

1771 Markham Road, 1 & 3 Ormerod Street, 0 & 5556 Sheppard Avenue E. Zoning Amendment Application - Preliminary Report

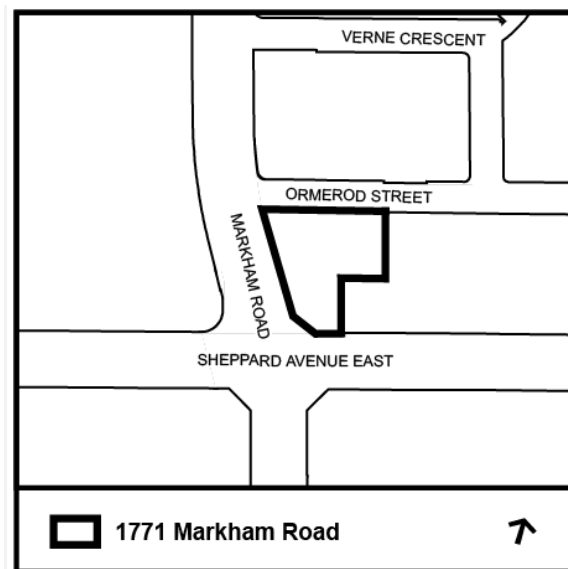
Date:	October 18, 2016
To:	Scarborough Community Council
From:	Acting Director, Community Planning, Scarborough District
Wards:	Ward 42 – Scarborough-Rouge River
Reference Number:	16 189765 ESC 42 OZ

SUMMARY

This application proposes to rezone the subject lands to permit a 27 storey, 372 unit residential development at 1771 Markham Road, 1 & 3 Ormerod Street, 0 & 5556 Sheppard Avenue East.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

The application should proceed through the normal planning review process including the scheduling of a community consultation meeting. A community consultation meeting will be scheduled to discuss the application, and a Final Report will be prepared once all identified issues have been satisfactorily resolved and all required information is provided.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 1771 Markham Road, 1 & 3 Ormerod Street and 0 & 5556 Sheppard Avenue E. together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

City Planning received a zoning by-law amendment application on October 27, 2005 (file 05 197760 ESC 42 OZ) which proposed the development of 32 stacked townhouses containing a total of 64 units on the subject lands. Staff advised the applicant of development constraints on the subject lands that needed to be addressed prior to holding a public meeting.

These constraints included the intersection of Markham Road and Sheppard Avenue being identified as a future transit node. The proposal did not protect for this future transit node and showed buildings on that portion of the site.

Further, there is a 9 metre (30 ft) wide municipal sewer easement on the Sheppard Avenue frontage that forms part of the subject lands. The proposal did not protect for this municipal sewer easement.

It was the decision of City Council to adopt the Staff recommendation not to hold a community meeting until a revised plan was submitted that addressed transit right-of-way needs and municipal sewer easement.

A revised proposal under the same application was subsequently submitted on January 5, 2011 that proposed developing the subject lands with one, 2-storey and one, 1-storey commercial building having an overall gross floor area of approximately 1,730 square metres (18,700 square feet). The proposed 2-storey building would be oriented towards the north-east corner of Sheppard Avenue and Markham Road. The 1-storey building would be oriented at the south-east corner of Markham Road and Ormerod Street. Vehicular access to the subject lands was proposed from a 6.0 metre wide driveway on the south side of Ormerod Street. A total of 64 parking spaces were proposed to be provided.

This revised proposal would have triggered the need for an amendment to the Official Plan, as the property is designated *Apartment Neighbourhoods*, which do not permit commercial plaza

developments. Ultimately no Final Report was tabled on this application and it was closed due to inactivity in 2013.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on April 10, 2013 to discuss complete application submission requirements. The proposal has not been substantially revised since that meeting.

ISSUE BACKGROUND

Proposal

The applicant proposes to rezone the lands from the Agricultural Uses (AG) zone in the Malvern Community Zoning By-law 14402 and the Open Space Recreation (OR) zone in the City of Toronto Zoning By-law 569-2013 to permit the development of a 27 storey residential building. The overall height of the building would be 83 metres. A total of 372 units are proposed, comprised of 176 one bedroom, 176 two bedroom and 20 three bedroom units. The proposed density of the development is 4.9 times the lot area, or 760 units per hectare. A total of 24,295 square metres (261,518 square feet) of gross floor area is proposed with site coverage of 24.3%.

