

Michael Mizzi
Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning Division

Committee of Adjustment
Scarborough
Scarborough Civic Centre
150 Borough Drive
Toronto, Ontario M1P 4N7

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Wednesday, December 8, 2021

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number: A0347/21SC
Property Address: 1221 MARKHAM RD
Legal Description: CON 2 PT LOT 18
Agent: BOUSFIELDS INC
Owner(s): 1221 MARKHAM GP INC.
Zoning: Apartment Residential (A) Zone [W]
Ward: Scarborough-Guildwood (24)
Community: Woburn Community
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Wednesday, December 8, 2021, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a mixed-use development consisting of three residential towers having heights of 21, 27 and 30 storeys, containing 879 dwelling units in total.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- 1. Performance Standard 180, Zoning By-law 1000-2011(OMB)**
The maximum height of any building, excluding permitting projections, on "Block A", as shown on Schedule '1', shall not exceed 77 m.
In this case, the height of the building on "Block A", as shown on Schedule '1', will be 97.6 m (calculated from Canadian Geodetic Elevation of 159.044 m).
- 2. Performance Standard 181, Zoning By-law 1000-2011(OMB)**
The maximum height of any building on "Block B", as shown on Schedule '1', shall not exceed 62 m.
In this case, the height of the building on "Block B", as shown on Schedule '1', will be 69.1 m (calculated from Canadian Geodetic Elevation of 159.044 m).
- 3. Performance Standard 182, Zoning By-law 1000-2011(OMB)**
The maximum height of any building on "Block C", as shown on Schedule '1', shall not exceed 80 m.

In this case, the height of the building on "Block C", as shown on Schedule '1', will be 87.1 m (calculated from Canadian Geodetic Elevation of 159.044 m).

4. **Performance Standard 183, Zoning By-law 1000-2011(OMB)**

Mechanical penthouses, elevator machine rooms, chimneys, vents, skylights, antennae, and parapet walls located on any building on "Block A", "Block B", and "Block C", as shown on Schedule '1', shall not exceed a height of 5 m.

In this case, mechanical penthouses, elevator machine rooms, chimneys, vents, skylights, antennae, and parapet walls located on any building on "Block A", "Block B", and "Block C", as shown on Schedule '1', will not exceed a height of 9 m.

5. **Performance Standard 184, Zoning By-law 1000-2011(OMB)**

The distance between the main wall of the building on "Block B" to a main wall of the building on "Block C", as shown on Schedule '1', shall be a minimum of 14 m. In this case, the distance between the main walls of the building on "Block B" to the main walls of the building on "Block C", as shown on Schedule '1', will be 0 m at the 1st storey to the 4th storey above grade.

6. **Performance Standard 185, Zoning By-law 1000-2011(OMB)**

For a building with 20 or more units on lands identified as "Block A", "Block B" and "Block C", as shown on Schedule '1', indoor and outdoor amenity space shall be provided at a minimum rate of 4 m² per unit for each dwelling unit, of which a minimum of 2 m² per unit must be provided as indoor amenity space.

In this case, indoor amenity space will be provided at a minimum rate of 1.72 m² per unit for all buildings on lands identified as "Block A", "Block B" and "Block C", as shown on Schedule '1', 1.92 m² per unit for all buildings on lands identified as "Block A", as shown on Schedule '1', and 1.09 m² per unit for all buildings on lands identified as "Block B", as shown on Schedule '1'. Indoor and outdoor amenity space will be provided at a minimum rate of 3.65 m² per unit for all buildings on lands identified as "Block C", as shown on Schedule '1'.

7. **Performance Standard 186, Zoning By-law 1000-2011(OMB)**

The combined lot area of the lands identified as "Block A", "Block B" and "Block C", as shown on Schedule '1', shall not exceed 13,940 m².

In this case, the combined lot area of the lands identified as "Block A", "Block B" and "Block C", as shown on Schedule '1', will be 13,946.8 m².

8. **Performance Standard 218, Zoning By-law 1000 2011(OMB)**

The gross floor area for "Block A", "Block B" and "Block C", as shown on Schedule '1', shall not exceed 62,165 m².

In this case, the gross floor area for "Block A", "Block B" and "Block C", as shown on Schedule '1', will be 75,760 m².

