

Toronto City Council
January 25, 2022
100 Queen Street West
Toronto ON, M5H 2N2

Re: 240 Markland Drive Rezoning Development Application
Reference Numbers: 11209308 WET 030Z, 21139675 WET 02SA, PL171321
Planner of Record: Mr. Ira Banks
Councillor for Ward 2: Deputy Mayor Stephen Holyday

The Markland Wood Homeowners Association, in responding to Deputy Mayor Stephen Holyday's request for comments on this application, wishes to inform Council that for the reasons set out below, we support the rezoning application in its most recent 2022 version.

We also want to acknowledge our sincere appreciation for Deputy Mayor Holyday's steadfast support to the community during this very protracted process. From 2015 onwards, he mitigated a building development that he personally considered to be too excessive for the size of the property. He always tried to maintain a positive dialogue between the community, the Planning Department and the developer. He succeeded by his efforts with the new owner of the property in 2020 and we look forward to his community based assistance when future development applications are considered in Markland Wood.

We commend the new owner of the property, Carttera Developments, for their collegial and cooperative approach to this rezoning application. During the very first meeting, they informed us that if they could not reconfigure the characteristics of the property to meet our community requirements, then they would not purchase that building site available for sale on the open market. Cartterra has set an exemplary standard of cooperation with Markland Wood. When future development applications are considered in our community, we hope that developers will follow Carttera's example.

We respectfully submit the following important information, as it affects the neighbourhood we have chosen to live in, for the past 30 to 40 years and onwards, well in advance of the start of the development application process 11 years ago. Council needs to be informed of the sequence of all timeline events.

240 Markland Drive is a 10 storey, 113 unit rental apartment building that was constructed on a lot zoned for four storey apartment buildings in 1962. The adjacent areas are zoned for single family homes. The east property line borders Tyne Terrace, a two storey townhome complex. There are 1260 single family homes in Markland Wood, bordered by apartment neighbourhood properties.

A variance was given by the City of Etobicoke at the time to emphasize Towers in the Park, where a single higher level building would replace a series of proposed smaller 4 storey buildings, thus providing more green space on the subject property for tenant amenities. The 10 storey apartment building is set back from the sidewalks, approximately in the center of the property. The height is not excessive and the setbacks facing the neighbouring single family homes are not overbearing.

Due to increasing demand for housing in the Greater Toronto Area, apartment property owners have responded to the housing demand by applying to the City of Toronto for infill development projects. Additional or enlarged buildings would be constructed on existing lot footprints. These buildings can be purposed as rental apartments or condominiums. The first step in the process calls for a rezoning

application for the proposed increased density, to be approved by the local municipal government.

In the specific case of 240 Markland Drive, the subject of this letter, the previous owner submitted a rezoning application to the City of Toronto on June 2, 2011.

The 2011 application called for two extra buildings on the property, the main building consisting of a 18 storey condominium next to the existing 10 storey apartment building. The proposed height of the new building was twice that of the existing building, an extra 88 feet higher. 248 extra living units and 448 extra parking spaces were proposed. The second building proposed was a three storey condominium townhouse complex on the periphery of the lot on Sunplains Crescent, very close to the sidewalks. An expert urban planner retained by the owner, submitted a written report, stating that the new project constituted good planning practice.

The Markland Wood Homeowners Association respected the apartment property owners choice to construct new structures on the property. After studying the proposed plans, the project was considered by our Association to be too overbearing for the unique characteristics of the neighbourhood. The height, density and massing were considered to be too excessive for the size of the lot and its placement in the neighbourhood. The Sunplains townhouses were considered too close to the sidewalk as the setback was not equal to the single family homes facing the property. The Association made its opinions known to the Councillor of the time as well as to the City Planner assigned to the file.

The community was notified by a detailed article in the newsletter produced by our volunteer group, "The Marklander", published on a monthly basis 10 times a year.

A public meeting was hosted at Etobicoke Civic Centre on June 19, 2012 by the City Planning Department. The community participated en masse. Even the hallways were full of neighbourhood residents, trying to listen to the presentation by the City. The negative public comments regarding the sheer size and height of the project, as well as all related issues about increased traffic, insufficient civil infrastructure, etc.. were taken under advisement by City staff. A second meeting hosted by the City Planning department took place on September 12, 2012. For reasons unknown, it was not as well attended as the first one.