The proposed building takes the form of three connected offset blocks in an articulated slab building fronting onto Markham Road. The primary entrance is proposed to be located on the east side of the central portion of the building facing an interior surface parking lot and the ramp to the underground parking garage. Soft landscaping is proposed adjacent to the building on its west, north and south sides.

A total of 840 square metres (9,042 square feet) of common amenity space is proposed, comprised of a gym/fitness area (234.75 m²) and a daycare/lounge area (234.75 m²) on the ground floor with the remaining space to be located on upper floors of the building. Two small offices, a mail room, the garbage room, and the building lobby comprise the remainder of the ground floor. There is no proposed outdoor amenity area other than the unprogrammed soft landscaping on the site.

A total of 376 parking spaces are proposed, 320 resident parking spaces to be provided in a three-level underground parking structure and 56 as surface parking spaces. Vehicular access is proposed to be provided from Ormerod Street. Sidewalks are proposed on the north, south and west sides of the property, with a secondary pedestrian access to the building provided from the Markham Road frontage.

The proposed development is illustrated in Attachment 1: Site Plan and Attachments 2 & 3: Elevations. Specific details for the subject proposal are contained in Attachment 5: Application Data Sheet.

Site and Surrounding Area

The site is located at the north-east corner of Sheppard Avenue E. and Markham Road with approximately 30 metres (98 ft) of frontage on Sheppard Avenue, 67 metres (220 ft) of frontage on Markham Road and 84 metres (275 ft) of frontage on Ormerod Street.

The site is vacant, approximately 0.49 hectares (1.2 acres) in size and slopes gently to the east, from Markham Road. A mix of mature trees and overgrown low-lying shrubs are dispersed throughout the site.

Surrounding land uses:

North: At the northeast corner of Ormerod Street and Markham Road is a 44 unit, three block stacked townhouse development with units fronting onto Markham Road, Ormerod Street and internally; adjacent and to the east of this development are single detached dwellings.

South: At the southeast corner of Markham Road and Sheppard Avenue E is a service station with Tim Horton's outlet; Lands to the east and south of the service station are proposed for a 343 unit development comprising three 6-storey wood frame apartments and stacked townhouse buildings. On the southwest corner of Markham Road and Sheppard Avenue E lies a commercial plaza development.

East: Two 12-storey apartment buildings each with 6-storey east and west wings, with an unprogrammed open space on Sheppard Avenue adjacent to the subject site. Further east is a 2-storey retail / commercial / office building fronting onto Sheppard Avenue E.

West: A service station sits on the north-west corner of Markham Road and Sheppard Avenue E; with a commercial plaza development adjacent and to the north of the service station.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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 to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Toronto Official Plan designates the subject lands "*Apartment Neighbourhood*". *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. In addition, detached and semi-detached houses, duplexes, triplexes, townhouses and interspersed walk-up apartments and home occupations are also permitted.

The Healthy Neighbourhoods policies of the Official Plan, contained in Section 2.3.1, state that *Apartment Neighbourhoods* are considered to be physically stable areas. Development within

Apartment Neighbourhoods will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment (OPA) No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhood, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals in the Official Plan to protect and enhance existing neighbourhoods and to allow limited infill on underutilised apartment sites in *Apartment Neighbourhoods*. In December 2015 the City submitted OPA 320 to the Minister of Municipal Affairs and Housing for approval. While OPA 320 is City Council's adopted policy, it is not yet in force.

The Built Form policies of the Official Plan, contained in Sections 3.1.2 and 3.1.3, provide direction for new development and developments that propose tall buildings. As an overarching principle, this section of the Plan recognizes that for the most part future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area. Among other things, these policies stipulate that new development will:

- be located and organized to fit with its existing and/or planned context;
- frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces;
- locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- be massed and its exterior face will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties;
- be massed to define the edges of streets, parks and open spaces at good proportion;
- provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians;
- include indoor and outdoor amenity space for residents such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces; and
- preserve existing mature trees wherever possible and incorporate them into landscaping designs.

Further policy direction for development in *Apartment Neighbourhoods* is provided by Policy 4.2.2, which states: "Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;

- including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities."

Zoning by-laws will contain numerical site standards for matters such as building height, parking requirements, density, building setbacks from lot lines and any other performance standards to ensure that new development will be compatible with the physical character of established residential neighbourhoods.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Zoning

The subject lands are zoned Agricultural Uses (AG) under the Malvern Community Zoning By-law 14402. Permitted uses in the Agricultural Uses (AG) zone include day nurseries and agricultural activities such as apiaries, flower gardens, field and berry crops, orchards and the grazing of livestock.

