

Request for Directions Report - 40 and 42 Tuxedo Court - Zoning Amendment Application

Date: May 10, 2022

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 24 - Scarborough-Guildwood

Planning Application Number: 21 149511 ESC 24 OZ

SUMMARY

On May 28, 2021, a Zoning By-law Amendment application was submitted to permit a mixed-use building with two towers, one 29-storeys and the other 26-storeys, a 667 square metre child care centre and 644 dwelling units at 40 and 42 Tuxedo Court. The existing 15-storey apartment building on-site would be retained.

On January 21, 2021, the Applicant has appealed the application to the Ontario Land Tribunal (the "OLT") due to City Council not making a decision within the 90-day time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate staff, to attend the Ontario Land Tribunal in opposition to the current application regarding the Zoning By-law Amendment for the lands at 40 and 42 Tuxedo Court and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the Tribunal's Order contain:
 - a. the final form and content of the draft Official Plan and Zoning By-laws to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b. the owner has addressed the major outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

c. Transportation Services has confirmed that the proposed transportation impact, parking and loading are acceptable;

d. the owner has addressed the comments from the TRCA; and

e. where applicable community benefits and other matters in support of the development are to be secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

3. City Council authorizes the City Solicitor and City Staff to take and necessary steps to implement City Council's decision.

FINANCIAL IMPACT

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

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:

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

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

On May 8, 2013, the Committee of Adjustment approved an application (File No. A076/13SC) to increase the permitted gross floor area of Service Commercial and Retail Commercial uses to permit a 128square metres pharmacy at 42 Tuxedo Court.

At the September 17, 2021 meeting, Scarborough Community Council considered a Preliminary Report on the subject application. Community Council directed staff to hold a community consultation meeting as well as establish a working group, in consultation with the Ward Councillor, with appropriate staff, representatives of the local community, and the applicant in order to advance discussions with respect to a potentially revised application which may better reflect the interests of the local community and comments from City staff. A copy of the Preliminary Report and Community Council's decision can be found on the City's website at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.SC26.7>

SITE AND SURROUNDING AREA

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.

Existing Uses:

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

A 2-storey commercial building at 42 Tuxedo Court with a gross floor area of approximately 1,118.3 square metres, which contains a Walk-in Clinic, pharmacy, convenience store and a banquet hall.

Surrounding uses include:

North: West Highland Creek ravine.

East: A 15-storey residential apartment building at 30 Tuxedo Court.

South: A 15-storey residential apartment building at 20 Tuxedo Court.

West: A 15-storey residential apartment building at 50 Tuxedo Court owned by Toronto Community Housing Corporation.

THE APPLICATION

Height: 26 and 29-storeys (93.5 metres and 84 metres)

Density (Floor Space Index): 4.35 times the area of the lot (Including the full site area 40 and 42 Tuxedo Court).

Uses: Mixed-Use building containing dwelling units and a child care centre.

Unit count: 644 dwelling units (146 studio units, 258 one-bedroom units, 161 two-bedroom units and 79 three-bedroom units).

Additional Information

The existing 15-storey building would be retained and the 2-storey commercial building would be demolished. For more information see attachments 1-4 of this report for the location map, Application Data Sheet, 3-D images of the proposal in context and a site plan for the proposal. The Application Data Sheet contains additional statistics including: site area, gross floor area, unit breakdown and parking counts.

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

Site Plan Application

A Site Plan application (File No. 21 149517 ESC 24 SA) was filed concurrently with the rezoning application and is also under review. However, only the Zoning By-law amendment application was appealed.

Reasons for the Application

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

POLICY CONSIDERATIONS

Official Plan Designation: The site is designated *Mixed Use Areas* on Map 22 of the Official Plan (See Attachment 5: Official Plan) and subject to Site and Area Specific Policy 322.

Zoning: The site is subject to Zoning By-law No. 569-2013, as amended. The site is zoned 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 and a maximum lot coverage of 33%.

Additional Information:

See Attachment 7 for applicable policy documents

COMMUNITY CONSULTATION

A virtual community consultation meeting was hosted by City staff on November 29, 2021 and was attended by approximately 20 people. The meeting was also translated into Gujarati and Tamil. Following a presentation by City staff and the applicant, the following comments and issues were raised by attendees or sent to City Planning via email before or after the meeting:

- Traffic and circulation (Tuxedo Court is a cul-de-sac with many of the buildings fronting on private driveways)
- Snow clearing issues on Tuxedo Court Cul-de-sac
- Strain on existing roads and bus routes with added population
- Construction timing and impact on existing residents
- Removal of Trees and loss of green and passive recreation space
- Loss of views from existing apartment buildings
- Density and impact on existing community
- Affordability and the need for affordable units in the area
- Height too tall for the area
- The loss of retail and retail replacement

Additional community consultation was scheduled to take place in the form of a working group as directed by Council. As a result of the OLT appeal, the process to form that working group was suspended.