To the credit of the Planning Department of the City of Toronto, the applicant's first attempt at rezoning the property was returned with comments that the scale needed to be reduced, in conformance with the Official Plan of 2010, regarding Apartment Neighbourhoods.

The applicant resubmitted a second iteration to the City on June 26, 2013. The height of the new main building was lowered to 13 storeys, still 62 feet higher than the existing apartment building. The living units were reduced from 247 to 245, the parking spaces increased from 448 to 466. The three storey condominium complex remained on the periphery of the lot bordering Sunplains Crescent, with a narrow setback.

The Planning Department of the City invited the MWA to review the plans in detail. The Association retained its own expert urban planner in 2013, who concluded that the second iteration was still too massive for the size of the property.

The details of the second application were published in the Marklander to notify the community.

The Association met with the Councillor as well as the City Planners to express our concerns how this application would negatively affect the neighbourhood. To support our comments, we organized a written, tabulated survey of the residents in Markland Wood in 2014. The height of the new buildings could not exceed the height of the existing building and that the density should be reduced. The results were statistically significant and were presented to the Councillor as well as the Planning Department.

Again, to the credit of the Planning Department of the City of Toronto, the rezoning application was returned to applicant with comments that the scale needed to be reduced in conformance with the Official Plan of 2010 regarding Apartment Neighbourhoods.

The applicant resubmitted a **third** iteration to the City on March 5, 2015. The new plans called for **four** additional buildings on the property. The main building would be an additional 82 feet higher and the second building would be 32 feet higher than the existing building. The third and fourth buildings would be three storey condominium townhouses on the periphery of the lot bordering Sunplains Crescent and Broadfield Drive. The new living units were reduced to 204 and 63 extra vehicle parking spaces planned for raising the total to 511.

The Planning Department of the City of Toronto invited the MWA along with our subject matter expert in Urban Planning to review the new proposal in detail. We all concluded that the project was too massive in scale and was not in conformance with the Official Plan of 2010.

The details of the third application were published in the Marklander.

The Association hosted a private closed community meeting on March 29, 2015. In attendance were over 220 Markland Homeowners Association members. Also in attendance were residents from Tyne Terrace, the townhouse complex to the east of the subject property. Tenants from the existing apartment building were also invited and participated in the meeting.

Our Urban Planner explained at length all of the developer's two past proposals as well as the current one. To illustrate the incompatibility of the project inside of the neighbourhood, an Association member constructed a scale model of all four proposed buildings as well as the existing apartment.

The future actions and options available to the community were discussed. Their prime concerns for the community were the heights, density and setbacks. The issues raised by Tyne Terrace residents were the high monolithic walls that would face their site as well as dealing with increased road traffic and resident density. The issues of concern for the apartment tenants were construction safety, excessive noise, possible relocation during construction and limited vehicle parking.

To the credit of the Planning Department of the City of Toronto, the applicant's third iteration was returned with comments that the project still did not meet the objectives of the Official Plan of 2010.

It is important to note that Councillor Stephen Holyday expressed his opinion on the matter that he would not approve the project even if it was one inch higher than the existing building.

We understood from discussions with the Planning Department that in early 2016, the developer had informal discussions about the changes necessary for future revisions that could result in a rezoning approval.

The owner of the 240 Markland Drive Property then submitted a **fourth** development application on October 7, 2016.

The height of the new building was reduced to 9 storeys, still a number of feet higher than existing building, along with two three storey condominium townhouses bordering Sunplains Crescent and Broadfield Drive. 164 new living units were proposed, a reduction of 40 units from the third iteration from 2015.

The applicant's retained urban planner wrote in the covering letter that "As set out in our two earlier reports, it was our opinion that the previously proposed developments satisfied the planning framework established through the Provincial Policy Statement, The Growth Plan for the Greater Toronto Horseshoe and the City of Toronto Official Plan. The design has been again revised in response to feedback received from the City staff." The Association commends the Planning Department of the City of Toronto for their efforts to take the community's characteristics into account and provided the proper design guidance to the applicant.