9. **Performance Standard 219, Zoning By-law 1000-2011(OMB)**

The gross floor area of all buildings on lands identified as "Block A", as shown on Schedule '1', shall not exceed 26,556 m², of which the total maximum gross floor area of all retail and office uses shall not exceed 720 m².

In this case, the gross floor area of all buildings on lands identified as "Block A", as shown on Schedule '1', will be 30,309.0 m², of which 865.4 m² will be used for retail and office uses.

10. **Performance Standard 220, Zoning By-law 1000-2011(OMB)**
The gross floor area of all buildings on lands identified as "Block B", as shown on Schedule '1', shall not exceed 15,844 m².
In this case, the gross floor area of all buildings on lands identified as "Block B", as shown on Schedule '1', will be 19,787 m².
11. **Performance Standard 221, Zoning By-law 1000-2011(OMB)**
The gross floor area of all buildings on lands identified as "Block C", as shown on Schedule '1', shall not exceed 19,766 m².
In this case, the gross floor area of all buildings on lands identified as "Block C", as shown on Schedule '1', will be 25,664 m².
12. **Performance Standard 222, Zoning By-law 1000-2011(OMB)**
The maximum number of dwelling units shall not exceed 733 for lands identified as "Block A", "Block B" and "Block C", as shown on Schedule '1'.
In this case, the number of dwelling units will be 879 for lands identified as "Block A", "Block B" and "Block C", as shown on Schedule '1'.
13. **Performance Standard 223, Zoning By-law 1000-2011(OMB)**
The total lot coverage of all buildings on lands identified as "Block A", "Block B" and "Block C", as shown on Schedule '1', shall not exceed 38% of the total combined area of "Block A", "Block B" and "Block C".
In this case, the lot coverage of all buildings on lands identified as "Block A", "Block B" and "Block C", as shown on Schedule '1', will be 45.1%.
14. **Performance Standard 225, Zoning By-law 1000-2011(OMB)**
The floor area of the 6th storey of a building on lands identified as "Block A", as shown on Schedule '1', shall be a maximum 975 m² per floor from the 6th storey to the 7th storey.
In this case, the floor area of the 6th storey will be 1,785.3 m² for a building on lands identified as "Block A", as shown on Schedule '1'.
15. **Performance Standard 228, Zoning By-law 1000-2011(OMB)**
The main building setbacks from the Markham Road street line on lands identified as "Block A", as shown on Schedule '1', shall be a minimum of 3 m at the 1st storey to the 2nd storey and 5 m at the 3rd storey to the 25th storey above grade.
In this case, the main wall building setbacks from the Markham Road Street line on lands identified as "Block A", as shown on Schedule '1', will be 5 m at the 3rd storey to the 6th storey and 10 m at the 7th storey to the 25th storey and above.
16. **Performance Standard 229, Zoning Bylaw 1000-2011(OMB)**
The main building setbacks from the Markham Road street line on lands identified as "Block B", as shown on Schedule '1', shall be a minimum of 78 m at the 1st storey to the 5th storey and 81 m at the 6th storey to the 20th storey, above grade.
In this case, the main wall building setbacks from the Markham Road street line on lands identified as "Block B", as shown on Schedule '1', will be 70.1 m at the 1st

storey to the 4th storey and 72.3 m at the 5th storey to the 20th storey and above, above grade.

17. Performance Standard 230, Zoning Bylaw 1000-2011(OMB)

The main building setbacks from the Markham Road street line on lands identified as "Block C", as shown on Schedule '1', shall be a minimum of 130 m at the 1st storey to the 5th storey, above grade and 133 m at the 6th storey to the 26th storey, above grade.

In this case, the main wall building setbacks from the Markham Road street line on lands identified as "Block C", as shown on Schedule '1', will be 124.5 m at the 1st storey to the 5th storey, above grade and 133 m at the 6th storey to the 26th storey and above.

18. Performance Standard 231, Zoning Bylaw 1000-2011(OMB)

The main wall building setbacks from the north lot line on lands identified as "Block A", as shown on Schedule '1', shall be a minimum of 9 m at the 3rd storey to the 5th storey and 26 m at the 6th storey to the 25th storey above grade.

In this case, the main wall building setbacks from the north lot line on lands identified as "Block A", as shown on Schedule '1', will be 9 m at the 3rd storey to the 6th storey and 26 m at the 7th storey to the 25th storey and above, above grade.