COMMENTS

The proposal has been reviewed against the Planning Act, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines.

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan.

Land Use

The proposed residential uses align with the *Mixed-Use Areas* designation. However, the proposal does not include any retail uses and results in the loss of retail uses that serve the local community. The proposal should incorporate retail uses so that residents in the community can continue to access retail uses that serve their daily needs.

Height

The proposed building heights were reviewed against the built form policies of the Official Plan, SASP 322, the Tall Building Design Guidelines and the Markham-Ellesmere Revitalization Study Urban Design Guidelines and Conceptual Master Plan.

The proposed heights are not consistent with the existing and planned context for the area. The existing buildings in the area range from 13 to 15-storeys in height. Recent approvals for tall buildings in the surrounding area have been on sites that have frontage on Markham Road.

Density

The proposed density was evaluated against the applicable Official Plan policies, SASP 322 and the Markham-Ellesmere Revitalization Study Urban Design Guidelines and Conceptual Master Plan. The proposed density does not conform to the applicable planning framework.

Built Form

The proposed built form and massing were reviewed against the built form policies of the Official Plan, SASP 322, Tall Building Design Guidelines and the Markham-Ellesmere Revitalization Study Urban Design Guidelines and Conceptual Master Plan. The proposed tower separation and tower setbacks and stepbacks are not acceptable in their current form and do not have regard for the relevant design guidelines and do not conform with the Official Plan..

Site Organization

The proposed building is well setback from the public road (Tuxedo Court) and locates the main building access internal to the site, fronting on the private street between the proposal and 40 Tuxedo Court. The main entrance of the building should be relocated to front on the public street in a manner that is clearly visible and directly accessible from the public street. The proposed setbacks from the proposed sidewalk are insufficient to support large trees. The proposed setback should be increased to allow for the planting of trees.

The location of the proposed building would block the existing building and reduce visibility of the building from the public street. The existing private driveway that serves the existing building and would serve the new building, is narrow and could result in potentially unsafe conditions. The proposed site organization does not have regard for the relevant design guidelines and does not conform to the Official Plan.

Sunlight Access

The proposal results in new shadow impact on the West Highland Creek and residential buildings at 30, 40 and 50 Tuxedo Court. At 40 Tuxedo Court, the units located in the middle section of the southern façade will only have approximately one to two hours of sunlight on the spring and fall equinoxes. The proposal should be revised to improve the proposed sunlight access for the existing units in the area.

Amenity Space

The outdoor amenity space proposed should be improved and increased. Indoor amenity space is proposed at 1,310 square metres (2.03 square metres per dwelling

unit) and outdoor amenity space is proposed at 1,288 square metres (2 square metres per dwelling unit). However, the proposal results in a loss of outdoor amenity space for the existing residents at 40 Tuxedo Court. The provision of usable outdoor amenity on the site should take into account the net impact to existing residents at 40 Tuxedo Court.

Future of Retailing Policies

The Planning Rationale submitted with the application does not address the Future of Retailing policies as required by the Official Plan. The proposal in its current form does not include any replacement retail space to continue to provide services to the local community.

SASP 322

SASP 322 contains a policy regarding apartment building renewal which calls for improved energy efficiency and enhanced landscaping and tenant amenities. The policy also encourages owners to invest in upgrades to their buildings and properties. In the last few years there have been numerous complaints received by Municipal Licensing & Standards about the condition of the existing building. The current proposal does not provide sufficient upgrades for the existing apartment building at 40 Tuxedo Court and results in a loss of access to retail services and landscaped open space.

Parks

In accordance with [Chapter 415, Article III of the Toronto Municipal Code](#), the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

Natural Heritage and Ravine Protection

The subject lands are within a TRCA Regulated Area and near a Natural Heritage Area as identified on Map 9 of the Official Plan. The TRCA was circulated and provided comments. The TRCA requested additional information to assess the location of the proposed underground ramp and encroachment into the natural heritage system buffer. If the encroachment remains, the applicant was asked to provide a buffer woodland enhancement plan using native, non-invasive, locally sourced species of tree, shrubs, and herbaceous plants. The TRCA also asked for an Erosion and Sediment Control plan. Should the OLT allow the Zoning By-law amendment appeal in whole or in part, the final order should be withheld until the TRCA comments are addressed.

