

**2900 Steeles Avenue East at Don Mills Road in the Town of Markham – Official Plan and Zoning Applications**

<b>Date:</b>	April 11, 2011
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Not applicable
<b>Reference Number:</b>	Cc11024 (File No: 08 103198 NPS 00 TM)

**SUMMARY**

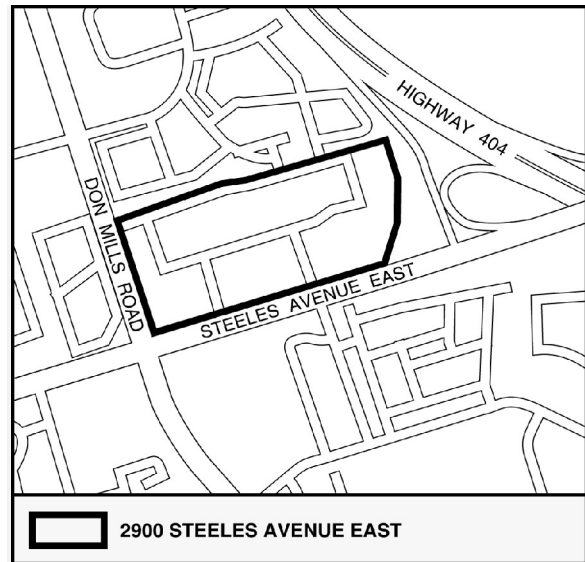
This report provides information in response to a City Council resolution concerning an appeal to the Ontario Municipal Board by the applicant of 2900 Steeles Avenue East located on the north east corner of Steeles Avenue East and Don Mills Road in the Town of Markham.

**Financial Impact**

There are no financial implications.

**DECISION HISTORY**

At its meeting of May 12, 2010 City Council considered a report from the Director of Community Planning dated April 6, 2010 that recommended that the Town of Markham be advised of Toronto’s issue concerning the impact on the adjacent Toronto *Neighbourhoods* area of the heights of the apartment buildings located at Steeles Avenue. City Council added motions that density should not exceed 1.0 FSI and 400 units, pending transportation infrastructure improvements and that no building should exceed 6 storeys.



At its meeting of March 8, 2011 City Council adopted resolution MM5.12 which included the following:

“City council amend its position to be generally in accordance with the Town of Markham planning staff recommendation of March 2010 where they recommended 1,000 units and 1.5 time density with the residential development spread across the entire site.” (Note: the date of the Markham report is November 2010 rather than March 2010).

“City Council’s position is that the high rise towers along Steeles Avenue East should be reduced and include a 5 metre setback from Steeles Avenue, a 2 storey podium to minimize the impact on the street and buildings no taller than 6 storeys unless the top floors are stepped further back.”

“City Council direct the Chief Planner and Executive Director of City Planning to review and report to the next meeting of City Council on the Markham settlement proposal and how the new City Council position relates to it.”

## **BACKGROUND**

The subject site is 7.2 hectares (17.7 acres) in area and currently contains an enclosed 2-storey shopping centre, offices and restaurants. The application filed in October 2007 proposed a mixed use development with 1,787 residential units, a total FSI of 2.5 and heights ranging from 2 to 32 storeys. In May 2010 the applicant appealed their application to the Ontario Municipal Board.

In a report to the Markham Development Services Committee dated November 16, 2010, Markham staff recommended that the application as filed not be supported and discussed site densities in the range of 1.5 FSI and 1,000 residential units. The report sets out principles for redevelopment which include providing an appropriate transition in scale to the surrounding low rise communities (including to the south) and that land uses and density should be distributed across the site. This is known as the ‘2010 Markham staff proposal.’ The Markham Development Services Committee moved that the Recommendation Report be received and that the Town of Markham Council not endorse any specific density at this time.

The Ontario Municipal Board hearing was scheduled to begin on March 7, 2011 and was deferred to April 7, 2011. Prior to the start of the hearing, the parties other than the City reached a settlement in principle. The OMB Settlement was agreed to by the applicant, the Town of Markham, the Region of York and the Markham German Mills Ratepayers Association. The OMB Settlement Plan is shown on Attachment 1 and provides for mixed use development with two to four storey retail, restaurant and office uses on the western portion and four apartment buildings of 8 to 25 storeys on the eastern portion of the site. The unit count is 1,235 and the FSI is 1.85. Two buildings; ‘E1’ and ‘E2’ are 24

storeys in height and are located at Steeles Avenue. These two buildings have a two storey base within a 9 storey connecting podium. The hearing is now scheduled to recommence on April 14, 2011.