19. Performance Standard 232, Zoning Bylaw 1000-2011(OMB)

The main wall building setbacks from the north lot line on lands identified as "Block B", as shown on Schedule '1', shall be a minimum of 15 m at the 1st storey to the 5th storey and 16 m at the 6th storey to the 20th storey, above grade.

In this case, the main wall building setbacks from the north lot line on lands identified as "Block B", as shown on Schedule '1', will be 9.8 m at the 1st storey to the 4th storey and 13.3 m at the 5th storey to the 20th storey and above, above grade.

20. Performance Standard 233, Zoning Bylaw 1000-2011(OMB)

The main wall building setbacks from the north lot line on lands identified as "Block C", as shown on Schedule '1', shall be a minimum of 47 m at the 1st storey to the 5th storey and 50 m at the 6th storey to the 26th storey, above grade.

In this case, the main wall building setbacks from the north lot line on lands identified as "Block C", as shown on Schedule '1', will be 21.8 m at the 1st storey to the 4th storey and 46.6 m at the 5th storey to the 26th storey and above, above grade.

21. Performance Standard 234, Zoning Bylaw 1000-2011(OMB)

The main wall building setbacks from the south lot line on lands identified as "Block A", as shown on Schedule '1', shall be a minimum of 21 m at the 1st storey to the 2nd storey, 22 m at the 3rd storey to the 5th storey and 33 m at the 6th storey to the 25th storey, above grade.

In this case, the main wall building setbacks from the south lot line on lands identified as "Block A", as shown on Schedule '1', will be 3 m at the 1st storey to the 2nd storey, 4 m at the 3rd storey to the 6th storey and 8.5 m at the 7th storey to the 25th storey and above, above grade.

22. **Performance Standard 235, Zoning Bylaw 1000-2011(OMB)**
The main wall building setbacks from the south lot line on lands identified as "Block B", as shown on Schedule '1', shall be a minimum of 55 m at the 1st storey to the 5th storey and 56 m at the 6th storey to the 20th storey, above grade. In this case, the main wall building setbacks from the south lot line on lands identified as "Block B", as shown on Schedule '1', will be 37.6 m at the 1st storey to the 4th storey and 41.5 m at the 5th storey to the 20th storey and above, above grade.
23. **Performance Standard 236, Zoning Bylaw 1000-2011(OMB)**
The main wall building setbacks from the south lot line on lands identified as "Block C", as shown on Schedule '1', shall be a minimum of 22 m at the 1st storey to the 5th storey and 24 m at the 6th storey to the 26th storey, above grade. In this case, the main wall building setbacks from the south lot line on lands identified as "Block C", as shown on Schedule '1', will be 4 m at the 1st storey to the 4th storey and 8.5 m at the 5th storey to the 26th storey and above, above grade.
24. **Performance Standard 237, Zoning Bylaw 1000-2011(OMB)**
The main wall building setbacks from the east lot line on lands identified as "Block A", as shown on Schedule '1', shall be a minimum of 133 m at the 1st storey to the 5th storey and 152 m at the 6th storey to the 25th storey, above grade. In this case, the main wall building setbacks from the east lot line on lands identified as "Block A", as shown on Schedule '1', will be 127 m at the 1st storey to the 6th storey and 129.4 m at the 7th storey to the 25th storey and above, above grade.
25. **Performance Standard 238, Zoning Bylaw 1000-2011(OMB)**
The main wall building setbacks from the east lot line on lands identified as "Block B", as shown on Schedule '1', shall be a minimum of 74 m at the 1st storey to the 5th storey and 77 m at the 6th storey to the 20th storey, above grade. In this case, the main wall building setbacks from the east lot line on lands identified as "Block B", as shown on Schedule '1', will be 46 m at the 1st storey to the 4th storey and 67.9 m at the 5th storey to the 20th storey and above, above grade.
26. **Performance Standard 239, Zoning Bylaw 1000-2011(OMB)**
The main wall building setbacks from the east lot line on lands identified as "Block C", as shown on Schedule '1', shall be a minimum of 22 m at the 1st storey to the 5th storey and 25 m at the 6th storey to the 26th storey, above grade. In this case, the main wall building setbacks from the east lot line on lands identified as "Block C", as shown on Schedule '1', will be 4.8 m at the 1st storey to the 4th storey and 6.5 m at the 5th storey to the 26th storey and above, above grade.
27. **Performance Standard 241, Zoning By-law 1000-2011(OMB)**
The vehicle parking supply shall be provided on "Block A", "Block B" and "Block C", as shown on Schedule '1', in accordance with the following:

