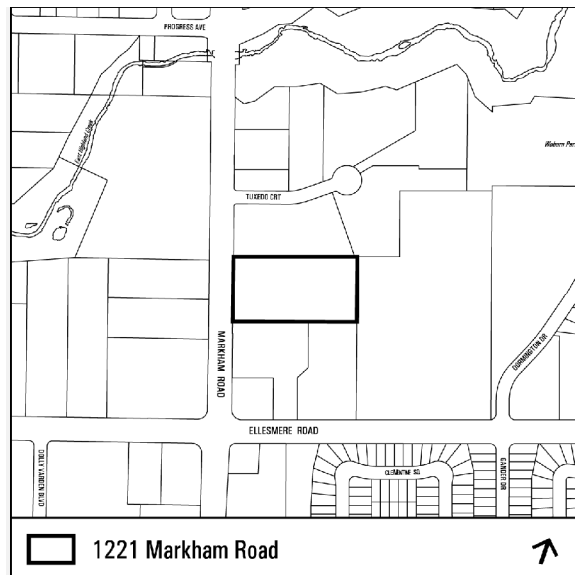
1221 Markham Road - Rezoning Application – Request for Direction Report

Date:	May 5, 2010
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 38 – Scarborough Centre
Reference Number:	07 288612 ESC 38 OZ

SUMMARY

The applicant has appealed the zoning by-law amendment application for a mixed use development at 1221 Markham Road. The applicant has also appealed Official Plan Amendment No. 71 (OPA 71 – Markham Ellesmere Revitalization Area), adopted by Toronto City Council on August 6, 2007, as it pertains to the subject site.

In March, 2010 the applicant submitted revised plans to the City and Ontario Municipal Board (OMB) proposing the construction of 696 residential condominium (apartment) units in three buildings, 21 storeys in height, and 1,846m² (19,870 sq.ft) of retail and restaurant uses. Planning staff do not support the applicant’s current proposal since it is not consistent with the Official Plan and Markham Ellesmere Revitalization Area objectives adopted by City Council to provide for vibrant mixed use development on a public road network, complete with community benefits in exchange for increased height and density. The applicant’s proposal aims to benefit from the intensification potential presented by the Official Plan without meeting the overall design objectives of the Official Plan and without providing the necessary supporting public infrastructure and community benefits.



The purpose of this report is to seek Council's direction with respect to the appeals. The OMB has scheduled a Pre-Hearing on June 11, 2010. To date, the full hearing has not been scheduled.

This report recommends that the applicant's zoning amendment application in its current form, be opposed at the OMB for the reasons set out in this report. This report also recommends that the City Solicitor, in consultation with the Director of Community Planning, Scarborough District, be authorized to continue discussions with the applicant to resolve the appeal if an alternative proposal is put forward by the applicant which would address the concerns and issues raised in this report, to the satisfaction of the City.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing for the lands at 1221 Markham Road, in opposition to the applicant's zoning amendment application; and
2. City Council authorize the City Solicitor, in consultation with the Director of Community Planning, Scarborough District, to continue discussions with the applicant in an effort to resolve the appeal at the upcoming OMB hearing, if a revised development proposal is put forward by the applicant which addresses the issues and incorporates the conditions detailed in this report, to the satisfaction of the City.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

In December, 2007, the applicant submitted a zoning amendment application to permit redevelopment of the site with 1,217 residential condominium units (seniors apartments, apartments and stacked townhouses) and commercial uses (retail, restaurant and offices), in six buildings ranging in height from 4 to 32 storeys.

At its meeting of February 12, 2008, Scarborough Community Council considered the Preliminary Report on the rezoning application which identified various issues regarding the proposal including, but not limited to, the number of units, access, site organization, density, height, and the massing of the buildings. Scarborough Community Council adopted the recommendations of the Preliminary Report which requested the applicant to revise the proposal to address the concerns set out in the report including reductions in density, height, the number of dwelling units and the massing of the buildings.

At its meeting of April 8, 2008, Scarborough Community Council adopted a motion by the Ward 38 Councillor to direct Community Planning, Scarborough District to: "undertake an area revitalization study for the Markham Road and Ellesmere Road area, considering sites in the area with potential for intensification and revitalization; this area

revitalization study should recommend a framework for future redevelopment that City Council can use as a guide for consideration of individual redevelopment proposals, including the one at 1221 Markham Road.”

The Final Report for the Markham-Ellesmere Revitalization Study was considered at a public meeting of Scarborough Community Council which commenced on May 14, 2009, and continued on June 9, 2009. The Final Report noted that consideration of the applicant’s zoning amendment application for 1221 Markham Road and an additional rezoning application at 1 & 2 Meadowglen Place (File No. 08 176491 ESC 38 OZ) would be reported on individually to Scarborough Community Council when the review of these proposals had been completed and such considerations would be within the context of the Markham-Ellesmere Revitalization Study.

<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-21234.pdf> (Part 1)
and

<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-21235.pdf> (Part 2)

On May 12, 2009, the applicant filed an appeal with the OMB respecting the zoning by-law amendment application. This appeal was based on failure of City Council to make a decision on the application within 120 days of receipt of the application.

The Final Report of the Markham-Ellesmere Revitalization Study and its recommendations were endorsed by Scarborough Community Council, and implemented as Official Plan Amendment (OPA) 71, adopted by City Council on August 6, 2009 (By-law No. 714-2009). Urban Design Guidelines and a Conceptual Master Plan were also adopted by City Council to guide development in the Markham-Ellesmere Revitalization Area.

On September 9, 2009, the applicant filed an appeal of OPA 71. Specifically, the applicant noted that the amendment and associated urban design guidelines and concept plan contemplate two public roads on the 1221 Markham Road site which in the opinion of the applicant, would affect the redevelopment of the site.

In an effort to resolve the issues pertaining to the OMB appeal of the rezoning amendment application, the applicant and the City agreed to attend Board appointed mediation sessions on a “without prejudice” basis. Following two OMB mediated meetings held December 12, 2009 and March 5, 2010 consensus respecting the redevelopment proposal could not be reached. Since the mediation sessions, the applicant, on March 22, 2010, submitted revised plans to both the OMB and the City for consideration. A Pre-Hearing conference has been scheduled for June 11, 2010.

ISSUE BACKGROUND

Proposal

The applicant proposes to rezone the 1.89 hectare (4.7 acre) property at 1221 Markham Road from Community Commercial (CC) Zone to an appropriate zone category that would permit a mixed use residential-commercial development. The applicant's current proposal contemplates the construction of three buildings, each 21 storeys in height and containing a total of 696 residential (condominium) units. A total of 1,846m² (19,870 sq.ft) of retail and restaurant uses is also proposed in Building A, located adjacent to Markham Road (see Attachment Nos. 2 & 3). The Application Data Sheet (Attachment No.6) sets out the project data for the current proposal.