Urban Forestry

An Arborist Report and Tree Preservation Plan were submitted by the applicant. As proposed, the development would require the removal of 29 trees.

Urban forestry has reviewed the materials and provided comments. Urban Forestry is not opposed in principle to the application but they did have comments regarding the concepts, plans and drawings not clearly indicating the soil volume required to be compliant with the City's Green Standards. Urban Forestry noted that prior to approval of any Zoning By-law amendment application, the applicant should be required to demonstrate that they can comply with all elements of the City's Toronto Green Standards, including the parts of the Ecology section, which pertain to existing and proposed trees. Additional requirements and comments were noted for the Site Plan process.

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.

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 to the site or existing building are needed. Staff have also requested as-built plans of the existing building to evaluate existing amenity areas and parking provision, that the owner consult with tenants to identify construction mitigation measures for tenants and potential rental housing repairs and improvements and to develop a tenant construction effects mitigation and communications plan.

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

The following potential CS&F contributions should be considered as part of any Section 37 Agreement should the project proceed to approval in some form:

- Expand and secure a non-profit, licensed child care facility in accordance with the City's Child Care Development Guidelines; and/or
- Securing financial contributions towards the replacement of the Centennial Recreation Centre, as identified in the Parks and Recreation Facilities Master Plan.

Infrastructure/Service Capacity

A Functional Servicing and Stormwater Management Report, Hydrogeological Review Report and associated plans were submitted with the application. Engineering and Construction Services staff have indicated the need for revisions and additional information to complete their review of the application.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

Traffic Impact, Access and Parking

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.

Should the OLT allow the Zoning By-law amendment appeal, the final Order should be withheld pending confirmation from Transportation Services that the proposed transportation impact, parking and loading are acceptable.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development

features would be secured in the site-specific Zoning By-laws at a minimum and others through the Site Plan Control application.

Section 37 Community Benefits

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. Section 37 benefits have not been discussed with the applicant because staff are of the opinion that the proposal, as currently constituted, is not good planning. Should the proposal be approved in some form by the OLT, it is recommended that City Council authorize City staff to negotiate an appropriate agreement for Section 37 benefits with the applicant, as applicable, in consultation with the Ward Councillor.

Further Issues

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal and through deputation made by members of the public to Community Council. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, SASP 322, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the application does not conform to the Official Plan, SASP 322, and does not have appropriate regard for the Tall Building Design Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

Tyler Hughes, Planner, Community Planning, Scarborough District, Tel. No. 416-396-3266, E-mail: Tyler.Hughes@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context Looking Northeast

