

## **1021-1035 Markham Road – Zoning Amendment – Final Report**

Date: June 26, 2018

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward No. 38 - Scarborough Centre

**Planning Application Number: 16 270614 ESC 38 OZ**

### **SUMMARY**

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This application proposes to redevelop the existing neighbourhood commercial plaza site at 1021-1035 Markham Road with a 34-storey mixed use building comprising 333 residential apartment units, 2,180 square metres of retail and office commercial space, and 226 parking spaces for all uses in a 4-level underground parking garage. A 269 square metre on-site parkland dedication is also proposed, which would expand the adjacent new public park to be created through the continuing redevelopment of adjacent lands by the same owner at 1-2 Meadowglen Place. Proposed site density is approximately 10.2 times the site area after the parkland dedication.

An April 11, 2017 City Planning report recommended refusal of the application as originally submitted. On May 2, 2018, Scarborough Community Council referred the matter back to Planning staff for further review and modifications for the purposes of scheduling the Public Meeting.

This report presents draft by-laws, without a City Planning recommendation for approval, to amend the former City of Scarborough Woburn Community Zoning By-law No. 9510, as amended, and Toronto Zoning By-law No. 569-2013, as amended, to City Council for consideration in order to enable the new development as currently proposed.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council receive this report for information and direct Planning staff, in consultation with the Ward Councillor, to continue negotiations with the owner to address the outstanding issues identified in the report dated April 11, 2017 from the Director, Community Planning, Scarborough District.

2. If City Council determines that the Zoning By-law Amendment application be approved at this time:

a) Amend the former City of Scarborough Woburn Community Zoning By-law No. 9510, as amended, for the lands at 1021-1035 Markham Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to the report dated June 26, 2018 from the Director, Community Planning, Scarborough District.

b) Amend the City of Toronto Zoning By-law 569-2013, as amended, for the lands at 1021-1035 Markham Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the report dated June 26, 2018 from the Director, Community Planning, Scarborough District.

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the Zoning By-law Amendments as may be required.

4. Should the Zoning By-law Amendment application be approved and appealed to the Local Planning Appeal Tribunal, City Council authorize the City Solicitor to retain external planning and urban design professionals to appear before the Local Planning Appeal Tribunal in support of Council's approval of the Zoning By-law Amendment application.

5. In the event that the Local Planning Appeal Tribunal allows an appeal of the Zoning By-law Amendment in whole or in part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order(s) approving the application until such time as:

a. the Tribunal has been advised by the City Solicitor that the proposed Zoning By-law Amendments are in a form satisfactory to the Chief Planner and City Solicitor, all to the satisfaction of the City Solicitor;

b. the owner has adequately satisfied the requirements otherwise set out in Recommendations 8 and 9 in the report (dated June 26, 2018) from the Director, Community Planning, Scarborough District; and

c. the owner has entered into and registered an agreement between the City and owner pursuant to Section 37 of the Planning Act.

6. If City Council determines that the Zoning By-law Amendment application be approved, and if the owner is agreeable to undertaking Above Base Park Improvements to the proposed 269 square metre on-site public parkland dedication, Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PF&R). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PF&R, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may amended from time to time.

7. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

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

- \$200,000 for capital improvements to Centennial Recreation Centre for outdoor recreation upgrades including new walking trails;
- \$200,000 for capital improvements to the Board of Health Scarborough Dental Clinic at the Scarborough Civic Centre and/or the Canadian Centre for Refugee and Immigrant Health Care (at 4185 Sheppard Avenue East);
- \$50,000 to Toronto Public Library branches for capital upgrades to the library facilities, including the purchase of musical instruments, in order to deliver the 'Borrow a Musical Instrument' loan program and/or musical equipment for local non-profit community and school bands;
- \$100,000 to Toronto Animal Services for capital improvements/upgrades to the Scarborough Animal Shelter, including but not limited to animal adoption facilities, operating clinic and/or public access improvements;
- \$50,000 to Animal Alliance of Canada for capital improvements/upgrades to the Feral Cat Recovery Centre (at 705 Progress Avenue);
- \$50,000 to the Toronto Wildlife Centre for capital improvements/upgrades to the facility at 60 Carl Hall Road, North York;
- \$50,000 to South Asian Autism Awareness Centre for capital improvements/upgrades to the facility at 705 Progress Avenue.
- \$50,000 for the capital improvements/upgrades, including the purchase of ice skates, for not-for-profit 'Skate to Great' loan programs in Scarborough schools including North Bendale Public School;
- \$50,000 to Toronto and Region Conservation Authority for capital improvements/upgrades to the Scarborough Butterfly Trail; and
- \$32,500 for capital improvements/upgrades to food banks in the local area.

b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- Construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

8. Before the necessary Bills are introduced to City Council for enactment, the owner is required to provide a detailed Pavement Marking Plan for Markham Road (showing both existing and proposed conditions with proposed northbound lanes being a minimum of 3 metres wide for through and left-turn lanes and 3.5 metres for the curb lane), a Traffic Control Signal Plan for relocating the signal pole at Brimorton Drive/Markham Road intersection, and a revised Traffic Impact Study to the satisfaction of the General Manager, Transportation Services.

9. Before the necessary Bills are introduced to City Council for enactment, the owner is required to provide a revised Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development, and to

demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate, to the satisfaction of and acceptance by the Chief Engineer and Executive Director of Engineering and Construction Services.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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On May 2, 2017, Scarborough Community Council considered, under Item SC22.17, a report dated April 11, 2017 from the Director, Community Planning, Scarborough District. The report recommended that the subject application, which at the time was comprised of a 39-storey building containing 380 apartment units, 405 parking spaces in 6-levels of underground parking and an overall site density of 10.89 times the site area, be refused on the basis that 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.

At its meeting on May 2, 2017, Scarborough Community Council referred the item back to the Director, Community Planning, Scarborough District with the direction that City staff and the local Councillor continue negotiations with the owner toward achieving an amended rezoning application, and to continue the review thereof if realized, which:

- a. "Will seek to reduce the height of the application by 10 to 20 percent;
- b. Addresses planning and design issues set out in the Comments section of the report dated April 11, 2017 from the Director, Community Planning, Scarborough District;
- c. Will seek to secure owner commitment through a Section 37 Agreement, as a legal convenience, to construct and maintain the development in accordance with Tier 2 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009; and
- d. Will seek to secure either a cash contribution towards affordable housing and/or units in lieu thereof as part of a Section 37 community benefit contribution."

Planning staff were also directed to report further with recommendations to Scarborough Community Council no later than September 6, 2017 in the event that sufficient progress cannot be made with the owner to adequately address the above matters.

In the event that adequate progress was made to address the above matters, that notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

The Scarborough Community Council decision record, with a link to the above referenced Planning staff report, can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC22.17>

On October 17, 2017, Scarborough Community Council received for information, under Item SC25.5, a further Status Report dated August 16, 2017 from the Director, Community Planning, Scarborough District on the status of discussions with the owner relating to the above matters. The report advised that:

1. The proposed building height had now been reduced by 5-storeys (12.8%) to 34-storeys;
2. The proposed dwelling unit count was reduced to 329 apartments, 34 (10.3%) of which would be 3-bedroom units;
3. Parking would now be provided with just 4-levels of underground parking;
4. Overall site density would be reduced to 9.5 times the current gross site area; and
5. The revised proposal now provided for the above-referenced 269 square metre on-site parkland dedication.

Item SC22.17 and the decision of Community Council of May 2, 2017 was re-opened, with the following revised directions provided:

Item c. above was revised to:

c. "Will seek to secure owner commitment through a Section 37 Agreement, as a legal convenience, to construct and maintain the development in accordance with Tier 2 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009, and to secure a minimum 10% of the new units as 3 bedroom units; and".

Item d. above was also revised to:

d. "Will seek to secure a cash contribution towards affordable housing or any other appropriate Section 37 community benefit contribution."

The Scarborough Community Council decision record, with a link to the above referenced second Planning staff report, can be viewed at:

## COMMENTS

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### Proposal

The subject proposal, as currently revised, seeks to replace the existing commercial plaza at 1021-1035 Markham Road with a 34-storey mixed-use building having a total gross floor area of 26,370 square metres. Of this, approximately 24,190 square metres is residential gross floor area and approximately 2,180 square metres is non-residential (commercial) gross floor area. The proposed site density (FSI), following dedication of the new public park and a required road widening of Brimorton Drive, is now approximately 10.2 times the resulting net site area.

The following attachments provide additional information:

Attachment 1: Application Data Sheet;  
Attachment 6: Site Plan;  
Attachment 8a: Elevations (East and South);  
Attachment 8b: Elevations (West and North); and  
Attachment 9: Aerial View Looking West.

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, 600 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 (1,414 square metres) which the owner suggests would be utilized to accommodate a grocery store, with the third floor comprised of eight residential units along the building's south face, and resident indoor amenity (362 square metres) and outdoor amenity (211 square metres) spaces on the 3rd and 7th floors on the building's north and west faces. Resident storage lockers are also provided on the third floor.

The fourth to sixth floors, which each have an average floor plate size of approximately 1,252 square metres, are comprised of residential units and resident storage lockers.

The 34-storey residential tower (i.e. 28-storeys above the 6-storey base building) would be 103.5 metres in height excluding the mechanical penthouse (109.8 metres with mechanical penthouse). The north-east portion of the third floor of the tower would have 362 square metres of resident indoor amenity space connected to 211 square metres of outdoor amenity space, and 11 residential units. The seventh floor of the tower would also have 329 square metres of resident indoor amenity space connected to 440 square metres of outdoor amenity space, a 'green roof' (37 square metres) at the south-east corner of the building, and five residential units.

Floors 7 to 32 would each have a floor plate of 742.6 square metres, with floors 33 and 34 having a floor plate of 631.9 square metres each. Only residential units are proposed on floors 7 to 34, with each unit having a private balcony.

