

## Preliminary Report - 40 and 42 Tuxedo Court - Zoning Amendment Application

Date: August 11, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 24 - Scarborough-Guildwood

**Planning Application Number:** 21 149511 ESC 24 OZ

**Related Applications:** 21 149517 ESC 24 SA

**Notice of Complete Application Issued:** May 28, 2021

**Current Use(s) on Site:** 15-storey apartment building and a 2-storey commercial building with underground and surface parking.

### SUMMARY

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This report provides information and identifies a preliminary set of issues regarding the application located at 40 and 42 Tuxedo Court. This application proposes to permit a mixed-use building with two towers, one 29-storeys and the other 26-storeys and a 667 square metre child care centre. The existing 15-storey apartment building would be retained. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

### RECOMMENDATIONS

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 40 and 42 Tuxedo Court together with the Ward Councillor.
2. Staff provide notice for the community consultation meeting to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **DECISION HISTORY**

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The final report for the Markham-Ellesmere Revitalization Study and its recommendations were endorsed by Scarborough Community Council, and implemented as Official Plan Amendment (OPA) 71, adopted by City Council on August 6, 2009 (Bylaw No. 714-2009). Urban design guidelines and a conceptual master plan were also adopted by City Council to guide development in the Markham-Ellesmere Revitalization Study Area. There were two appeals filed against OPA 71. Ultimately, the appellants and the City settled on the appeal and the Ontario Municipal Board (OMB) approved OPA 71 on February 2, 2011.

Below are two links where the study results are found on the City's website:

<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-21234.pdf> (Part 1)  
and <http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-21235.pdf> (Part 2)

A Committee of Adjustment application (File No. A076/13SC) to increase the permitted gross floor area of Service Commercial and Retail Commercial uses to permit a 128 m<sup>2</sup> pharmacy at 42 Tuxedo Court was approved on May 8, 2013.

## **ISSUE BACKGROUND**

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### **Site Description**

The site is located to the north of Tuxedo Court, approximately 160 metres east of Markham Road. The site is comprised of the addresses 40 and 42 Tuxedo Court. The site has an irregular shape and is 14,154.4 square metres in size. The site is located in a neighbourhood with existing apartment buildings ranging in height from 13 to 15-storeys.

The existing 15-storey apartment building at 40 Tuxedo Court has a gross floor area of approximately 19,049.5 square metres and contains 216 dwelling units. The building was constructed in 1970.

The existing 2-storey commercial building at 42 Tuxedo Court has a gross floor area of approximately 1,118.3 square metres and contains a doctor's office, pharmacy, convenience store and a banquet hall.

## Application Description

This application proposes to amend City of Toronto By-law 569-2013 for the property at 40 and 42 Tuxedo Court to permit the redevelopment of the southern portion of the site with a new mixed-use building with two towers, one 29-storeys and the other 26-storeys, connected by a 3-storey podium. The existing 15-storey building would be retained and the 2-storey commercial building would be demolished.

The proposed building would contain 41,841 square metres of residential gross floor area and 667 square metres of non-residential gross floor area. All of the non-residential space is proposed as a child care centre. A total of 644 dwelling units are proposed, which are comprised of 146 studio units, 258 1-bedroom units, 161 2-bedroom units and 79 3-bedroom units. The proposed 42,508 square metres and the retained 19,049 square metres of gross floor area results in a floor space index (FSI) of 4.35 times the lot area.

The 3-storey podium for the proposed building is oriented in an east-west direction and fronts on to the internal driveway on the site. Tower A is proposed at a height of 29-storeys (93.5 metres) and Tower B is proposed at a height of 26-storeys (84.0 metres). The western face of the podium is setback by 5.72 metres to the internal driveway, while the northern face of the podium is setback 2.37 metres to the internal driveway at the closest point. The following tower separation distances are noted on the plans:

- 25.8 metres between Tower A and the existing building to the north;
- 24.5 metres between Tower B and the existing building to the north;
- 29.5 metres between Tower A and 50 Tuxedo Court to the west;
- 58.8 metres between Tower B and 30 Tuxedo Court to the east;
- 60.8 metres between Tower B and 20 Tuxedo Court to the south; and
- 24.9 metres between Tower A and Tower B.

Vehicular access to the site would be provided by the existing internal driveway located directly to the west of the Tuxedo Court cul-de-sac. The existing underground parking garage will be enlarged to accommodate the parking for the proposed development. The existing underground parking access would be relocated to the area to the west of 40 Tuxedo Court which is currently a surface parking area. A total of 420 vehicular parking spaces are proposed for all buildings, 405 of those parking spaces are proposed in the underground parking garage and 15 parking spaces would be maintained on the surface parking lot to the east of 40 Tuxedo Court. In terms of loading, 1 Type 'G' and 1 Type 'C' loading space will be provided for the proposed development.

