

**240 Markland Drive - Zoning By-Law Amendment Application  
– Request for Directions Report**

Date: May 18, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: Ward 3 – Etobicoke Centre

**Planning Application Number:** 11 209308 WET 03 OZ

**SUMMARY**

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This application proposes to amend the Etobicoke Zoning Code to permit the development of two buildings including: a 9-storey residential apartment building fronting Bloor Street West with an integrated 3-storey residential townhouse block at the northwest corner of Broadfield Drive; and a 3-storey residential building at the northeast corner of Markland Drive and Sunplains Crescent. Combined, these buildings would contain 164 units. The existing 10-storey, 113 unit apartment building would be retained.

The owner appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) (now the Local Planning Appeal Tribunal (LPAT)) citing City Council's failure to make a decision within the prescribed time frame set out in the *Planning Act*. A Prehearing Conference has yet to be scheduled.

The purpose of this report is to seek City Council's direction for the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal hearing in support of a settlement to the appeal of the above application as outlined in this report, provided the outstanding issues are resolved to the City's satisfaction.

**RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with Planning staff and any other appropriate staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing in support of a settlement to the appeal of the Zoning By-law Amendment application for 240 Markland Drive, as outlined in the report (May 18, 2018) from the Director, Community Planning, Etobicoke York District.
2. In the event that the Local Planning Appeal Tribunal (LPAT) allows the appeal of the Zoning By-law Amendment application in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold its Order(s) approving the application until:

- a. The owner enters into an Agreement pursuant to Section 37 of the *Planning Act*, satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 240 Markland Drive, in a manner satisfactory to the City Solicitor to secure the following community benefits at the owners expense:
  - i. A cash contribution of \$185,000 to be paid to the City prior to the issuance of the first above-grade building permits, to be used towards local park improvements;
  - ii. The above noted cash contribution referred to in Part i above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment; and
  - iii. In the event the cash contribution referred to in Part i above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
  
- b. The owner enters into an Agreement pursuant to Section 37 of the *Planning Act*, satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, such Agreement to be registered on title to the lands at 240 Markland Drive, in a manner satisfactory to the City Solicitor to secure the following matters, facilities, amenities and building improvements for the existing residential rental units, with no pass-through of costs to the existing tenants all at the owners expense to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
  - i. The owner shall provide and maintain the 113 existing residential rental units at 240 Markland Drive as rental housing for a period of at least 20 years, from the date of the Zoning By-Law coming into full force and effect and with no applications for demolition or conversion from residential rental use made during such 20 year period, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
  - ii. The owner shall provide a dog run for the use of residents of the site as well as the surrounding community, to be located adjacent to the entrance of the existing building fronting Markland Drive, and this space shall be designed and furnished to the satisfaction of the Chief Planner and Executive Director, City Planning, up to a maximum cost of \$30,000.

- iii. Improvements to the outdoor amenity space for use by the residents of the existing building and the new buildings on an equal basis in the form of:
    - A children's play area, which shall be designed and furnished to the satisfaction of the Chief Planner and Executive Director, City Planning, up to a maximum cost of \$40,000;
    - At least 15 benches up to a maximum cost of \$22,000 and
    - At least 85 bicycle parking spaces/racks for tenants of the existing building, of which 77 will be long-term bicycle parking spaces located beneath the underpass of the existing building and 8 will be short-term bicycle parking spaces located close to the main entrance of the existing building.
  - iv. Improvements to the existing laundry room facilities in the form of two new dryers.
- c. The City and the owner present to the LPAT a draft Zoning By-law Amendment to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning that among other matters, provides for securing the existing rental housing and improvements to such housing together with appropriate Section 37 benefits as recommended by the Chief Planner and Executive Director, City Planning.
  - d. The City Solicitor confirms the execution and registration of a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning to secure community benefits pursuant to Section 37 of the *Planning Act*. Such Section 37 Agreement will include a further agreement to provide for the shared access of and maintenance and easements with respect to the shared driveway, underground parking/bike parking, walkway, loading areas, servicing areas or any other commonly accessed areas as illustrated on any approved drawing between the new development and the existing 10-storey rental apartment building to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
  - e. The owner submits an acceptable Functional Servicing Report and Hydrogeological Report to the satisfaction of Chief Engineer and Executive Director of Engineering and Construction Services and that the owner be required to make satisfactory arrangements with the City for the design and construction of any improvements to the municipal infrastructure by the owner at no cost to the City should it be determined that the improvements to such infrastructure is required to support the

development, to the satisfaction of Chief Engineer and Executive Director of Engineering and Construction Services.

3. City Council authorize the City Solicitor and necessary City staff to take such steps as may be necessary to implement Council's decision.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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On June 2, 2011, the applicant submitted a proposal for a new 15 storey, 220 unit, predominantly residential building fronting Bloor Street West and a 3 storey, 27 unit residential building at the corner of Markland Drive and Sunplains Crescent.

A Preliminary Report dated April 25, 2012 on the subject application was adopted at the May 15, 2012, Etobicoke York Community Council meeting. The report is available at: <http://www.toronto.ca/legdocs/mmis/2012/ey/bgrd/backgroundfile-46646.pdf>.

## **ISSUE BACKGROUND**

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### **Proposal**

The current proposal has changed significantly through discussions with City staff and consultation with the community. The original June 2011 submission proposed a 10 and 15 storey apartment building fronting Bloor Street West with 8 townhouse units fronting Broadfield Drive and a 2-storey apartment building fronting Sunplains Crescent.

A February 2015 resubmission proposed a 14-storey residential condominium building at the southeast corner of Bloor Street West and Markland Drive, a 9-storey residential condominium building farther east on the south side of Bloor Street West, a 3-storey townhouse block at the northwest corner of Broadfield Drive and a 2-storey residential condominium building at the northeast corner of Markland Drive and Sun Plains Crescent.

An October 2016 submission proposed one 12-storey, 225 unit residential building and a separate 2 storey 20-unit residential apartment building.

The current submission, dated June 9, 2017, proposes to construct two new buildings, being a 9-storey building on Bloor Street West and a 3-storey building fronting Sunplains Crescent, and to retain the existing rental apartment building. The existing 113 unit 10-storey building is a 1970's era "slab" type structure surrounded by landscaping and a surface parking lot with an additional level of underground parking. The existing Floor Space Index is approximately 1.0 times the area of the land and with the additional proposed development, the overall density would be approximately 2.3 times the area of the land.

The proposed 9-storey condominium apartment building would contain 126 units (approximately 34 metres in height to the top of the mechanical penthouse) and be oriented east-west along Bloor Street West with a stepped mid-rise portion extending south into the site with nine, 3-storey townhouse units (maximum height of 10.5 metres) fronting Broadfield Drive (see Attachment 1: Site Plan). Garbage and recycling storage is proposed in a ground floor room with direct access to an exterior loading space.

The proposed 29 townhouse units fronting Sunplains Crescent would be in a 3-storey building (maximum height of 12.5 metres). Garbage and recycling would be located within the consolidated underground parking area and shared with the new condominium building.