The 34-storey residential tower (i.e. 28 storeys above the 6-storey base building) would be 103.5 metres in height excluding the mechanical penthouse (109.6 metres with mechanical penthouse).

Overall, the proposed development would provide for 63 one-bedroom units, 139 one-bedroom plus den units, 86 two-bedroom units, 11 two-bedroom plus den units, and 34 three-bedroom units (the latter comprising 10.2% of all units). A total of 691 square metres overall of indoor amenity space would be provided, or approximately 2.1 square metres per unit compared to standard City apartment zoning requirements of 2.0 square metres per unit. A total of 651 square metres of outdoor amenity space would be provided, or approximately 1.96 square metres per unit, slightly below standard City requirements of 2.0 square metres per unit. Approximately 37 square metres of 'green roof' is also proposed, representing 62% 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 229 parking spaces would be provided for all uses within 4 levels of underground parking. This includes 158 spaces for resident use, 22 spaces for commercial use on the first underground parking level, and 49 resident visitors spaces on the first and second underground parking levels. A total of 282 bicycle parking spaces would be provided, slightly exceeding standard City requirements for 263 spaces, of which 244 spaces are for long-term use (240 spaces for residents and 4 spaces for retail users) and 38 spaces are for short-term use (28 spaces for residents and 10 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 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 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 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 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 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. 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 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 Council shall also be consistent with the PPS and conform with Provincial Plans.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017).

As discussed in the April 11, 2017 report of the Director, Community Planning, Scarborough District, 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. 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.

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 *Neighbourhood*. For these reasons, Planning staff continue to conclude that the current proposal, by extension, remains inconsistent with the PPS. Similarly, the current proposal fails to conform with the "high quality built form and an attractive and vibrant public realm established through site design and urban design standards" objectives of the Growth Plan.

## **Land Use**

The subject application has been reviewed against the *Mixed Use Areas* policies set out in Section 4.5 of the Official Plan as well as Official Plan Amendment No. 71 which applied Site and Area Specific Policy No. 322 to the subject lands as a result of the 2009 Markham-Ellesmere Revitalization Study, and the Markham-Ellesmere Guidelines and Conceptual Master Plan also adopted by City Council in 2009 (as discussed more fully in the report dated April 11, 2017 from the Director, Community Planning, Scarborough District referenced above.)

Planning staff conclude, from a land use standpoint only, that a well-designed mixed use residential apartment development can be considered appropriate use of the subject lands.

## **Density, Height, Massing**

The subject application has been reviewed against the Healthy Neighbourhoods policies of Section 2.3.1 (as amended by OPA 320), the Built Environment policies of Section 3.1, the *Mixed Use Areas* policies of Section 4.5, and Site and Area Specific Policy No. 322 of the Official Plan, as were discussed more fully in the report dated April 11, 2017 from the Director, Community Planning, Scarborough District referenced above.

The above referenced report relating to the 39-storey building proposed at the time concluded that the height, density and massing of the proposed development did 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, particularly given the two 28-storey apartment buildings currently under development immediately north of the subject site. The proposal was determined to be 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 was considered inappropriate for the subject property, represented over-development of the site, would unduly impact on the character and amenity of adjacent *Neighbourhoods*, and would not be in the public interest.

The proposed reduction in building height to the current 34-storey proposal, as addressed in the subsequent Information Report dated August 16, 2017 from the Director, Community Planning, Scarborough District, also did not adequately address the above concerns. City Planning remains of the opinion that the subject application as now amended to 34-storeys still cannot be supported

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

Transportation Services advise that the median being proposed as part of this development on Markham Road must not restrict left-turn movements on the west side of Markham Road and must be reduced in length to terminate before the driveway of 1050 Markham Road. A detailed Pavement Marking Plan for Markham Road (showing both existing and proposed conditions with proposed northbound lanes being a minimum of 3 metres wide for through and left-turn lanes and 3.5 metres for the curb lane), a Traffic Control Signal Plan for relocating the signal pole at Brimorton Drive/Markham Road intersection, and a revised Traffic Impact Study to the satisfaction of the General Manager, Transportation Services, are also required prior to enactment of the Zoning By-law Amendments. Requirements to this effect are noted in the Recommendations section of this report

Transportation Services staff also note that the current 333 apartment unit proposal, having just 158 parking spaces designated for resident-use only, will be deficient under current standard City requirements by 127 spaces (a 44.6% deficiency on the 285 resident parking spaces that should be provided).

With the concurrence of Transportation Services staff, the parking requirements to be applied through the proposed Zoning By-law Amendments attached to this report are consistent with those of Toronto Zoning By-law No. 569-2013, as amended, for Policy Area 4, were it to apply to the subject property. Compliance with these standards, particularly to achieve the 285 parking space requirement for residents, will require the proposed site plan to be amended to provide one or two additional levels of underground parking, to be further confirmed through the Site Plan Approval process.

### **Road Widening**

Transportation Services advise that a road widening of approximately 0.4 metres along the entire Brimorton Drive frontage of this development (approximately 24.4 square metres) is required to satisfy the required 27 metre wide right-of-way for Brimorton Drive. A 6 metre corner rounding on the northeast corner of Markham Road & Brimorton Drive is also required. These matters will be secured through the Site Plan Approval process.

## **Site Servicing**

By memorandum to City Planning dated May 31, 2018, Engineering & Construction Services requires that a revised Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development, and to demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate. All site servicing proposals must be to the satisfaction of and acceptable to the Chief Engineer and Executive Director of Engineering and Construction Services, prior to enactment of the Zoning By-law Amendments. Requirements to this effect are noted in the Recommendations section of this report.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 300+ hectares of local parkland per 1,000 people. The subject site is located in the highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The applicant has denoted an unencumbered on-site park dedication of 269 square metres as requested by Parks, Forestry and Recreation Division. Parks staff note, however, that on the latest site plan submission a hydro vault is located within the proposed park which must be relocated. Parks staff have also provided their required conditions of approval for the proposed site plan.

The parkland dedication (with hydro vault removed) and Park's usual conditions of approval related to its conveyance to the City will be secured through the site plan approval process.

## **Tree Preservation**

Urban Forestry staff advise that, as currently proposed, this project would require the injury of two (2) City street trees, adjacent to Markham Road, and pursuant to the Toronto Green Standard (TGS), the planting of 17 new trees on-site and within the adjacent road allowance. These matters will also be addressed and secured through the site plan approval process.

## **Toronto Green Standard**

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.

While the applicant is required to meet Tier 1 of the TGS, pursuant to the revised directions of Community Council on October 1, 2017 (Item SC25.5) the owner has

indicated its preparedness to meet the Tier 2 TGS performance measures with the exception of enhanced tree planting. This is due to limited on-site opportunities for additional tree plantings given the current site plan and the owner's intention to work with the City to achieve enhanced tree planting on the new public park to be dedicated. Tier 2 commitments may qualify for a post-construction Development Charge refund,

Performance measures for the Tier 1 development features will be secured through the *Section 37* provisions of the draft zoning by-laws attached to this report (as noted below), while Tier 2 commitments will be secured through the Site Plan Approval 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 owner has indicated acceptance, on the basis of the 333 dwelling units currently proposed, to provide \$832,500 toward Section 37 community benefits. The community benefits requested by the Ward Councillor to be secured in the Section 37 Agreement are as follows:

1. \$200,000 for capital improvements to Centennial Recreation Centre for outdoor recreation upgrades including new walking trails;
2. \$200,000 for capital improvements to the Board of Health Scarborough Dental Clinic at the Scarborough Civic Centre and/or the Canadian Centre for Refugee and Immigrant Health Care (at 4185 Sheppard Avenue East);
3. \$50,000 to Toronto Public Library branches for capital upgrades to the library facilities, including the purchase of musical instruments, in order to deliver the 'Borrow a Musical Instrument' loan program and/or musical equipment for local non-profit community and school bands;
4. \$100,000 to Toronto Animal Services for capital improvements/upgrades to the Scarborough Animal Shelter, including but not limited to animal adoption facilities, operating clinic and/or public access improvements;
5. \$50,000 to Animal Alliance of Canada for the Feral Cat Recovery Centre (at 705 Progress);
6. \$50,000 to the Toronto Wildlife Centre for capital improvements/upgrades to the facility at 60 Carl Hall Road, North York;
7. \$50,000 to South Asian Autism Awareness Centre for capital improvements/upgrades to the facility at 705 Progress Avenue;

8. \$50,000 for the capital improvements/upgrades, including the purchase of ice skates, for not-for-profit 'Skate to Great' loan programs in Scarborough schools including North Bendale Public School;
9. \$50,000 to Toronto and Region Conservation Authority for capital improvements/upgrades to the Scarborough Butterfly Trail; and
10. \$32,500 for capital improvements/upgrades to food banks in the local area.

The following matters are also proposed to be secured in the Section 37 Agreement as a legal convenience to support development:

1. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

## **Conclusion**

The subject application has been reviewed against the Healthy Neighbourhoods policies of Section 2.3.1 (as amended by OPA 320), the Built Environment policies of Section 3.1, the *Mixed Use Areas* policies of Section 4.5, and Site and Area Specific Policy No. 322 of the Official Plan, as were discussed more fully in the report dated April 11, 2017 from the Director, Community Planning, Scarborough District referenced above.

City Planning remains of the opinion that the subject application, even as now amended to 34-storeys, still cannot be supported for the same reasons relating to building height, massing, and lack of adequate transition in scale downward toward the adjacent *Neighbourhoods* to the south and east, as were originally set out in the April 11, 2017 report.

Scarborough Community Council on May 2, 2017 (Item SC22.17), as revised on October 17, 2017 (Item SC25.5), directed that "notice for the public meeting under the *Planning Act*" be given if "adequate progress" is achieved on the various Committee instructions discussed in the Decision History section of this report. As it appears the owner has attempted to respond to those express Community Council instructions, public notice has been issued in order to bring the attached draft Zoning By-law Amendments, without City Planning recommendation for approval, forward to City Council for consideration.