A mandatory Public Meeting at Silverthorne Collegiate Institute was hosted by the City on April 20, 2017. The auditorium was almost filled to capacity with Markland Wood residents. It became obvious to all that there was no City defined urban plan in place for Markland Wood. Future development projects in Markland Wood would be considered on a case by case basis. This approach seems inconsistent with good planning as the City would have been aware of potential development of all the apartment properties in the area. Such an approach fails to take into account the expectation of significant increases in the population, resulting in increased impacts on infrastructure, green space reduction and increased traffic which would by itself cause further traffic safety concerns.

To assist the City Planning Department in reviewing the fourth iteration, the Association delivered a **second**, tabulated, statistically significant residents survey to the Department on July 6, 2017. A copy of the survey was also submitted to Councillor Stephen Holyday. Equal height and lower density as well as terracing on two sides of the main building were of the utmost importance found in the survey results.

We also understand that the City Planning Department, quite rightly, hosted its own survey of the tenants in the existing rental apartment at 240 Markland drive during spring 2017.

On November 29, 2017, the applicant filed a Notice of Appeal with the Ontario Municipal Board, now know as LPAT, on the basis that the City of Toronto was taking too long to decide the merits of its rezoning application.

The Association attended the offices of the OMB shortly afterwards to request and obtain a copy of the entire document set, in order that it could be reviewed in detail by our members as well as our planner and lawyer.

In early 2018, under the Notice of Appeal, the City Planning Department prepared a "Request for Direction" document, where it later concluded that the proposed fourth attempt by the developer for the rezoning application be should be allowed to proceed. This document would then be accepted or rejected by the majority votes at the Etobicoke York Community Council scheduled for June 2018.

In anticipation of of an appeal to the OMB by the applicant and a decision contrary to our expectations from the Planning Department, the Association personally met with Etobicoke York Community

Councillors John Campbell and Michael Ford in June 2017 and Deputy Mayor Vincent Crisanti in August 2017. In 2018, the Association personally met or engaged in telephone conversations, as well as electronic messaging with Councillors Stephen Holyday, Mark Grimes, Sarah Doucette, Justin Di Ciano and Cesar Palacio. We communicated our concerns to the staff at the offices of Councillors Frank Di Giorgio, Frances Nunziata and Giorgio Mammoliti. We recommended that they reject the positive recommendation tabled by the “Request for Direction” document as it came to the vote. Most councillors agreed that Markland Wood’s requests for equal height for new apartment or condominium buildings as well as realistic densities were reasonable asks to the City as well as the developer.

The “Request for Direction” was tabled on the EYCC agenda for June 6, 2018. Eighteen Markland Wood residents requested the opportunity to provide deputations on the matter. The requests were kindly granted by the staff at EYCC. After the compelling deputations were all heard, the Councillors voted unanimously to reject the “Request for Direction” and **added** several mandatory conditions and undertakings for the developer to accomplish, that would favour the community’s requests since 2011. The document was then titled as “Amended Staff Report”.

Because the developer had initiated legal action at the OMB, The City would also undertake to be fully represented by legal counsel and urban planning experts and to begin preparing for the future hearings at the OMB/LPAT.

The EYCC’s vote and recommendations were confirmed by a final unanimous vote at Toronto City Council on June 19, 2018. Three representatives from the Association were present to witness the vote proceedings at City Hall.

On August 13, 2018, a Pre Hearing Conference was convened at the LPAT offices in Toronto. The Markland Wood Homeowners Association registered as a party to the proceedings in addition to the Developer and the City of Toronto. Registering as a party afforded the privilege of submitting expert testimony as well as cross examining the witnesses from the Developer. Registering as a party obligated the Association to be represented by a municipal lawyer. Providing testimony at the hearings would only be allowed from qualified subject matter experts related to urban planning. This came at very high financial costs to the community, which were covered by successful volunteer fundraising efforts in 2018 and 2019. Residents donated generously to the community effort.

The LPAT Adjudicator also registered the interested participants, those who could provide documents or speak at the hearings, but with no cross examination privileges. Among the participants were the residents of Markland Wood whose homes were in the immediate vicinity of the proposed development. Tyne Terrace also registered as a participant.