The subject lands are also zoned Open Space Recreation (OR) in the City of Toronto Zoning By-law 569-2013. Permitted uses in the Open Space Recreation (OR) zone include community centres, ambulance depots, museums, public utilities, and sports places of assembly. Uses permitted with conditions include clubs, eating establishments, personal service shops, retail stores, and take-out restaurants.

Site Plan Control

The proposed development is subject to site plan control. An application for site plan approval has not been filed with City Planning for the proposed development.

Tree Preservation

The lands are subject to the City's Tree Preservation By-law. The applicant has submitted an arborist report and tree preservation plan that is currently being reviewed by Urban Forestry staff. The report identifies 49 individual trees both on the site and immediately adjacent to it, of which 18 are proposed to be retained through the development.

Heritage Preservation

The lands have been identified as potentially containing archaeological resources. Therefore policies respecting heritage preservation as outlined in Section 3.1.5 of the Official Plan will apply. The applicant has submitted an archaeological assessment of the lands which is under review by City Planning Heritage Preservation Services staff.

Reasons for the Application

The zoning by-laws do not permit the development as proposed. Amendments to the by-laws are required to permit residential uses with appropriate performance standards to regulate matters including setbacks, height, density, landscaping, amenity areas, transition to adjacent development, parking etc.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Justification Report;
- Functional Servicing Report;
- Transportation Impact Study;
- Stormwater Management Report;
- Stage 1 and 2 Archaeological Assessment;
- Arborist Report and Tree Preservation Plan;
- Sun/Shadow Study; and
- Toronto Green Standards Checklist.

A Notification of Complete Application was issued on September 2, 2016.

Issues to be Resolved

Staff have significant issues with the proposal in its current form. The following issues have been identified and will be considered through the review of the application to amend the Zoning By-law:

- The appropriateness of the proposed development as it relates to the Official Plan policies within *Apartment Neighbourhoods*, *Healthy Neighbourhoods* and *Built Form* sections.
- The appropriateness of the proposed density of the project.
- Compliance with the City-Wide Tall Building Design Guidelines.
- The height of the proposed development, appropriate transition of built form to lower scale dwellings to the north and northeast, including shadow impacts to adjacent properties and consideration of the use of a 45 degree angular plane to manage these transitions.