## **CONTACT**

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Rod Hines, Principal Planner  
Tel. No. 416 396-7020  
Fax No. 416 396-4265  
E-mail: Rod.Hines@toronto.ca

## **SIGNATURE**

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Paul Zuliani, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

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

Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Existing Zoning By-law Map  
Attachment 4: Draft Zoning By-law Amendment (Woburn Community Zoning By-law No. 9510)  
Attachment 5: Draft Zoning By-law Amendment (Toronto Zoning By-law No. 569-2013)

### **Applicant Submitted Drawings**

Attachment 6: Site Plan  
Attachment 7: Site Plan Context  
Attachment 8a: Elevations (East and South)  
Attachment 8b: Elevations (West and North)  
Attachment 9: Aerial View Looking West

## Attachment 1: Application Data Sheet

Municipal Address: 1021-1035 MARKHAM RD Date Received: December 23, 2016  
Application Number: 16 270614 ESC 38 OZ  
Application Type: OPA / Rezoning

Project Description: The zoning by-law amendment and site plan approval propose to redevelop the current retail plaza site with a 34-storey mixed use development having a 6-storey podium.

Applicant	Agent	Architect	Owner
ADAM BROWN		TURNER FLEISCHER	LASH ACTIVE PLAZA CORP

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: Y  
Zoning: CR Heritage Designation:  
Height Limit (m): Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 2,863 Frontage (m): 55 Depth (m): 60

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	Unknown	0	1,160	1,160
Residential GFA (sq m):	0	0	24,190	24,190
Non-Residential GFA (sq m):	Unknown	0	2,180	2,180
Total GFA (sq m):			26,370	26,370
Height - Storeys:			34	34
Height - Metres:			103	103

Lot Coverage Ratio (%) 60 Floor Space Index: 10.26

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	24,190	0
Retail GFA:	2,101	79
Office GFA:	(Included in Retail)	0
Industrial GFA:	0	0



Institutional/Other GFA: 0 0

Residential Units by Tenure	Existing	Retained	Proposed	Total
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Rental:

Freehold:

Condominium:			333	333
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Other:

Total Units:			333	333
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#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		0	202	97	34
Total Units:		0	202	97	34

#### Parking and Loading

Parking Spaces:	229	Bicycle Parking Spaces:	282	Loading Docks:	2
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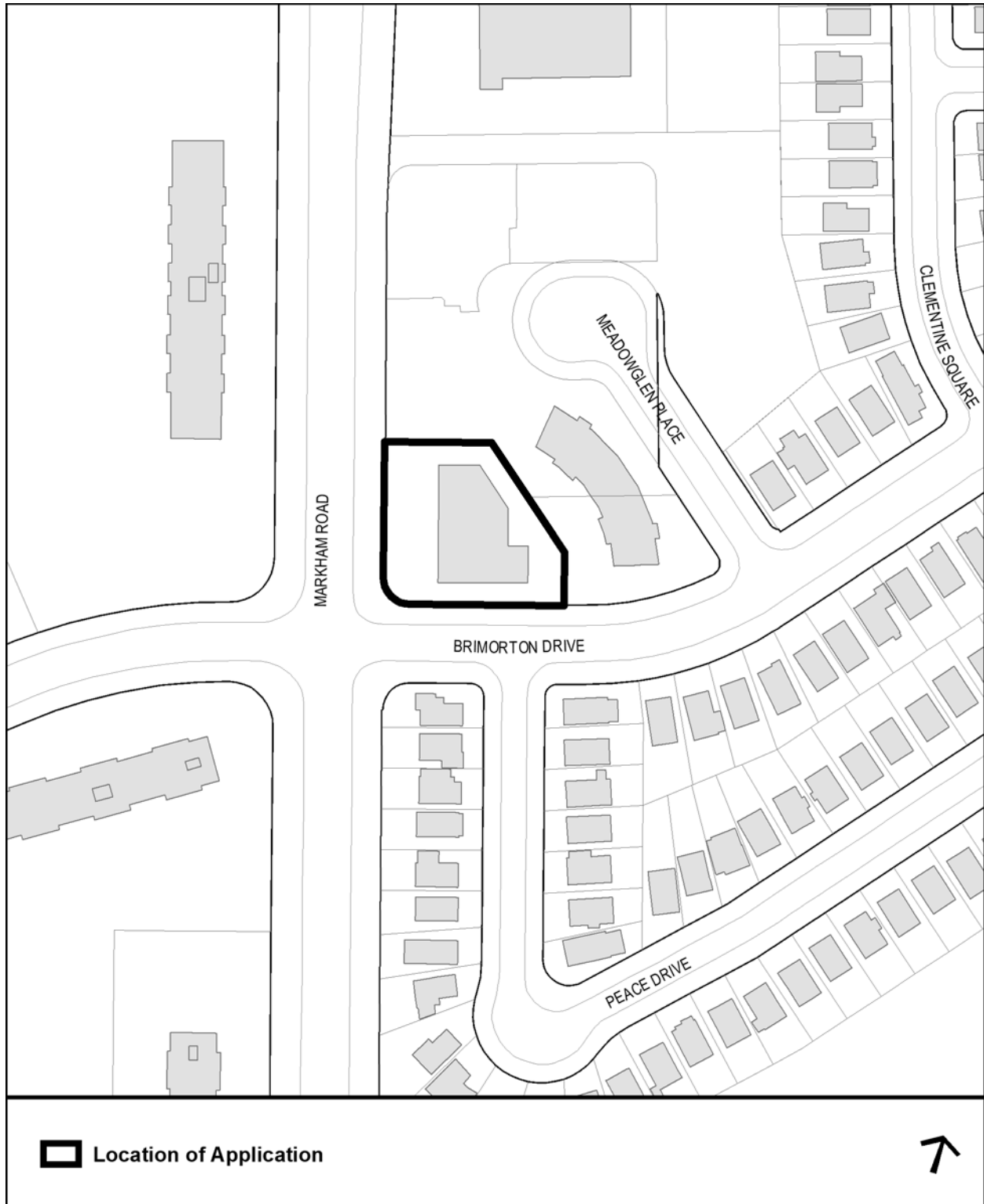
#### CONTACT:

Rod Hines, Principal Planner

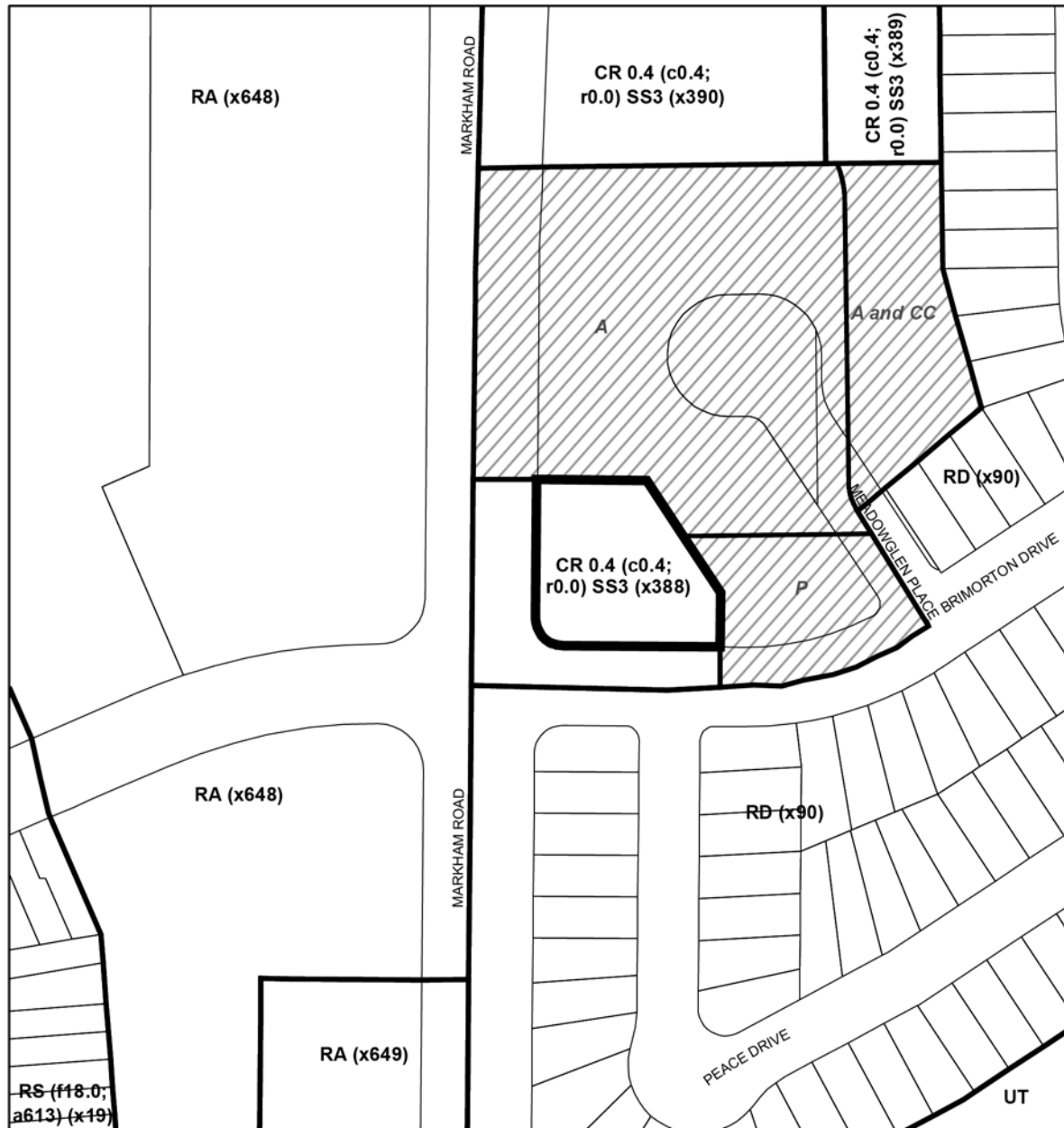
(416) 396-7020

Rod.Hines@toronto.ca

## Attachment 2: Location Map



# Attachment 3: Existing Zoning By-law Map



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  
RS

Residential Detached  
Residential Semi-Detached

RA  
CR  
UT

Residential Apartment  
Commercial Residential  
Utility and Transportation

A  
P  
A and CC

Apartment Residential  
Park  
Apartment Residential and Community Commercial



Not to Scale  
Extracted: 02/24/2017

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

To amend former City of Scarborough Woburn Community Zoning By-law No. 9510, as amended, with respect to the lands municipally known as 1021-1035 Markham Rd