## **COMMENTS**

### **OMB Hearing Update**

At the April 7, 2011 continuation of the OMB hearing, the City Solicitor received Minutes of Settlement dated April 6, 2011 which have been signed by the applicant, the Town of Markham and the German Mills Residents Association. The Minutes of Settlement consist of the settlement plan, proposed amendments to the Town of Markham Official Plan and zoning by-law and a Section 37 agreement that the Town and the applicant are to agree to prior to the Ontario Municipal Board issuing its Order in respect of the applicant's appeals. The OMB settlement project statistics are contained in the chart below and discussed in this report.

### **Comparison of 2010 Markham Staff Proposal and New City Council Position**

As discussed above, the Markham staff proposal comes from a 2010 staff report containing a recommendation that the application as filed not be supported and a discussion of site densities in the range of 1.5 FSI and 1,000 residential units with residential density distributed across the site.

The new Toronto City Council position on the application, adopted at its March 8, 2011 meeting, sets out 1,000 units and 1.5 FSI with the residential development spread across the entire site generally in accordance with the Markham planning staff recommendation of November 16, 2010.

These two positions: the 2010 Markham staff proposal and the new Toronto City Council position are not the same as the April 6, 2011 OMB settlement reached by the applicant, the Town of Markham, the Region of York and the Markham German Mills Ratepayers Association.

The OMB settlement provides for 1,235 units which is 235 units above the 2010 Markham staff proposal and the new Toronto Council positions. The FSI is 1.85 which is 0.35 above the Markham and Toronto positions. In addition, the OMB settlement does not require that land uses or density be redistributed across the site. For building heights the Toronto Council position requires the lowest heights and stepping back from Steeles Avenue. The chart below compares the three positions.

	2010 Town of Markham staff proposal (Nov 2010)	OMB Settlement Proposal (April 2011)	City Position (March 2011)
FSI	1.5	1.85 (max res fsi of 1.5)	1.5
Unit Count	1,000	1,235	1,000
Density Distribution	full site	approx 1/3 site	full site
Height:			
Base	not specified	not specified	2 storeys
Podium	not specified	9 storeys	not specified
Tower	not specified	Bldgs E1 & E2 24 storeys	no higher than 6 storeys unless top floors are stepped back
Setback from Steeles	not specified	as shown on drwgs 4.5 metres at western portion and 19 to 21 metres at eastern portion	5 metres

## Building Heights

The subject lands front onto Steeles Avenue and four apartment buildings are proposed on the eastern portion of the site. Two buildings on Steeles Avenue, 'E1' and 'E2' are 24 storeys in height. The two buildings are across from a Toronto neighbourhood of semi-detached homes and townhouses designated *Neighbourhoods* in the Official Plan as shown on Attachment 2.

The Toronto Official Plan requires that development next to low scale residential neighbourhoods provide a transition between areas of different development intensity and scale.

A common way to measure what an appropriate transition between areas of different development intensity would be a 45 degree angular plane. This would mean that development sits within a 45 degree angular plane measured from the closest low scale residential property line.

Details of the specific metric heights of the two apartment buildings on Steeles Avenue, 'E1' and 'E2' have not been provided. At 24 storeys the height of the buildings could range from 72 metres (3 metres per storey) and 84 metres (3.5 metres per storey) and would not meet a 45 degree angular plane from the property line of the Toronto neighbourhood on the south side of Steeles Avenue. In order to meet the angular plane at 24 storeys, and assuming 3 metres per storey, building E1' would need to be set back

approximately 12 metres further into the site. If building 'E1' remains in the original location it would need to be reduced to 20 storeys in height assuming 3 metres per storey.

If a height of 72 metres is assumed for building 'E2', it would not meet a 45 degree angular plane and the height would need to be reduced by one storey or the building set further back into the site a distance of 2 metres.