A total of 362 parking spaces are proposed for the entire development site, including the existing building. A total of 133 of these spaces would be located in a new 3 level underground parking garage with vehicles entering the garage from a new driveway accessing Bloor Street West at the east end of the site. Additionally, a separate 32 space single level underground parking garage is proposed for the Sunplains Crescent townhouse block.

### **Site and Surrounding Area**

The site is located at the southeast corner of the Bloor Street West and Markland Drive intersection. The site is 1.3 hectares in size and generally "L" shaped. On the west side of the site oriented north-south along Markland Drive is an existing 10-storey, 113 unit rental apartment building. Vehicular access to the property is provided from both Markland Drive and Bloor Street West.

To the east of the existing building there is an at-grade parking area with an additional level of underground parking. Between the parking area and adjacent to the building there is an outdoor garbage storage area.

The southern quarter of the site is landscaped with mature trees along Sunplains Crescent and Markland Drive. There is a grade difference of approximately 6 metres from Markland Road to the northeast up to the existing building. Within this southern quarter of the site, there is the remains of an outdoor swimming pool which has been filled in and grassed over.

The surrounding uses are as follows:

North: Across Bloor Street West there is a 13-storey residential apartment building with surface parking. Adjacent to this building's parking area is Millwood Park.

South: Single-detached residential neighbourhood with houses fronting either Sunplains Crescent or Broadfield Drive.

West: 13-storey residential apartment building with both surface and underground parking.

East: 2-storey townhouse development fronting Bloor Street West and further south a number of single-detached dwellings fronting Broadfield Drive.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "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".

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its Official Plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of the staff analysis and review are summarized in the Comments section of this report.

### **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

The subject lands are designated *Apartment Neighbourhoods* within the Official Plan as illustrated on Map 14 – Land Use Plan. Residential development of the type proposed is permitted under the *Apartment Neighbourhoods* designation. Significant growth is not intended in this designation; however, compatible infill development may be permitted provided the proposal adequately addresses specific development criteria. Generally, these criteria relate to built form and site organization considerations and the provision of appropriate on-site residential amenity space.

The Built Form policies of the Official Plan, contained in Section 3.1.2, provide a number of policies related to the form of the new development, recognizing 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 be designed to fit harmoniously into its existing and/or planned context, and limit its impact on neighbouring streets, parks, open spaces and properties;
- Provide underground parking where appropriate;
- Mass new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; and
- Create appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan.

The *Apartment Neighbourhoods* designation permits apartment buildings, all land uses provided for in *Neighbourhoods*, parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of the area residents.

The Official Plan sets out criteria in Policy 4.2.2 to evaluate development *in Apartment Neighbourhoods*, and states that: "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 the Plan, through means such as providing setbacks from, and/or 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."

Official Plan housing policies address the need to provide and maintain a full range of housing in terms of form, tenure, and affordability across the City, and maintain and replenish the existing housing stock.

Policy 3.2.1.5 provides that significant new development on sites with six or more rental units, where existing units will be kept in the new development, will secure the existing rental housing, and may secure any needed improvements and renovations to the existing rental housing, in accordance with Section 5.1.1 of the Plan, without pass-through of such costs to tenants.

The Plan also provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits, including securing the existing rental housing, in return for an increase in height and/or density of development.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Official Plan Amendment 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhoods* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here:

[www.toronto.ca/OPreview/neighbourhoods](http://www.toronto.ca/OPreview/neighbourhoods).

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

The outcome of the staff analysis and review of relevant Official Plan policies are summarized in the Comments section of this report.

## **Zoning**

The site is zoned R4 Fourth Density Residential in the former City of Etobicoke Zoning Code (see Attachment 7: Former City of Etobicoke Zoning Code). The R4 zoning permits a range of residential uses, including apartments, and limited businesses including neighbourhood stores. Key provisions in the R4 zoning include a height limit of 14 metres, and a limit of 114 units (based on a minimum 116 m<sup>2</sup> lot area per unit). The lands are not included in City-wide Zoning By-law No. 569-2013, as amended.

## **Design Guidelines**

### **Avenues and Mid-Rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks* and *Open Space Areas* and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Its decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

## **Urban Design Guidelines for Infill Townhouses**

The City of Toronto Urban Design Guidelines for Infill Townhouses articulate and clarify the City's interest in addressing townhouse development impacts, with a focus on protecting streetscapes and adjacent properties and integrating new development into existing neighbourhoods. The Guidelines provide a framework for site design and built form to achieve liveable spaces with an appropriate scale and form of development by detailing how new development should be organized to fit within the existing context and minimize local impacts. The Guidelines also speak to the important role of streetscapes in improving the quality and safety of the public street experience for pedestrians, cyclists and motorists. They can be viewed at: <https://web.toronto.ca/city-government/planning-development/official-plan-guidelines/designguidelines/infill-townhouses>.

## **Townhouse and Low-Rise Apartment Guidelines**

A comprehensive update of the Townhouse Guidelines is underway. Updated Townhouse and Low-Rise Apartment Guidelines further clarify and expand upon the City Council approved 2006 Guidelines to reflect a broader range of multi-dwelling development up to four storeys in height. The latest draft of the Townhouse and Low-Rise Apartment Guidelines is here: <https://www.toronto.ca/wp-content/uploads/2018/01/964c-townhouse-low-rise-guidelines-02-2017.pdf>.

Prior to presenting a finalized version of these Guidelines for City Council adoption, staff are refining and consulting upon the draft Guidelines, in part through their use during the review of development applications.

## **Site Plan Control**

The proposal is subject to Site Plan Control approval. An application in this regard has yet to be submitted.

## **Reasons for the Application**

The existing zoning permits apartment development, but does not permit the scale and intensity of development proposed. An amendment to the former City of Etobicoke Zoning Code is required to permit the requested increase in the building height and maximum number of dwelling units on the site, as well as coverage and setback amendments.

## **Agency Circulation**

The application, together with the applicable reports, has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

## **Community Consultation**

A Preliminary Report related to the application was considered by Etobicoke York Community Council at its meeting of May 12, 2012. Recommendations in the report were amended to increase the notification area for the community consultation meeting. The community consultation meeting was held on June 19, 2012.

On April 20, 2017, a second community meeting was attended by approximately 100 residents, the Ward Councillor, Planning staff, the applicants and their consultants. The following comments/concerns were raised:

- Height and number of storeys of the apartment building;
- Lack of terracing along the east side of the apartment building;
- Scale and proportion of the townhouses proposed along Sunplains Crescent and Broadfield Drive;
- Concern with the proximity of the Sunplains Crescent townhouse balconies to neighbouring properties;
- Number of parking spaces proposed, visitor parking, and legality of on street parking;
- Number of vehicles using Sunplains Crescent and Broadfield Drive to "cut-through" the neighbourhood; and
- Storage and collection of garbage.

## COMMENTS

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### Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report.

The PPS (2014) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, livable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit.