The applicant's original zoning by-law amendment application proposed the construction of 1,217 residential condominium units (including seniors apartments, apartments and townhouses) and commercial uses (retail, restaurant and offices), in six buildings ranging in height from 4 to 32 storeys. The applicant has submitted several variations to the original proposal for review. Table One (Attachment No.1) highlights the key features of the proposals submitted for review. Previous proposals each contemplated a seniors (condominium) component (approximately 336 to 355 units). The seniors component was intended to operate as retirement accommodation, with a common dining room, common kitchen and lobby/lounge areas, and limited food preparation area within each of the units. The current proposal deletes this seniors component but the applicant has advised that Building A may, in the future, be developed as a seniors retirement accommodation with limited food preparation within each of the units. However, the applicant advises that for the purposes of zoning for the development, the building is not being restricted in use as seniors retirement accommodation.

Site and Surrounding Area

The site is rectangular in shape and is located on the east side of Markham Road, north of Ellesmere Road. The property has a frontage of approximately 100 metres on Markham Road, and a lot area of 1.89 hectares (4.7 acres). The property is currently developed with a one-storey commercial plaza containing a restaurant (anchor tenant) and other smaller restaurants, medical and dental offices, a laundry/dry cleaner and assorted retail stores. The site includes a large surface parking lot on its south side. The existing plaza would be demolished to accommodate the proposed mixed use development.

Surrounding uses in the vicinity include:

- North: five 15-storey apartment buildings at 10 - 50 Tuxedo Court, child care centre at 22 Tuxedo Court, retail stores at 42 Tuxedo Court, and a restaurant, supermarket, and a 13 storey apartment building further north on Markham Road;
- South: 16-storey apartment buildings at 2180 and 2190 Ellesmere Road, and an automotive service station at the northeast corner of Markham and Ellesmere Roads;

East: Woburn Collegiate Institute and Woburn Junior Public School, Woburn Park, St. Thomas More Catholic Church and school; and

West: Scarboro Gospel Temple, low rise industrial and office buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated Mixed Use Areas in the Toronto Official Plan. 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.

The Official Plan policies intend that development within the Mixed Use Areas create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community. New buildings are to be located and massed to provide a transition between areas of different development intensity and scale, maintain sunlight and minimize any additional shadowing and uncomfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. Developments in Mixed Use Areas are to have access to schools, parks, community centres, libraries, and childcare; take advantage of nearby transit services; provide good site access and circulation and an adequate supply of parking for residents and visitors, provide indoor and outdoor recreation space for building residents, and locate and screen service areas to minimize the impact on adjacent streets and residences.

The Built Form policies of the Official Plan specify that new development be located and organized to fit with its context, and be massed to limit impacts on neighbouring streets, parks, open spaces, and properties by creating appropriate transitions in scale to neighbouring buildings, providing for adequate light and privacy, and limiting shadowing and uncomfortable wind conditions. Tall buildings which have a height greater than the adjacent road allowance are generally limited in location to the Downtown, Centres and areas permitted in Secondary Plans. Tall buildings will only be permitted in other areas

on the basis of appropriate planning justification consistent with the policies of the Official Plan. The Tall Buildings policies of the Official Plan apply with respect to this proposal and seek to ensure that the proposed building and site design will contribute to and reinforce the overall City structure, including its relationship to its existing and/or planned context and the provision of high quality, comfortable and usable publicly accessible open space areas.

The Housing policies support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

The Official Plan recognizes the importance of the public realm including streets, parks and open spaces. The Public Realm policies state that City streets are significant public open spaces that serve pedestrians and vehicles, provide space for public utilities and services, trees and landscaping, building access, amenities such as view corridors, sky view and sunlight, and are public gathering places. New streets are designed to provide access and addresses for new development, improve the visibility, access and prominence of natural features such as ravines, woodlots and open spaces. Where new development is proposed, the Official Plan states that new streets should be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets.

The Community Services and Facilities policies of the Official Plan state that strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change, and will be informed through the preparation of a community services strategy. The inclusion of community service facilities are encouraged in all significant private sector development.

The Official Plan provides for the use of Section 37 of the Planning Act to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan. Planning Staff are seeking a Section 37 contribution in exchange for any increase in height and density for new development on the site, as discussed later in this report.

Site and Area Specific Policy No. 322

OPA 71 adds a new Site and Area Specific Policy to the Official Plan to provide a framework for a co-ordinated, long term incremental public and private reinvestment and renewal program for the Markham Ellesmere area, consistent with Provincial legislation guiding planning decisions. Site and Area Specific Policy No. 322 identifies the subject site as having the potential for redevelopment or intensification subject to a number of considerations such as establishing a public road network, adequate community facilities, and an appropriate built form. OPA 71 also amends Schedule 2 of the Official Plan, the “Designation of Planned but Un-built Roads” by adding new road links from “Tuxedo Court to Ellesmere Road and to Markham Road”.

Site and Area Specific Policy No. 322 also notes that urban design guidelines will “provide detailed guidance on the design and organization of the built environment in the Revitalization Area (and will include specific recommendations on building massing and design, and public realm improvements). Consideration will be given to these guidelines during the preparation and review of development applications within this site and area specific policy area.” As noted above, the applicant has appealed OPA 71 to the Ontario Municipal Board. The applicant’s appeal of OPA 71 has been joined with the applicant’s appeal of the zoning amendment application.

Markham Ellesmere Revitalization Area Urban Design Guidelines & Conceptual Master Plan

The Urban Design Guidelines and Conceptual Master Plan, provide guidance for reviewing current and future development applications, including the one at 1221 Markham Road. The Urban Design Guidelines note that “new public street connections will be established to create a connected community with a road system that facilitates the movement of pedestrians and traffic within the area. The new road links will provide public street frontage for development blocks and connections to the arterial roads from Tuxedo Court to Ellesmere Road and to Markham Road. New streets north of Ellesmere Road will be designed and constructed so as to foster improved pedestrian access to and from the existing school grounds” (including Woburn Collegiate Institute, to the west of the site). The Urban Design Guidelines further note that new traffic signals are “desirable on Markham Road approximately mid-way between Progress Avenue and Ellesmere Road at the connection with the new east-west road through 1221 Markham Road.”

The Conceptual Master Plan illustrates the vision for the area (See Attachment No. 5). While the Urban Design Guidelines identify the need and general location for new road connections, the Conceptual Master Plan identifies where new public road connections are to be located. With respect to the subject site, the Conceptual Master Plan identifies a new public (east/west) road along its south property line and a new north/south public road connection at its east property line.

The Markham Ellesmere Revitalization Area, Urban Design Guidelines and Conceptual Master Plan, encourage mixed use development on the Markham Road frontage of 1221 Markham Road. The Plan states that “high-rise residential development may be permitted on sites adjacent to existing high-rise development... including the east side of Markham Road ...and at 1221 Markham Road.” The Conceptual Master Plan notes that new residential development may be “high-rise (12 storeys and above)”.