Attachment 2: Location Map

Attachment 3: Application Data Sheet

Attachment 4: Site Plan

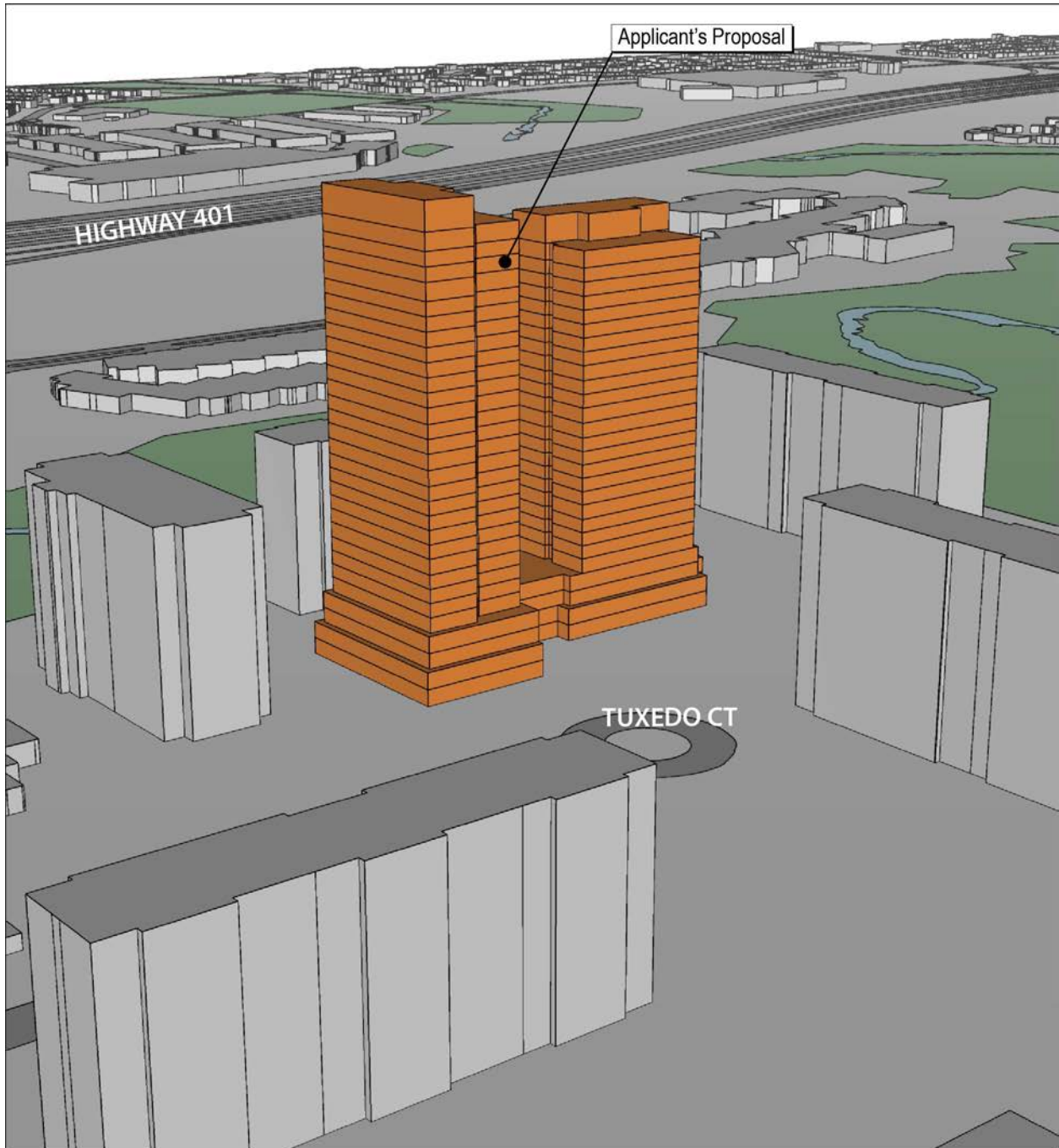
Attachment 5: Official Plan Map

Attachment 6: Zoning Map

Attachment 7: Policy Considerations

Attachment 8: Markham Ellesmere Revitalization Study Conceptual Master Plan

Attachment 1: 3D Model of Proposal in Context Looking Northeast

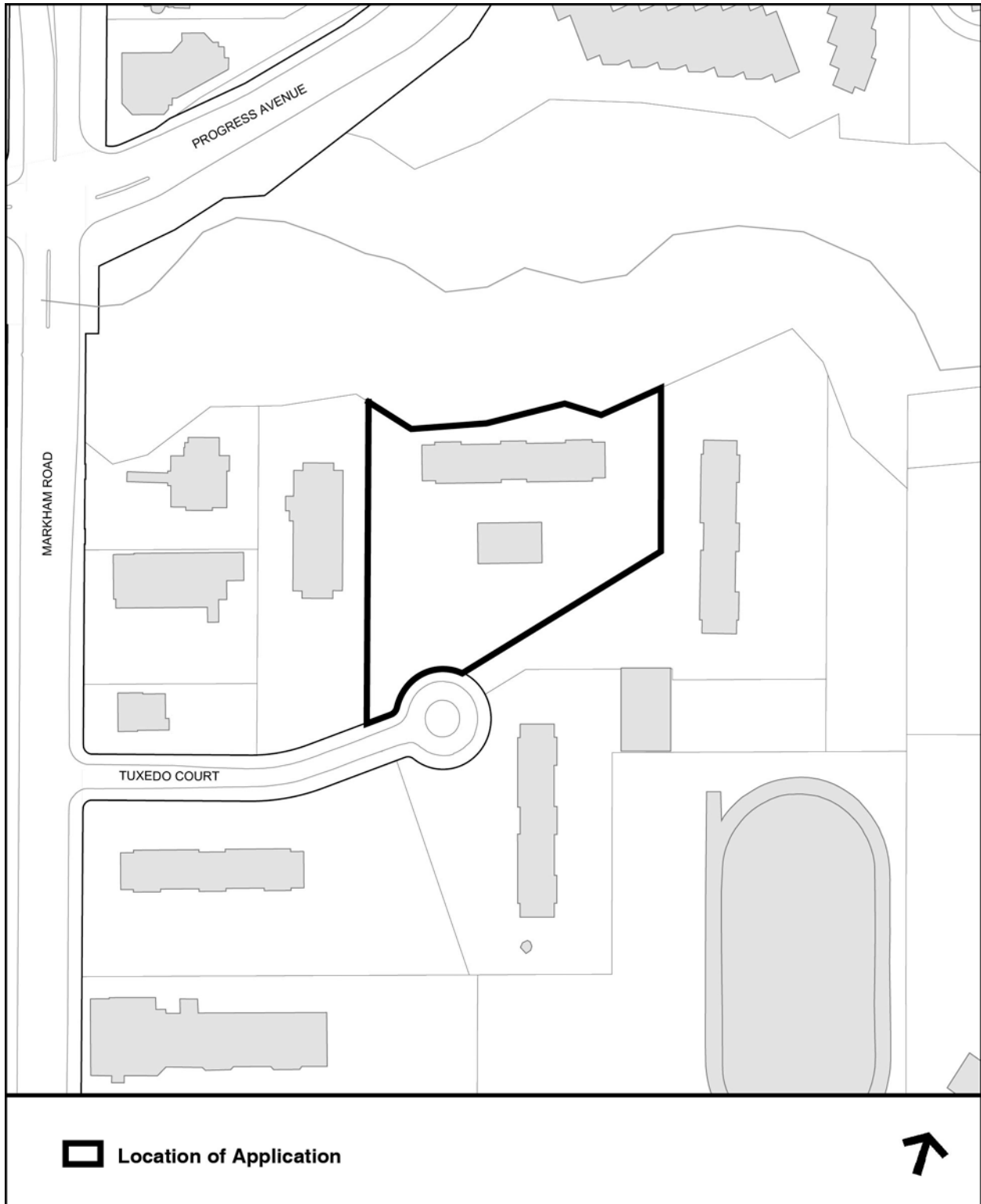


View of Applicant's Proposal Looking Northeast



07/07/2021

Attachment 2: Location Map



Attachment 3: Application Data Sheet

Municipal Address: 40 and 42 Tuxedo Court Date Received: May 3, 2021

Application Number: 21 149511 ESC 24 OZ

Application Type: Rezoning

Project Description: A Zoning By-law Amendment application to permit two residential towers at 26 and 29 storey's in height connected by a 3-storey podium with a total of 644 residential units and a 667m² daycare space at the ground floor and mezzanine levels. There will be two levels of underground parking.

Applicant	Agent	Architect	Owner
RESERVE PROPERTIES LTD		IBI Group	Tuxedo Court GP LTD

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP 322

Zoning: Apartment Residential (A) & Residential Apartment Commercial (RAC) Heritage Designation: N

Height Limit (m): 24 m Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 14,154.4 Frontage (m): 140 Depth (m): 146

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	3,897	3,339	2,922	6,261
Residential GFA (sq m):	19,050	19,050	41,841	60,891
Non-Residential GFA (sq m):	1,118		667	667
Total GFA (sq m):	20,168	19,050	42,508	61,558
Height - Storeys:	15	15	29	15
Height - Metres:			94	94

Lot Coverage Ratio (%): 44.23 Floor Space Index: 4.35

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	41,841	
Retail GFA:	0	
Office GFA:	0	
Industrial GFA:	0	
Institutional/Other GFA:	667	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	216	216		216
Freehold:				
Condominium:				
Other:			644	644
Total Units:	216	216	644	860

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		8	60	118	30
Proposed:		146	258	161	79
Total Units:		154	318	279	109