In particular, the proposed development has regard to relevant matters of provincial interest in Section 2 of the *Planning Act* as the proposal provides for a built form that is well-designed given the constraints of the site.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

- By proposing infill in an area that is currently fully serviced the proposal is promoting the efficient and wise use and management of land and infrastructure;
- The development proposes both apartment and townhouse residential development which promotes a mix of housing opportunities on the site and contributes to the range of housing options in the area;
- Sensitive infill in *Apartment Neighbourhoods*, such as the proposed development, contributes to a compact, complete community; and
- The use of various City of Toronto urban design guidelines promote well-designed built form including promoting transit options by providing for cycling

and enhancing the pedestrian environment. The proposed development includes provisions for bicycle storage and provides sidewalks on all side of the property.

## **Land Use**

This application has been reviewed against the Official Plan policies described in the Issue Background Section of this report as well as the policies of the Toronto Official Plan as a whole. The proposed apartment building and townhouses are a permitted use under the *Apartment Neighbourhoods* designation of the Official Plan, and are an appropriate use for the site. The area contains a mix of dwelling types, including a townhouse development immediately to the east and apartment buildings to the north and south. The proposed addition of townhouses and an apartment building to this site is appropriate and in keeping with the existing and planned context of the area.

The retention of the existing rental apartment building meets the intent of Policy 3.2.1 to provide and maintain a full range of housing including form, tenure and affordability and to encourage the maintenance of the existing stock through infill development. The Official Plan requires that significant new development on sites with six or more rental units, where existing units will be kept in the new development, will secure the existing rental housing, and may secure any needed improvements and renovations to the existing rental housing, in accordance with Section 5.1.1 of the Plan, without pass-through of such costs to tenants. Staff are recommending that the existing rental units be secured for a minimum period of 20 years through the Section 37 Agreement to be registered on title. Additional recommendations are included to secure improvements for the existing rental units without pass through of the costs to tenants.

## **Density, Height and Massing**

Official Plan policies 3.1.1.8, 3.1.1.9, and 3.1.1.10 speak to views. Each of these policies specify that they apply to views from the public realm. The Official Plan does not protect views from private properties, buildings or units. Policies of Section 3.1.2 speak to the built form of new developments. Determining the 'fit' of a new development in an existing built context is of primary importance in this regard.

The *Apartment Neighbourhoods* designation includes policy that states compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings subject to meeting a number of development criteria including the following:

- Meeting the development criteria for *Apartment Neighbourhoods* set out in Policy 4.2.2 of the Plan which relates to locating and massing new buildings to provide a transition between areas of different development intensity and scale, limit shadow impacts, frame the street, and providing on-site recreation and parking to support the development;
- Maintaining an appropriate level of residential amenity on the site;
- Providing existing residents with access to community benefits which are provided as part of the development;

- Maintaining adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- Organizing development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm and create safe and comfortable open spaces;
- Fronting onto and providing pedestrian entrances from an adjacent public street;
- Providing adequate on-site, below grade, shared vehicular parking for both new and existing development;
- Consolidating loading, servicing and delivery facilities; and
- Providing adequate alternative on-site recreational space for residents.

The current proposal has been significantly revised from the original application. The building at the north end of the site along Bloor Street West (the Bloor building) has been pulled back to maintain the open space at the southeast corner of Bloor Street West and Markland Drive. The proposed height of the Bloor building has been reduced from the original 14 storeys with a step down to 9-storeys to a height of 9-storeys stepping down to 5-storeys along the Bloor Street West frontage and a further step down to 3-storeys along the Broadfield Drive frontage where townhouses have been incorporated in to the base. The setbacks at the closest point of the proposed Bloor building to the east property line are 11 metres at the north end of the building and 6 metres at the south end of the building. The east face of the building is a "U" shape with the main part of the building set back 24 metres from the east property line. The shape of the building locates the main bulk of the building further away from the existing townhouses to the east with the greatest height of 9-storeys at the most westerly edge of the building. The proposed shape of the building, the stepping down and the setbacks provide an appropriate transition to the existing 2-storey townhouses to the east of the site and provides for adequate light, view and privacy for both the existing townhouses to the east and the proposed Bloor building.

The setback from the proposed Bloor building to the existing apartment building is 11 metres off-set from the northeast corner of the existing building to the corner of the Bloor building. The facing distance between the existing apartment building to the Bloor building is 25 metres. The proposed setbacks are sufficient to retain light, view and privacy between the buildings and to allow views from the public realm through the site between the buildings. The retention of the open space at the southeast corner of Bloor Street West and Markland Drive maintains the setback to the existing building and the green connection to the south that is typical of the existing "tower in the park" development in this area.

Parking for the Bloor building has been provided in three levels below grade and all loading and servicing has been consolidated and internalized within the ground floor of the building in keeping with the Official Plan policies. A drop-off/pick-up turnaround has been provided between the Bloor building and the existing apartment building for the residents of both buildings.

The proposed building at the south end of the site (the Sunplains building) is in the same general location as the previous submissions. The height of the building remains at 3-storeys but has been reduced from 12 metres in the second submission to 9.2 metres. The Sunplains building has been redesigned from the originally proposed "L" shape and is now a rectangular shape that fronts Sunplains Crescent and runs between Markland Drive and Broadfield Drive. The applicant is proposing upgraded elevations to all sides of the building given that the building is framed by public roads on three sides and the existing apartment building on the north side. The proposed Sunplains building frames the street in good proportion to the existing neighbouring properties while respecting the lower-scale character of the detached dwellings to the south.

Parking and servicing for the Sunplains building is incorporated into the grading of the site such that it is provided below grade with access from the lower end of the site on Markland Drive.

The subject property is unique in that it is bounded on three sides by public roads. This physically separates it from the rest of the neighbourhood. Streets often function as boundaries between differing scales of development and offer a buffer between these uses. This development frames and supports Bloor Street West, Sunplains Crescent and Broadfield Avenue and the three storey massing is in context with the surrounding community.

To assist in evaluating a mid-rise proposal, the performance standards in the Avenues and Mid-Rise Buildings Guidelines are employed, including in particular the use of a 45 degree angular plane on each side of the proposal where they abut or are in proximity to lands designated *Neighbourhoods*. Other tools employed to assess and shape the proposal include a shadow study, street tree planting, landscaping elements, below grade parking, and incorporation of service functions into the building. The following sections details how the proposed development addresses the Official Plan policies and the Mid-Rise performance standards.

Performance Standard 1 of the Avenues and Mid-Rise Building Guidelines defines the height parameter for buildings as being no taller than the width of the adjacent right-of-way. Applying this parameter to the Bloor building on the Bloor Street West frontage, which has a right-of-way width of 27 metres in this area, renders a building height of 27 metres, or approximately 9 storeys. The Guidelines also recognize that building height is only one aspect of achieving good building design. Performance Standard 13 – Roofs and Roofscapes, identifies that mechanical penthouses may exceed the maximum height limit by up to 5 metres but may not penetrate a 45 degree angular plane. Therefore, a 27 metre building with a mechanical penthouse of 5 metres for a total of 32 metres could be contemplated by the Avenues and Mid-Rise Building Guidelines. The development as proposed would be 28.7 metres in height to the main roof level, with a mechanical penthouse bringing the overall building height to 34.2 metres. No part of the building penetrates into the 45 degree angular plane as measured from the nearest property lines of adjoining *Neighbourhoods* designated properties. As such, no significant impact to nearby residential properties is expected from the proposed building height.