The Markham Ellesmere Guidelines and Conceptual Master Plan are intended “for use by developers in the preparation of development proposals and by the City of Toronto in the development review process and planning of public projects.” To guide development proposals such as the one at 1221 Markham Road, the Guidelines and Conceptual Master Plan include specific recommendations on building massing and design, streetscapes and

pedestrian activity, and improvements to the public realm including streetscapes, and parks and open spaces.

Zoning

The subject site is zoned Community Commercial (CC) Zone and is subject to an Exception which permits only specific commercial uses including banks and financial institutions, business and professional offices, personal service shops, places of entertainment and recreation, restaurants and retail stores not exceeding 1,400 square metres per individual store, as well as signs. The gross floor area of offices is limited to 100% of the lot area, and other uses to 25% of the lot area.

Site Plan Control

The property is subject to site plan control. An application has not been submitted as was noted in the Preliminary Staff Report.

Community Consultation

A Community Consultation Meeting was held on March 27, 2008 at the Scarborough Civic Centre (Council Chambers). The applicant presented the original development proposal (four buildings ranging in height from 17 to 32 storeys and two buildings containing 4 storey stacked townhouses) with a total of 1,217 units including 336 senior condo units. Approximately 75 members of the public attended. At the beginning of the meeting, the Ward 38 Councillor advised the participants that he would be seeking authorization from Scarborough Community Council for City Planning to undertake a revitalization study for the area including the 1221 Markham Road site. The density of the proposal and the height of the buildings were key concerns raised at the meeting by residents. The potential for traffic emanating from the development and access to the site were also highlighted.

There was further community consultation respecting the development proposal at 1221 Markham Road as part of the Working Group Meetings associated with the Markham Ellesmere Revitalization Study. A Working Group of volunteers from among the area stakeholders was formed at the commencement of the study, and included residents of the study area and the adjacent neighbourhoods, as well as applicants, landowners, and businesses. The Working Group met six times between May and November 2008, with each meeting focusing on a specific topic including: strengths, challenges and opportunities, community safety; traffic and transportation; demographics and community services and facilities; urban form; the environment; and the draft vision for the study area.

The 1221 Markham Road proposal was specifically discussed at three of the six Working Group Meetings and discussed on a general basis at the Markham Ellesmere Revitalization Study, Community Consultation meeting held on November 20, 2008. At this meeting, comments received included support for the new public roads network to create a more connected community for the movement of pedestrians, bicycles and traffic. Comments also included the support for a mixed use development on the frontage of 1221 Markham Road to provide a location for retail uses and community facilities to

serve the north half of the study area. Residents continued to express concerns respecting the height and density of the proposed development at 1221 Markham Road.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and in preparation of this report.

COMMENTS

Consistency with the Official Plan and Markham Ellesmere Revitalization Objectives

The Mixed Use Areas designation of the Official Plan that applies to the subject site allows for a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The Site and Area Specific Policy No.322 - Markham Ellesmere Revitalization Area (OPA 71) and its Urban Design Guidelines and Conceptual Master Plan, provide guidance for reviewing redevelopment applications such as the applicant's proposed mixed use development for 1221 Markham Road. While the potential for redevelopment is established within these documents, as with any development proposal, how well the proposal meets the policies of the Official Plan, including area specific policies, and how well the proposal can address and meet approved urban design guidelines and concept plans for the area, must be considered.

Although the proposed mixed use of the site would be appropriate, staff is of the opinion that the current proposal fails to adequately address key policies of the Official Plan such as those respecting Mixed Use Areas, the Public Realm, Built Form, Height and Density Incentives (Section 37), and Schedule 2 of the Official Plan. Further, the applicant's proposal fails to adequately address the Site and Area Specific Policies for the Markham Ellesmere Revitalization Area (OPA 71), the City's Design Criteria for the Review of Tall Building Proposals and the Markham Ellesmere Urban Design Guidelines and Conceptual Master Plan.

The current proposal is not consistent with the objectives of the Markham Ellesmere Revitalization Plan to create a vibrant mixed use community on a new public road network supported by an appropriate level of community facilities. It is the scope and character of the redevelopment proposed on the site that are the basis of dispute between the City's vision of redevelopment for the site, and the applicant's proposal. Key issues of non-agreement include the provision of public road connections and access to the site; community benefits to be provided in relation to the increase in the density and height; the design, layout and site organization of the proposal; the height and massing of the proposed buildings; and the proposed number and location of vehicle parking spaces.

The remainder of this report outlines the outstanding planning and technical issues associated with the applicant's current proposal and the revisions required before staff would be in a position to recommend support of the applicant's redevelopment proposal for the site.

Issues to be Resolved:

New Public Road Connections

The applicant's current proposal contemplates pedestrian and vehicular access to all buildings by way of an internal driveway (identified on the current plans as an 8.5 metre private road) from a single entrance/exit at Markham Road. Two of the buildings would front onto this private internal driveway and therefore would not have public street frontage. Public access by way of public sidewalks to Woburn Park and/or Woburn Collegiate (adjacent to the east boundary of the site), has not been included in the applicant's current proposal.

Site and Area Specific Policy No. 322 of the Official Plan (Amendment No. 71) contemplate new public road links to improve pedestrian, bicycle and vehicular access to the arterial road network. A new link is identified in Schedule 2 of the Official Plan from Tuxedo Court to Ellesmere Road and to Markham Road. The Markham-Ellesmere Revitalization Area Urban Design Guidelines and Conceptual Master Plan identify the two road connections on the applicant's site; an east/west public road along the south boundary of the site and a north/south public road connection along the east boundary.

The applicant had been party to the discussions leading to the adoption of OPA 71 and the Urban Design Guidelines and Conceptual Master Plan, having attended several of the Working Group meetings and various meetings with Planning Staff. The applicant submitted various proposals for the redevelopment of the site over the past two and a half years, including, in March 2009, plans which incorporated two public roads, as contemplated by OPA 71 and the Urban Design Guidelines and the Conceptual Master Plan. When filing the zoning by-law amendment application for 1221 Markham Road with the Ontario Municipal Board (May 12, 2009), the applicant noted in the appeal letter that "the applicant revised the application in March, 2009" and that "lands along the south and east property boundaries have been reserved for a future public road..." The applicant later submitted plans to the OMB in July, 2009 which deleted these public roads. The proposal submitted to the City for review in October 2009 also deleted the provision of any public road connections on the site.

The provision of both road connections is critical to meet the goal of good planning for the Markham Ellesmere Revitalization Area. The road connections are important since both roads would assist in achieving the redevelopment/revitalization objectives as set out in the site and area specific policies for the Markham Ellesmere area. These objectives include: improved access to Markham Road; creating a connected community by improving the movement of pedestrians, bicycles and vehicles; improved access to public facilities, public parks and open spaces; and providing public street frontage for new development.