A Site Plan application (File No. 21 149517 ESC 24 SA) was filed concurrently with the rezoning application and is also under review.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report, for a three dimensional representation of the project in context.

See Attachment 2: Location Map for a two dimensional view of the subject site and surrounding context.

See Attachment 3: Site Plan for a conceptual site plan for the site.

### **Provincial Policy Statement and Provincial Plans**

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### **Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2020), 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 (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

### **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands designated *Mixed Use Areas* on Map 22 of the Official Plan (See Attachment 4: Official Plan).

### **Site and Area Specific Policy (SASP) No. 322**

SASP No. 322 applies to the subject site, and implements the *Markham-Ellesmere Revitalization Area*. This SASP established a planning framework to guide the revitalization of the area and individual redevelopment proposals. Some of the key objectives are: new public road connections, planted medians, the establishment of a public square, encouraging commercial uses, apartment building renewal, improved pedestrian connections to public parks, enhanced community services and facilities. The SASP resulted in the adoption of urban design guidelines for the area.

### **Official Plan Amendment Nos. 479 and 480 - Public Realm and Built Form Policies**

On September 11, 2020, the Minister of Municipal Affairs and Housing approved citywide amendments to the Official Plan regarding public realm (OPA No. 479) and built form (OPA No. 480) as part of the Five-Year Official Plan Review under Section 26 and Subsection 17(34) of the *Planning Act*. These OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types to:

- Promote a walkable city;
- Clarify the role of the public realm and the need for new public streets;
- Introduce development criteria for low-rise, mid-rise and tall buildings; and
- Promote public squares and Privately Owned Publicly-Accessible Spaces ("POPS").

OPA 479 regarding public realm can be found at:  
<https://www.toronto.ca/legdocs/bylaws/2020/law0083.pdf>

OPA 480 regarding built form can be found at:  
<https://www.toronto.ca/legdocs/bylaws/2020/law0084.pdf>

## **Zoning By-laws**

The property is subject to the City of Toronto Zoning By-law No. 569-2013, as amended and the former City of Scarborough Woburn Community Zoning By-law No. 9510, as amended. See attachment 6: Zoning By-law Map.

The City of Toronto Zoning By-law No. 569-2013, as amended zones the subject lands as Residential Apartment Commercial, RAC (au66.0) (x84). This zoning category permits dwelling units in apartment buildings as well as non-residential uses, many of which are subject to conditions. The Residential Apartment Commercial Zone permits a maximum building height of 24 metres, a maximum lot coverage of 33%, and a minimum 66 square metres of lot area is required for each dwelling unit in an apartment building. Exception 84 contains site-specific provisions for maximum size of specific uses, the minimum building setbacks, minimum lot coverage, amenity space and parking spaces.

The Woburn Community Zoning By-law No. 9511, as amended, zones the subject lands as Apartment Residential (A) and is subject to a number of performance standards. The Apartment Residential zone permits uses such as apartment buildings, day nurseries, group homes, nursing homes and senior citizen homes. The performance standards concern, among others, minimum building setbacks, lot area per unit and the maximum lot coverage which are reflected in the 569-2013 zoning as well. The property is also subject to Exception No. 35 in the By-law which includes additional permissions for service commercial uses, retail commercial uses and amenity uses.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **Design Guidelines**

The following design guideline(s) will be used in the evaluation of this application:

- Markham-Ellesmere Revitalization Study Urban Design Guidelines and Conceptual Master Plan;
- City-Wide Tall Building Guidelines;
- Mid-Rise Building Guidelines;
- Growing Up: Planning for Children in New Vertical Communities Guidelines;
- Accessible Design Guidelines
- Pet-Friendly Guidelines; and
- Retail Design Manual.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

## **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application (File No. 21 149517 ESC 24 SA) has been submitted and is being reviewed concurrently with this application.

## **COMMENTS**

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### **Reasons for the Application**

The Zoning By-law Amendment application has been submitted to establish the appropriate site-specific development standards (building setbacks, massing, height, density and parking rates among others) for the proposed development.

### **Issues to be Resolved**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

### **Provincial Policies and Plans Consistency/Conformity**

Staff are evaluating this application for consistency with the PPS (2020) and conformity with the Growth Plan (2020). Given the explicit link between provincial policy and the Official Plan, consistency with the PPS and conformity with the Growth Plan will be largely determined by conformity with the Official Plan.