### **Setback to Steeles Avenue**

At its meeting of March 8, 2011, City Council also set out that the high rise towers along Steeles Avenue East should include a 5 metre setback from Steeles Avenue. It appears that on the OMB settlement plan, the smallest building setback to Steeles Avenue is 4.5 metres for the low rise buildings on the western portion of the site. The two apartment buildings on Steeles Avenue on the eastern portion of the site are set back between 19 and 21 metres from Steeles Avenue.

### **CONTACT**

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### **SIGNATURE**

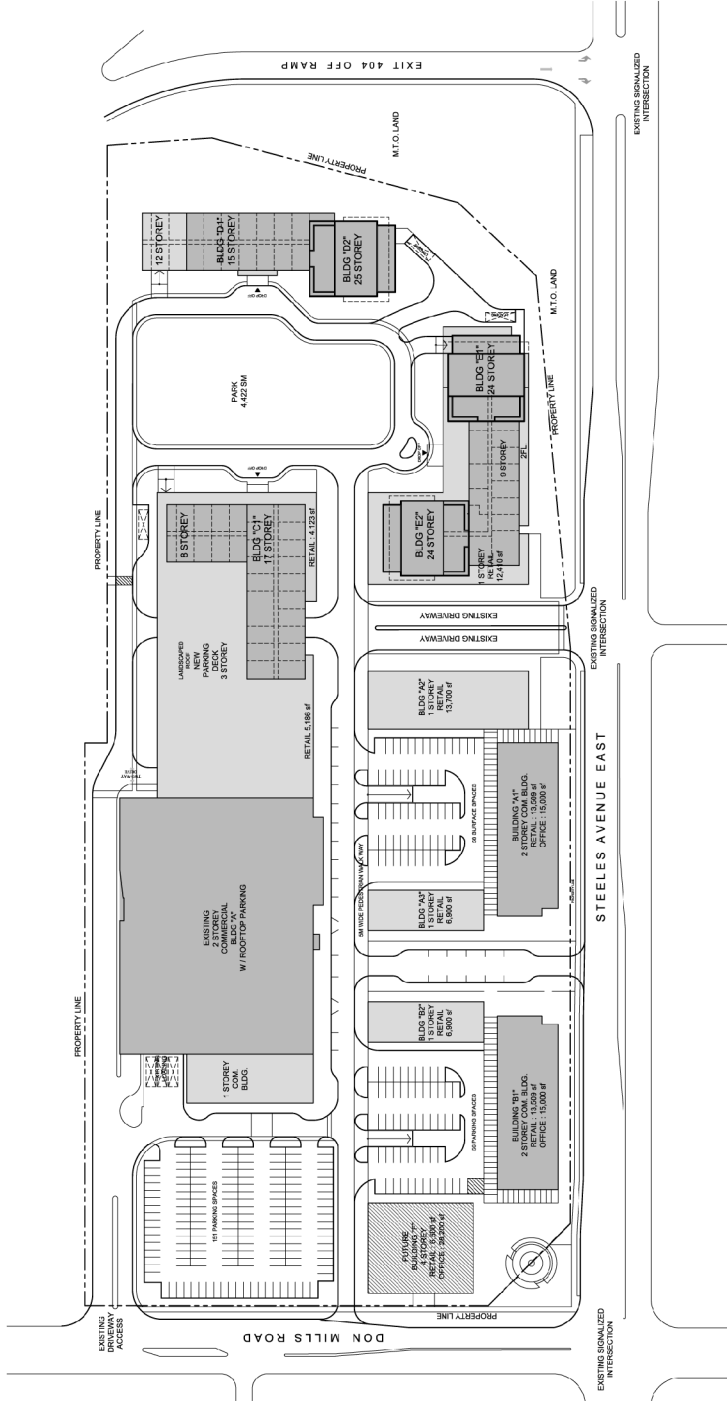
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Gary Wright, Chief Planner and Executive Director  
City Planning Division

### **ATTACHMENTS**

Attachment 1: OMB Settlement Plan  
Attachment 2: City of Toronto Official Plan

# Attachment 1: OMB Settlement Plan



2900 Steeles Avenue East

Settlement Site Plan

Applicant's Submitted Drawing

Not to Scale  
04/08/2011

File # 08\_103198



## Attachment 2: Toronto Official Plan