The inclusion of a public road network is a fundamental prerequisite to the intensification of the subject lands and revitalization of Markham Ellesmere. Without the inclusion of public streets on the subject lands, the intensification of the site comes into question. Planning staff are of the opinion that to realize the redevelopment potential of the site and to ensure that the scope of the development proposed is appropriate for its context, the

applicant must revise the current plans and incorporate (at the owner's expense) an east/west public road along the south boundary of the site and a north/south public road connection along the east boundary in keeping with the Official Plan policies, urban design guidelines and conceptual master plan for the Markham-Ellesmere Revitalization Area. The City's Development Engineering Division also supports the provision of the public road connections, advising that "the proposed development may only be supported and approved with the inclusion of public roads and a signalized intersection at Markham Road. The proposed "private roads concept" is therefore not acceptable. In addition the proposed private north/south road connection to the future north and south public roads must also be a public road as an integral part of the required public road network."

Should the proposal be revised to the satisfaction of the City, the applicant will be requested to execute a Municipal Infrastructure Agreement and/or Servicing Agreements as required by the City respecting the provision of public roads. In addition, the applicant will be required to provide the City with details respecting any phasing of the development of the site, to ensure the timely provision of the new public road connections.

0.3 metre (One Foot) Reserve

There is an existing 0.3 metre (one foot) reserve across the Markham Road frontage of the applicant's site. The applicant's proposal contemplates access to the site from Markham Road that is not at the same location as the existing access. As a result, to permit the proposed access to Markham Road, the applicant must seek City approval for the removal of the 0.3 metre reserve.

Community Benefits & Height and Density Incentives (Section 37)

Section 37 of the Planning Act provides the legislative ability to secure community benefits either on-site or in close proximity to the site in exchange for the increased height and density for the development proposed at 1221 Markham Road. The applicant is proposing a density increase from a mixture of commercial uses at 1.25 times the area of the lot to a mix of commercial and residential uses at 3.1 times the area of the lot. The inclusion of community service facilities are encouraged in all significant private sector development such as the applicant's proposal. Further, the Markham Ellesmere Revitalization Conceptual Master Plan identifies the applicant's site as a potential location for mixed use including residential and commercial uses as well as community facilities.

The applicant had initially been requested on January 18, 2008 to submit a Community Services and Facilities (CS&F) Study. The intent of the study is to provide a detailed evaluation of the available services and service gaps in the surrounding area, so that strategies to strengthen and support the social infrastructure could be identified as part of the review of the rezoning amendment application. However, on August 22, 2008 the applicant was advised that in consideration of the Markham Ellesmere Revitalization Study that was underway, a separate CS&F study associated with the 1221 Markham Road proposal was not necessary as the review of the local services and facilities would be included in the overall Revitalization Study being undertaken by the City.

The CS&F Review, as part of the Markham Ellesmere Revitalization Study, included an examination of schools, child care facilities, libraries, community centres, parks and open spaces. The CS&F Review identified improvements to enhance the quality of life for current and future area residents including more subsidized child care, more community space, improvements to parks including Woburn Park and new recreational facilities such as cricket pitch facility and gymnasium space.

Staff held several meetings with the applicant in an effort to address the provision of community benefits in exchange for the height and density of the development proposed. To date, the applicant has not agreed to address the issue. An increase in height and density, as proposed by the applicant, without the requisite community benefits for the Markham Ellesmere Revitalization area is not supportable by Planning Staff. The applicant must address the provision of community benefits to the satisfaction of the Director of Community Planning, Scarborough District in consultation with the Ward 38 Councillor.

Built Form and Urban Design

The applicant's development proposal has been assessed taking into account the details of the site, its location, and context and has been reviewed against the policies of the Official Plan and relevant urban design guidelines including the Markham Ellesmere Urban Design Guidelines and Conceptual Master Plan.

The Conceptual Master Plan specifically identifies this site as having the potential for new mixed use and residential development of 12 storeys and above.

The Official Plan policies respecting Mixed Use Areas and Built Form require that new development be massed and located to fit its context and to provide a transition between areas of different development intensity and scale, maintain sunlight and minimize any additional shadowing and uncomfortable wind conditions. The existing context of the development site includes a range of apartment towers with heights of 13 to 16 storeys and adjacent schools, parks and open spaces. Further information and supporting studies are necessary before the proposed density of 3.1 times the lot area, and the proposed heights of 21 storeys can be properly assessed by the City. The appropriate height, density and massing on the site can only be achieved once the City is satisfied that the proposal adequately addresses the following urban design issues:

a) Sun/Shadow and Wind Analysis

The applicant provided a sun/shadow analysis for the original proposal which proposed six buildings, ranging in height from four-storey (stacked townhouses) to 32 storey apartment buildings. The applicant has not provided a revised sun/shadow analysis or a revised pedestrian level wind study for the current proposal. Although lower in height, the current proposed development contemplates a very different building massing and site organization that must be assessed. In particular, issues respecting shadow impacts of the proposed buildings on the properties to the north, especially in the mid-to late-afternoon between late spring and early fall, and the duration of those shadows, must be

considered. Further, the impact of shadows upon the public realm including Markham Road and the adjacent open spaces, must be assessed.

b) Building Massing

The City's Tall Buildings Guidelines note that the floor plates of tall buildings should not exceed 742 square metres. Where larger floor plates are proposed, the Tall Building Guidelines call for these buildings to be "articulated architecturally to minimize shadows, to minimize loss of skyview and wind conditions in adjacent open space".

The applicant's proposal includes floor plates for two floors in the lower portions of each of the towers that exceed the recommended floor plates by up to 200 square metres. For two of the buildings these increases are within the 'base' portion of the buildings and are consistent with the recommendations of the Tall Buildings Guidelines. In the third building, these increases are on Floors 8 and 9 which creates a base which is out of proportion with the rest of the proposed tower. The floor plates should be consistent with the recommended maximum floor plate of 742 square metres.

As proposed, the buildings are uniformly similar in their overall massing and architectural detailing. Greater architectural articulation needs to be explored through the use of reduced floor plate sizes, varied step-backs, the carrying of some architectural elements from top to bottom of the buildings, exploration of the relationship of the podium height to overall building height, detailed balcony design, and varying roof-top treatments.

c) Site Organization

The applicant's proposal does not include public roads which would achieve a number of urban design objectives beyond those of traffic movement. Public roads incorporated into the development proposal would provide public frontage for Buildings B & C, otherwise the buildings (located on a private driveway) become buildings behind a building, without a clearly visible street address. Public roads within the development proposal would also provide safe and efficient pedestrian and bicycle links to the heart of the area (the intersection of Markham and Ellesmere) and to public facilities and parks and open spaces. As configured, the applicant's proposal results in a site that would be isolated from the surrounding area. Further, public roads incorporated into the development proposal would provide an opportunity for public realm planting, public signage, street lighting, public art and co-ordinated street furniture. This would contribute to a sense of connectedness within the community.

The buildings should be massed to define the edges of public roads to create visually interesting, continuous and publicly-oriented base and edge conditions. The lower floors of all buildings should contribute to the creation of a continuous street edge, with occasional breaks for landscaped open spaces which increase diversity and visual interest. This will require greater exploration of such

measures as, building base to building base architectural continuity, clear articulation of the various types of entrances and fenestrations and the provision of continuous weather protection.

