

## **1125 to 1137 Markham Road and 2141 Ellesmere Road – Zoning Amendment and Draft Plan of Subdivision Applications – Decision Report – Approval**

Date: March 13, 2024

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 24 - Scarborough-Guildwood

**Planning Application Number:** 21 120678 ESC 24 OZ and 21 120673 ESC 24 SB

**Related Applications:** 22 191957 ESC 24 SA

### **SUMMARY**

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This application proposes to amend Zoning By-law 569-2013, as amended, to permit the redevelopment of the lands at 1125 to 1137 Markham Road and 2141 Ellesmere Road. The proposal includes three towers (18, 33 and 37-storeys in height) and an 8-storey mid-rise building. The proposal also includes a public park and two public roads which would be dedicated to the City. The existing structures on the site would be demolished.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan (2020). The proposed development also conforms with Site and Area Specific Policy (SASP) 322 by implementing new public road connections and adding a park to the area while maintaining commercial uses on the site. The proposal contributes to the emergence of an intensifying mixed use community at the southeast corner of Markham Road and Ellesmere Road and conforms with the Official Plan policies for *Mixed Use Areas* as further articulated by the Markham-Ellesmere Revitalization Study Urban Design Guidelines and Conceptual Master Plan and SASP 322.

This report reviews and recommends approval of the application to amend the Zoning By-law. The recommended Zoning By-law Amendment includes a holding provision (H) on the lands which can be lifted upon the submission of a Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer, Engineering Construction Services. The hold would also remain in place until confirmation that a lot addition application has been approved and additional lands acquired by the owner to facilitate an interim road condition required for the development and that other matters relating to the associated plan of subdivision were in place.

A related Draft Plan of Subdivision application has been submitted. This report advises that the Interim Chief Planner and Executive Director, City Planning intends to approve

the Draft Plan of Subdivision application to create the development block, proposed park block and new roads/widenings.

## **RECOMMENDATIONS**

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The Director, Community Planning Scarborough District recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 1125 to 1137 Markham Road and 2141 Eglinton Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning-By-law Amendment as may be required.
3. City Council approve that in accordance with Section 42 of the *Planning Act* as a component of the registration of Plan of Subdivision, the conveyance to the City of an on-site parkland dedication of 830 square metres, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.
4. City Council approve the acceptance of on-site parkland dedication, subject to the Owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition to the satisfaction of the General Manager, Parks, Forestry and Recreation subject to the following:
  - a. the Owner may propose an exception of encumbrances for tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and
  - b. such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management.
5. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
6. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Subdivision as generally illustrated in Attachment 9 of the

report from the Director, Community Planning, Scarborough District, dated March 13, 2023, subject to:

- a. the conditions from various City divisions generally listed in Attachment 8, which, except as otherwise noted, must be fulfilled prior to final approval and the release of the Plan of Subdivision for registration; and
- b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Interim Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.

7. City Council direct the Chief Planner and Executive Director, City Planning, in consultation with the local Ward Councillor and the City Solicitor, to continue to work with the applicant to explore an in-kind community benefit package pursuant to Section 37(6) of the *Planning Act* that includes the provision of affordable housing units within the proposed development and to report back to City Council for further instruction on any offer of in-kind community benefits made by the owner.

## **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. If City Council does not make a decision on this Report, there may be financial implications to the City to the current budget year and in future years.

## **DECISION HISTORY**

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A pre-application meeting was held on July 14, 2020. The Zoning By-law Amendment and Draft Plan of Subdivision applications were submitted on February 26, 2021 and deemed complete on April 19, 2021.

A preliminary report was adopted without amendment at Scarborough Community Council at its meeting on June 25, 2021 authorizing staff to conduct a community consultation meeting. The decision of the Community Council on the Preliminary Report for the application can be found at this link:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.SC25.6>

Staff conducted a Virtual Community Consultation Meeting for the application on September 13, 2021. The comments from the community consultation are summarized in the Comments section of this report.

