

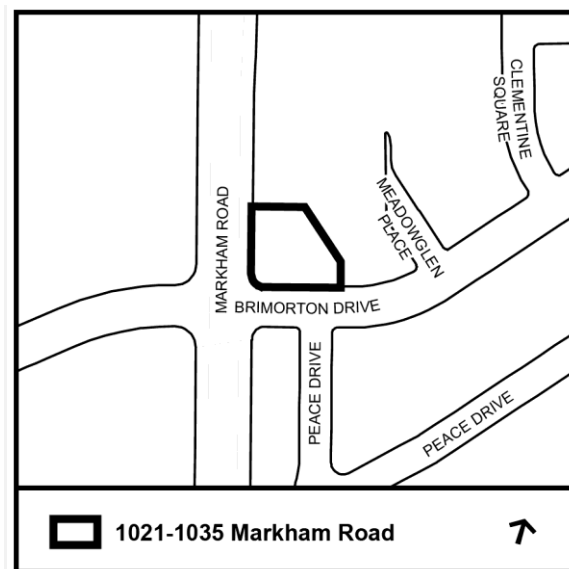
**1021-1035 Markham Road - Zoning Amendment –
Refusal Report**

Date:	April 11, 2017
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 38 – Scarborough Centre
Reference Number:	16 270614 ESC 38 OZ

SUMMARY

This report recommends refusal of the subject rezoning application to permit redevelopment of the 2,863 square metre site at 1021-1035 Markham Road with a 39-storey mixed use development comprising 380 apartment residential units and approximately 2,385 square metres of commercial space within the 6-storey podium base building. The proposed building would have a gross floor area of approximately 31,184 square metres, resulting in a net site density of 10.89 times the site area. A total of 405 parking spaces would be provided located entirely underground in a 6-level parking structure. Nine surface bicycle parking spaces with 302 additional bicycle parking spaces on the first underground parking level are also proposed.

Staff find the proposed building height and massing does not comply with Official Plan policies with regard to built form achieving an appropriate transition in scale between *Mixed-Use Areas* and *Neighbourhoods*. The development is also inconsistent with the objectives of the Council-approved Markham-Ellesmere Revitalization Study Urban Design Guidelines. The proposal therefore represents an inappropriate over-development of the subject site.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application to amend the Zoning By-Law for the lands at 1021-1035 Markham Road because the proposal:
 - a. does not comply with Official Plan Healthy Neighbourhoods and Mixed Use Areas policies with regard to an appropriate transition in scale between *Mixed Use Areas* and *Neighbourhoods*;
 - b. does not comply with Official Plan Built Form policies with regard to height and massing that fits into its existing and planned context, and an appropriate transition in scale to neighbouring buildings; and
 - c. does not comply with Official Plan Built Form – Tall Buildings policies or the Tall Building design Guidelines with regard to ensuring the proposed tall building fits within its existing and planned context in relation to adjacent buildings and meeting the built form principles of the Official Plan.
2. City Council authorize the City Solicitor and appropriate City staff to appear before the Ontario Municipal Board in support of Council's decision on the Zoning By-law Amendment, in the event City Council's decision on this application is appealed to the Ontario Municipal Board (OMB).
3. City Council direct the City Solicitor to request the OMB, in the event the application is appealed to the OMB and the OMB allows the appeal and permits the proposed additional height or density, or some variation, to:
 - a. Secure community benefits with the final allocation and distribution determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, and enter into and register an Agreement to secure those benefits, pursuant to Section 37 of the Planning Act;
 - b. As a legal convenience, also secure as part of the Section 37 Agreement that the Owner pay for or construct any improvements to the municipal infrastructure in connection with a Functional Servicing Report as accepted by the Executive Director, Engineering and Construction Services should such Director determine that improvements to such infrastructure are required to support the development, all to the satisfaction of the Executive Director, Engineering and Construction Services; and
 - c. Withhold its Order allowing the Zoning By-law Amendment appeal in whole or in part until:

- i. The OMB has been provided with a proposed Zoning By-law Amendment by the City Solicitor together with confirmation the proposed Zoning By-law Amendment is in a form satisfactory to the City.
 - ii. The Owner has entered into an Agreement under Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and Chief Planner and Executive Director in consultation with the Executive Director, Engineering and Construction Services, and the Section 37 Agreement has been registered on title of the property to the satisfaction of the City Solicitor.
 - iii. The Owner has entered into a Site Plan Agreement under Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act* to the satisfaction of the City Solicitor and Chief Planner and Executive Director.
4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

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".

On September 9, 2008, Scarborough Community Council considered the preliminary report on rezoning and rental housing demolition applications for the adjacent lands at 1-2 Meadowglen Place which identified various issues regarding the proposal including, but not limited to, density, height, number of dwelling units, site organization, improved massing, sun/shadow impacts on adjacent residential and supply of an appropriate amount of green space. Scarborough Community Council adopted the recommendations of the preliminary report which requested the applicant to revise the proposal to address the concerns stated and to proceed within the context of the Markham-Ellesmere Revitalization Study.

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 1 and 2 Meadowglen Place and an additional rezoning application at 1221 Markham Road (File No. 07 288612 ESC 38 OZ) would be reported on individually to Scarborough Community Council when the review of these proposals had been completed and such consideration would be within the context of the Markham-Ellesmere Revitalization Study. Below are two links where the study results are found on the City's website:

<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).

The final report for 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 Study Area. There were two appeals filed against OPA 71. Ultimately, the appellants and the City settled on the appeal and the Ontario Municipal Board (OMB) approved OPA 71 on February 2, 2011.

There are no previous development applications pertaining to this property specifically, however the same owner is currently undertaking substantial redevelopment of the lands to the immediate north and east known as 1-2 Meadowglen Place. The subject site was not available at the time for inclusion with these adjacent development applications which included a proposed Official Plan amendment (file number 11 262882 ESC 38 OZ), rezoning (file number 08 176491 ESC 38 OZ), plan of subdivision (file number 09 195940 ESC 38 SB) which included a realignment of Meadowglen Place, and a Rental Housing Demolition and Conversion application (file number 08 176779 ESC 38 RH) proposing the demolition of two existing 6-storey rental buildings containing 141 apartment units and their replacement with new condominium buildings including replacement rental apartment units.

With respect to the 1-2 Meadowglen Place Official Plan amendment application, City Council on May 9, 2012 adopted Official Plan Amendment No. 166 through By-law No. 683-2012. This amendment amended Housing Policy Section 3.2.1.6 of the Official Plan as it applies to the two rental apartment buildings then existing at 1 and 2 Meadowglen Place by addressing the unit mix and sizes of the 146 new replacement rental housing units to be provided.