The site layout of the current proposal includes a substantial amount of surface vehicle parking. The amount of surface parking should be reduced to lessen its impact on the site and to provide more opportunities for passive and active open spaces and additional landscaping.

d) Transitions to Adjacent Development & Open Spaces

Appropriate transitions to the adjacent existing development must be achieved. The applicant's current proposal contemplates three 21 storey buildings adjacent to 15 storey residential buildings to the north and 16 storey residential buildings to the south. The relationship of the proposed buildings, especially the existing buildings to the north needs to be carefully reviewed in order that the proposal fully integrates with its immediate neighbours and also with the emerging Markham/Ellesmere area as a whole. Greater stepping of the proposed buildings on the north side will be necessary to ensure adequate light, view and privacy. A variety of building heights should also be considered to add visual interest to the applicant's proposal.

Intersection Signalization:

The Markham Ellesmere Conceptual Master Plan includes a new traffic signal on Markham Road at the connection with the new east/west road at the 1221 Markham Road site. In its consideration of the applicant's proposal, Development Engineering staff has identified the need for a signalized intersection at Markham Road in conjunction with a new east/west public road at 1221 Markham Road. The applicant's current proposal does not incorporate a traffic signal, nor a public road at this location. The City will require that the intersection of Markham Road and the new public east/west road be signalized, at the owner's expense, to the satisfaction of the City.

Vehicle Parking Spaces/Bicycle Parking Spaces:

The applicant's current proposal proposes 843 vehicle parking spaces to serve the proposed 696 residential units and the commercial uses. Current City zoning by-law standards require a total of 976 vehicle spaces for residents and visitors including spaces to serve the commercial uses.

Vehicle parking spaces must be provided on site to the satisfaction of the City. In accordance with the proposed new zoning by-law for the City, a total of 866 vehicle parking spaces would be required. Any reduction in the parking supply below the minimum rates stipulated in the City's proposed new zoning by-law must be supported by a parking analysis to the City's satisfaction.

The applicant's proposal does not incorporate bicycle parking for residents and visitors. Under the City's proposed new zoning by-law, the City would require 522 bicycle parking spaces to be provided, at appropriate locations, to the satisfaction of the City.

Site Plan Control

The applicant has not submitted an application for site plan control approval. Site plan review provides the City with the opportunity to examine the design and technical aspects of the applicant's proposal to ensure it is attractive, functional and compatible with the surrounding area, and contributes to the economic, social and environmental vitality of the City. Features of the proposal such as building design, access, servicing, waste storage, parking, loading and landscaping are examined under the site plan control process. In addition, site plan control includes compliance with the Council adopted "Toronto Green Development Standards". The applicant's proposal is subject to these standards. Staff will pursue the implementation of the Green Development Standards through the review of the required site plan control application.

Public art installations are encouraged in all new development to add to the quality of the public realm. The applicant has not proposed any forms of public art within the site or located within the adjacent public realm. Opportunities to provide public art should be explored with the applicant as part of site plan control review.

Should the rezoning application be approved by the OMB or should discussions with the applicant result in a revised proposal that is supported by the City, staff will seek the Board's concurrence that a final order respecting the appeal be withheld until the applicant has submitted a site plan approval application and obtained site plan approval from the City.

Further Discussions Respecting the Applicant's Proposal

Currently the applicant has taken the position that no public roads or community benefits will be provided in conjunction with the proposal. The City will oppose this position at the OMB. Should the owner agree to provide these matters prior to the commencement of the OMB hearing, Planning staff are of the opinion that there may be an opportunity to resolve the applicant's appeal of the zoning amendment application and the appeal of OPA 71 as it pertains to the site. Therefore, staff request that City Council authorize the City Solicitor, in consultation with the Director of Community Planning, Scarborough District to seek a resolution of the matters before the Board, provided that the applicant revises the current proposal to incorporate the features and conditions as noted in this report above, to the satisfaction of the City:

CONTACT

Russell Crooks, Senior Planner
Tel. No. (416) 396-7040
Fax No. (416) 396-4265
E-mail: rcrooks@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Table 1 – Applicant’s Proposals

Attachment 2: Site Plan

Attachment 3: Elevations

Attachment 4: Zoning

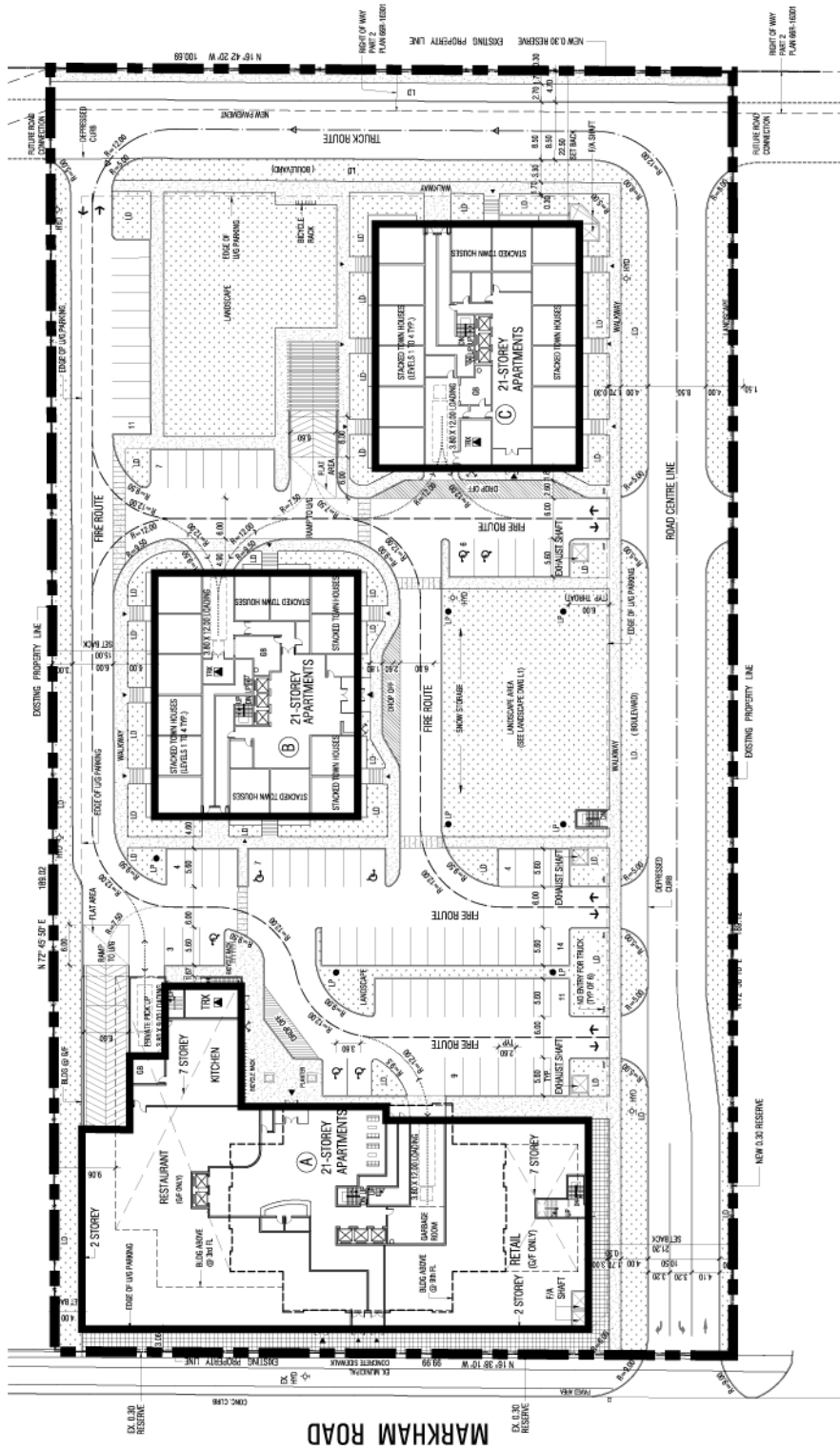
Attachment 5: Markham Ellesmere Revitalization Area – Conceptual Master Plan