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

WHEREAS the Official Plan for the city of Toronto contains provisions relating to the authorization of increases in height and density of development; and

WHEREAS pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law under Section 34 of the Planning Act, authorize increases in height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37 (3) of the Planning Act, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the land hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 9511, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. **Schedule "A"** of the Woburn Community Zoning By-law No. 9510, as amended, is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule '1':

A – 177 – 178 – 281 - 312 – 313 – 314 – 550 – 551 – 552 – 553 – 554 – 555 -  
556 – 557  
P

2. **Schedule "B" PERFORMANCE STANDARD CHART** is amended by adding the following Performance Standard Nos. 281, 312, 313, 550, 551, 552, 553, 554, 555, 556 and 557 as follows:

### **Bicycle Parking Spaces**

281. Bicycle **parking spaces** shall be provided in accordance with the following:

(a) A minimum of 0.75 bicycle **parking spaces** per **dwelling unit**, allocated as 0.68 "long-term" bicycle **parking spaces** per **dwelling unit** and 0.07 "short-term" bicycle **parking spaces** per **dwelling unit**, where:

- i. "long-term" bicycle **parking spaces** are for use by the occupants or tenants of a building and are located in a building; and
- ii. "short-term" bicycle **parking spaces** are for use by visitors to a building.

(b) Minimum bicycle **parking space** requirements for non-residential uses:

i. Minimum 0.137 "long-term" bicycle **parking spaces** per 100 m<sup>2</sup> for use by the occupants or tenants of a building and are located in a building; and

ii. Minimum "short-term" bicycle **parking spaces** for use by visitors to a building: 3 bicycle **parking spaces** plus 0.25 bicycle **parking spaces** per 100 m<sup>2</sup>.

(c) Where bicycles are to be parked in a horizontal position, the bicycle **parking spaces** shall have minimum dimensions of 0.6 m width by 1.8 m length per bicycle and minimum vertical clearance from the ground of 1.9 m.

(d) Where bicycles are to be parked in a vertical position, the **bicycle parking spaces** shall have minimum dimensions of 0.6 m width, minimum length or vertical clearance of 1.9 m and minimum horizontal clearance from the wall of 1.2 m.

(e) Where stacked bicycle **parking spaces** are provided, the minimum vertical clearance for each bicycle **parking space** is 1.2 m.

(f) Bicycle **parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker.

### **PARKING**

312. Notwithstanding **Clause VII – GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 1, General Parking Requirements**, Sub-Section 1.1, Table of

Required Parking Rates, the requirements in the following **Table of Required Parking** shall apply:

**Table of Required Parking**

Use	Unit Size	Minimum Parking Required	Maximum Parking Permitted
<b>Dwelling units</b>	Bachelor Units less than 45 m <sup>2</sup>	0.7 spaces per unit	1.0 spaces per unit
	Bachelor Units greater than 45 m <sup>2</sup>	1.0 spaces per unit	1.3 spaces per unit
	1-Bedroom Units	0.8 spaces per unit	1.2 spaces per unit
	2- Bedroom Units	0.9 spaces per unit	1.3 spaces per unit
	3+ Bedroom Units	1.1 spaces per unit	1.6 spaces per unit
Residential Visitors		0.15 space per unit	
Grocery store		1.0 spaces per 100 m <sup>2</sup> of <b>gross floor area</b>	4.5 spaces per 100 m <sup>2</sup> of <b>gross floor area</b>
Other Non-residential Uses		1.0 spaces per 100 m <sup>2</sup> of <b>gross floor area</b>	4.0 spaces per 100 m <sup>2</sup> of <b>gross floor area</b>

313. Minimum loading space requirements:

- (a) One Type G loading space internal to the building, meaning a loading space that is a minimum of 4 m wide, 13 m long and has a minimum vertical clearance of 6.1 m; and
- (b) One Type B loading space internal to the building, meaning a loading space that is a minimum of 3.5 m wide, 11 m long and has a minimum vertical clearance of 4 m.

## MISCELLANEOUS

550. Maximum 333 **dwelling units**, of which a minimum 10% shall be three-bedroom units.

551. **Gross floor area** of all uses shall not exceed 26,500 m<sup>2</sup> (excluding **basements**, including below-grade parking structures and associated parking spaces, ramps, **driveways** and aisles; amenity rooms; **utility rooms**, elevator shafts; garbage handling and storage areas including garbage shafts; mechanical penthouse; and exit stairwells in the building or from the underground parking garage), of which a maximum 2,200 m<sup>2</sup> may be for permitted uses other than **dwelling units**.

552. Maximum permitted building **coverage**: 61% of the area of the lot/parcel.

553. Maximum **height** of 34 **storeys** (excluding mechanical penthouse) and 111 m (including mechanical penthouse), except maximum **height** of the podium base-building shall not exceed 6 **storeys** and 29.2 m.

554. A minimum of 4 m<sup>2</sup> of **amenity space** shall be provided as follows:

- (a) Minimum 2 m<sup>2</sup> per **dwelling unit** of indoor **amenity space** or spaces, at least one of which contains a kitchen and washroom and at least one of which is adjoining and directly accessible to a minimum of 40 m<sup>2</sup> of outdoor **amenity space**; and
- (b) Minimum 2 m<sup>2</sup> per **dwelling unit** of outdoor **amenity space**.

555. Minimum building **setback** requirements::

- (a) Minimum 1.0 m from the Markham Road streetline, plus an additional building **setback** of 4.5 m above the 6<sup>th</sup> **storey**;
- (b) Minimum 0.7 m from the Brimorton Drive streetline, plus an additional building **setback** of 2.6 m above the 6<sup>th</sup> **storey**;
- (c) Notwithstanding (a) and (b) above, a minimum building **setback** of zero (0) metres is permitted from the Markham Road/Brimorton Drive **street** line corner rounding;
- (d) Minimum 9.7 m from a **Park Zone (P)**;
- (e) Minimum 9 m from all other lot lines; and
- (f) Minimum 0.6 m from the streetline for underground parking structures, with no building **setback** required from the Markham Road/Brimorton Drive **street** line corner rounding or other lot lines.

556. Maximum **floor area** of each **storey** over 6 **storeys** above grade:

- (a) Maximum 750 m<sup>2</sup> per floor from the 7<sup>th</sup> **storey** to the 32<sup>nd</sup> **storey**;
- (b) Maximum 650 m<sup>2</sup> for the 33<sup>rd</sup> and 34<sup>th</sup> **storeys**; and
- (c) Maximum 400 m<sup>2</sup> for mechanical penthouse.

556. Minimum floor to ceiling height for the first floor: 4.5 m.

557. All waste and recyclable materials to be stored within a wholly enclosed building.

3. **Schedule 'C', EXCEPTIONS LIST and EXCEPTIONS MAP** are further amended by adding the following Exception No. 77:

77. On those lands identified as Exception No. 77 on the accompanying Schedule 'C' map, the following provisions shall apply:

(a) Only the following uses shall be permitted:

- **Dwelling Units**

- Art Gallery, being premises used for the exhibition, collection or preservation of works of art for public viewing
- Artist Studio, being premises used for creating art or craft
- Automated Banking Machine, being a device at which customers can complete self-serve financial transactions
- Community Centre, being premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities
- Custom Workshop, being premises used for producing or making custom-made goods in limited quantities, using techniques that do not involve mass-production
- Eating Establishment, being premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service
- Home Occupation, being a business use within a **dwelling unit**, where the **dwelling unit** is the principal residence of the business operator
- Library
- Massage Therapy, being premises providing massage therapy by persons who are medical or health professionals licensed or registered under Province of Ontario legislation
- Municipal Shelter, being premises in which short-term emergency accommodation and associated support services are provided and supervised, and is operated by or for the City of Toronto, or an agency of the City of Toronto
- Offices, including medical and dental offices
- Outdoor Patio, being an outdoor patron area that is ancillary to a non-residential use

- **Park**

- Personal Service Shops, being premises used to provide personal grooming services or for the cleaning or care of apparel
- Pet Services, being premises used to provide for the grooming of domestic animals.