The adjudicator referred to the hearings calendar and the earliest date available was 16 to 25 September 2019, to allow for time for all witnesses to be cross examined.

During that one year time interval, our urban planner prepared his written testimonial. An issues list was developed. Our municipal lawyer prepared for the hearing as well. The Tyne Terrace residents group submitted a compelling detailed document that supported a reduced scale development.

In June 2019, the applicant put the 240 Markland Drive property up for sale on the commercial real estate market.

In July 2019, just before the scheduled hearing in September, the applicant notified the City to explore

the possibility of a settlement. The applicant came forward to the City and the community with new plans based on the community requests for equal height as well as architectural terracing. The Sunplains townhouse could also be set further back from its initial plans.

We studied the settlement proposal and agreed that it was not perfect, but all other possibilities considered for what the community advocated from 2011 to 2019, we accepted the terms of the settlement from the applicant. Equal height, as advocated by the community and supported by Councillor Holyday, was agreed to by the developer. The developer also designed cascading terraces on two sides of the main building. The setback increases for the Sunplains townhouses were also agreed to by the developer.

A one day settlement hearing was convened at the LPAT offices on September 17, 2019, where our lawyer, planner and Association members attended.

The applicant was then allowed to proceed to meet the additional conditions imposed by the Etobicoke York Community Council set forth on the June 6, 2018 meeting. When completed to the satisfaction of the City, the rezoning would be established. The applicant could be allowed to apply for a building permit.

An interested buyer, Carttera Developments, contacted our Association on February 26, 2020 as recommended by Councillor Holyday. They introduced themselves as well their plans towards due diligence to purchase the property later on in the year. As mentioned earlier, they made clear to us, from the beginning, if they could not configure the development to meet our community needs, then they would not buy the property. We welcomed the opportunity engage in these discussions.

On April 23, 2020, Carttera made available their in house team of planners, architects and engineers. We were able to discuss their plans and later presented our suggestions after careful reviews. We welcomed this approach by Carttera, as the previous owner never facilitated such an information exchange with their own retained architects and technical staff from 2013 and onwards. We are of the opinion that such initial meetings are essential prior to any final plan submissions, wherever they may be.

Their plans were to purpose the new construction as professionally managed rental units. Carttera's corporate clients were established Canadian pension funds. They also planned to renovate the original apartment building as tenants moved out, which was not indicated by the previous owners' intentions. Carttera planned to install a new geothermal grid to heat the existing apartment as well as the new buildings. They respected the equal height and implemented cascading style architectural details to eliminate any monolithic walls.

As of this date, Carttera has kept their promise to renovate the apartment building as well as install the geothermal grid and are executing these works in progress.

An important recommendation that Carttera implemented was the removal of the Sunplains Road townhouse complex. The land surface will remain a green space for the neighbourhood to enjoy as a planned park area. The Association has been assured by Carttera that it will be permanently zoned as such, with no possibility of future building construction.

The Association met with Carttera on May 20, 2020 to confirm the removal of the Sunplains building.

On June 3rd, 2020, the Association met on the board level and approved Cartera's new design unanimously.

Cartera was informed about our decision and they closed on the acquisition of the 240 Markland Drive property on August 11, 2020.

The community was informed by the Marklander in October 2021 that taking into account Cartera's willingness to work with us during detailed negotiations to arrive at an acceptable final rendition and Cartera's demonstration of its good faith as envisaged by the current proposal, this Association has concluded that we will support this rezoning application, as it is harmonious with the neighbourhood.

One final note of serious concern to City staff and residents:

The precedent of a higher building would incentivize another developer to build higher because of such a precedent. As revealed in the 2017 public meeting, there is no set urban plan for Markland Wood. One height increase after another will occur unless such restrictions are established. To illustrate the concern, this is happening right now with the 4340 Bloor Street West request for rezoning, submitted on November 26, 2020, reference number 20 222977 WET 020Z.

On a personal note, as Co-Presidents, we are proud of the meritorious efforts of our Association members and residents from Tyne Terrace as well as the apartment tenants. The countless volunteer hours expended over the past eleven years and the successful results achieved were well worth the effort to preserve the envious quality of life for our families in Markland Wood.

Respectfully submitted,



Anna Schaefer, Co-President



Kevin Crigger, Co-President