With respect to the rezoning of 1-2 Meadowglen Place, City Council on May 9, 2012 also enacted By-law 684-2012 to amend the former City of Scarborough Woburn Community Zoning By-law No. 9510, as amended. The new zoning provided for a new 16-storey replacement rental housing building containing 146 apartment units as noted above, a 12-storey and two 24-storey apartment buildings containing 640 units, and thirty-two, 3-

storey stacked townhouses on east side of the site for a total of 818 residential dwelling units overall. A new 1,752 square metre public park would be established fronting Brimorton Drive, with approximately 1,079 square metres of ground floor commercial space permitted in the buildings fronting Markham Road.

The Committee of Adjustment subsequently on October 31, 2013, having regard to the negative recommendations of Planning staff, refused minor variance application 13 203226 000 00 MV (A182/13SC) which sought to permit an increase in the height of the 12-storey building to 14-storeys, an increase in the height of the two 24-storey buildings to 28 storeys each, and an increase in the number of permitted apartment units overall from 786 to 911 units. The owner appealed the Committee's decision and on May 12, 2014, the Ontario Municipal Board approved the requested minor variances (OMB Case File PL131280). The City Solicitor was not instructed by City Council to attend the hearing in support of the Committee's refusal decision.

Pre-Application Consultation

Pre-application consultation meetings were held with the applicant on December 15, 2015 and September 26, 2016 to discuss the proposal and complete application submission requirements. At those meetings Planning staff strongly encouraged a substantial reduction to the proposed 39-storey building height and site density to provide a more appropriate building massing and built form transition from the two new 28-storey buildings on Markham Road downward toward the detached single-family dwellings in the neighbourhood immediately across Brimorton Drive from the subject site. Notwithstanding that planning advice, however, the current proposal remains largely unchanged from those pre-application discussions.

ISSUE BACKGROUND

Proposal

The proposal seeks to replace the existing commercial plaza at 1021-1035 Markham Road with a 39-storey mixed-use building having a total gross floor area of 31,184.2 square metres. Of this, approximately 28,800 square metres is residential gross floor area and approximately 2,385 square metres is non-residential (commercial) gross floor area. The proposed site density (FSI) would be 10.89 times the site area. A total of 380 residential units are proposed on the subject site (resulting in a total of 1,323 units overall with the new 1-2 Meadowglen Place developments). The following attachments provide additional information:

- Attachment 1: Site Plan, illustrating the proposed development;
- Attachment 2: Site Plan Context, showing the subject site in relation to the site plans for adjacent new developments at 1-2 Meadowglen Place;
- Attachment 3: Elevations, showing the proposed building elevations;
- Attachment 4: Perspectives, illustrating the subject building as the taller structure in relation to the other new buildings under development at 1-2 Meadowglen Place; and
- Attachment 6: Application Data Sheet providing further project information.

The 6-storey base building will be setback approximately 1.3 metres from Markham Road continuing the setbacks of the two new 28-storey buildings to the north, and 1.0 metre from Brimorton Drive. The ground floor will consist of a lobby for the residents, 660.8 square metres of retail space, Type B and Type G loading spaces (one each) and the vehicular access ramp to the underground parking (all located internal to the rear north side of the building), with three residential units on the east side of the first floor.

The second floor would consist only of retail space (1,536.9 square metres), with the third floor comprised of eight residential units along the building's south face, and resident indoor amenity (660.4 square metres) and outdoor amenity (211.3 square metres) spaces along the building's north and west faces. The outdoor amenity is located away from both street frontages and would face an open area within the 1-2 Meadowglen Place redevelopment. Resident storage lockers are also provided on the third floor.

The fourth to sixth floors, which each have an average floor plate size of 1,323 square metres, are comprised of residential units and resident storage lockers.

The 39-storey residential tower (i.e. 33-storeys above the 6-storey base building) would be 116.7 metres in height excluding the mechanical penthouse (123.4 metres with mechanical penthouse). The seventh floor of the tower would have 407.8 square metres of resident indoor amenity space connected to 304.6 square metres of outdoor amenity space, a green roof (212.9 square metres) along the building's south face, and four residential units at the northeast corner of the building.

Floors 8 to 37 would each have a floor plate of 742.6 square metres, with floors 38 and 39 having a floor plate of 631.9 square metres. Only residential units are proposed on floors 8 to 39, with each unit having a private balcony.

Overall, the proposed development would provide for 73 one-bedroom units, 156 one-bedroom plus den units, 133 two-bedroom units and 18 two-bedroom plus den units. A total of 1,068 square metres of indoor amenity space would be provided, or approximately 2.8 square metres per unit compared to City apartment zoning requirements of 2.0 square metres per unit. Approximately 515.9 square metres of outdoor amenity space is provided, or approximately 1.36 square metres per unit, however, which is below City requirements of 2.0 square metres per apartment unit. Approximately 458.5 square metres of 'green roof' is also proposed, representing 60.9% of available roof space and slightly exceeding City requirements under the Green Roof By-law of 60% in this case.

Right-in/right-out vehicular site accesses would be maintained in the same locations as today, with one vehicular access from Brimorton Drive at the east end of the site and one from Markham Road on the north side of the site. A 6-metre wide private driveway would be located around the north and east perimeter of the subject site. A total of 405 parking spaces would be provided, all within 6 levels of underground parking. This includes 325 spaces for resident use, 23 spaces for commercial use on the first

underground parking level, and 57 resident visitors spaces on the first and second underground parking levels. A total of 311 bicycle parking spaces would be provided, of which 272 spaces are for long-term use (268 spaces for residential and 4 spaces for retail users) and 39 spaces are for short-term use (30 spaces for residential and 9 spaces for retail users).

Site and Surrounding Area

The subject site municipally known as 1021-1035 Markham Road is located at the northeast corner of Markham Road and Brimorton Drive. The subject site has an area of 2,863 square metres and is generally rectangular in shape, with frontages of 60 metres on Brimorton Drive and 55 metres on Markham Road. The site is currently occupied by a 2-storey commercial plaza, with surface parking along both street frontages and at the rear of the plaza. As discussed above, two vehicular accesses serve the site, one from Brimorton Drive and one from Markham Road.

Surrounding uses include:

North: On the north and east sides of the subject site are the 1-2 Meadowglen Place redevelopment lands previously described. North of these are commercial plazas with expansive surface parking areas, which are intended through the Markham-Ellesmere Revitalization Study to be redeveloped for higher order mixed use buildings with new public street connections to Markham Road and Ellesmere Road

South: A chiropractic clinic is located within a former detached dwelling structure at 673 Brimorton Drive on the Markham Road corner. Beyond this are detached single-family dwellings on reverse-frontage lots along Markham Road and the Gatineau Hydro corridor.