## **PROPOSAL**

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**Description:** The subject site is located to the southeast of the intersection of Markham Road and Ellesmere Road and comprised of the addresses 1125 to 1137 Markham Road and 2141 Ellesmere Road. The site is currently occupied by 3 standalone retail buildings. The site has an area of 11,327.2 square metres and a frontage of 103.7 metres on Markham Road and 40.25 metres on Ellesmere Road.

**Existing Uses:** There are three standalone retail building containing a range of businesses including a market, pharmacy, take-out eating establishments and a bank. The existing gross-floor area for all the buildings on the site is approximately 3,500 square metres.

**Surrounding Land Uses:** There are two approved developments to the south of the subject site. Construction of portions of a development at 1 and 2 Meadowglen Place (immediately south of the subject site) is recently completed. The ultimate build out of that approved mixed use development will consist of two 28-storey buildings, a 16-storey building, a 14-storey building and townhouses. The 28-storey buildings, the 16-storey building and the 14-storey building have been constructed and are occupied. The townhouses are still under construction.

The approved development further to the south at 1021-1035 Markham Road comprises a 34-storey mixed use building with 333 units. That building is now under construction. As part of the developments to the south of the subject site, there is a 2,024 square metre public park that will be dedicated to the City.

To the immediate northwest of the subject site, is a sales centre for the approved developments to the south which is also the subject of an active development application at 1151 Markham Road. Further north, on the north side of Ellesmere Road are two existing 16-storey apartment buildings at 2180 and 2190 Ellesmere Road.

To the immediate east of the subject site is a place of worship with a takeout restaurant fronting on Ellesmere Road. Further east, to the south of Ellesmere Road is a low-rise residential neighbourhood. To the northeast is Woburn Collegiate Institute.

On the west side of Markham Road and south of Ellesmere Road there is a gas station and an existing 19-storey apartment building. Further west along Ellesmere Road is a townhouse neighbourhood.

For a visual representation of the existing and emerging context refer to Attachment 3: Context Plan and Attachment 4: 3D Context Plan.

**Description:** The proposal contemplates a mixed-use development with three towers (18, 33 and 37-storeys in height) and an 8-storey mid-rise building. The proposal also includes a public park, a north-south public road (interim width) and the completion of an east-west public road (Roman Abraham Boulevard).

**Density:** A total of 72,196 square metres of gross floor-area is proposed including 71,038 square metres of residential gross floor area and 1,158 square metres of retail gross floor area. The resulting floor space index (FSI) is 6.37 times the area of the lot.

**Dwelling Units:** 997 units are proposed, including 100, 3-bedroom units (10%), 190, 2-bedroom units (19.1%), 667, 1-bedroom units (66.9%) and 40 bachelor units (4%).

**Amenity:** A total of 4,002.7 square metres of amenity space is proposed across all the buildings on site. A total of 2,782.3 square metres (2.8 square metres per unit) of indoor amenity space and 1,220.4 square metres (1.2 square metres per unit) of outdoor amenity space is proposed.

**Enhanced Landscape Area:** A publicly accessible enhanced landscaped area of approximately 850 square meters is proposed to connect Markham Road and Ellesmere Road through the site.

**Roads, Access, Parking and Loading:** There are two roads proposed. One is a north-south interim road proposed at a width of 14.5 metres. When the site to the east develops, the road would be expanded to 18.5 metres in width. A lot addition application has been approved with conditions to allow for a portion of the adjacent property at 2201 Ellesmere Road to be acquired by the owner and added to the development to facilitate the interim alignment of the north-south road. Approval of this development will also allow for the completion of a full width east-west road (Roman Abraham Boulevard) which was partially constructed through the development of lands to the south of the subject site. The final right-of-way width of the east-west road will be 20 metres. A widening on Ellesmere Road the frontage is also proposed.