- The appropriateness of the proposed building type transition to lower scale and intensity of dwelling types to the north and northeast.
- The approach to site development, provision of grade related units and streetscape treatment of the Ormerod Street frontage.
- The adequacy, design, size and location of the proposed amenity space for all dwelling units.
- The adequacy of the proposed number of parking spaces, their layout within the underground parking structure, and reduction of the amount of proposed surface parking.
- The omission of bicycle parking facilities, access to and design of those facilities and their location within the building.
- The design and location of the ramp to underground parking and incorporation of same within the building.
- The appropriateness of the design of the garbage handling and loading facilities and incorporation of same within the building.
- Various site design matters including outdoor lighting, landscaping and soil volumes, at grade building unit accesses, the design and location of pedestrian access to the underground parking structure, architectural detailing and setbacks from Ormerod Street, Markham Road, and Sheppard Avenue East.
- The adequacy of landscaped open space, including the programming of outdoor amenity space.
- The existence of a large number of mature trees on the subject property and preservation of an appropriate number of select existing trees.
- The appropriateness of the proposed development insofar as achieving other objectives in the Official Plan.
- The preparation of a public consultation strategy as required under the Smart Growth for Our Communities Act, 2015 (Bill 73), proclaimed on July 1, 2016.
- The application is subject to Section 37 contributions under the *Planning Act*. Should the application be approved, Staff in consultation with the Ward Councillor, will identify and secure public benefits pursuant to Section 37 of the *Planning Act* including appropriate community services, facilities and amenities which address local priorities.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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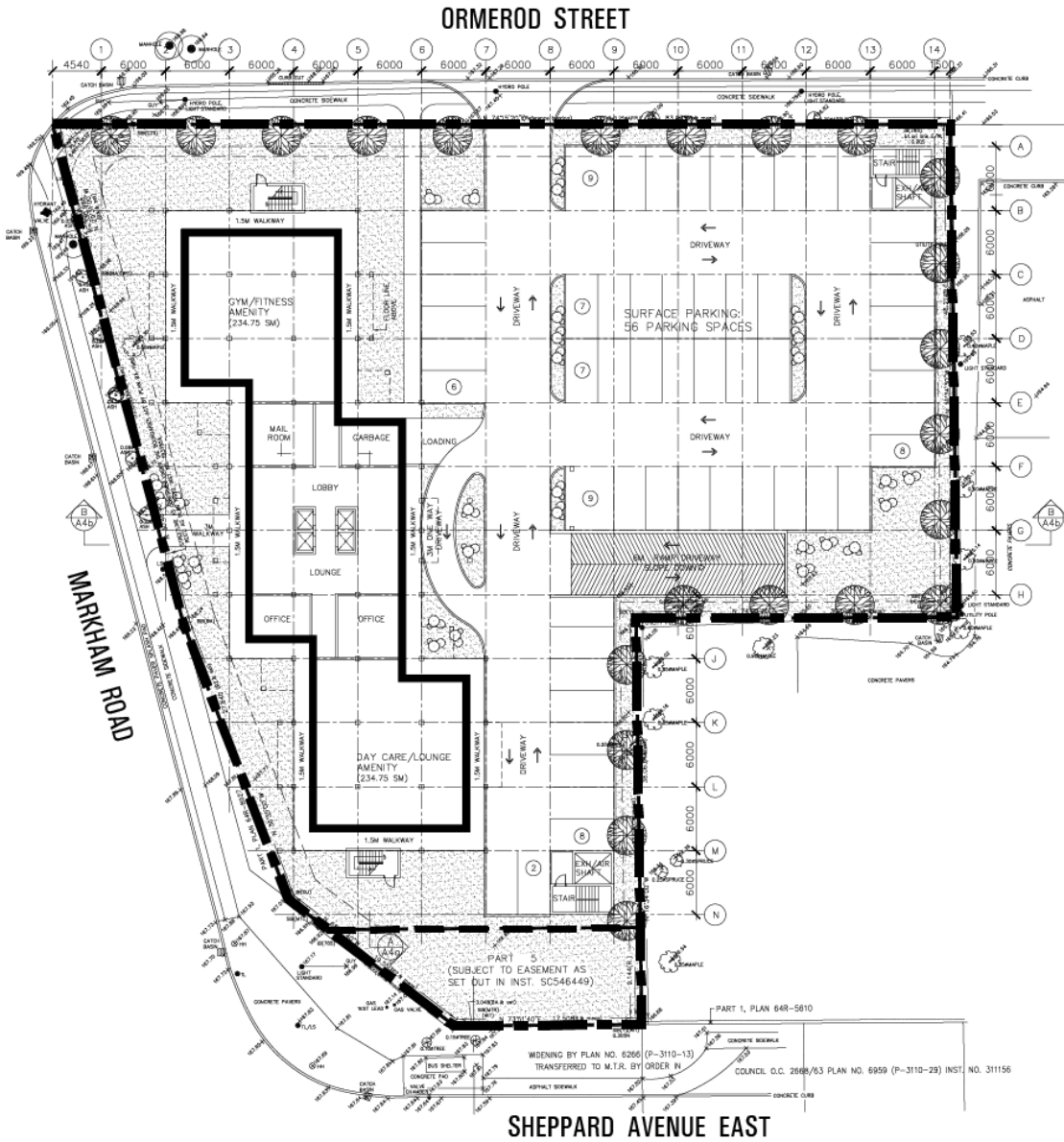
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Paul Zuliani, Acting Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: East and North Elevations
Attachment 3: West and South Elevations
Attachment 4: Zoning
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