East: Detached single-family dwellings within an established Woburn Community neighbourhood along both sides of Brimorton Drive.

West: South to the hydro corridor is a series of three apartment buildings. A 19-storey apartment building is located directly opposite the subject site at 1050 Markham Road. South of Brimorton Drive are two 15-storey apartment buildings at 555 Brimorton Drive and 960 Markham Road.

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.

Official Plan

The subject property is designated *Mixed Use Areas* on Map 23 – Land Use Map of the Official Plan. The *Mixed Use Areas* designation provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks, open spaces and utilities. The policies of this land use designation include development criteria which direct, in part, that new development:

- create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- provide an attractive, comfortable and safe pedestrian environment;

The Public Realm policies in Section 3.1.1 of the Official Plan recognize the essential role the City's streets, open spaces, parks, ravines, natural areas and other key public assets play in creating a great city. The policies are designed to ensure that a high standard is achieved through urban design, landscaping, and architecture for both public and private development and works. Public Realm policies also provide for new streets to be public; new development blocks to be appropriately sized and parks and open spaces to be well designed and appropriately located.

The Built Form policies in Section 3.1.2 of the Official Plan require that new development will be designed to fit harmoniously within its existing and/or planned context, and will limit impacts on neighbouring streets, parks, open spaces and properties by:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;

- incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- providing for adequate light and privacy;
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Section 3.1.3 (Built Form – Tall Buildings) notes that the City's taller buildings come with larger civic responsibilities and obligations than other buildings. Tall buildings 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. This section of the Plan provides direction respecting Tall Buildings, addressing key urban design considerations, including:

- meeting the built form principles of the Official Plan;
- demonstrating how the proposed buildings and site designs will contribute to and reinforce the overall City structure;
- demonstrating how the proposed buildings and site designs relate to the existing and/or planned context;
- taking into account the relationship of the topography and other tall buildings; and
- providing high quality, comfortable and usable publically accessible open space areas.

Section 3.1.4 of the Official Plan recognizes the importance of Public Art to reflect the City's cultural diversity and history. Public art is encouraged to be included in all significant private sector developments.

The Community Services and Facilities policies in Section 3.2.2 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.

Section 5.1.1 of the Official Plan contains policies to secure public benefits in exchange for increased height and density for new development pursuant to Section 37 of the Planning Act. Section 37 may be used to secure community benefits, provided the proposal represents good planning and is recommended for approval.

Official Plan Amendment No. 71

OPA 71, adopted by City Council on August 6, 2009, added 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 amended Schedule 2 of the Official Plan, the "Designation of Planned but Un-built Roads" by adding new road links from "Ellesmere Road to Brimorton Drive and to Markham Road".

Site and Area Specific Policy No. 322 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".

***Markham-Ellesmere Revitalization Study:
Urban Design Guidelines and Conceptual Master Plan***

In keeping with Site and Area Specific Policy No. 322 and while not formally part of the Official Plan, the Markham-Ellesmere Revitalization Study: Urban Design Guidelines and Conceptual Master Plan, were also adopted by City Council on August 6, 2009, to provide guidance for reviewing current and future development applications, such as the subject application. The Conceptual Master Plan illustrates the vision for the area (see Attachment 7: Markham-Ellesmere Concept Plan).

The Conceptual Master Plan states that "a range of building heights from mid-rise to high-rise may be permitted on the east side of Markham Road, north of Brimorton Drive, and west of the proposed north-south road link between Ellesmere Road and Brimorton Drive. Higher buildings should be concentrated towards Markham Road and building heights stepped down towards the low density residential areas to the east and south". The plan also states that "residential development adjacent to existing low density residential neighbourhoods, south of Ellesmere Road, east of the proposed north-south road link between Ellesmere Road and Brimorton Drive, should be low-rise". Low-rise development may be up to 3 storeys, mid-rise development may be between 4 and 12 storeys, and high-rise development may be 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". 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.

The Official Plan can be found on the City's website at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=03eda07443f36410VgnVCM10000071d60f89RCRD>.

Zoning

The subject site is zoned Neighbourhood Commercial (NC) under the Woburn Community Zoning By-law No. 9510, as amended. The (NC) zoning permits day nurseries and neighbourhood commercial uses, which are retail commercial uses serving the adjacent residential neighbourhoods and include one or more of the following uses: automobile service stations, banks, medical centres, personal service shops, restaurants and retail stores and offices.

The subject site is also zoned Commercial Residential (CR) under Toronto Zoning By-law No. 569-2013, as amended (see Attachment 5: Zoning). This zoning permits commercial uses to a maximum density 0.4 times the site area, with no permission currently for any residential uses on this site. Maximum building height is limited to 11.0 metres, with maximum lot coverage limited to 33% of the site area.

A broad range of residential and non-residential uses are permitted in a CR Zone, including dwelling units in an apartment building or mixed-use building, offices, retail stores, personal service shops, eating establishments and financial institutions, among other uses.

Site Plan Control

The subject property is subject to site plan control. An application in this regard has been submitted (file number 16 270618 ESC 38 SA) and is under review concurrently with the subject rezoning application. A fulsome City review of this application would still be required should development standards for inclusion in a zoning by-law amendment be required.

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>

In Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. In the sidebar commentary to this Section, Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The City-wide Tall Building Design Guidelines address this policy, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

Reasons for the Application

The proposed development does not comply with the as-of-right zoning permissions regulating the subject lands as it proposes residential uses which are not currently permitted, exceeds the allowable maximum height and floor space index and requires numerous adjustments to other currently applicable development standards. Additional areas of non-compliance may be identified through continued review of the application.

Application Submission

The following reports/studies were submitted with the application:

- Planning and Urban Design Rationale Report (including a Community Services and Facility Study)
- Public Consultation Strategy
- Pedestrian Level Wind Study
- Transportation Impact Study
- Functional Servicing and Stormwater Management Report
- Composite Utilities Plan
- Geotechnical Investigation
- Hydrogeological Assessment
- Noise Impact Study
- Shadow Study
- Archaeological Assessment
- Arborist Report
- Energy Modelling Assessment
- Energy Strategy Report
- Toronto Green Standard Checklist

A Notification of Incomplete Application issued on January 18, 2017 identified that an Energy Strategy report was required for a complete application submission. This report was submitted on February 9, 2017 and a Notification of Complete Application was subsequently issued on February 10, 2017.