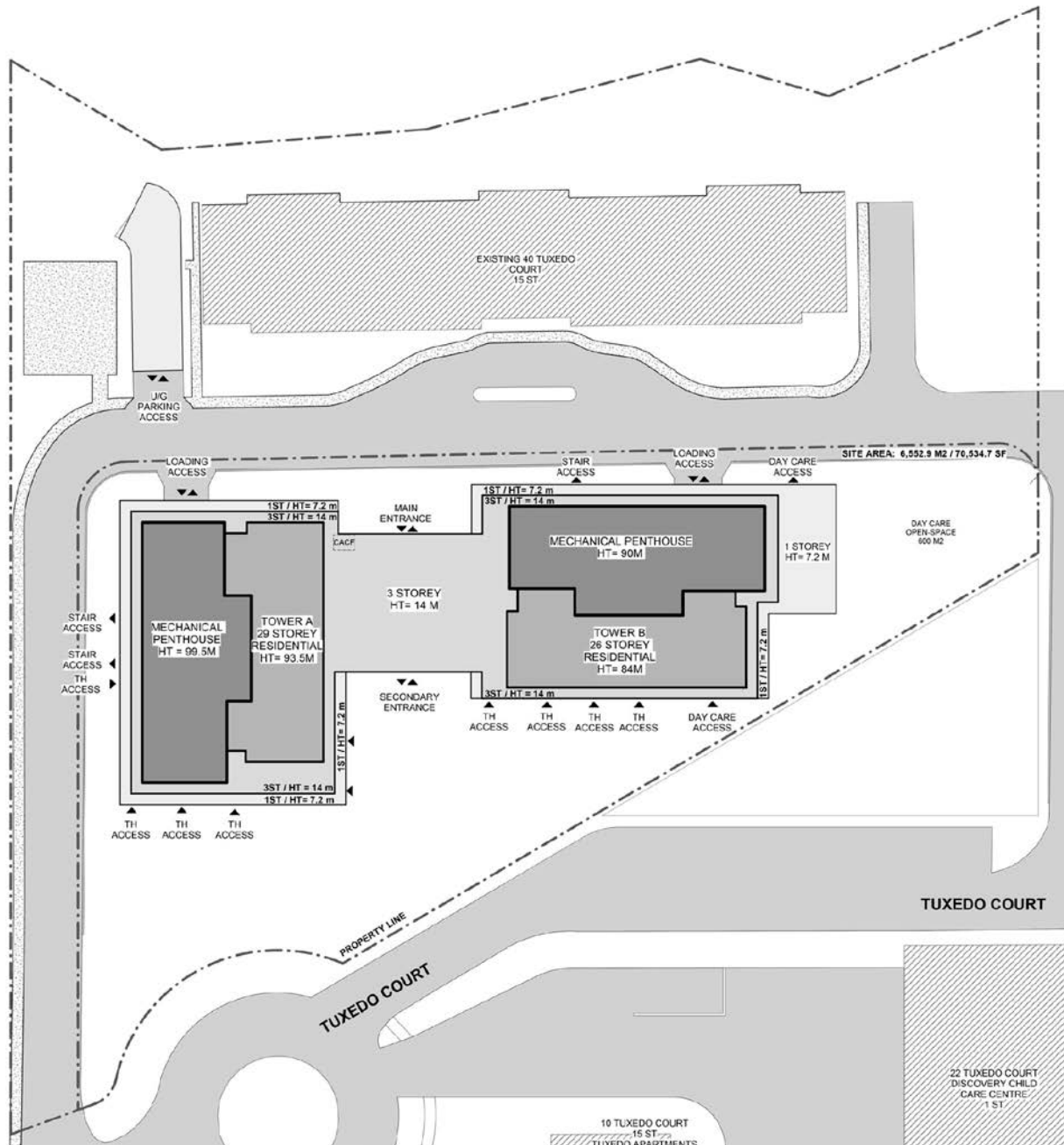
Parking and Loading

Parking Spaces: 420 Bicycle Parking Spaces: 646 Loading Docks: 2

CONTACT:

Tyler Hughes, Planner
 416-396-3266
 Tyler.Hughes@toronto.ca

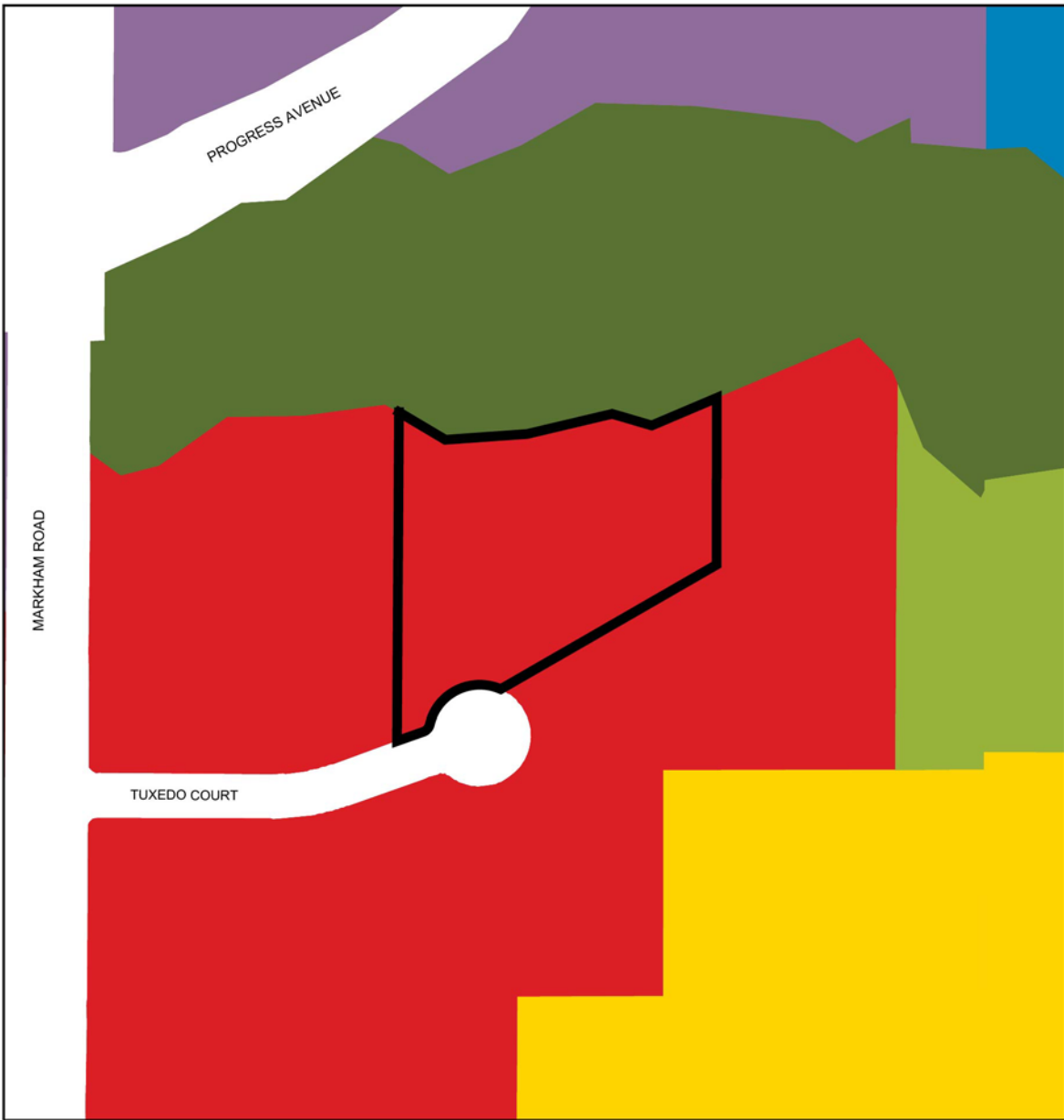
Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Map