The proposed mid-rise building (Bloor building) has been reviewed against the Performance Standards contained within the Avenues and Mid-Rise Buildings Study. The proposal satisfies the Performance Standards outlined in the Guidelines.

### **Sun, Shadow and Wind**

To respond to Policies 3.1.2.3 and 4.2.2 (b), a shadow study was submitted with the development proposal. The study demonstrates that at the spring and fall equinoxes the proposed development will cast less than 1 hour of shadow between 9:18 to 10:18 a.m. on the apartment building to the north at 210 Markland Drive and will cast shadows onto the rear yards of the townhouses to the east for a period of less than 3 hours after 4:18 p.m. The existing apartment building on-site would shadow part of the west face of the proposed Bloor building after 2:18 p.m. There is minimal shadow cast by the proposed Sunplains building, none of which extends beyond the right-of-way on Broadfield Drive or Sunplains Crescent.

Planning staff are of the opinion that the shadow impacts of this project on its neighbours are reasonable.

### **Privacy and Overlook**

Staff have reviewed the drawings with respect to potential privacy and overlook concerns from the new buildings to the dwellings in the surrounding neighbourhood. Policy 3.1.2.3 d) in the Official Plan speaks to the provision of adequate privacy and light when considering new development. The proposed Bloor building would be positioned 11 metres and 6 metres from the proposed townhouses in the base of the building to the nearest rear yard property line of the existing townhouses to the east on Bloor Street West. The townhouses have a rear yard of approximately 9 metres which provides a 15-20 metre separation distance between the buildings. The proposed distance from the Bloor building to the nearest home on the south side of Broadfield Drive is 25 metres. The proposed Sunplains building would be approximately 11 metres from the building face of the nearest home on the south side of Sunplains Crescent.

The separation between the existing apartment building and the proposed Bloor building ranges from 11 metres at the northwest corner of the proposed building on the diagonal to 25 metres for the majority of the building. This provides an appropriate separation distance between the apartment buildings and protects for privacy, skyview and sunlight.

Staff are of the opinion that the proposed separation distances and siting of the buildings provides an acceptable transition and protects for privacy, skyview, sunlight and overlook between the proposed development and the existing buildings on the site, as well as to the adjacent *Neighbourhoods* designated lands.

### **Traffic Impact, Access and Parking**

A Transportation Impact Study and Parking Review was submitted with the application and has been reviewed by Transportation Services staff and the proposed parking, loading, servicing and vehicular movements were found to be acceptable.



Vehicular parking and loading for the Bloor building would be accessed from Bloor Street West. The townhouse units fronting Sunplains Crescent would be accessed via a new below grade parking garage on the Markland Drive frontage. The proposal includes 362 parking spaces, of which 308 spaces would be for residents and 54 spaces would be for visitors.

Transportation Services staff have commented that the Type 'G' loading space for the existing building and the proposed Bloor building is acceptable. The submitted truck turning diagrams illustrate there is adequate space to accommodate inbound and outbound manoeuvres of typical service vehicles and typical trucks moving to/from the loading space.

### **Site Servicing and Solid Waste**

The applicant submitted a Functional Servicing Report and a Stormwater Management Report. The development site would be serviced from existing sewer and watermains along Bloor Street West. Engineering and Construction Services staff reviewed the report and advise that Toronto Water requires additional information regarding groundwater discharge to address the process of dewatering and discharge into the city sewers which should be provided prior to final approval of the application.

Engineering and Construction Services staff also commented that the applicant should be required to make satisfactory arrangements with the City for the design and construction of any improvements to the municipal infrastructure by the applicant, at no cost to the City in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.

It is therefore recommended that, if the LPAT were to approve this proposal, or a modified form of this proposal, that City staff be authorized to request the LPAT to withhold its Order pending the submission of an acceptable Functional Servicing Report and Hydrogeological Report to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and that the owner be required to make satisfactory arrangements with the City for the design and construction of any improvements to the municipal infrastructure by the owner at no cost to the City should it be determined that improvements to such infrastructure are required to support the development. It is recommended this condition be incorporated into a Section 37 Agreement as a matter of legal convenience.

### **Housing Issues**

The proposed development would retain the existing rental apartment building; however, significant changes to the site will affect the tenants of this building. Measures to maintain and improve the existing affordable rental housing building without pass-through of costs to the tenants have been considered through the review of this proposal. They include the following: dog run; improvements to the laundry room facilities to make the facilities more effective and inviting; and new outdoor amenity space for residents of the existing and new building including a new children's play area outfitted with durable and permanent play equipment and finishes. These are proposed to be secured through the Section 37 Agreement that would be registered on title to the property.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The lands which are the subject of this application are in an area with 0.8-1.56 hectares of local parkland per 1,000 people as per Map 8B/C of the Official Plan. This represents the third highest quintile of parkland provision. The site is in a parkland priority area as per the Alternative Parkland Dedication Rate By-law No. 1020-2010.

The application proposes 164 new residential units. Parks, Forestry and Recreation staff advise that in accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. The residential nature of this proposal would be subject to a 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication would be appraised by Real Estate Services staff. Payment would be required prior to the issuance of the first above grade building permit.

## **Amenity Areas and Landscaped Open Space**

Public and private amenity spaces within private developments are addressed by Policies 3.1.2.5, 3.1.2.6, 4.2.2 c), 4.2.2. f) and 4.2.2 g) of the Official Plan. A walkway from Bloor Street West to the front entrance of the building would be partially covered with a canopy while the townhouse units facing Broadfield Drive and Sunplains Crescent would feature shrubbery adjacent to the public realm. This would improve the present condition where the property contains a paved parking lot spanning from Bloor Street West to Broadfield Drive.

## **Tree Preservation**

The applicant has submitted an Arborist Report and a Tree Preservation Plan. A separate process will be required for any trees to be removed. As a result of the significant changes in the site design since the first submission there has been a resulting reduction of building footprint which has resulted in the preservation of 8 more trees, particularly at the north west corner of the site. The current plan proposes a total of 24 trees to be retained and 26 trees to be removed.

## **Toronto Green Standard**

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for Tier 1 development features secured through the Site Plan review process.

## Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. A cash contribution of \$185,000 to be paid to the City prior to the issuance of the first above-grade building permits, to be used towards local park improvements.
2. The above noted cash contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.
3. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
4. The owner shall provide and maintain the 113 existing residential rental units at 240 Markland Drive as rental housing for a period of at least 20 years, from the date of the Zoning By-Law coming into full force and effect and with no applications for demolition or conversion from residential rental use made during such 20 year period, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
5. The owner shall secure the following facilities, amenities and building improvements for the existing residential rental units, with no pass-through of costs to the existing tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor:
  - a. The owner shall provide a dog run for the use of residents of the site as well as the surrounding community, to be located adjacent to the entrance of the existing building fronting Markland Drive, and this space shall be designed and furnished to the satisfaction of the Chief Planner and Executive Director, City Planning, up to a maximum cost of \$30,000.
  - b. Improvements to the outdoor amenity space for use by the residents of the existing building and the new buildings on an equal basis in the form of:

- i. A children's play area, which shall be designed and furnished to the satisfaction of the Chief Planner and Executive Director, City Planning, up to a maximum cost of \$40,000;
- ii. At least 15 benches up to a maximum cost of \$22,000;
- iii. At least 85 bicycle parking spaces/racks for tenants of the existing building, of which 77 will be long-term bicycle parking spaces located beneath the underpass of the existing building and 8 will be short-term bicycle parking spaces located close to the main entrance of the existing building; and
- iv. Improvements to the existing laundry room facilities in the form of two new dryers.

## **Conclusion**

City Planning staff recommend the application be approved by City Council. Staff are of the opinion the built form of the proposal achieves a compatible relationship with the existing built form and land uses while ensuring sufficient building separation is provided from the existing residential uses both on site, immediately adjacent to the site and in the surrounding area. The development represents an appropriate level and form of residential intensification for Bloor Street West that is sensitive to the broader Markland Woods neighbourhood. The proposed development is consistent with the Provincial Policy Statement, conforms to the Growth Plan and is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

## **CONTACT**

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Sarah Henstock, Manager, Community Planning  
Tel. No. 416-394-2610  
Fax No. 416-394-6063  
E-mail: [sarah.henstock@toronto.ca](mailto:sarah.henstock@toronto.ca)

## **SIGNATURE**

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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

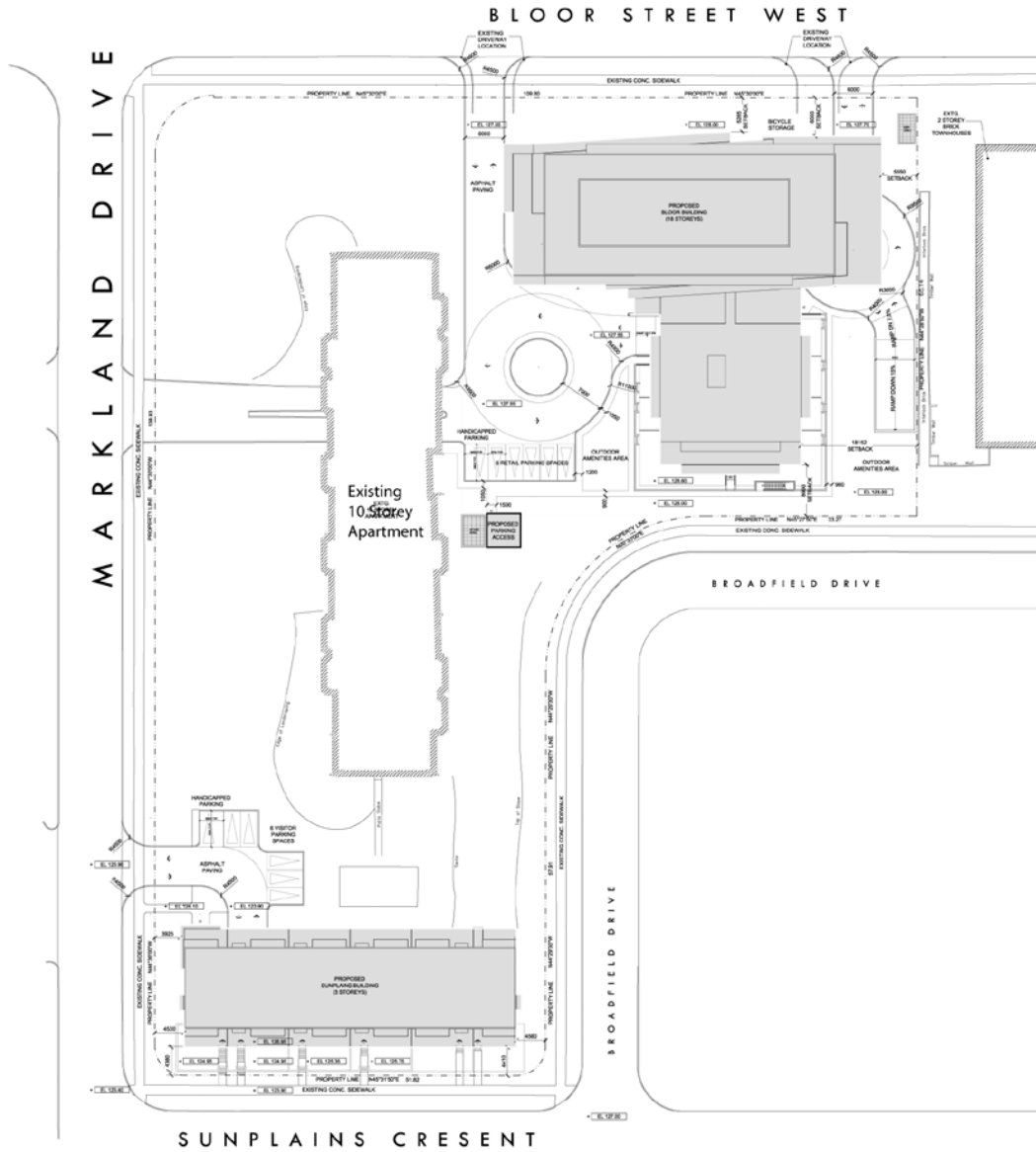
## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Site Plan
- Attachment 2: East Elevations – Bloor Street West Building
- Attachment 3: North Elevations – Bloor Street West Building
- Attachment 4: South Elevations – Bloor Street West Building
- Attachment 5: West (Townhouse) Elevations – Bloor Street West Building
- Attachment 6: Townhouse Elevations – Sunplains Crescent Building
- Attachment 7: Former City of Etobicoke Zoning Code
- Attachment 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicants Submitted Drawing