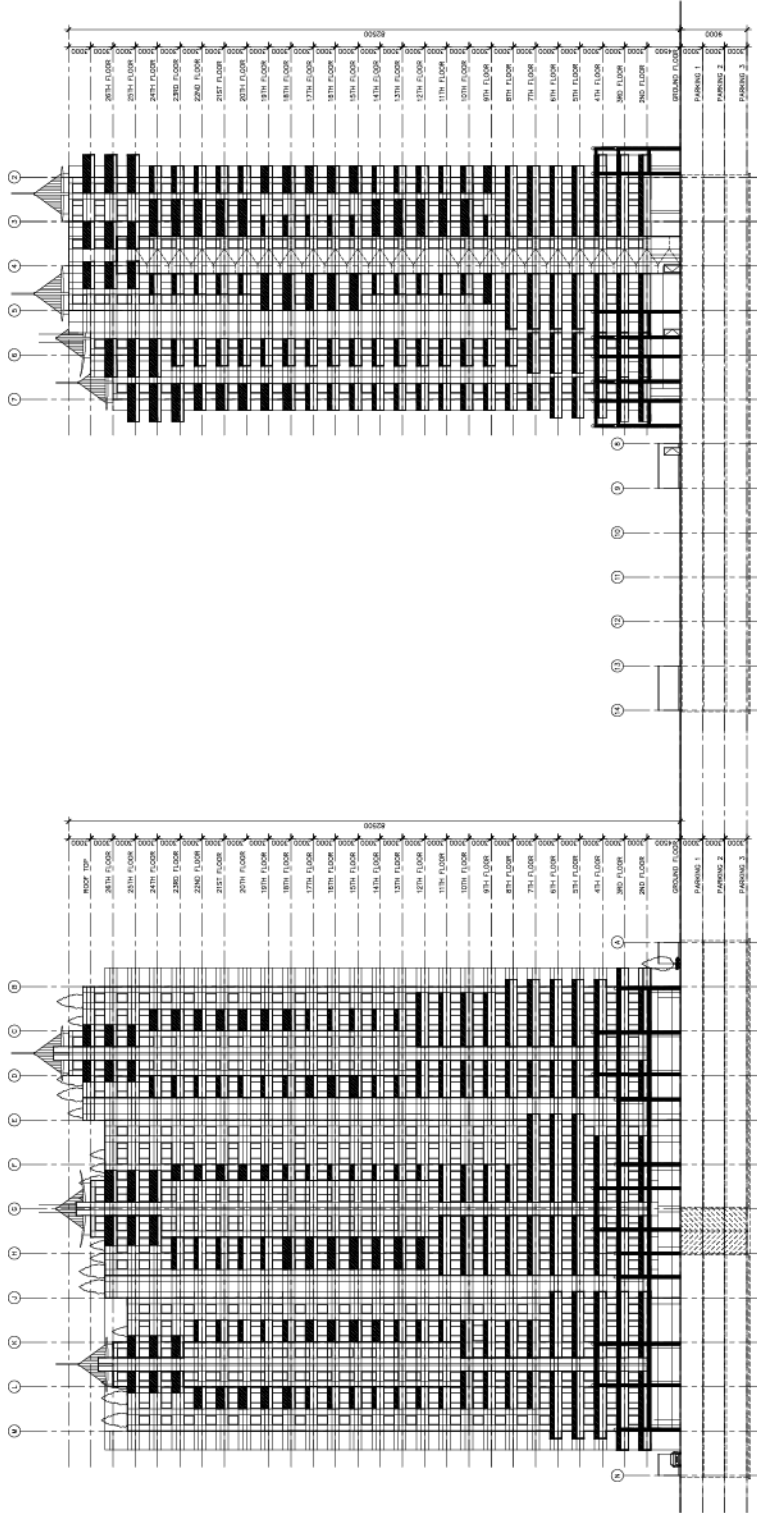
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09/26/16