Attachment 6: Application Data Sheet

**Attachment 1:
Table One - Applicant's Proposals**

PROPOSAL	Original Submission Dec. 20/07	2nd Submission Mar. 31/09	3rd Submission July 8/09(to OMB) Oct. 5/09 (to City)	4th (Current) Submission to City & OMB Mar. 22/10
Site Area	1.89ha(4.7ac)	1.89ha(4.7ac)	1.89ha (4.7ac)	1.89ha (4.7ac)
FSI	5.7	4.4	4.4	3.1
Public Roads	No	Yes (18.5m)	No	No
Residential GFA	103,545m ²	81,462m ²	81,462m ²	57,330m ²
Retail GFA	498m ²	843m ²	843m ²	737m ²
Restaurant GFA	1,047m ²	1,169m ²	1,169m ²	1,109m ²
Office GFA	2,493m ²	-	-	-
Total GFA	107,583 m²	83,474m²	83,474m²	59,176m²
Number of Bldgs.	6	4	4	3
Height (Storeys)				
Building A	31	24	24	21
Building B	31	24	24	21
Building C	32	24	24	21
Building D	17	4	4	-
Building E	4	-	-	-
Building F	4	-	-	-
Residential Units				
Senior (Condo.) Units	336 (Bldg A)	355 (Bldg A)	355 (Bldg A)	-
Apt Condo Units	783	504	504	640
TH Condo Units	98	80	80	56
Total Res. Units	1,217	939	939	696
Parking Spaces Proposed	1,410	857	857	843

Attachment 2: Site Plan (March 22, 2010)



1221 Markham Road

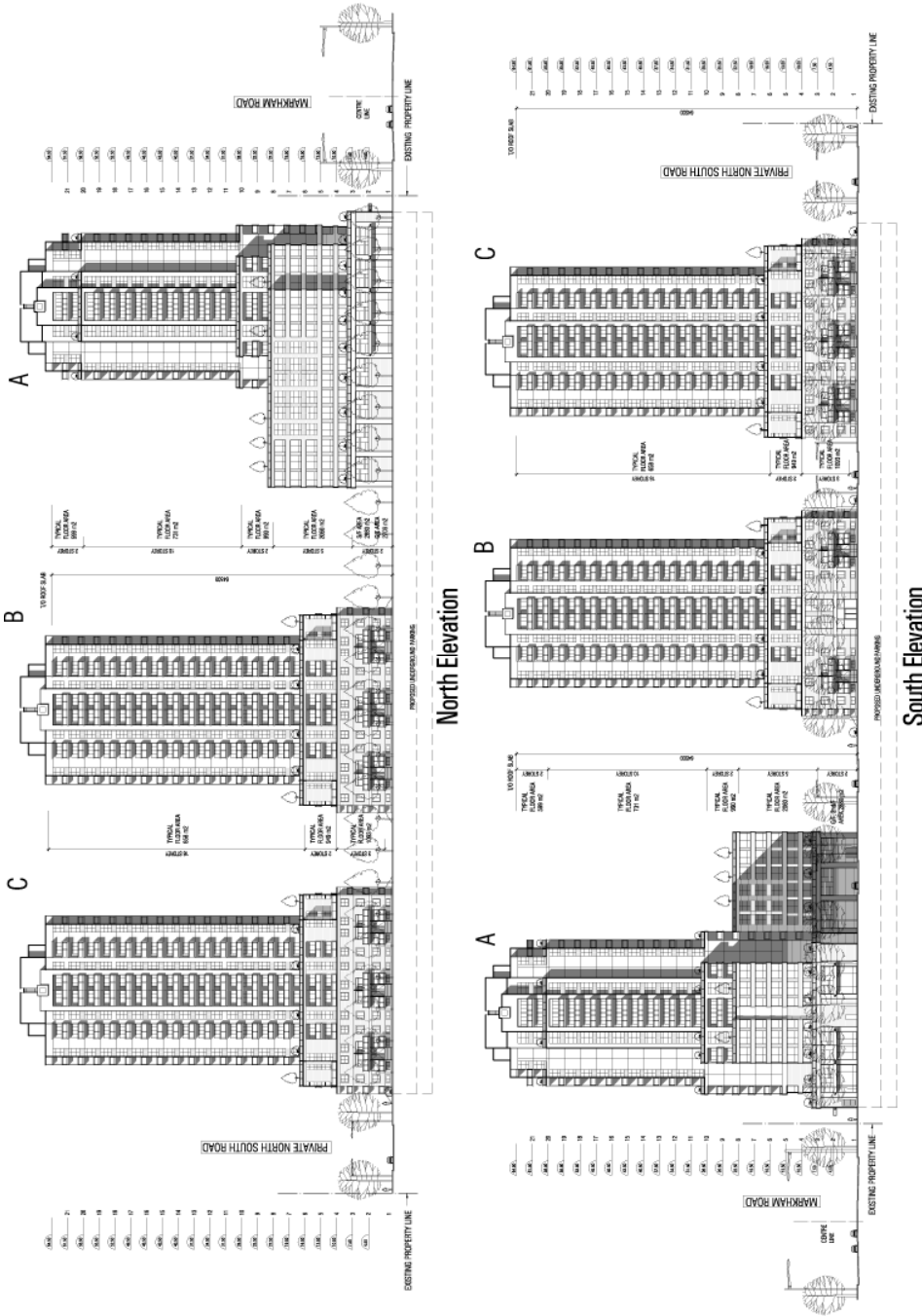
Site Plan

Applicant's Submitted Drawing

Not to Scale
04/16/10

File # 07-288612 OZ

Attachment 3(a): Elevations (March 22, 2010)