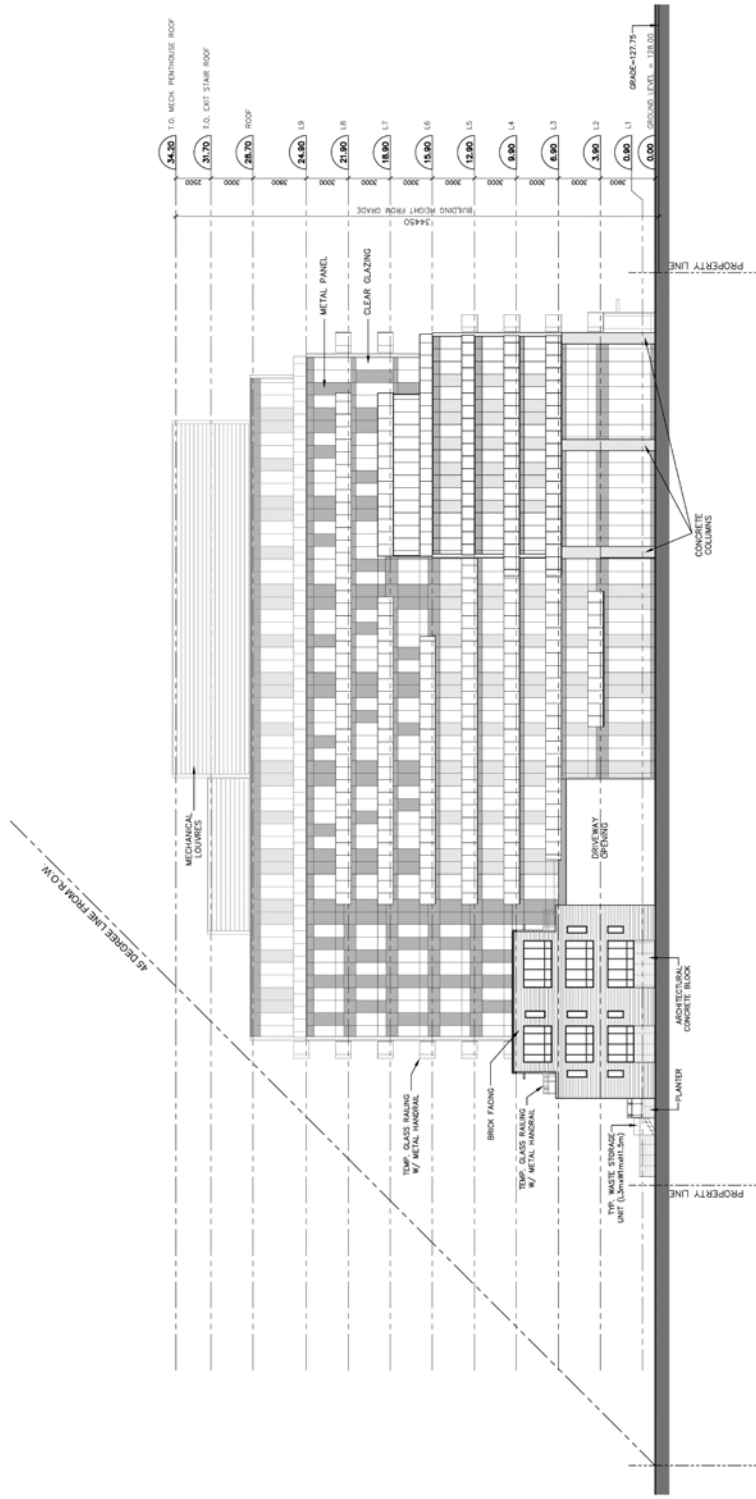
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July/25/2011