- **Private Home Day Care**

- Religious Education Use, being premises used by a religious organization for religious education, other than a post-secondary school or school regulated under the Education Act, R.S.P. 1990, c.E.2, as amended
- Renewable Energy, being energy obtained from solar energy, wind energy, or geo-energy
- Retail Store, being premises in which goods or commodities are sold, rented or leased
- Retail Service, being premises in which photocopying, printing, postal, or courier services are sold or provided.
- Take-out Eating Establishment, being premises where food or beverages are prepared and offered for sale to patrons for consumption off the premises
- Wellness Centre, being premises providing services for therapeutic and wellness purposes



(b) Pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended and subject to compliance with the provisions of this By-law, the increase in height and/or density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's expense:

(1) Prior to the issuance of an above grade building permit, the Owner shall make a financial (cash) contribution to the City of \$832,500 to be allocated as follows, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made:

- a. \$200,000 for capital improvements to Centennial Recreation Centre for outdoor recreation upgrades including new walking trails;
- b. \$200,000 for capital improvements to the Board of Health Scarborough Dental Clinic at the Scarborough Civic Centre and/or the Canadian Centre for Refugee and Immigrant Health Care (at 4185 Sheppard Avenue East);
- c. \$50,000 to Toronto Public Library branches for capital upgrades to the library facilities, including the purchase of musical instruments, in order to deliver the 'Borrow a Musical Instrument' loan program and/or musical equipment for local non-profit community and school bands;
- d. \$100,000 to Toronto Animal Services for capital improvements/upgrades to the Scarborough Animal Shelter, including but not limited to animal adoption facilities, operating clinic and/or public access improvements;
- e. \$50,000 to Animal Alliance of Canada for capital improvements/ upgrades to the Feral Cat Recovery Centre (at 705 Progress Avenue);
- f. \$50,000 to the Toronto Wildlife Centre for capital improvements/upgrades to the facility at 60 Carl Hall Road, North York;
- g. \$50,000 to South Asian Autism Awareness Centre for capital improvements/upgrades to the facility at 705 Progress Avenue.
- h. \$50,000 for the capital improvements/upgrades, including the purchase of ice skates, for not-for-profit 'Skate to Great' loan programs in Scarborough schools including North Bendale Public School;
- i. \$50,000 to Toronto and Region Conservation Authority for capital improvements/upgrades to the Scarborough Butterfly Trail;
- j. \$32,500 for capital improvements/upgrades to food banks in the local area.

(2) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O., 1990, c.P. 13 as amended, to secure the facilities, services and matters referred to in Section (1) herein, which

agreement shall be registered as a first charge on title to the lands to which this By-law applies.

(3) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009 and updated through the adoption of item PG32.3 of the Planning and Growth Management Committee in 2013.

(4) In the event the cash contribution(s) referred to in Section (1) has not been used for the intended purpose within three (3) years of this 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 of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

(5) Where Section (1) above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and

(6) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to the by-law unless all provisions of Section 1. of this by-law above are satisfied.

4. **Schedule 'C', EXCEPTIONS MAP** is further amended by deleting Exception 20 from the lands indicated on the accompanying Schedule 'C' map.

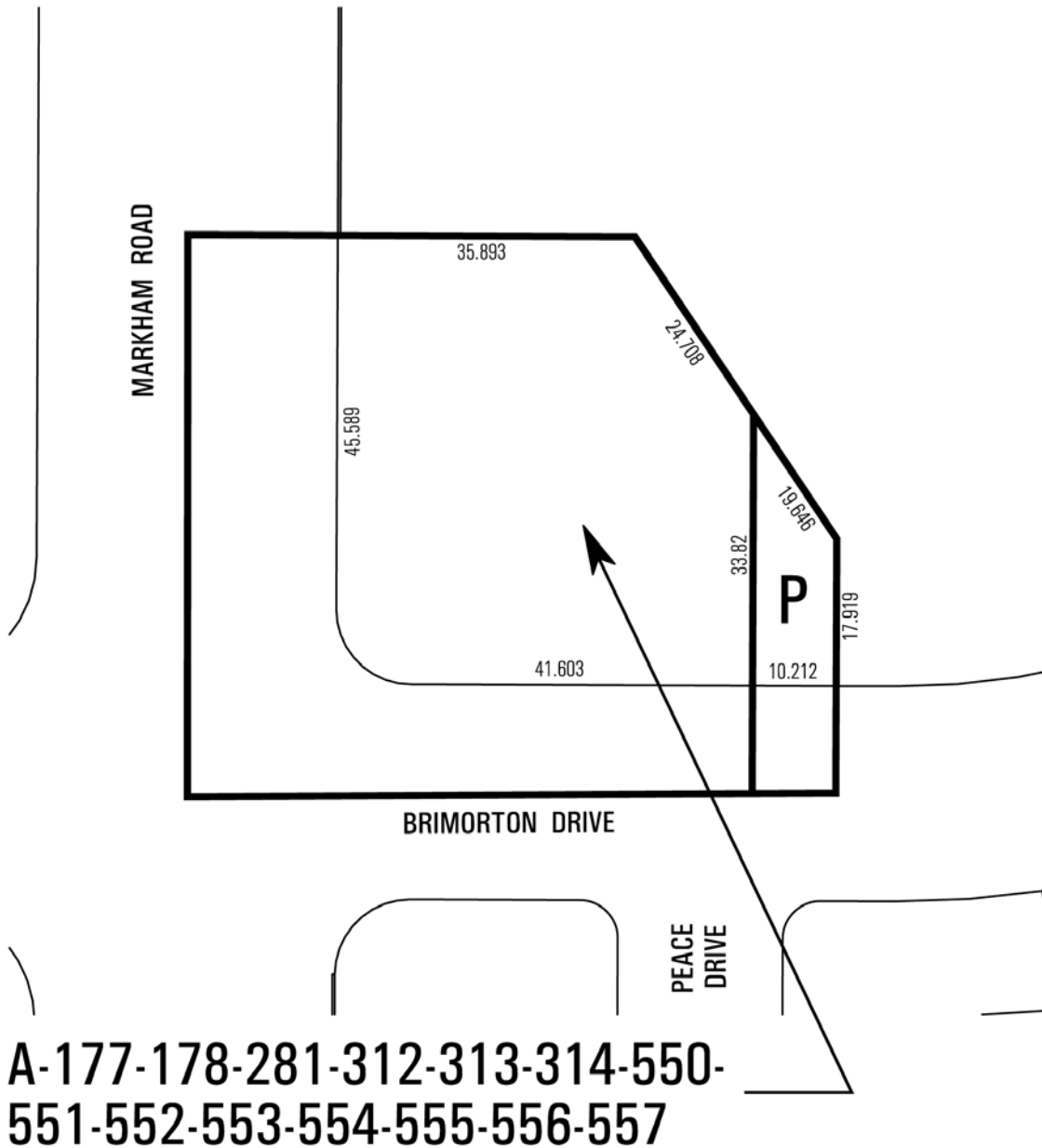
Enacted and passed on month ##, 20##.

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

# Schedule '1'



**Zoning By-Law Amendment**

1021-1035 Markham Road

File # 16 270614 ESC 38 0Z

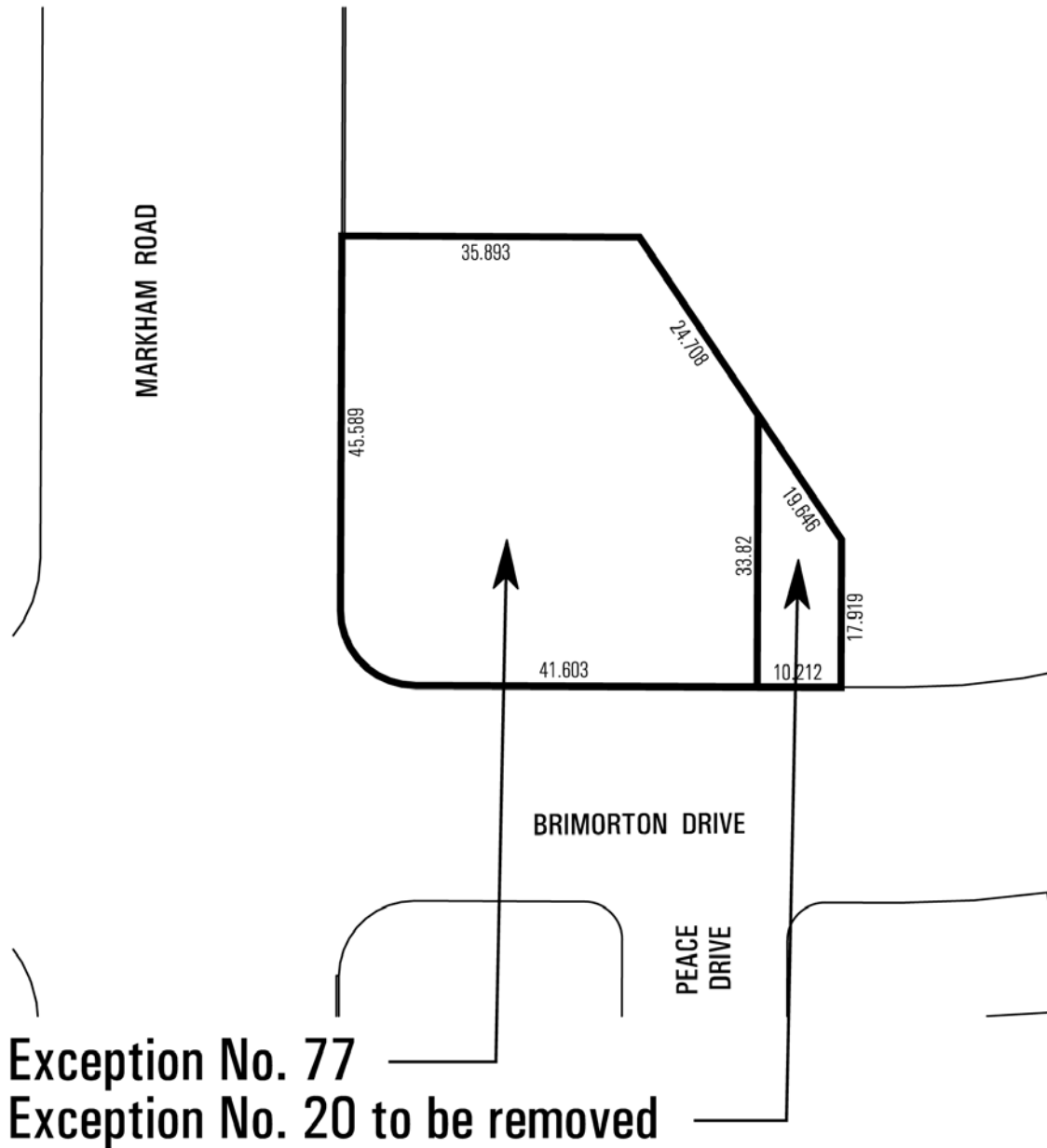


Area Affected By This By-Law

Woburn Community Bylaw  
Not to Scale  
06/27/18



# Schedule '2'



**Zoning By-Law Amendment**

1021-1035 Markham Road

File # 16 270614 ESC 38 0Z



Area Affected By This By-Law

Woburn Community Bylaw  
Not to Scale  
06/27/18



CITY OF TORONTO

Bill No. ~  
BY-LAW No. XXXX-2014

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as, 1021-1035 Markham Rd

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by

heavy black lines from CR 0.4(c0.4; r0.0) SS3 (x388) to (O), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10. Exception Number (388) so that it reads:

**(388) Exception CR 388**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

(A) On 1021-1035 Markham Road, if the requirements of Section 5 and Schedule 'A' of By-law are complied with, a building or structure is permitted if it complies with the following regulations;

(B) Despite the permitted uses listed in Article 40.10.20.10(1) and 40.10.20.10(2), the only uses permitted from those lists are: **Dwelling Units** in a **building** type permitted by Clause 40.10.20.40., **Art Gallery, Artist Studio, Automated Banking Machine, Community Centre, Custom Workshop, Eating Establishment, Home Occupation, Library, Massage Therapy, Municipal Shelter, Office, including Medical and Dental Office, Outdoor Patio, Park, Personal Service Shop, Pet Services, Private Home Daycare, Retail Store, Religious Education Use, Renewable Energy, Retail Store, Retail Service, Take-out Eating Establishment, and Wellness Centre;**

(C) Despite the Lot Coverage Overlay Map in Section 995.30.1, for these lands the maximum permitted **lot coverage** is 61%;

(D) A maximum 333 **dwelling units** are permitted, of which a minimum 10% must be 3-bedroom **dwelling units**;

(E) A maximum **gross floor area** for all uses of 26,500.0 square metres is permitted, of which a maximum of 2,200.0 square metres is permitted for uses other than **dwelling units**;

(F) **Parking spaces** must be provided at the rates required for lands in Policy Area 4;

(G) Despite the Height Overlay Map in Section 995.20.1, the maximum permitted height is 34 **storeys** and 111.0 metres, except maximum height of the podium base-**building** is 6 **storeys** and 29.2 metres;

(H) Despite Regulations 40.5.40.10(2), (4) and (5), no elements of the **building** may project beyond the maximum **building** height in (G) above;

(I) Despite Regulation 40.10.40.70(3), the following minimum **building setback** requirements apply:

- (i) 1.0 metres from the Markham Road **street** line, plus an additional **building setback** of 4.5 metres above the 6<sup>th</sup> **storey**;
- (ii) 0.7 metres from the Brimorton Drive **street** line, plus an additional **building setback** of 2.6 metres above the 6<sup>th</sup> **storey**;
- (iii) 9.7 metres from an Open Space Zone (O);
- (iv) 9.0 metres from all other **lot lines**; and
- (v) Despite (i) to (iv) above, a minimum 0.6 metre **building setback** from the **lot line** abutting a **street** is required for underground parking **structures**, with no minimum **building setback** required from other **lot lines** or from the Markham Road/Brimorton Drive **street** line corner rounding;
- (J) Regulation 40.10.40.70(4) does not apply to **dwelling units** located in the first **storey**;
- (K) The permitted maximum **gross floor area** of each **storey** more than 6 **storeys** above grade is:
  - (a) 750.0 square metres per floor from the 7<sup>th</sup> **storey** to the 32<sup>nd</sup> **storey**;
  - (b) 650.0 square metres for the 33<sup>rd</sup> and 34<sup>th</sup> **storeys**; and
  - (c) 400.0 square metres for the mechanical penthouse; and
- (L) The **angular plane** requirements of Regulation 40.10.40.70(3)(D) do not apply.

Prevailing By-laws and Prevailing Sections: (None Apply)

## 5. Section 37 Provisions

Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

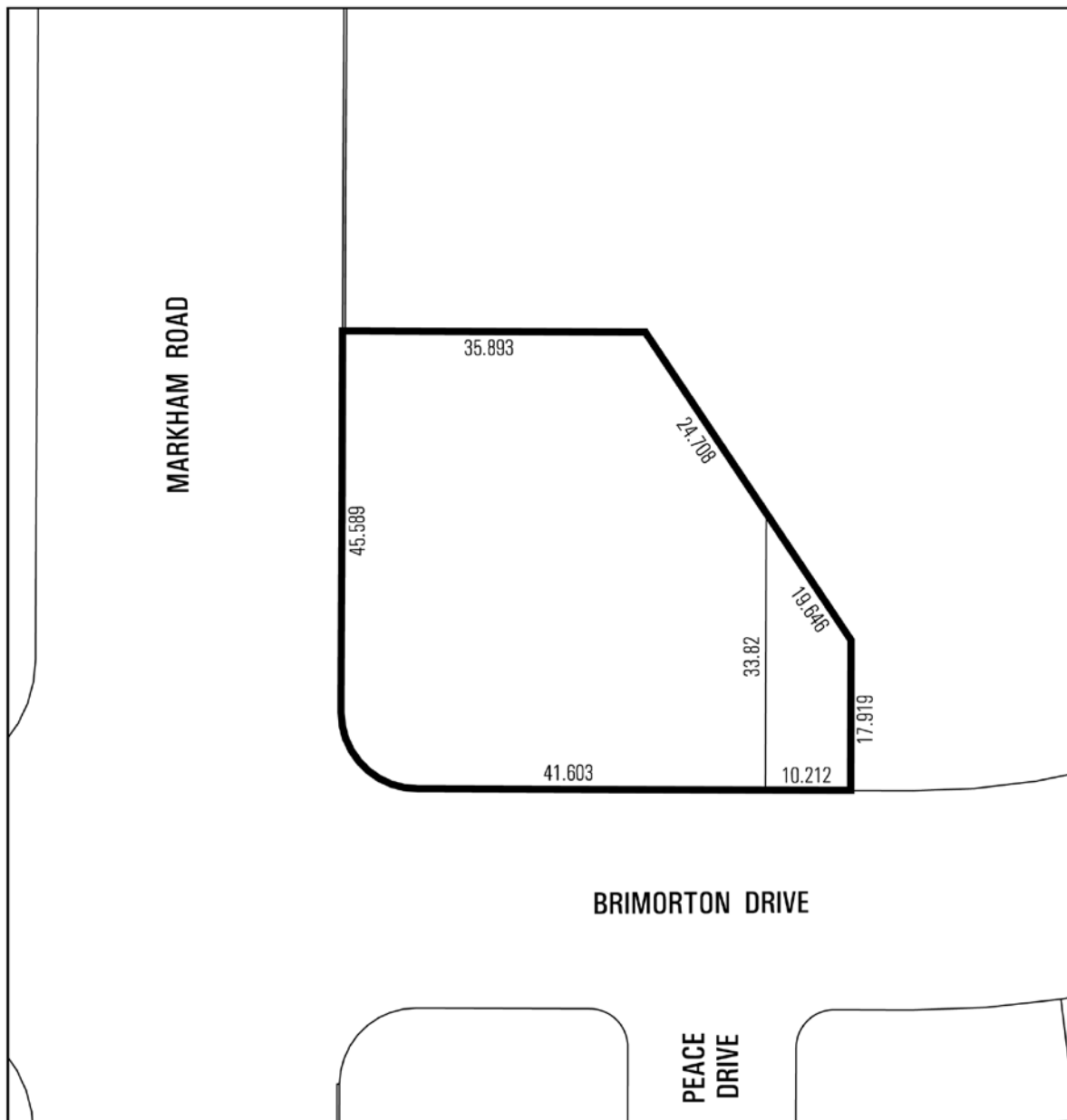
Enacted and passed on month ##, 20##.