Agency Circulation

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

Community Consultation

Planning staff, in consultation with the Ward Councillor, felt it advisable to conduct an early Community Consultation Meeting on this application. Notice for the meeting, held on Thursday, March 23, 2017 at the nearby Centennial Recreation Centre (1967 Ellesmere Road), was provided within 120 metres of the subject site. The meeting was attended by 3 area residents, the Ward Councillor, 8 applicant representatives and City staff from Community Planning, Urban Design and Engineering and Construction Services.

The residents had a number of questions regarding timing for construction and occupancy of the previously approved 1-2 Meadowglen Place redevelopments, associated Markham Road and Brimorton Drive road widenings, and timing for any northerly extension of Meadowglen Place through to Ellesmere Road. Resident questions included possible new traffic impacts from the proposed development on local streets, the adequacy of the new public park adjacent to the site (see Attachment 2: Site Plan Context) to accommodate the additional needs of new residents in the 380 new apartment units proposed, and the height of the proposed building contributing to further shadowing and loss of sky view beyond that already anticipated from two adjacent 28-storey buildings on Markham Road already approved.

Planning staff provided residents with information on how to access supporting documentation submitted with this application (such as the transportation impact study and shadow study) on-line through the City's Application Information Centre.

COMMENTS

As expressed by Planning staff during two pre-application consultation meetings with the owner and based on further preliminary review of the subject rezoning application as now filed with the City, Planning staff cannot support the height, density and resulting building scale and massing of this proposal. In particular, the proposed building fails to achieve an appropriate and acceptable built form transition downward toward the established *Neighbourhood* to the south and east. As noted above, the proposal submitted remains substantially unchanged from that discussed at the pre-application consultation meetings. Planning concerns with the current proposal are discussed further below.

Provincial Policy Statement

Section 2 of the *Planning Act* identifies matters of provincial interest which include, in part:

- (h) the orderly development of safe and healthy communities;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Provincial Policy Statement (2014) was issued pursuant to Section 3 of the Planning Act that provides for such statements on matters relating to municipal planning that pertain to the above provincial interests. In this regard, Policy 1.1.3.3 of the PPS states that "Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs". Policy 1.1.3.4 of the PPS further states that "Appropriate development

standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety". Lastly, Policy 4.7 of the PPS states, in part, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan".

The PPS is not intended to mandate any form of intensification in all situations, but rather relies on local official plans to set out a suitable policy framework to guide development and intensification in a manner consistent with provincial interests. As discussed above, the City's Official Plan, enacted and amended in full compliance with the PPS, provides such a framework of built form, design and land use policies to best guide appropriate new development and intensification at appropriate scales and densities suitable to their locational context.

As discussed throughout this report, the current redevelopment proposal for the subject site is inconsistent with many of the Official Plan's policies and objectives particularly relating to the height, massing, built form, transition and density of development in close proximity to an established *Neighbourhoods*. For these reasons, Planning staff consider this proposal, by extension, to be inconsistent with the PPS.

Official Plan Compliance

The subject proposal is inconsistent with and does not adequately respond to Official Plan policies relating to Healthy Neighbourhoods, Built Form, *Mixed Use Areas* and *Neighbourhoods*, among others, by failing to provide for an appropriate transition of building height from the new 28-storey towers to the north downward toward the adjacent *Neighbourhoods* to the south and east. The proposal is also inconsistent with the Markham-Ellesmere Revitalization Study: Urban Design Guidelines and Conceptual Master Plan adopted by City Council pursuant to Site and Area Specific Policy No. 322 for similar reasons. The subject rezoning application therefore is inconsistent, and cannot be considered to be in conformity, with applicable Official Plan policies.

Density

Planning staff note that that the proposed building height of 39 storeys and net site density of 10.89 times the site area is the direct result of both the relatively small size of the subject property coupled with the gross floor area for both the amount of commercial space and 380 residential units being proposed. The proposed density is at the high end of such densities in Scarborough, however the site is not located within a *Centre* (i.e. Scarborough Centre) or on an *Avenue* identified under the Official Plan. Further intensification of this scale was certainly not contemplated or factored into the planning evaluation of the adjacent 1-2 Meadowglen Place redevelopments.

Height/Transition

Planning staff note that the proposed building height of 39 storeys and 123.4 metres is over two-times the height of the existing apartment buildings on the west side of Markham Road and 15-storeys higher than those originally approved by City Council for Meadowglen Place (or 11-storeys higher than the OMB's subsequent minor variance approval). As clearly evident on Attachment 4: Perspectives, and contrary to numerous policies and objective of both the Official Plan and subsequent design guidelines arising through the Markham-Ellesmere Revitalization Study specifically relating to built form transition, rather than providing a stepping-down toward the established, lower-scale *Neighbourhoods* to the south and east, the proposed new building actually transitions significantly upward in the opposite direction.

Massing

The mass of the current building will result in some additional loss of sunlight and sky view for the park and residential properties to the east and will extend afternoon shadows further into that *Neighbourhood* affecting more properties than would a lower building better complying with applicable Official Plan policies. The proposal also does not adequately address the angular plane provisions of the Tall Buildings Guidelines intended to ensure built form compatibility with nearby development.

In the event this application is brought before the Ontario Municipal Board, any continued review of the related site plan application submitted on the subject property will also need to assess, in addition to shadows, pedestrian comfort associated with resulting wind conditions and safety.

Landscaping and Amenity Space

As currently designed, the building placement and driveway elements in the proposed site plan provide very limited opportunity to achieve any significant landscaped areas, particularly space to accommodate trees. Additionally, while the overall amount of resident amenity space slightly exceeds usual City requirements of 4.0 square metres overall per unit, this is largely due to 2.8 square metres per unit of indoor amenity spaces proposed. The outdoor amenity space proposed of 1.36 square metres per unit, largely located in rooftop areas, falls below usual City requirements of 2.0 square metres of outdoor amenity space per unit and is of concern to Planning staff.

Transit

The site is also not located on or near any existing or planned Higher Order Transit Corridor identified on Map 4 of the Plan. The property is serviced by just one TTC surface bus route, the 102 Markham Road bus, which Planning staff do not consider as representing a high level of transit service. The only direct connection to higher order transit offered on this route is Warden Subway Station, a trip of some 11 kilometres and 30 minutes travel time. Alternatively, a 350 metre, 6-minute walk northerly (or bus transfer) is required to enable connections to buses on Ellesmere Road travelling westerly to access the current SRT Line and future subway at Scarborough Centre.