Vehicular access to the development site would be provided from the east-west road. A total of 658 vehicular parking spaces are provided, including 52 visitor spaces, 4 car-share spaces and 12 retail spaces. Four surface parking spaces are proposed while the remainder of the parking will be located in the underground on four levels.

**Parkland:** The proposal includes 830 square metres of parkland to be conveyed to the City pursuant to Section 42 of the *Planning Act*. The parkland would be located at the north end of the site with frontage on Ellesmere Road and the proposed north-south road.

### **Reasons for Application**

The Zoning By-law Amendment application has been submitted to facilitate the mixed-use development and permit residential uses which are currently not permitted by the applicable zoning. The application seeks to establish appropriate site-specific development standards (building setbacks, massing, height, density and parking rates among others) for the proposed development. The Plan of Subdivision application has been submitted to create a framework of streets and blocks, including the new park block, to facilitate build out of the subject lands.

## **APPLICATION BACKGROUND**

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## **Application Requirements**

The following reports/studies were submitted in support of the application:

- Application Checklist
- Application Forms
- Architectural Plans
- Landscape Plans
- Block Context Plans
- Draft Plan of Subdivision
- Community Services and Facilities Study
- Civil and Utilities Plans
- Cost Estimate for Landscaping
- Energy Strategy
- Noise Impact Study
- Draft Zoning By-law Amendment
- Project Data Sheet
- Public Consultation Strategy
- Planning Rationale
- Toronto Green Standard Checklist
- Traffic Impact Study
- Geotechnical Study
- Hydrogeological Study
- Pedestrian Level Wind Study
- Submission Cover Letters
- Sun/Shadow Study
- Functional Servicing Report and Stormwater Management Report
- Arborist Report/ Tree Protection Report

The plans, reports and studies submitted by the applicant are available on the City's Application Information Centre (AIC): <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

## **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards and to prepare draft conditions relating to approval of the Draft Plan of Subdivision.

## **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Scarborough Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **POLICY & REGULATION CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe, the Greenbelt Plan, and others.

### **Official Plan**

The land use designation for the site is *Mixed Use Areas* on Map 23 of the Official Plan's Land Use Map. See Attachment 5 of this report for the Land Use Map. Map 3 (Right-of-Way Widths Associated with Existing Major Streets) identifies Markham Road and Ellesmere Road as Major Streets with right of way widths of 36 metres. Ellesmere Road at this location is identified as a Transit Corridor on Map 4 (Higher Order Transit Corridors) and both Ellesmere Road and Markham Road are identified as Transit Priority Segments on Map 5 (Enhanced Surface Transit Network). The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Site and Area Specific Policy (SASP) 322**

SASP No. 322 applies to the subject site and describes the Markham-Ellesmere Revitalization Area. This SASP establishes a planning framework to guide the revitalization of the area through individual redevelopment proposals. Some of the key objectives are, new public road connections, planted medians, establishment of a public square, encouraging commercial uses, renewal of existing apartment buildings, improved pedestrian connections to public parks, enhanced community services and facilities and the adoption of urban design guidelines.

### **Zoning**

The subject site is zoned Commercial Residential CR 0.4 (c0.4; r0.0) SS3 (x390) under Zoning By-law 569-2013, as amended. The Commercial Residential zoning category permits a variety of residential and commercial uses including apartment buildings, offices, retail stores, financial institutions, and restaurants. The density provisions applicable to the site do not currently permit residential uses as the numerical value for residential density is currently zero., the commercial density value is 0.4 times the area of the lot. See Attachment 6 of this report for the existing Zoning By-law Map.

### **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- Mid-rise buildings Study and Performance Standards;
- Tall Building Guidelines;

- Growing Up: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Retail Design Manual;
- Toronto Accessibility Guide; and
- Markham-Ellesmere Revitalization Study Urban Design Guidelines and Conceptual Master Plan.

### **Toronto Green Standard**

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.

### **Draft Plan of Subdivision**

A Draft Plan of Subdivision has been submitted and was reviewed concurrently with the Zoning By-law Amendment application. The Chief Planner has delegated authority for Plans of Subdivision under By-law 229-2000, as amended.