240 Markland Drive

File # 11 209308 WET 03 0Z

Attachment 2: East Elevations – Bloor Street West Building



East Elevation

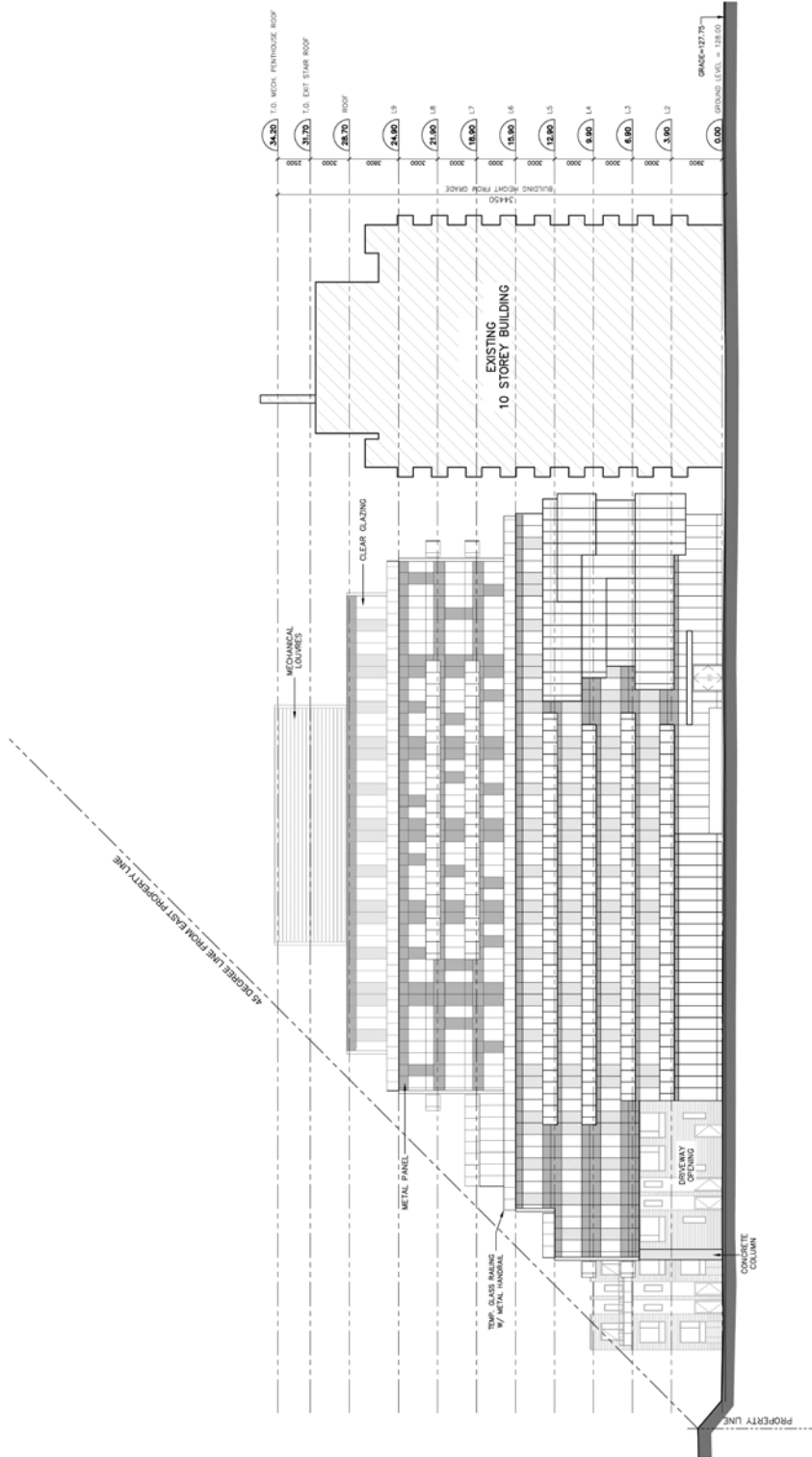
240 Markland Drive

Elevations  
Applicant's Submitted Drawing

Not to Scale  
09/01/2017

File # 11 209308 WET 03 0Z

Attachment 3: North Elevations – Bloor Street West Building



North Elevation

**Elevations**

Applicant's Submitted Drawing

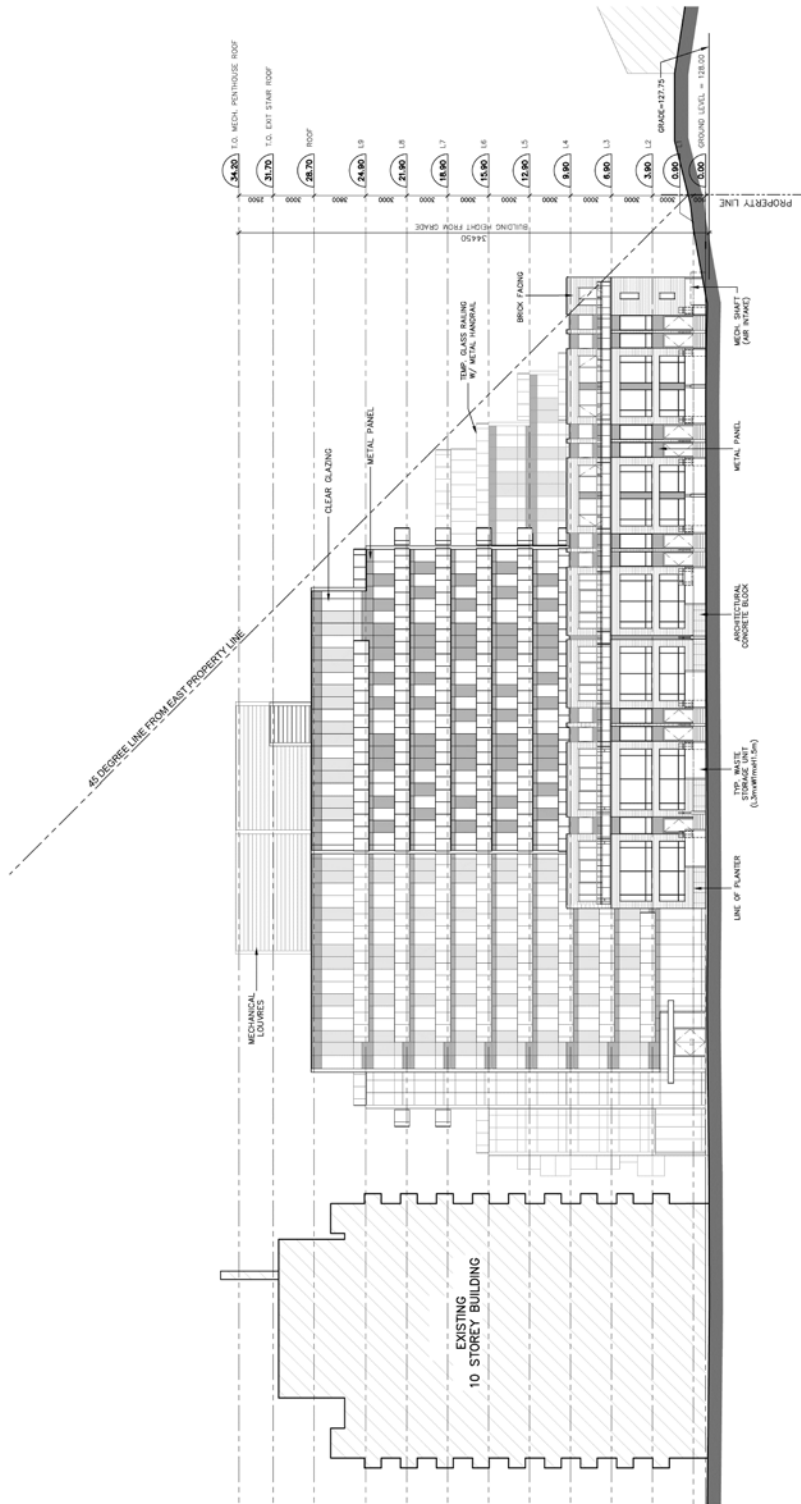
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09/01/2017

240 Markland Drive

File # 11 209308 WET 03 0Z



Attachment 4: South Elevations – Bloor Street West Building



South Elevation

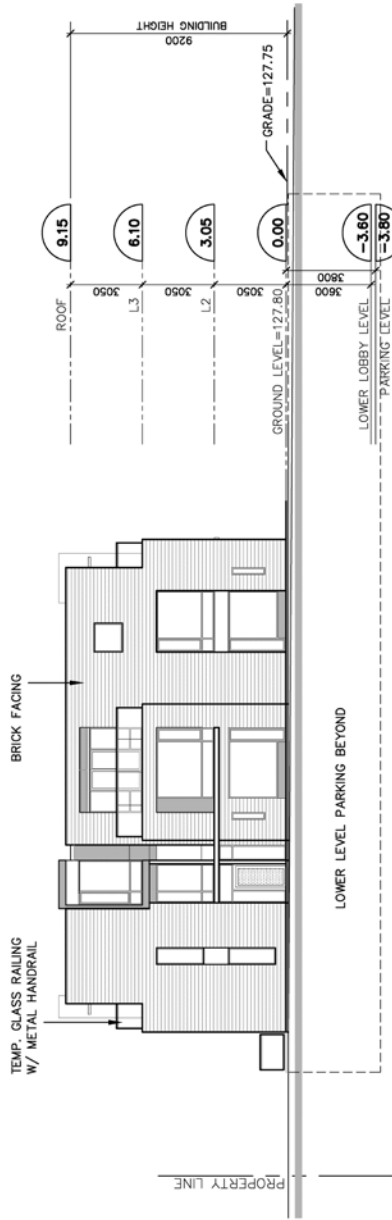
240 Markland Drive

**Elevations**  
 Applicant's Submitted Drawing

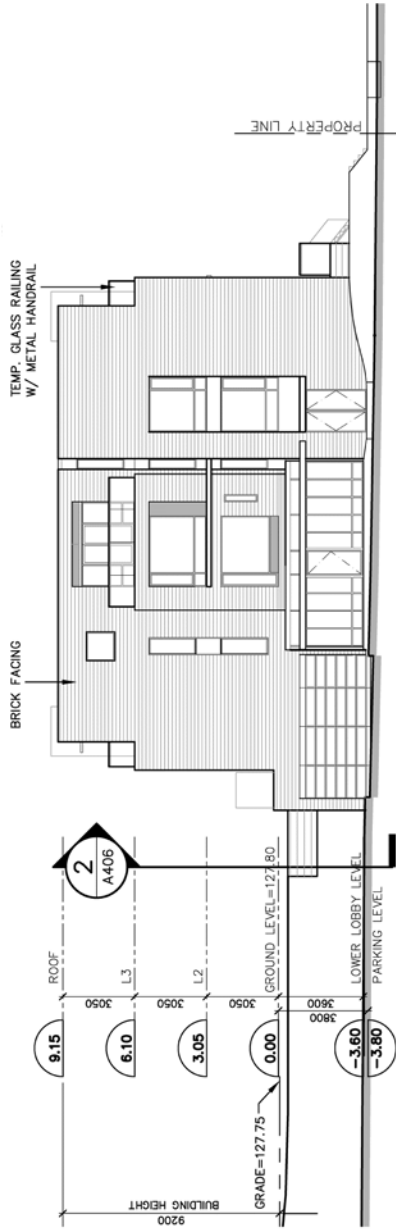
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 09/01/2017