1771 Markham Road

File # 16 189765 ESC 42 OZ

Attachment 2: East and North Elevations



North Side Elevation - Ormerod Street

East Side Elevation

1771 Markham Road

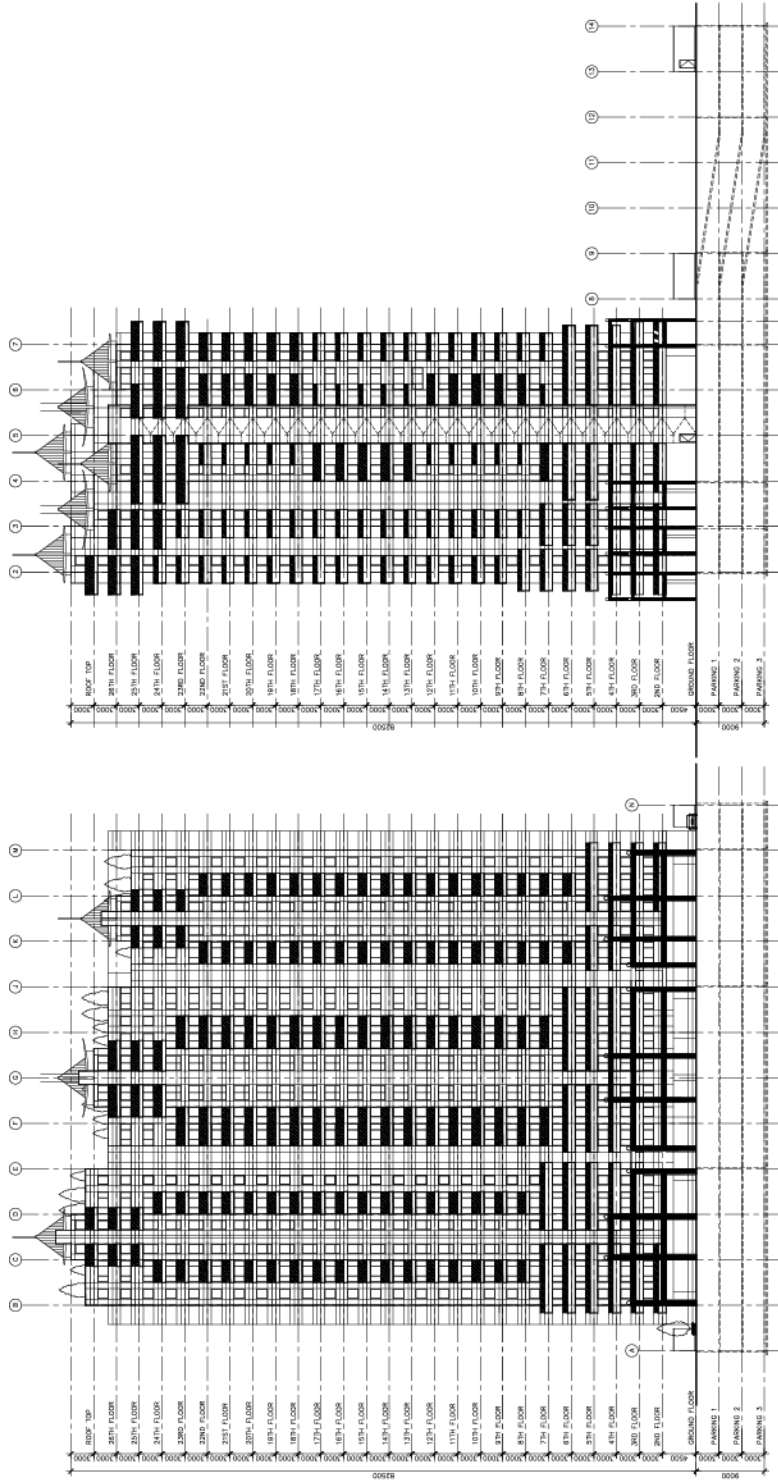
Elevations

Applicant's Submitted Drawing

Not to Scale
09/26/16

File # 16 189765 ESC 42 0Z

Attachment 3: West and South Elevations



West Side Elevation - Markham Road

South Side Elevation - Sheppard Avenue

1771 Markham Road

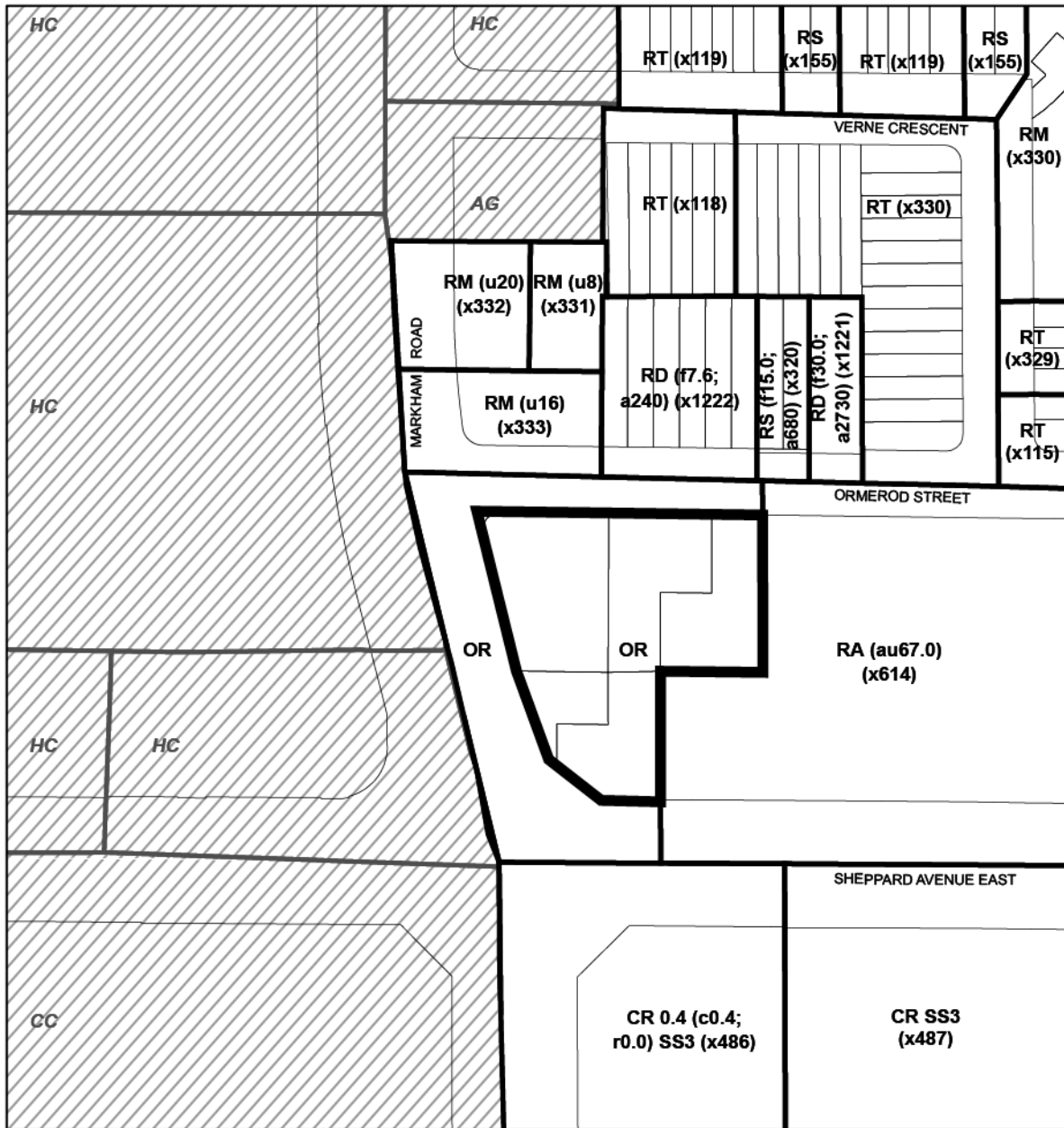
Elevations

Applicant's Submitted Drawing

Not to Scale
09/26/16

File # 16 189765 ESC 42 0Z

Attachment 4: Zoning



Zoning By-Law No. 569-2013

1771 Markham Road

File # 16 189765 ESC 42 OZ



Location of Application

RD Residential Detached
RS Residential Semi-Detached
RT Residential Townhouse

RM Residential Multiple
RA Residential Apartment
CR Commercial Residential
OR Open Space Recreation



See Former City of Scarborough Malvern Community Bylaw No. 14402
HC Highway Commercial **AG** Agricultural Uses

See Former City of Scarborough Malvern West Community By-Law No. 12181
CC Community Commercial

See Former City of Scarborough Employment District Bylaw
 No. 24982 (Marshalling Yard)
HC Highway Commercial Zone



Not to Scale
 Extracted: 09/23/2016

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	16 189765 ESC 42 OZ
Details	Rezoning, Standard	Application Date:	July 13, 2016

Municipal Address:	1771 MARKHAM RD, 1 & 3 ORMEROD ST, 0 & 5556 SHEPPARD AVE E
Location Description:	PLAN 217 PT LOT 7,9, 11 E MARKHAM ST NOW RP 64R12799 PART 3 **GRID E4205
Project Description:	27 storey residential development

Applicant:	Agent:	Architect:	Owner:
HENRY CHIU			1051725 ONTARIO LTD

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	
Zoning:	OS / AG	Historical Status:	
Height Limit (m):	N/A	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	4920	Height:	Storeys:	27	
Frontage (m):	79.03		Metres:	79.5	
Depth (m):	83.96				
Total Ground Floor Area (sq. m):	1196				Total
Total Residential GFA (sq. m):	24295		Parking Spaces:	376	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	24295				
Lot Coverage Ratio (%):	24.3				
Floor Space Index:	4.94				

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	176
2 Bedroom:	176
3 + Bedroom:	20
Total Units:	372

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	24295		0
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

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