Parking

The current proposal provides for all 450 vehicle parking spaces to be provided solely within 6 levels of underground parking. In order to discourage on-street parking impacts along the Markham Road and Brimorton Drive frontages of the subject site, in close proximity to the intersection, the provision of a limited amount of surface parking should be pursued to provide for some short-term convenience parking opportunities for residential visitors and deliveries, and patrons of the proposed commercial facilities. In particular, the practical viability of constructing and maintaining an efficient parking operation in 6 levels of underground parking, including consideration of site hydrogeology and dewatering requirements in accordance with City by-laws, requires cautious scrutiny.

Engineering Considerations

In response to the initial circulation of the subject rezoning and associated site plan applications, Development Engineering staff advise that substantial additional information is required to fully assess the proposals. This includes the need for further information relating to traffic generation from the development, matters relating to stormwater management and site servicing, hydrogeology, solid waste and fire safety.

In the event the subject rezoning application is brought before the Ontario Municipal Board, additional submissions responding to these concerns should properly be provided to the City for further review by the appropriate City Divisions.

Parkland

Residents at the Community Consultation Meeting questioned whether the adjacent new 1,752 square metre public park at the north-west corner of Brimorton Drive and Meadowglen Place (being created through the 1-2 Meadowglen Place redevelopment previously described) would be expanded to offset resident requirements from the 380 additional apartment units now proposed. Subsequent to that meeting, Parks, Forestry and Recreation Division requested that a 269 square metre on-site parkland dedication be provided on the subject property directly adjacent to the park. The expanded park would extend approximately 10.5 metres across the Brimorton Drive frontage of the subject site, thereby eliminating a portion of the perimeter through-driveway currently proposed from Brimorton Drive. Such on-site parkland dedication and resulting implications for site access and traffic distribution will necessitate significant revision to the site and building plans as currently designed for this project including reconsideration of on-site traffic circulation, surface convenience parking, location of the loading and garbage handling areas, etc.

Section 37

Should this application be appealed to the OMB, identification of appropriate community benefits under Section 37 of the *Planning Act* should be negotiated with the applicant and secured through a registered Section 37 agreement to be executed prior to any rezoning by-law coming into effect.

There have been no discussions to date with the applicant regarding community benefits. In the event this application is brought before the Ontario Municipal Board (OMB), and the OMB is in the position to grant additional density and/or height beyond those currently permitted, the City should request that the OMB withhold its final order until the City has secured appropriate community benefits under Section 37. It would also be advisable to use the Section 37 agreement as a matter of legal convenience to secure necessary improvements to municipal infrastructure required to accommodate the proposed development.

Toronto Green Standard

The TGS Checklist has been submitted by the applicant for compliance with the Tier 1 performance measures. Planning staff are concerned that the current proposal, as previously noted, provides very limited opportunity for new tree planting to meet TGS requirements and to contribute to the city's tree canopy.

Conclusions

The height, density and massing of the proposed development does not adequately fit within the existing and planned context and character of the area, and would not provide for an appropriate transition in scale downward to the adjacent *Neighbourhoods* to the south and east. The proposal is inconsistent with the built form policies in the Official Plan, the Tall Building Design Guidelines and the development principles set out in the Markham-Ellesmere Revitalization Study Urban Design Guidelines. Overall the proposed rezoning is inappropriate for the subject property, represents over-development of the site, would unduly impact on the character and amenity of adjacent *Neighbourhoods*, and is not in the public interest.

CONTACT

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E-mail: Rod.Hines@toronto.ca

SIGNATURE

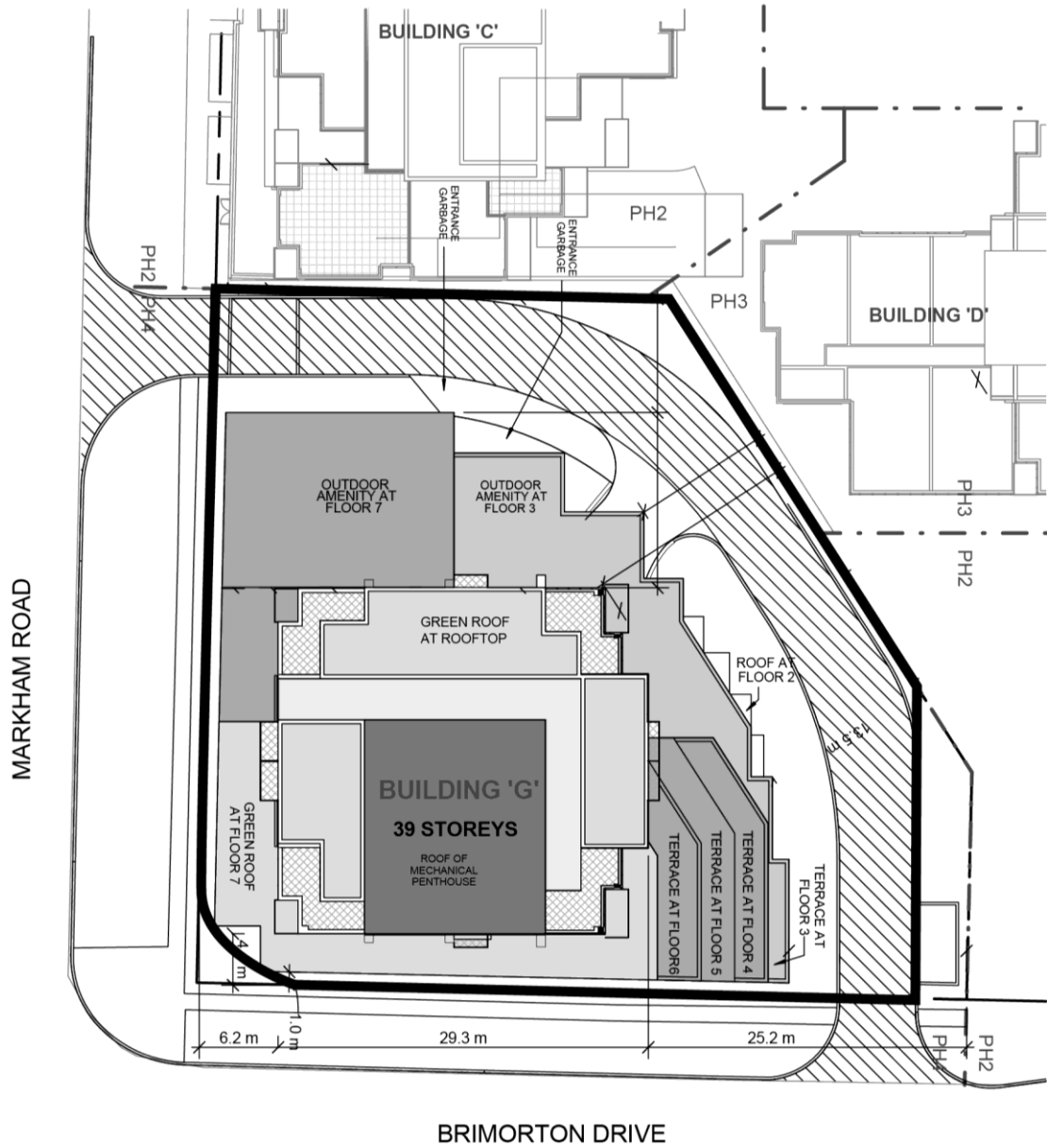
Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Site Plan Context
Attachment 3a: Elevations (East and South)
Attachment 3b: Elevations (West and North)