### **Official Plan Conformity**

Staff are reviewing the application to determine its conformity with the Official Plan policies pertaining to Built Form, Public Realm, Mixed Use Areas, Healthy Neighbourhoods, and Neighbourhoods, Housing and Parkland, among others. Staff will also review the application in the context of OPA 479 and OPA 480 policies, which are in force and in effect for all lands in the City as of September 11, 2020.

### **Height, Density, Built Form, Planned and Built Context**

The suitability of the proposed height, density and massing or other built form issues will be evaluated in terms of the surrounding apartment neighbourhood context, existing heights, impacts on adjacent properties as well as the Built Form policies of the Official Plan, and the City-Wide Tall Building Guidelines. The proposed density at 4.35 times the lot area including the retained apartment building will also be evaluated considering the existing density in the neighbourhood and the potential impacts related to the proposed density.

Staff are assessing the appropriateness of the site organization, proposed parcel configuration, the amount of proposed landscaped open space, building setbacks, tower separation distances, the location and amount of amenity space as well as other built form issues within the existing and planned context for this area. This analysis will be informed by Section 2 of the *Planning Act*, the Growth Plan (2020), the City's Official Plan policies, the Markham-Ellesmere Revitalization Study Urban Design Guidelines and Conceptual Master Plan, and other applicable Design Guidelines, particularly the City-Wide Tall Building Guidelines. This evaluation will place particular attention on the built form relationship between the proposal and the existing apartment buildings in the surrounding context and the assessment of any potential impacts.

Staff are evaluating the shadow study and pedestrian level wind study to help assess the impacts of the proposed height and massing on the pedestrian environment and surrounding lands and identify any appropriate mitigation measures. Staff are also assessing the proposed improvements to the existing property at of 40-42 Tuxedo Court.

Upon an initial review, staff are concerned that the proposal in its current form with the proposed number of buildings, heights, and density may represent over-development with impacts on the surrounding area. This would not be consistent with the Official Plan or the Markham-Ellesmere Revitalization Study, which encourage improvements and upgrades to the existing buildings and properties on the "tower renewal" sites (through SASP 322) and also suggests that the sites have potential for "modest intensification" (through the Markham-Ellesmere Revitalization Study Urban Design Guidelines and Conceptual Master Plan). Staff will continue to work with the applicant, but revisions to the proposed built form will be needed for the proposal to be consistent with Official Plan Policy and the Markham-Ellesmere Revitalization Study.

### **Ravine Protection**

The subject lands are within a TRCA Regulated Area. The TRCA will be evaluating the proposal and have been circulated for comment.

### **Natural Heritage Protection**

The subject lands are near a Natural Heritage Area as identified on Map 9 of the Official Plan. The TRCA will be evaluating the proposal and have been circulated for comment.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

An Arborist Report and Tree Preservation Plan were submitted by the applicant and are currently under review by City Staff. As proposed, the development would require the removal of 29 trees.



## **Housing**

The City's Official Plan policies in Section 3.2.1 require a full range of housing in terms of form, tenure, and affordability to be provided and maintained across the City and within neighbourhoods to meet the current and future needs of residents. In addition, the Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-residential developments, supporting Official Plan housing policies, and the Growth Plan's growth management and housing policies.

The proposal includes 644 dwelling units. The proposed unit mix comprises 146 bachelor units, 258 one bedroom units, 161 two-bedroom units, and 79 three-bedroom units. The Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines direct that new development should provide at least 15% two bedrooms and 10% three bedrooms to ensure housing options for families with children are available. The proposal currently proposes a proportion of 25.0% two bedrooms and 12.3% three bedrooms.

Staff will further evaluate unit sizes and additional building and site design elements to support a broad range of households, including families with children. Staff will also evaluate the proposed tenure as the application progresses and consider the potential for affordable housing at this location.

A Housing Issues Report was prepared by Hunter & Associates Ltd. dated April 26, 2021. The Housing Issues Report has been reviewed by staff and a site visit is required to assess the existing building and overall site to evaluate potential impacts of the proposal on the current tenants and to determine whether the proposed improvements to the site will mitigate those impacts or if any further improvements are required.

## **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TO maps.

An archaeological assessment prepared by ASI, dated March 23, 2021 was submitted by the applicant. The assessment will be reviewed by staff for comment.

## **Community Services and Facilities**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The

City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Staff are evaluating the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support proposed future population. Staff are reviewing SASP No. 322 policies and growth related studies that apply to the application. The site is within the Woburn Neighbourhood Improvement Area (NIA) which will inform the review of the application.