- i) a minimum of 0.9 spaces for each one-bedroom dwelling unit, except that no resident parking spaces are required for a maximum of 60 one-bedroom dwelling units;
- ii) a minimum of 1.0 spaces for each two-bedroom dwelling unit;
- iii) a minimum of 1.2 spaces for each three-bedroom dwelling unit;
- iv) a minimum of 0.2 spaces for each dwelling unit provided for visitors; and,
- v) a minimum of 1.5 parking spaces per 100 m² of retail and office gross floor area.

In this case, the proposed vehicle parking supply may be provided anywhere on the lands identified as "Block A", "Block B" and "Block C", as shown on Schedule '1', in accordance with the following:

- i) a minimum of 0.7 spaces for each one-bedroom dwelling unit;
- ii) a minimum of 0.9 spaces for each two-bedroom dwelling unit;
- iii) a minimum of 1.0 spaces for each three-bedroom dwelling unit;
- iv) a minimum of 0.1 spaces for each dwelling unit provided for visitors; and,
- v) a minimum of 9 parking spaces for the retail and office gross floor area.

28. Exception 73, Clause 4(ii)(d), Zoning By-law 1000-2010(OMB)

The Section 37 Agreement will require that the owner to agree to enter into the City's standard service agreement in respect of the public roads, which agreement shall provide that the roads be substantially completed to base asphalt to the satisfaction of the Executive Director of Technical Services, prior to the issuance of the first building permit for the proposed redevelopment of the Site (excluding demolition permit).

In this case, the Section 37 Agreement shall secure construction and conveyance of the public roads, and shall provide that prior to the issuance of any above-grade building permit for the proposed redevelopment of the Site (i) the roads be substantially completed to base asphalt, (ii) the roads be conveyed to the City, and (iii) services be accepted, all to the satisfaction of the Chief Engineer & Executive Director of Engineering and Construction Services.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Minor Variance Application is Refused


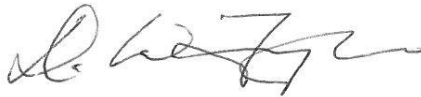

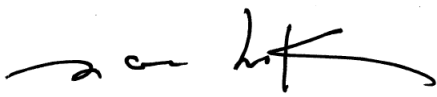

It is the decision of the Committee of Adjustment to NOT approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

SIGNATURE PAGE

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Property Address: 1221 MARKHAM RD
Legal Description: CON 2 PT LOT 18
Agent: BOUSFIELDS INC
Owner(s): 1221 MARKHAM GP INC.
Zoning: Apartment Residential (A) Zone [W]
Ward: Scarborough-Guildwood (24)
Community: Woburn Community
Heritage: Not Applicable

Table 1, Panel Member Digital Signatures

 _____	 _____	 _____
Hena Kabir	Don Taylor	Anne McCauley
 _____	 _____	
Gary McKay	Muhammad Saeed	

DATE DECISION MAILED ON: Tuesday, December 14, 2021

LAST DATE OF APPEAL: Tuesday, December 28, 2021

CERTIFIED TRUE COPY


Colin Ramdial
Manager and Deputy Secretary-Treasurer

Appeal Information

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal* to the Ontario Land Tribunal (OLT) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.sc@toronto.ca and Colin.Ramdiel@toronto.ca by the last date of appeal as shown on the signature page.

To appeal this decision, you must submit the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary –Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website at www.toronto.ca/tlab.

ONTARIO LAND TRIBUNAL (OLT) INSTRUCTIONS

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.sc@toronto.ca and Colin.Ramdiel@toronto.ca by the last date of appeal as shown on the signature page.

To appeal this decision, you must submit the following:

- A completed OLT Appellant Form (A1) in digital format on a USB stick and in paper format.
- \$400 with an additional reduced fee of \$25 for each connected appeal filed by the same appellant.
- Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Land Tribunal (OLT) website at <https://olt.gov.on.ca/appeals-process/forms/>

*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Land Tribunal (OLT)** should be submitted in accordance with the instructions above.