1221 Markham Road

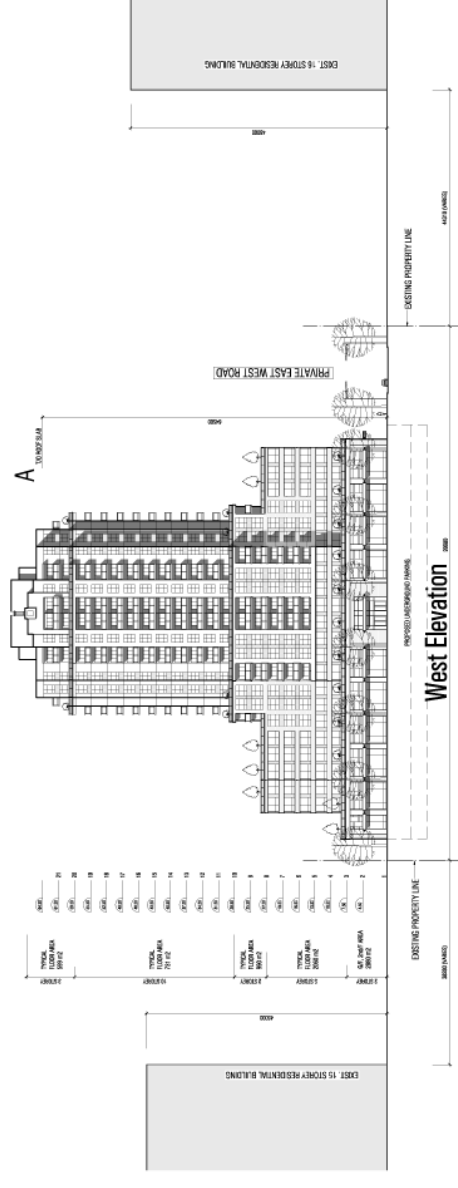
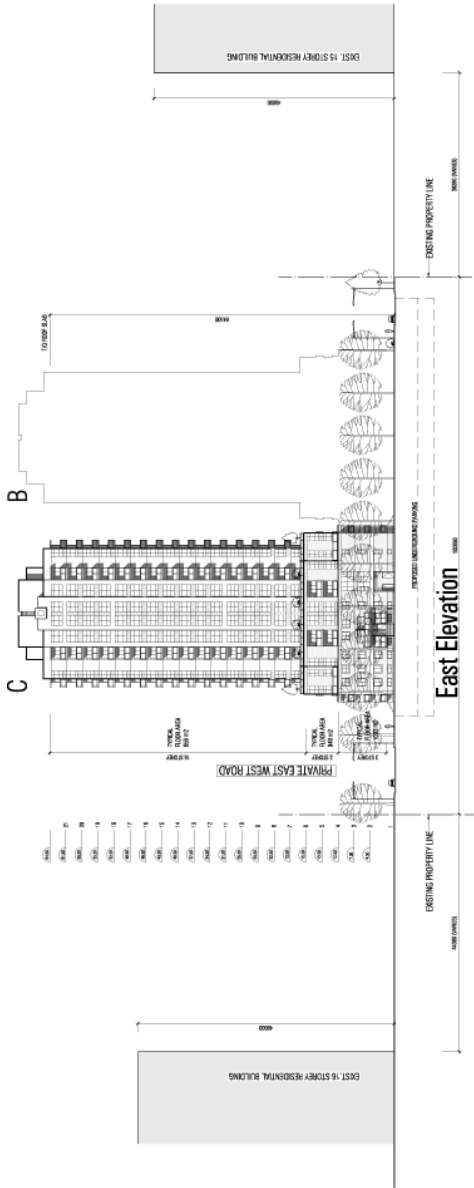
Elevations

Applicant's Submitted Drawing

Not to Scale
04/16/10

File # 07-288612 0Z

Attachment 3(b): Elevations (March 22, 2010)