Staff are reviewing the CS&F Study that was submitted with the application to determine whether any capital improvements or expansion of facilities opportunities were identified by the applicant or by staff and following up Study deficiencies to identify other issues that need to be addressed. This review will be informed by the function of the existing commercial uses and services located in the 2-storey commercial building at 42 Tuxedo Court and the non-residential uses proposed as part of the application.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal at its current height and density will be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits have not yet been discussed. City staff may apply Section 37 provisions of the Planning Act should the proposal be approved in some form. In the event the applicant provides in-kind benefits pursuant to Section 37 of the Planning Act, the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

### **Infrastructure/Servicing Capacity**

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Staff are reviewing the Functional Servicing Report and Stormwater Management Plan provided by the applicant to evaluate the effects of the development on the City's municipal servicing infrastructure and watercourses and determine whether there is sufficient capacity to accommodate the proposed development. Staff will determine if new infrastructure or any improvements to the existing infrastructure are required.

## **Transportation**

Staff are reviewing the Transportation Impact Study submitted by the applicant, the purpose of which is to evaluate the effects of the proposed development on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

## **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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The application was submitted after May 1, 2018 and is subject to TGS Version 3.0. The application will be reviewed for compliance with Tier 1 performance measures. Staff will encourage the applicant to pursue a Tier 2 of the TGS or higher.

## **Other Matters**

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

## **CONTACT**

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## **SIGNATURE**

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Paul Zuliani, MBA, RPP, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