### **Site Plan Control**

The proposed development is subject to Site Plan Control. A Site Plan Control application was submitted on August 19, 2022 and is currently under review.

## **COMMENTS**

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

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

### **Land Use**

This application has been reviewed against the Official Plan policies and planning studies described in the Policy and Regulation Considerations Section of the Report as well as the policies of the Official Plan as a whole. The proposed residential, retail/ commercial and park uses within the mixed-use development are acceptable and conform to the applicable policies of the Official Plan's *Mixed Use Areas* designation and SASP 322.

The proposed retail space would be located along the Markham Road frontage which will be highly visible and easily accessible from the sidewalk and multiple bus routes in the area while contributing to the retail uses emerging from the developments under construction to the south of the site. The proposal includes 1,158 square metres of retail space to replace the 3,500 square metres of non-residential space existing on the site.



While the development would contain less non-residential space than what exists on site, staff worked with the applicant to ensure the proposed space was deployed in a way that could potentially accommodate a food store or large format pharmacy or be divided into multiple units to meet local retailing demands. Other developments around the subject site also include retail space which results in the amount retail space on this block (east for Markham Road, south of Ellesmere Road and north of Brimorton Drive) remaining relatively stable through the revitalization of the area, consistent with the policy directions of SASP 322.

### **Density, Height, Massing**

This application has been reviewed against the Official Plan policies, site and area specific policies, planning studies and design guidelines described in the Policy and Regulation Considerations Section of the Report. The site and the immediate adjacent properties are designated *Mixed Use Areas*. Considering the existing and planned context surrounding the subject site, the proposal contemplates appropriate separation between the tall buildings oriented towards Markham Road and transition to the low-rise developments to the east. The proposed heights also transition to the south to fit with the developments that have been built or approved to the south of the site.

### **Density**

The proposed density is consistent with the densities in the existing and planned context. A total of 72,196 square metres of gross floor area is proposed including ground floor commercial uses, the resulting floor space index (FSI) is 6.37 times the area of the lot which is comparable to recent approvals in the area for sites of a similar size. The site is on the route of the Durham-Scarborough Bus Rapid Transit with a proposed stop at the intersection of Markham Road and Ellesmere. It is also within proximity to the future Scarborough Centre station being implemented as part of the Scarborough Subway extension (Line 2 East Extension). As this higher-order transit context emerges, the site will continue to be serviced by multiple high frequency bus routes which service the site and connect to subway stations or bus stations with connecting routes. Considering the existing and planned context and the transportation connectivity the proposed density is appropriate for the site.

### **Height**

The proposed tower heights of 37-storeys for Tower A, 33-storeys for Tower B and 18-storeys for Tower C are appropriate considering the existing and planned context. Through redevelopment and approvals, a built form context has emerged that is made up of taller elements sited along the Markham Road frontage with lower components to the eastern portions of their respective sites. This facilitates a transition in height from the major street to the low-rise dwellings to the east on lands designated *Neighbourhoods*. For example, the approved developments to the south of the site include two 28-storey towers and a 34-storey tower fronting on Markham Road and 16-storey and 14-storey tower at the rear, to the east of Markham Road. On the subject lands, Building D is an 8-storey Mid-rise building which contributes to a transition in heights to the east and allows for an appropriate height relationship to the adjacent park. Staff are satisfied with how the proposed heights would be deployed on the site.

## Massing

The application proposes a 7-storey podium along Markham Road which is consistent with the approval to the south of the site for a consistent streetwall condition along this arterial frontage. Towers A and B are setback from the podium by a minimum of 3.3 metres to enhance pedestrian comfort and reduce visual impact of the towers from the public realm. Tower C is proposed on a 4-storey podium to allow for transition in scale and an enhanced massing relationship with the local streets. Building D is an 8-storey Mid-Rise building which provides for a mix of building types on the site and allows for porosity through the site as the massing of the midrise building separated from Towers A, B and C which are connected by podiums.