Elevations

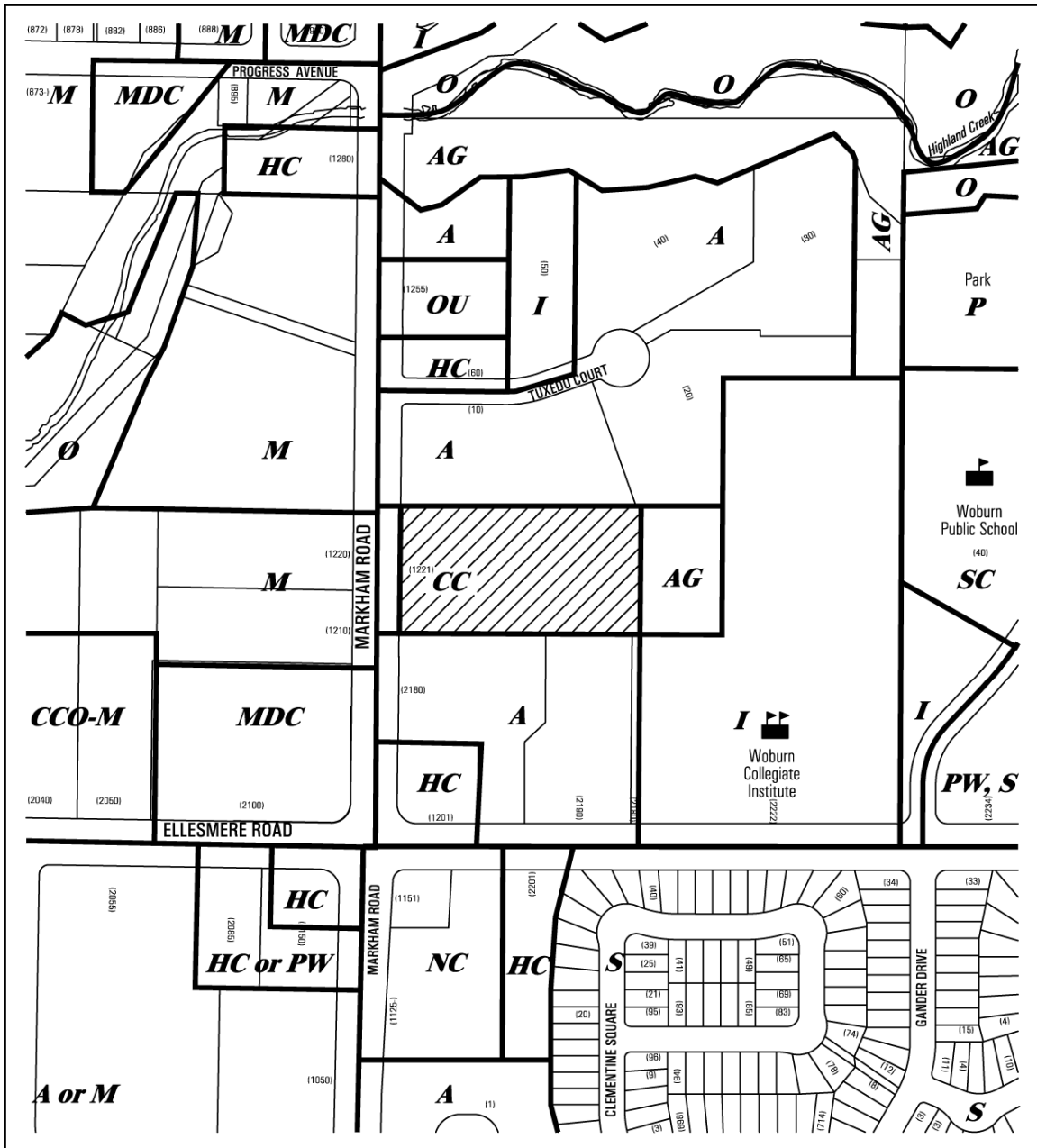
Applicant's Submitted Drawing

Not to Scale
04/16/10

1221 Markham Road

File # 07-288612.0Z

Attachment 4: Zoning Map

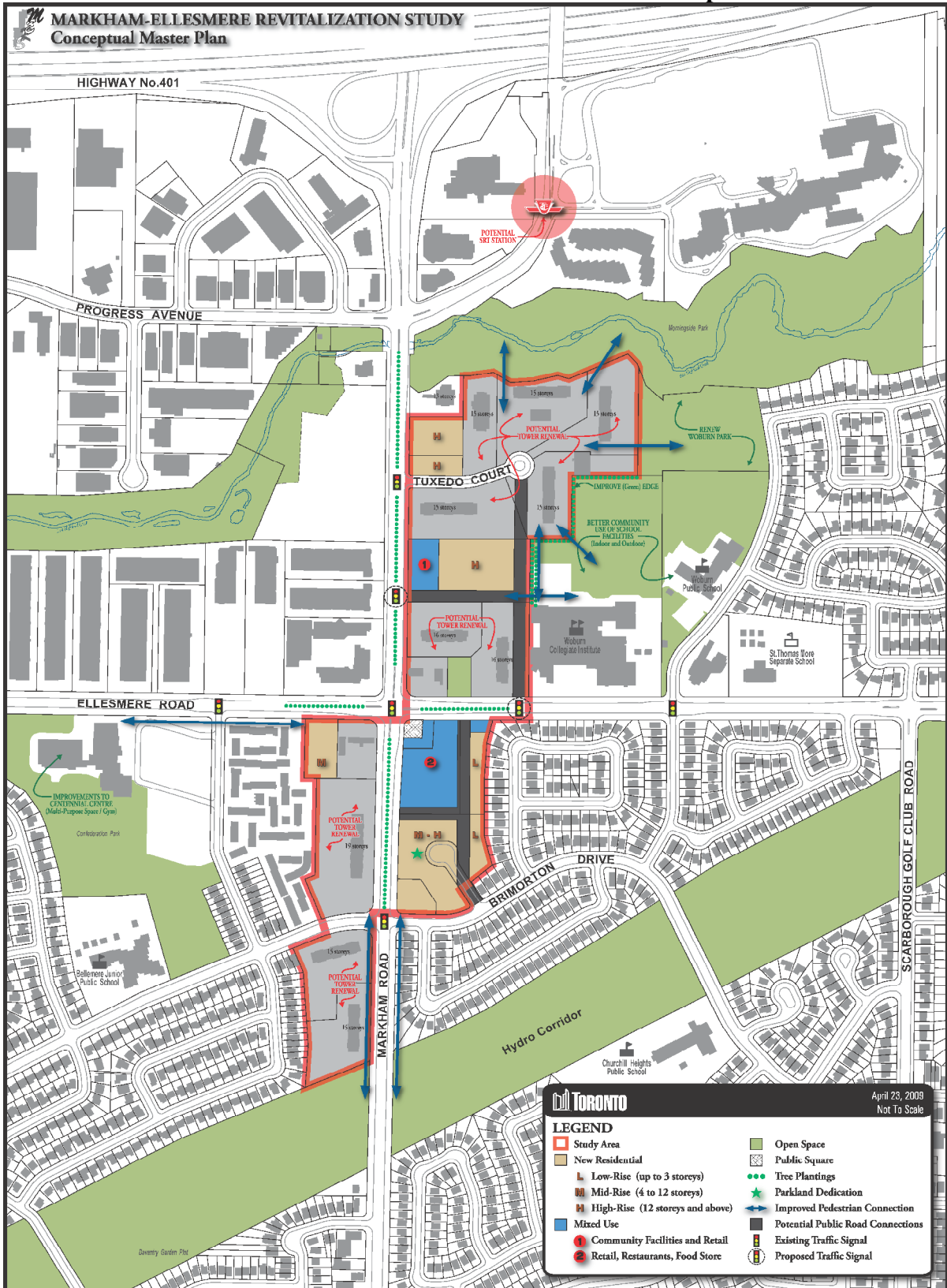


TORONTO City Planning
Division
Zoning

1221 Markham Road
File # 07-288612 0Z

<p>S Single-Family Residential A Apartment Residential I Institutional SC School PW Place(s) of Worship</p>	<p>NC Neighbourhood Commercial CC Community Commercial HC Highway Commercial OU Offices CCO City Centre Office Zone</p>	<p>M Industrial Zone MDC Industrial District Commercial Zone P Park O Open Spaces Zone AG Agricultural</p>	<p>Woburn Corn. & Progress Emp. Bylaws Not to Scale 01/11/08</p>
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Attachment 5: Markham Ellesmere Revitalization Area – Conceptual Master Plan



Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	07 288612 ESC 38 OZ
Details	Rezoning, Standard	Application Date:	December 20, 2007

Municipal Address: 1221 MARKHAM RD
 Location Description: CON 2 PT LT18 **GRID E3803
 Project Description: Revised (March 22, 2010) Mixed use development containing 696 residential condominium units, 737m2 of retail and 1 109 m2 of restaurant gross floor area in 3 buildings (maximum height of 21 storeys).

Applicant:	Agent:	Architect:	Owner:
BORDEN LADNER GERVAIS LLP		LOUIS KC CHEUNG ARCHITECT INC	KINGSBERG MONETARY CORPORATION

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Policy No. 322
Zoning:	CC-Community Commercial	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	18980.2	Height:	Storeys:	21
Frontage (m):	99.99		Metres:	64.5
Depth (m):	190			
Total Ground Floor Area (sq. m):	4995			Total
Total Residential GFA (sq. m):	57330		Parking Spaces:	843
Total Non-Residential GFA (sq. m):	1846		Loading Docks	3
Total GFA (sq. m):	59176			
Lot Coverage Ratio (%):	26.3			
Floor Space Index:	3.1			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	390
2 Bedroom:	290
3 + Bedroom:	16
Total Units:	696

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	57330	0
Retail GFA (sq. m):	1846	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Russell Crooks, Senior Planner
TELEPHONE: (416) 396-7040