- Attachment 4a: Perspective (Aerial Looking West)
- Attachment 4b: Perspective (Looking West on Brimorton Drive)
- Attachment 5: Zoning
- Attachment 6: Application Data Sheet
- Attachment 7: Markham-Ellesmere Revitalization Study Conceptual Master Plan

Attachment 1: Site Plan



Site Plan

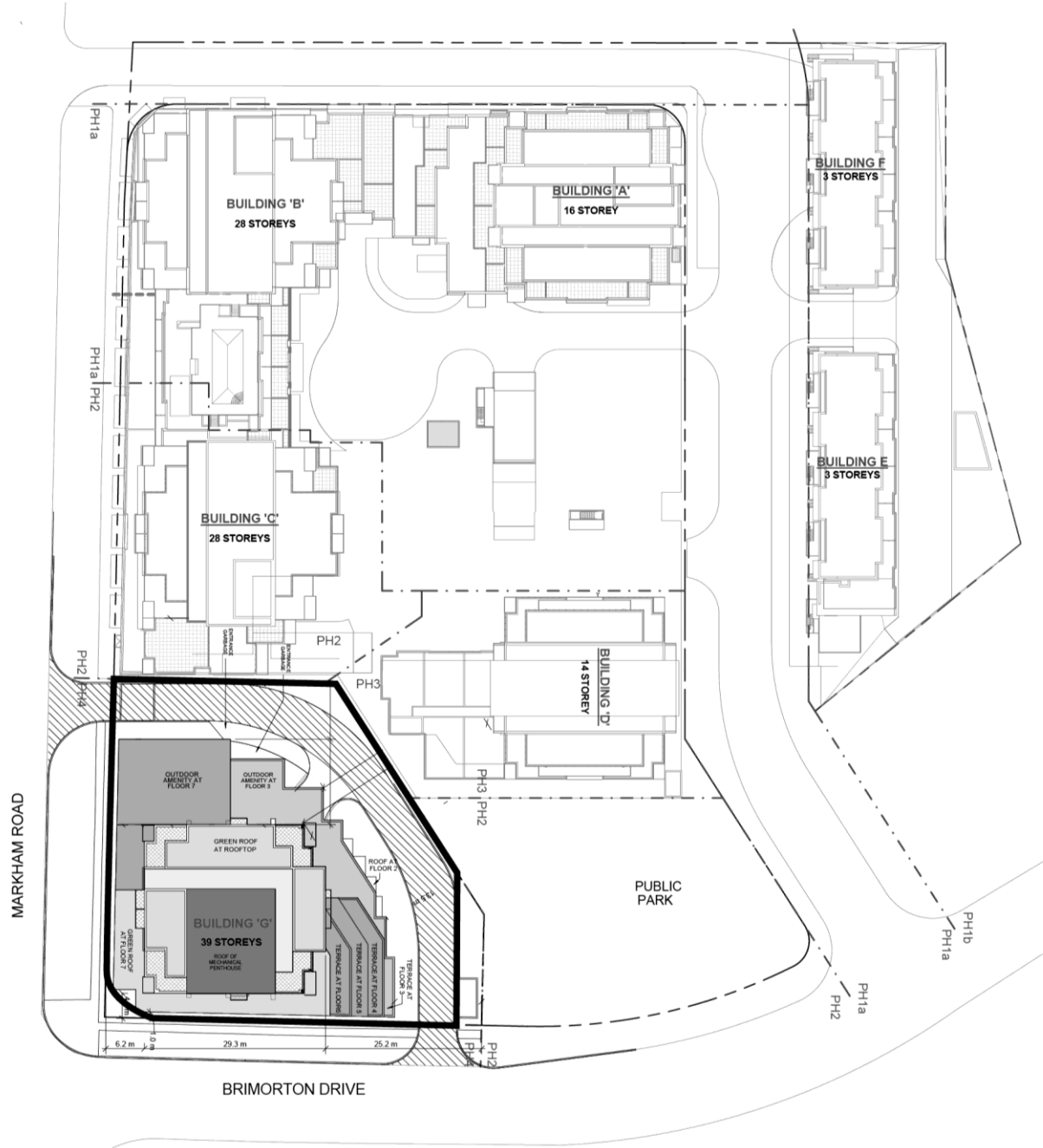
1021-1035 Markham Road

Applicant's Submitted Drawing

Not to Scale
2/27/17 

File # 16 270614 ESC 38 0Z

Attachment 2: Site Plan Context



Site Plan Context

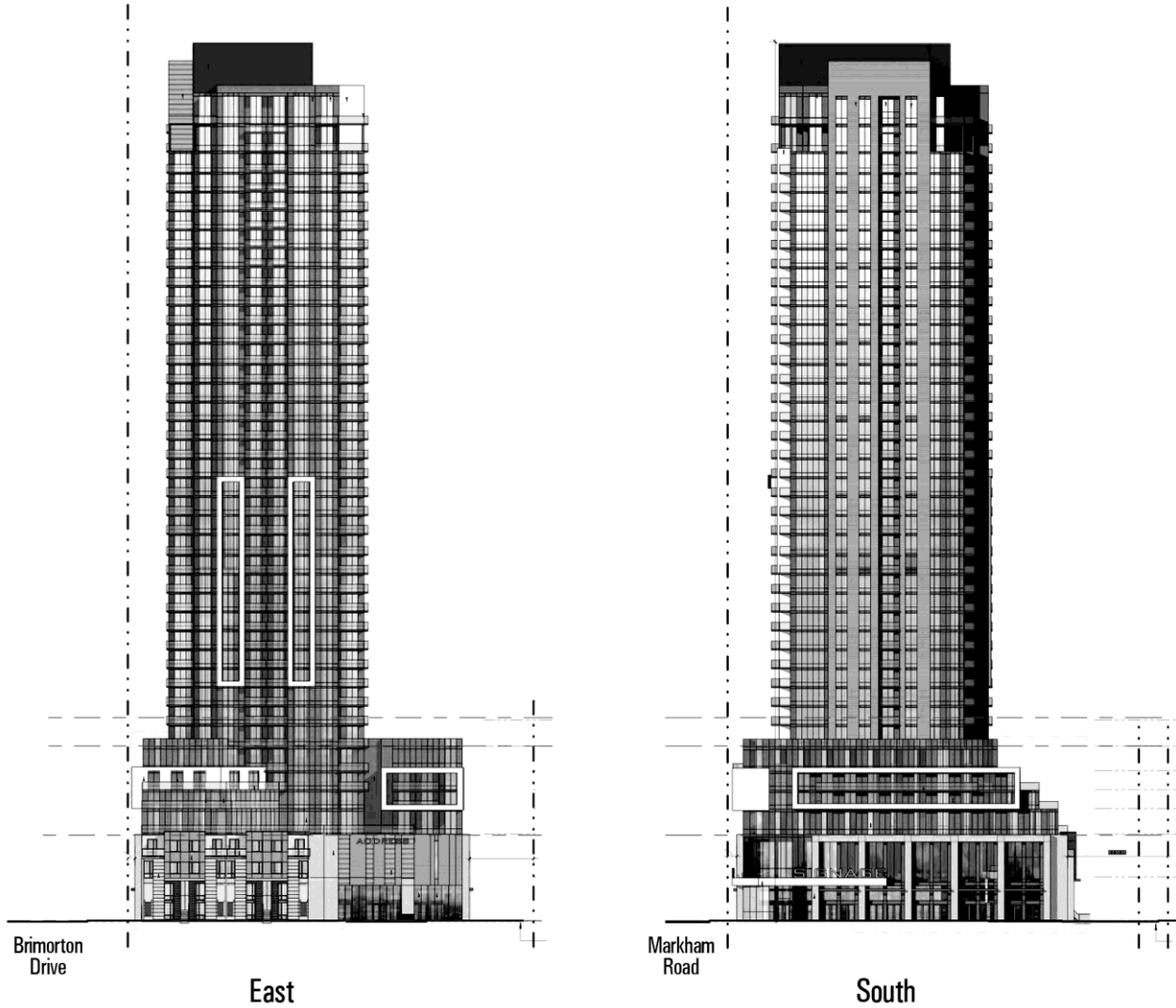