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



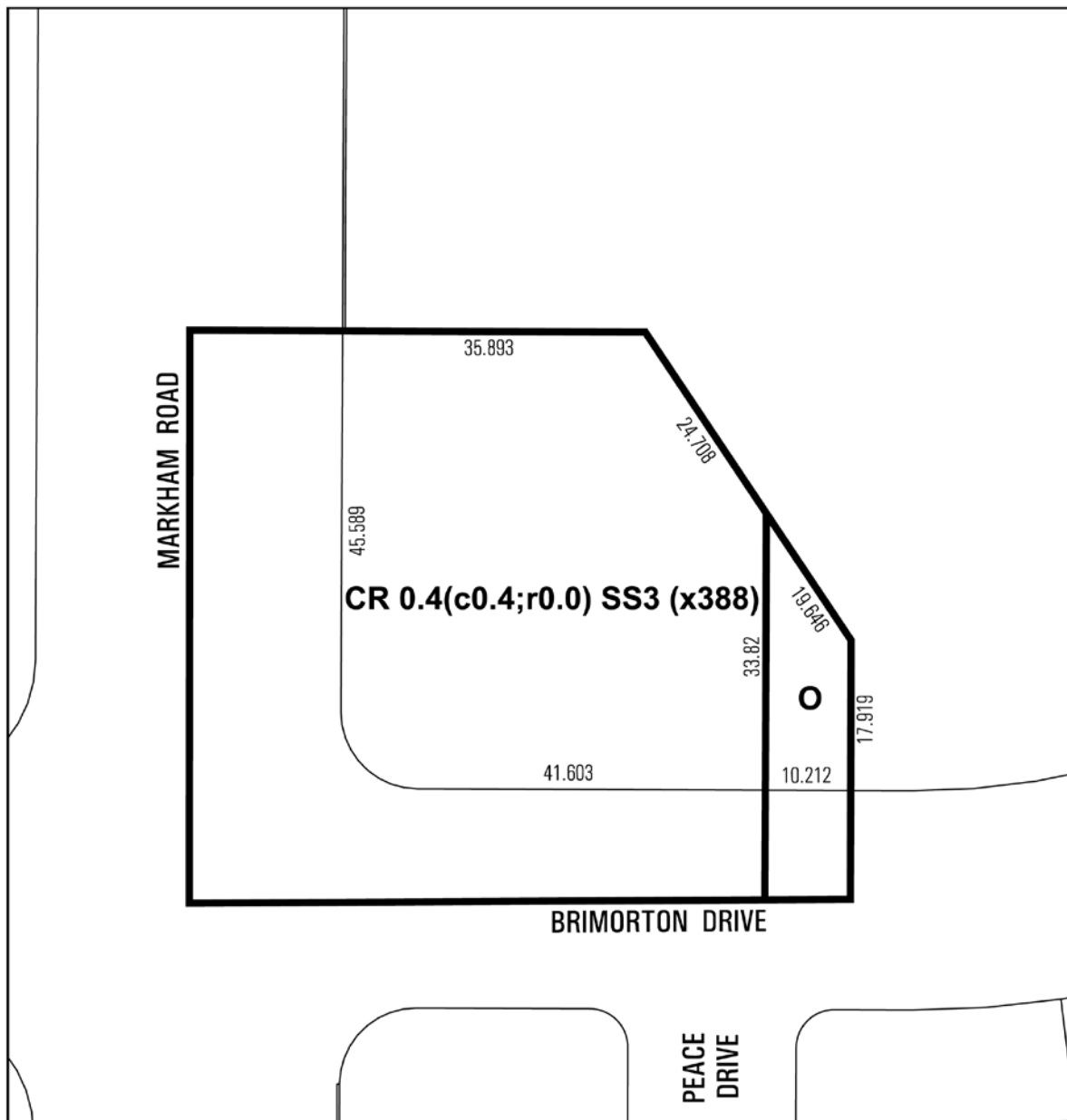


**Toronto**  
Diagram 1

1021-1035 Markham Road

File # 16 270614 ESC 38.0Z

City of Toronto By-Law 569-2013  
Not to Scale  
06/27/2018



**Toronto**  
Diagram 2

**1021-1035 Markham Road**

File # 16 270614 ESC 38.0Z

City of Toronto By-Law 569-2013  
Not to Scale  
06/27/2018

## SCHEDULE A

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and/or density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

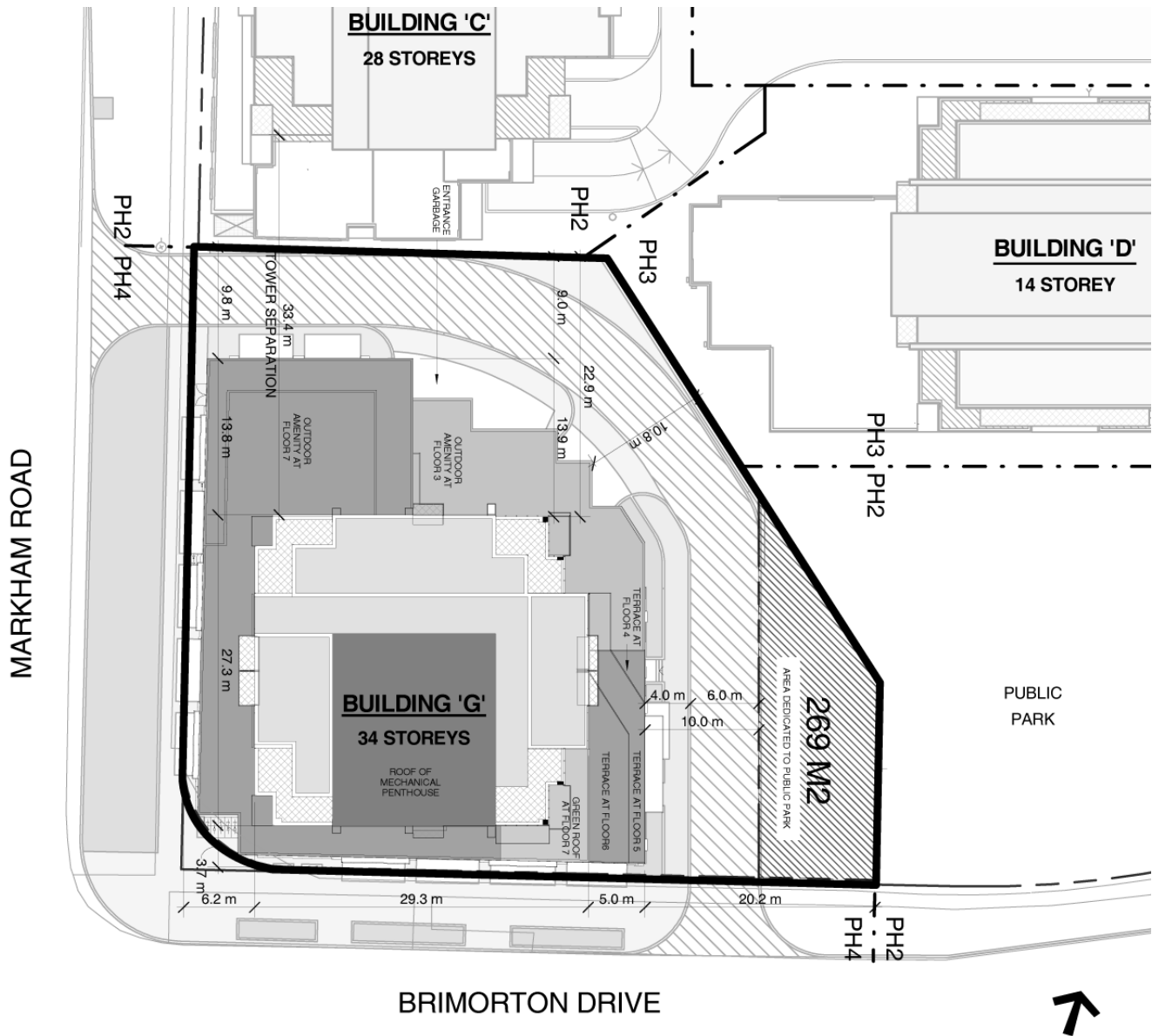
- (1) Prior to issuance of the first above grade building permit, other than a building permit for a temporary sales office/pavilion, the owner shall provide:
  - a. \$200,000 for capital improvements to Centennial Recreation Centre for outdoor recreation upgrades including new walking trails;
  - b. \$200,000 for capital improvements to the Board of Health Scarborough Dental Clinic at the Scarborough Civic Centre and/or the Canadian Centre for Refugee and Immigrant Health Care (at 4185 Sheppard Avenue East);
  - c. \$50,000 to Toronto Public Library branches for capital upgrades to the library facilities, including the purchase of musical instruments, in order to deliver the 'Borrow a Musical Instrument' loan program and/or musical equipment for local non-profit community and school bands;
  - d. \$100,000 to Toronto Animal Services for capital improvements/upgrades to the Scarborough Animal Shelter, including but not limited to animal adoption facilities, operating clinic and/or public access improvements;
  - e. \$50,000 to Animal Alliance of Canada for capital improvements/ upgrades to the Feral Cat Recovery Centre (at 705 Progress Avenue);
  - f. \$50,000 to the Toronto Wildlife Centre for capital improvements/upgrades to the facility at 60 Carl Hall Road, North York;
  - g. \$50,000 to South Asian Autism Awareness Centre for capital improvements/upgrades to the facility at 705 Progress Avenue.
  - h. \$50,000 for the capital improvements/upgrades, including the purchase of ice skates, for not-for-profit 'Skate to Great' loan programs in Scarborough schools including North Bendale Public School;
  - k. \$50,000 to Toronto and Region Conservation Authority for capital improvements/upgrades to the Scarborough Butterfly Trail; and
  - i. \$32,500 for capital improvements/upgrades to food banks in the local area.

with such amounts to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

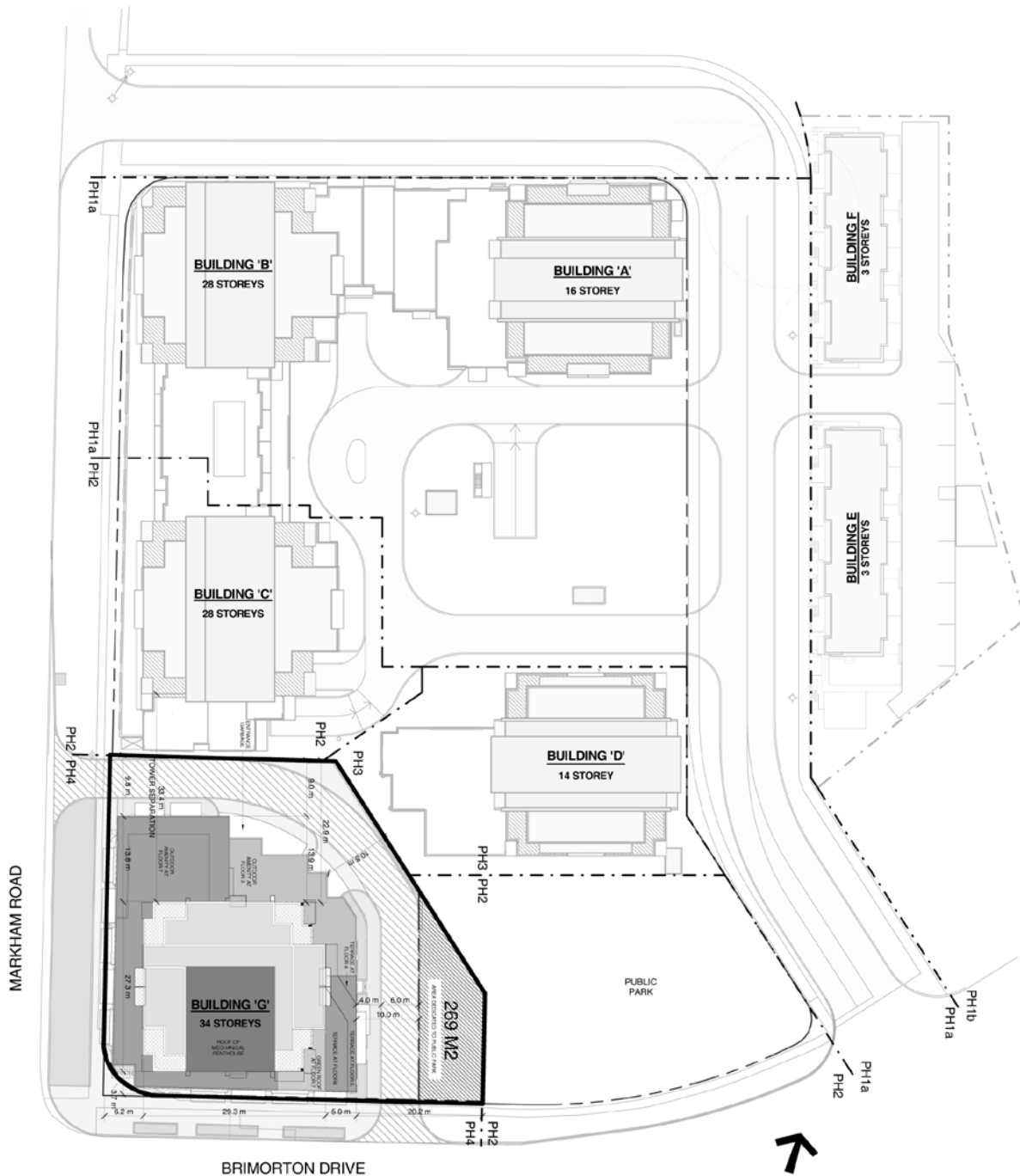
(2) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