### **City of Toronto Drawings**

Attachment 1: 3D Model of Proposal in Context

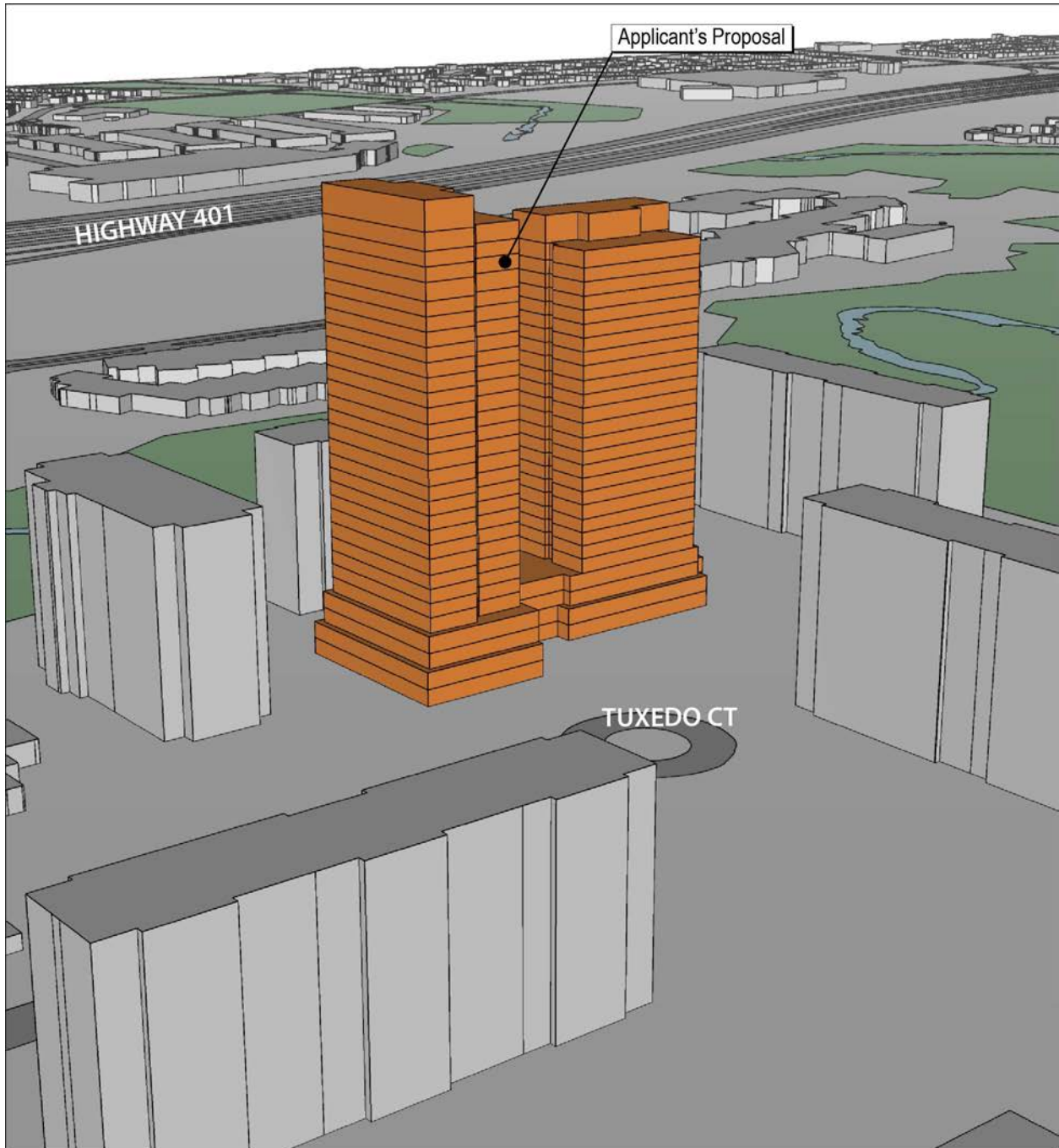
Attachment 2: Location Map

Attachment 3: Site Plan

Attachment 4: Official Plan Map

Attachment 5: Zoning Map

# Attachment 1: 3D Model of Proposal in Context

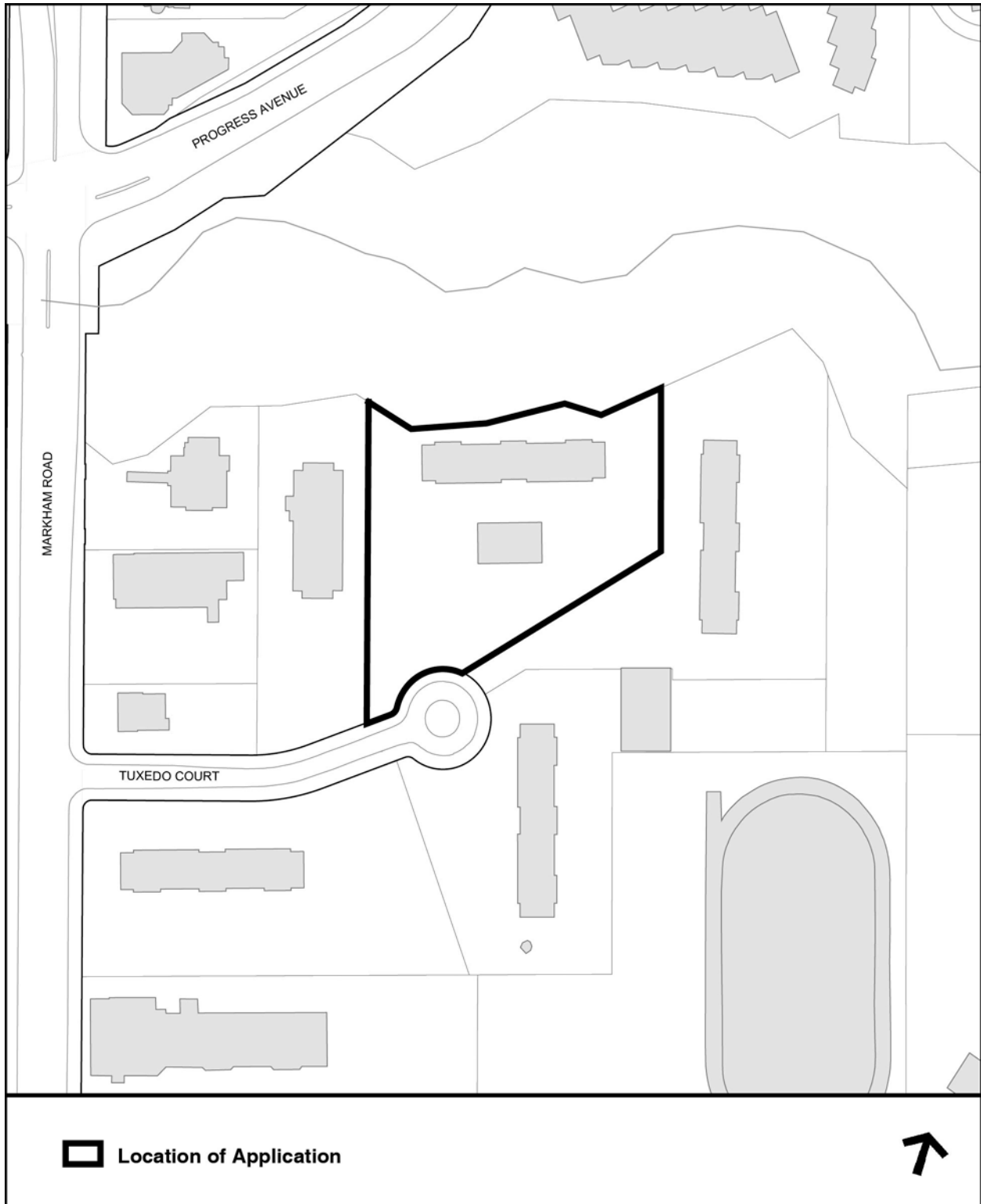


**View of Applicant's Proposal Looking Northeast**

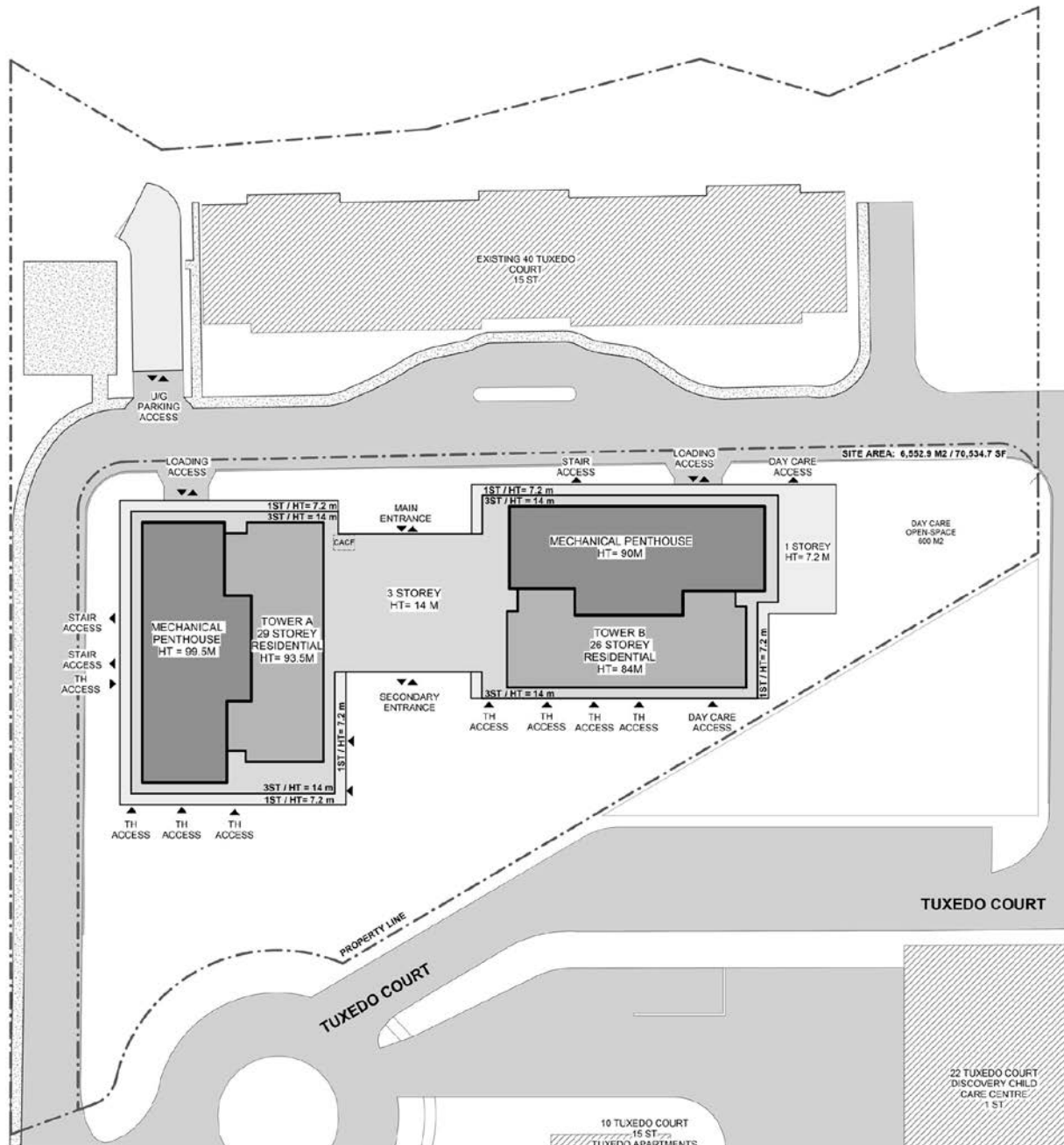