File # 11 209308 WET 03 0Z

Attachment 5: West (Townhouse) Elevations – Bloor Street West Building



East Townhouse Elevation



West Townhouse Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale  
09/01/2017

240 Markland Drive

File # 11 209308 WET 03 0Z

Attachment 6: Townhouse Elevations – Sunplains Crescent Building

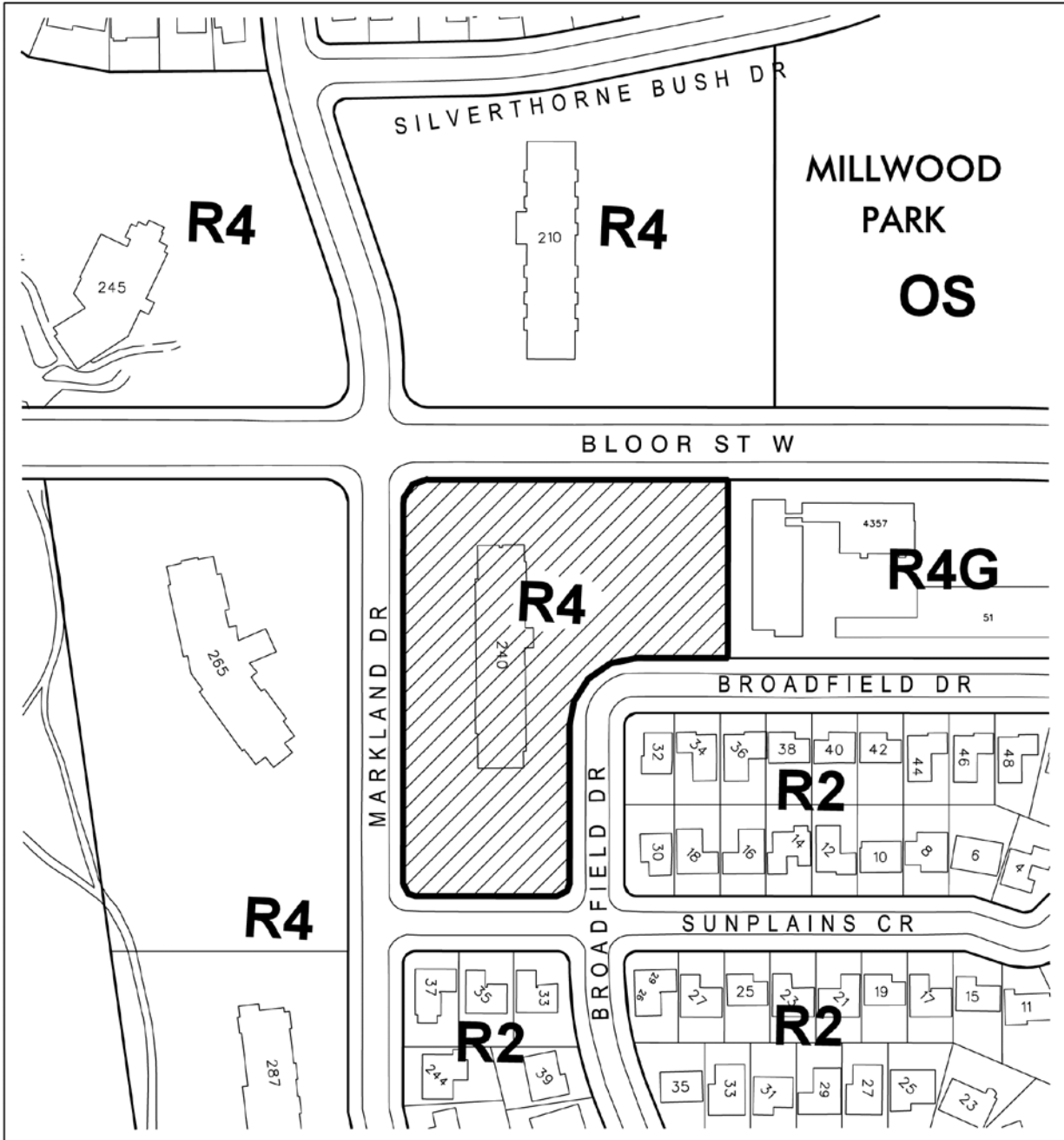


240 Markland Drive

File # 11 209308 WET 03 02

**Elevations**  
Applicant's Submitted Drawing  
Not to Scale  
09/01/2017

Attachment 7: Former Etobicoke Zoning Code



240 Markland Drive

File # 11 209308 WET 03 02

- R2 Residential Second Density
- R4 Residential Fourth Density
- R4G Residential Fourth Density Group
- OS Public Open Space



Not to Scale  
Zoning By-law 11,737 as amended  
Extracted 09/01/2017

**Attachment 8: Application Data Sheet**  
 Application Type: Rezoning      Application Number: 11 209308 WET 03 OZ  
 Details: Rezoning, Standard      Application Date: June 2, 2011

Municipal Address: 240 MARKLAND DRIVE  
 Location Description: \*\*GRID W0306  
 Project Description: This application proposes to amend the Etobicoke Zoning Code to permit the development of a 9-storey residential apartment building fronting Bloor Street West connected to a 3-storey residential block at the northwest corner of Broadfield Drive, and a 3-storey residential building at the northeast corner of Markland Drive and Sunplains Crescent. These new buildings would contain 164 units. The existing 10-storey, 113 unit apartment building would be retained.

**Applicant:** CALVIN W LANTZ  
**Agent:**  
**Architect:**  
**Owner:** RENAISSANCE APTS

**PLANNING CONTROLS**

Official Plan Designation: Apartment Neighbourhoods      Site Specific Provision: N/A  
 Zoning: R4      Historical Status: N/A  
 Height Limit (m):      Site Plan Control Area: Yes

**PROJECT INFORMATION**

Site Area (sq. m):	13,171	Height: Storeys:	9
Frontage (m):	0	Metres:	34.2
Depth (m):	0		
Total Ground Floor Area (sq. m):	3,537		<b>Total</b>
Total Residential GFA (sq. m):	30,353	Parking Spaces:	362
Total Non-Residential GFA (sq. m):	0	Loading Docks	1
Total GFA (sq. m):	30,353		
Lot Coverage Ratio (%):	27		
Floor Space Index:	2.3		

**DWELLING UNITS**

**FLOOR AREA BREAKDOWN** (upon project completion)

Tenure Type:	Condo/ Freehold	Existing Rental		Above Grade	Below Grade
Rooms:	0		Residential GFA (sq. m):	30,353	0
Bachelor:	0		Retail GFA (sq. m):	0	0
1 Bedroom:	78	28	Office GFA (sq. m):	0	0
2 Bedroom:	63	57	Industrial GFA (sq. m):	0	0
3 + Bedroom:	23	28	Institutional/Other GFA (sq. m):	0	0
Total Units:	164	113			

**CONTACT:**      **PLANNER NAME:** Sarah Henstock, Manager Community Planning  
**TELEPHONE:**      **(416) 394-2610**