Applicant's Submitted Drawing

Not to Scale

1021-1035 Markham Road

File # 16 270614 ESC 38 OZ

Attachment 3a: Elevations (East and South)



Elevations

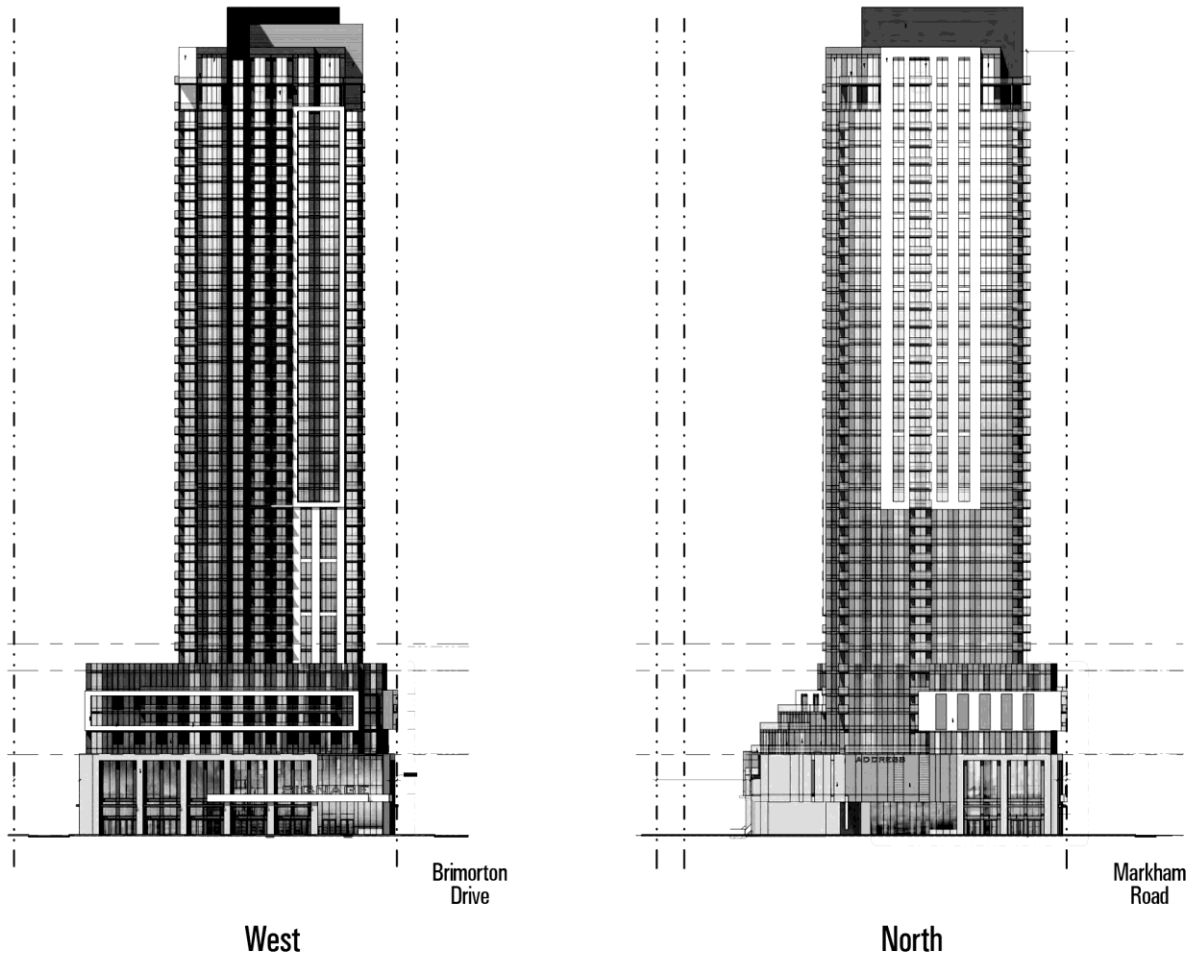
Applicant's Submitted Drawing

Not to Scale
02/27/17

1021-1035 Markham Road

File # 16 270614 ESC 38 OZ

Attachment 3b: Elevations (West and North)



Elevations

Applicant's Submitted Drawing

Not to Scale
02/27/17

1021-1035 Markham Road

File # 16 270614 ESC 38 0Z

Attachment 4a: Perspective (Aerial Looking West)