07/07/2021

## Attachment 2: Location Map



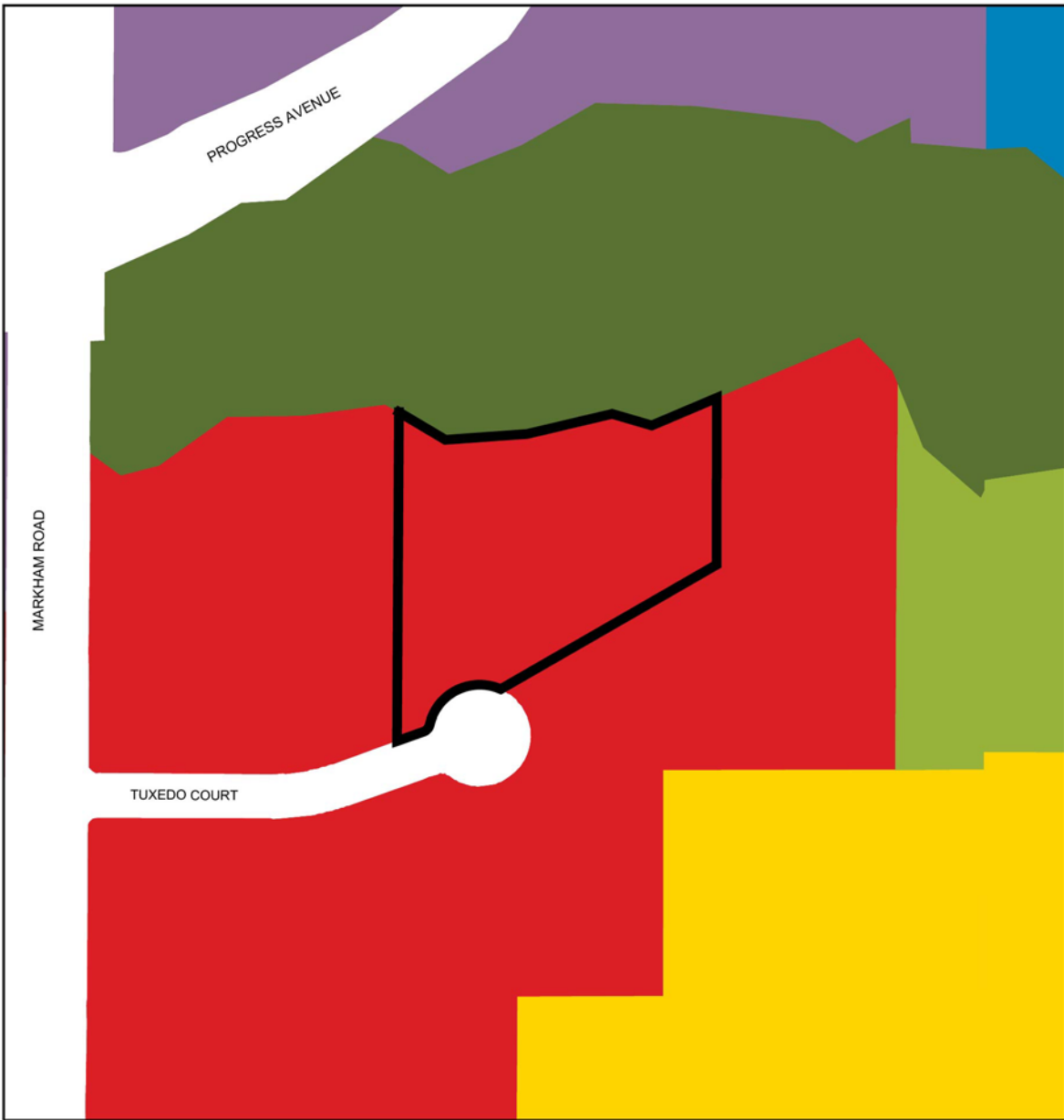
# Attachment 3: Site Plan



Site Plan



# Attachment 4: Official Plan Map



Official Plan Land Use Map #22

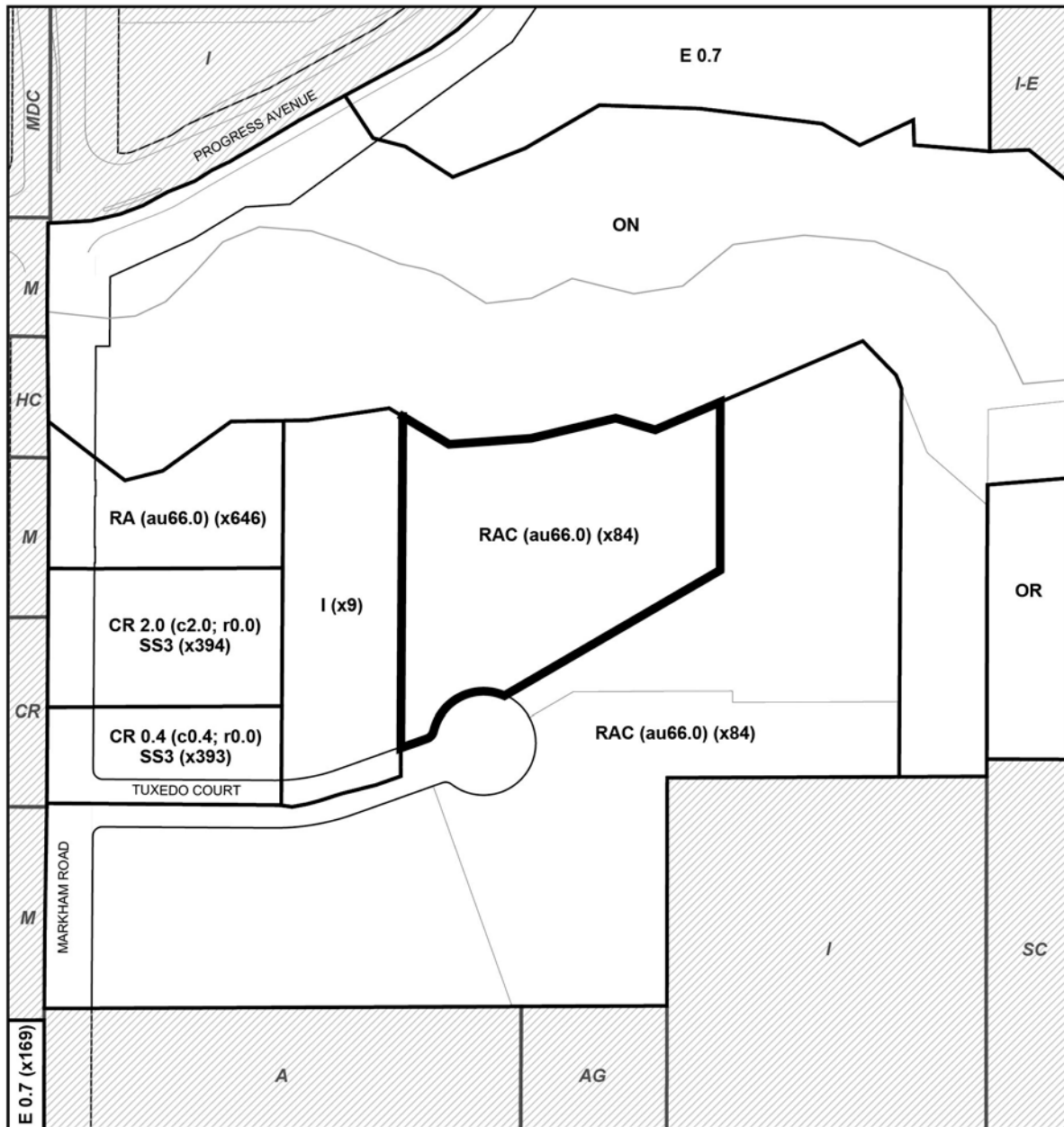
42 Tuxedo Court  
File # 21 149511 ESC 24 02

- |   |   |  |
|---|---|--|
|  Location of Application |  Natural Areas |  Institutional Areas      |
|  Neighbourhoods          |  Parks         |  General Employment Areas |
|  Mixed Use Areas         |   |  |

↑  
Not to Scale  
Extracted: 07/06/2021



# Attachment 5: Zoning Map



Zoning By-law 569-2013

42 Tuxedo Court

File # 21 149511 ESC 24 0Z

Location of Application

- RA** Residential Apartment
- RAC** Residential Apartment Commercial
- CR** Commercial Residential
- E** Employment Industrial
- I** Institutional
- ON** Open Space Natural

**OR** Open Space Recreation



See Former City of Scarborough Community By-laws

- A** Apartment Residential
- SC** School
- AG** Agricultural Uses
- M** Industrial Zone
- HC** Highway Commercial Zone
- CR** Commercial/Residential Zone
- I** Institutional Zone
- I-E** Institutional - Educational Zone
- MDC** Industrial District Commercial Zone



Not to Scale  
Extracted: 07/06/2021