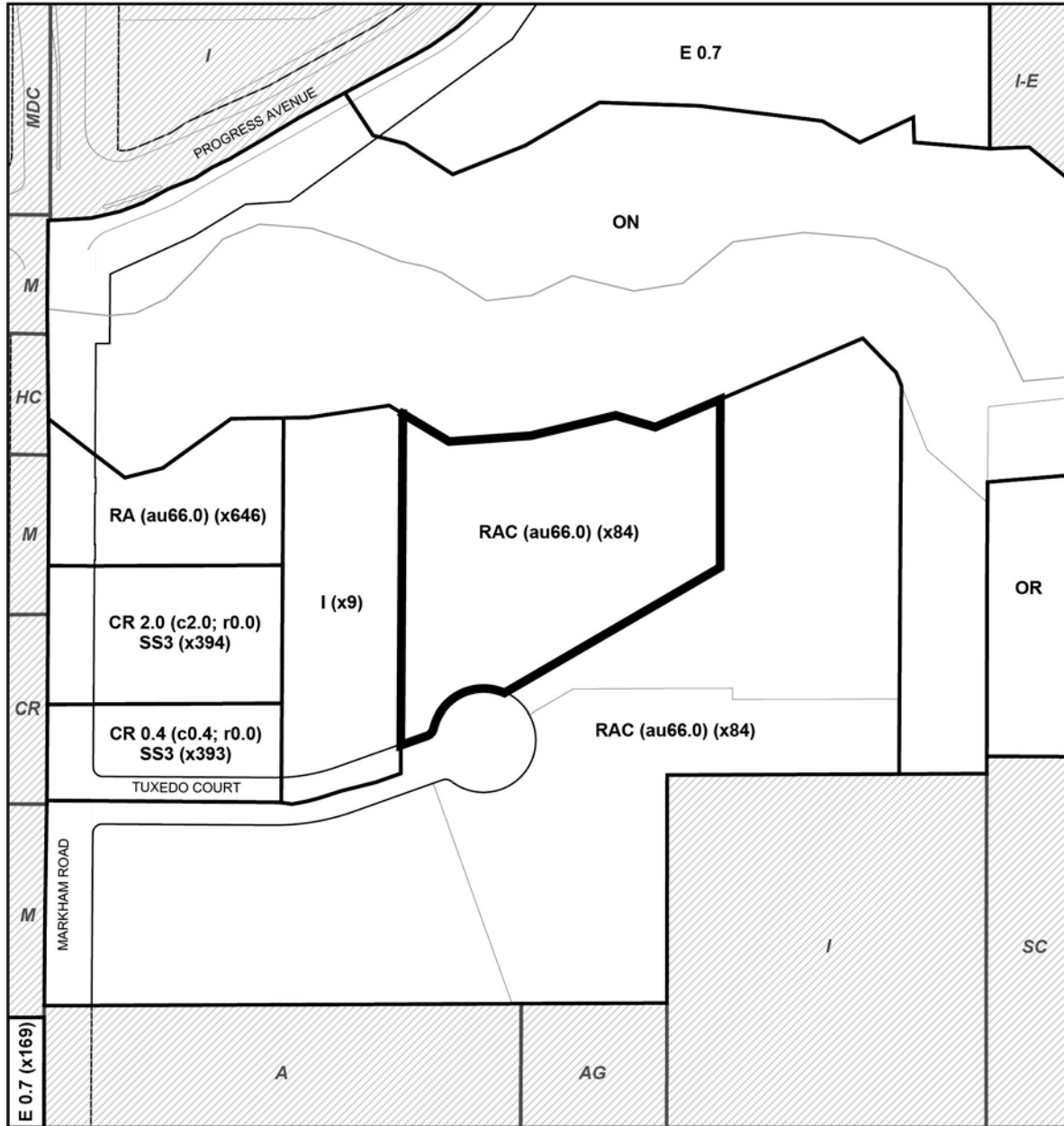
Official Plan Land Use Map #22

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 6: 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

Attachment 7: Policy Considerations

The Planning Act

Section 2 of the Act identifies matters of provincial interest to which a municipality shall have regarding carrying out its responsibilities under the Act. Amongst other matters this includes:

- 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;
- Identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options, including affordable housing, through intensification and redevelopment where it can be accommodated;
- 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.

Provincial Plans

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.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and

- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships 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 recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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."

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 amends and 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 5: Official Plan).

The Future of Retailing policies in Chapter 3 of the Official Plan state that applications that propose to redevelop retail uses that serve the daily needs of the local community in Mixed Use Areas, Apartment Neighbourhoods or Neighbourhoods will demonstrate, as part of the planning rationale, the amount and location of replacement retail space required to serve the daily needs of the local community, including access to fresh food and convenience needs.

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. Regarding apartment building renewal, the existing apartment buildings in the revitalization area present opportunities to improve energy efficiency, enhanced landscaping and tenant amenities. The policy states that the owners of the rental

apartment buildings will be encouraged to invest in upgrades to their buildings and properties.

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

City-Wide Tall Building Design Guidelines

City Council has adopted City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

Growing Up: Planning for Children in New Vertical Communities

The Growing Up Guidelines are the result of a two year study and two year period of implementation and monitoring, focused on how new mid-rise and tall buildings can be developed as vertical communities to support social interaction and better accommodate the needs of all households, including those with children. They apply to all new multi-residential mid-rise and tall building development application with twenty or more units. The link to the guidelines and the background staff reports is available here: <https://www.toronto.ca/city-government/planning-development/planning-studiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities>

Markham-Ellesmere Revitalization Study Urban Design Guidelines and Conceptual Master Plan

The guidelines apply to the Markham-Ellesmere Revitalization Area and provide clarification, interpretation and illustration of the vision or development framework for physical planning and design in Site and Area Specific Policy No. 322 in Chapter 7 of the Official Plan. The guidelines promote new public street connections including a connection from Tuxedo Court to Ellesmere Road and to Markham Road. The guidelines state that existing and new streets will receive extensive street tree planting and other landscaping and that the pedestrian entrances of all new development will be connected directly to the nearest public sidewalk. As well, pedestrian connections will be improved from the Tuxedo Court community to the surrounding green spaces.

The subject site is identified as a potential tower renewal area, regarding potential tower renewal, the guidelines state that the existing rental apartment buildings in the revitalization area are candidates for retrofitting to improve energy efficiency and other improvements including enhanced landscaping and tenant amenities. Further, the guidelines also state that owners of the rental apartment buildings will be encouraged to invest in upgrades to their buildings and properties. The guidelines also state that these sites have the potential for modest intensification which could take the form of townhouses and/or additional apartment buildings in accordance with the policies of the Official Plan.

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

Toronto Green Standard (Climate Mitigation and Resilience)

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2040 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2040 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible. Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

The Toronto Green Standard can be found at the following link:

<https://www.toronto.ca/city-government/planningdevelopment/officialplanguidelines/toronto-green-standard/>

Attachment 8: Markham Ellesmere Revitalization Study Conceptual Master Plan