Aerial Looking West

1021-1035 Markham Road

Perspective

Applicant's Submitted Drawing

Not to Scale
2/27/17

File # 16 270614 ESC 38 0Z

Attachment 4b: Perspective (Looking West on Brimorton Drive)



Looking West on Brimorton Drive

Perspective

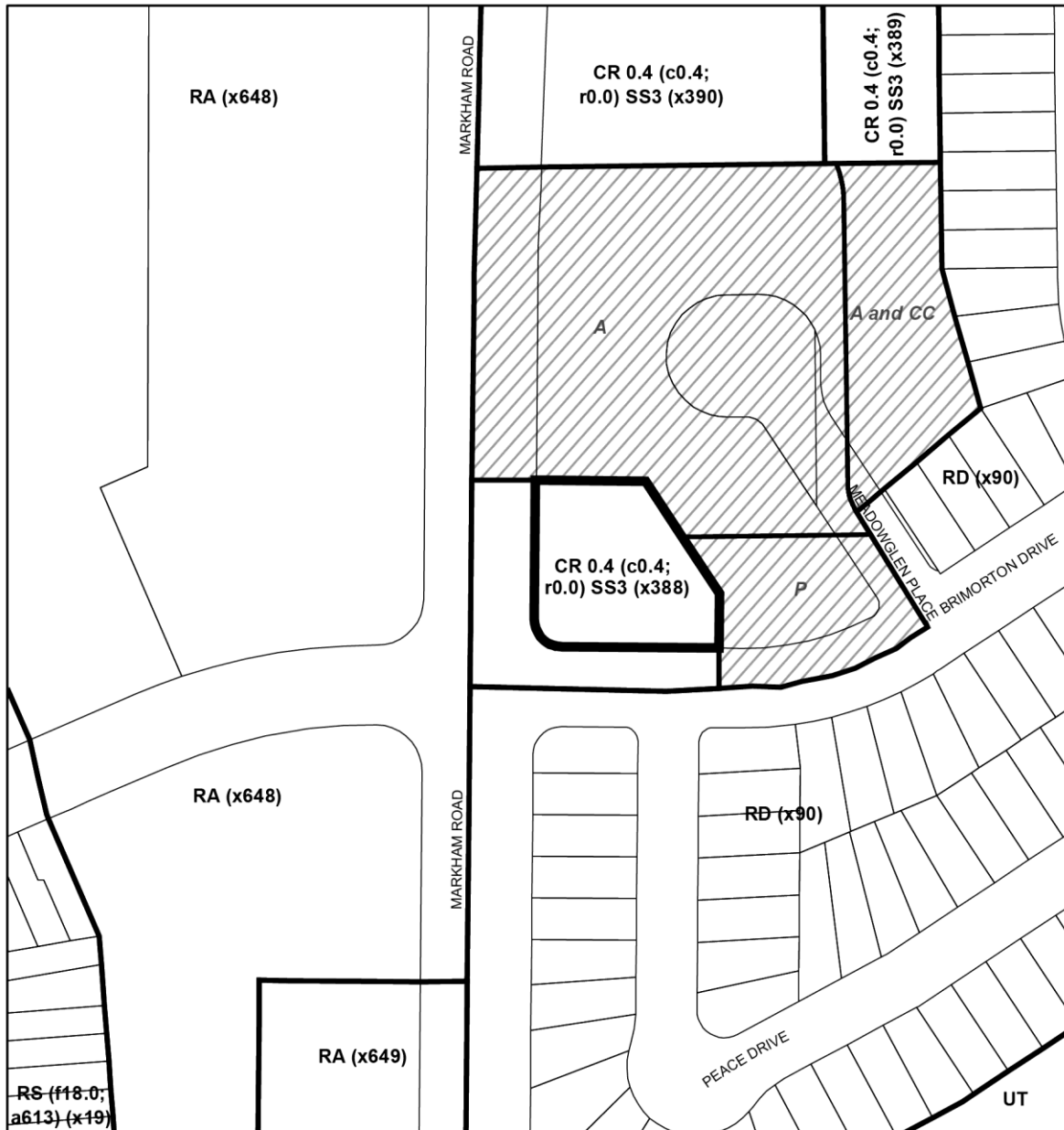
Applicant's Submitted Drawing

Not to Scale
2/27/17

1021-1035 Markham Road

File # 16 270614 ESC 38 0Z

Attachment 5: Zoning



Zoning By-Law No. 569-2013

1021-1035 Markham Road

File # 16 270614 ESC 38 0Z

Location of Application

See Former City of Scarborough Woburn Community By-Law No. 9510

RD Residential Detached **RA** Residential Apartment
RS Residential Semi-Detached **CR** Commercial Residential
UT Utility and Transportation

A Apartment Residential
P Park
A and CC Apartment Residential and Community Commercial

Not to Scale
 Extracted: 02/24/2017

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	16 270614 ESC 38 OZ
Details	Rezoning, Standard	Application Date:	December 23, 2016
Municipal Address:	1021-1035 MARKHAM RD		
Location Description:	PLAN M856 BLK H **GRID E3807		
Project Description:	The zoning by-law amendment and site plan approval propose to redevelop the current retail plaza site with a 39-storey mixed use development consisting of a 6-storey podium including 2,197.7 m ² of retail commercial uses and 380 apartment units overall (229 x 1-bedroom, 151 x 2-bedroom). Proposed site density (f.s.i) would be 10.89 times site area.		

Applicant:	Agent:	Architect:	Owner:
LASH ACTIVE PLAZA CORP			LASH ACTIVE PLAZA CORP

PLANNING CONTROLS

Official Plan Designation:	<i>Mixed Use Areas</i>	Site Specific Provision:
Zoning:	NC (Woburn Community Zoning By-law No. 9510) CR (Toronto Zoning By-law No. 569-2013)	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	2863	Height:	Storeys:	39
Frontage (m):	55 (Markham Road) 60 (Brimorton Drive)		Metres:	116.7
Depth (m):	0			
Total Ground Floor Area (sq. m):	1236.5			Total
Total Residential GFA (sq. m):	28799.4		Parking Spaces:	405
Total Non-Residential GFA (sq. m):	2384.8		Loading Docks	2
Total GFA (sq. m):	31184.2			
Lot Coverage Ratio (%):	57.8			
Floor Space Index:	10.9			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	28799.4
Bachelor:	0	Retail GFA (sq. m):	2285.4
1 Bedroom:	229	Office GFA (sq. m):	0
2 Bedroom:	151	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	380		

CONTACT:	PLANNER NAME:	Rod Hines, Principal Planner
	TELEPHONE:	(416) 396-7020

Attachment 7: Markham-Ellesmere Revitalization Study Conceptual Master Plan