(3) In the event the cash contributions referred to in Section 1 have not been used for the intended purpose within three (3) years of this 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 of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

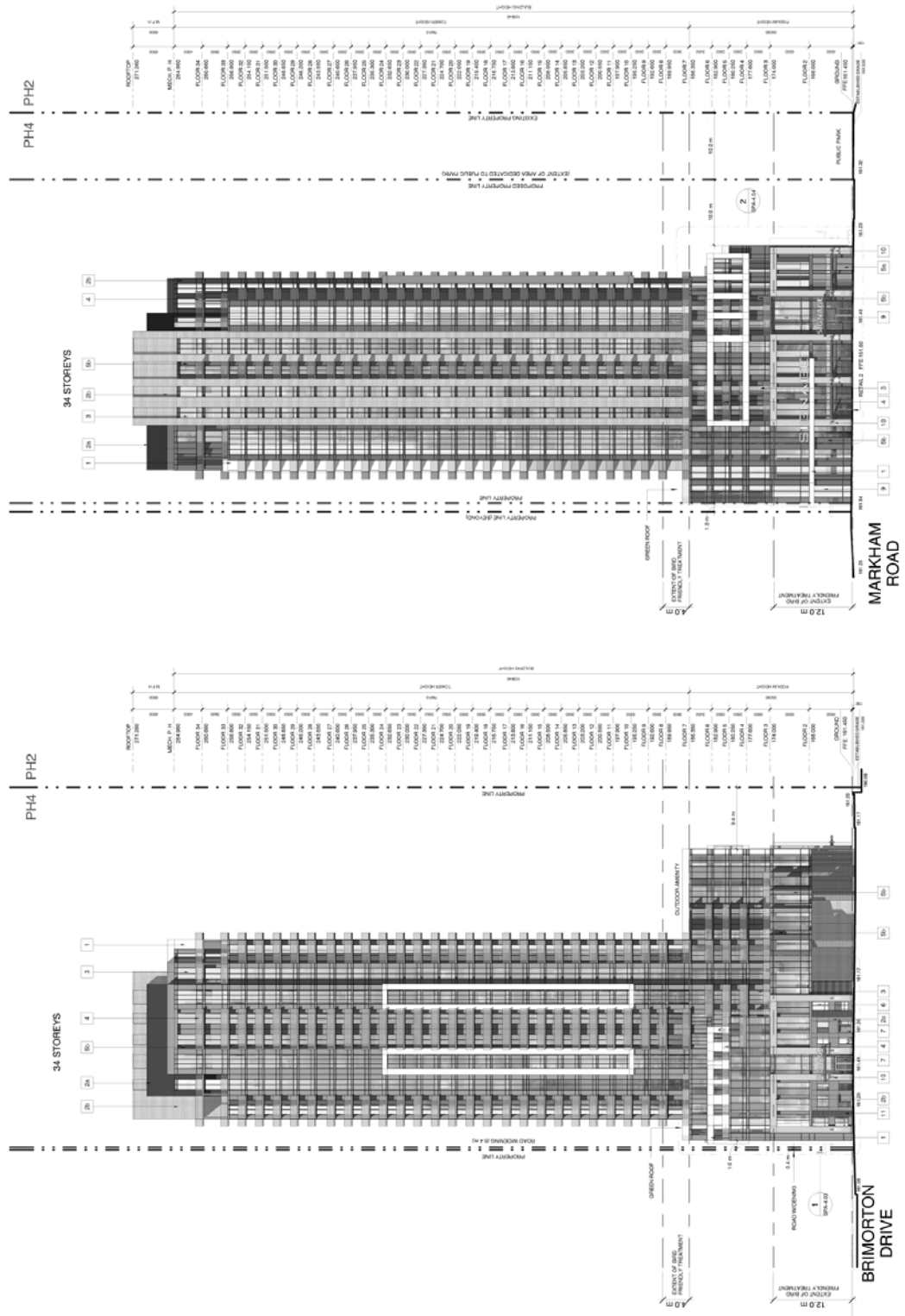
# Attachment 6: Site Plan



## Attachment 7: Site Plan Context

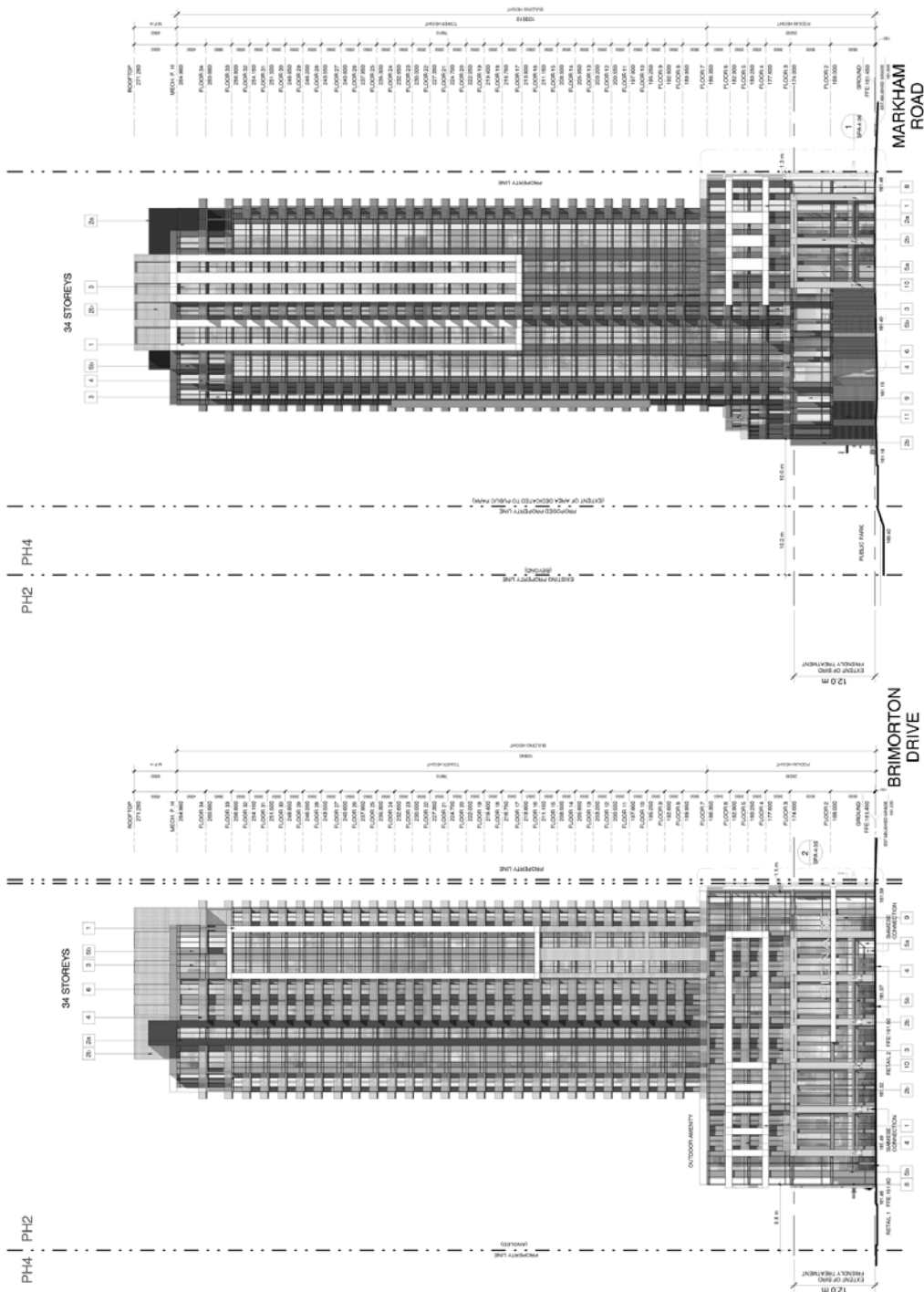


## Attachment 8a: Elevations (East and South)



South Elevation

East Elevation



North Elevation

West Elevation



Attachment 9: Aerial View Looking West



Aerial View Looking West