The proposed towers meet or exceed the minimum tower separation from the Tall Building Guidelines. Towers A and B would be separated by 25 metres, Towers A and C would be separated by 26.5 metres, Towers B and C would be separated by 25 metres, Tower A and Building B would be separated by 15 metres and Tower C and Building D would be separated by 17.9 metres. Staff are satisfied by the proposed tower placement and separation.

Towers A, B and C would have a maximum tower floor plate size of 750 square metres which would limit the physical and visual impact of the proposed towers on the public realm while minimizing shadow impacts on the proposed park, public realm, nearby open spaces and surrounding properties.

## Unit Mix

A total of 997 residential units are proposed, consisting of 40 studio units (4%); 667, 1-bedroom units (66.9%); 190, 2-bedroom units (19.1%); and 100, 3-bedroom units (10%).

The unit mix meets the policy direction of the Official Plan to provide a full range of housing and meets the unit mix objectives of the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines (Growing Up Guidelines) to provide a minimum of 15% 2-bedroom units and 10% 3-bedroom units within new developments. City Planning staff will continue to work with the applicant through the Site Plan Control process to meet the objectives of the Growing Up Guidelines with respect to unit sizes.

## Sun, Shadow, Wind

This applicant submitted a Sun/Shadow Study prepared by Turner Fleischer Architects Inc. The study demonstrates that the proposal would adequately limit shadow impact on *Neighbourhoods* designated lands, particularly during the spring and fall equinoxes. The study shows that there would be no incremental shadow on the *Neighbourhoods* designated lands until 4:18 p.m. on March 21st and June 21st and until 3:18 p.m. on September 21st. Starting at 9:18 a.m. there would be between 6 and 7 hours of continuous sunlight on the *Neighbourhoods* designated lands. The proposed shadows would not impact the *Neighbourhoods* designated Woburn Collegiate Institute property

on March 21st, June 21st and September 21st. Staff are satisfied that the shadow impacts from the proposed development are acceptable.

The applicant also submitted a Pedestrian Level Wind Study prepared by Theakson Environmental which describes the anticipated within conditions around the proposed development. Most areas of the site are expected to result in seasonally comfortable conditions that are suitable for the intended uses throughout the year. The study recommends a mitigation plan for the areas of the site that would have localized uncomfortable conditions, The wind mitigation details will be secured through the Site Plan Control application.

### **Amenity Space**

A total of 4,002.7 square metres of amenity space is proposed across all the buildings on site. A total of 2,782.3 square metres (2.8 square metres per unit) of indoor amenity space and 1,220.4 square metres (1.2 square metres per unit) of outdoor amenity space is proposed.

At the ground floor 443.7 square metres of indoor amenity space and 275.2 square metres of outdoor amenity space is contemplated. There are additional indoor and outdoor amenity spaces at the second floor, fifth floor and seventh floor. Overall staff are satisfied with the proposed amenity spaces.

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

Transportation Services staff have reviewed the Transportation Impact Study (TIS) prepared by LEA Consulting Ltd. that was submitted in support of the proposed development.

The consultant's report estimates that the proposed development will generate approximately 162 and 222 two-way vehicle trips in the AM and PM peak hours, respectively. After subtracting the trips generated by the existing buildings on the site, the net two-way trips will be 127 and 79 in the AM and PM peak hours, respectively. The consultant concludes that the development is expected to have minimal traffic impact on area intersections. Transportation Services staff has accepted the conclusions of the Transportation impact Study.

Vehicular access to the site will be provided via a new Public Street A and Public Street B (Roman Abraham Boulevard) rather than Markham Road or Ellesmere Road. Six metre wide driveways are proposed at both locations and the location of the proposed driveways are acceptable. The driveway on Public Street A provides vehicular access to the underground parking garage. The driveway from Public Street B provides access to the internalized drop-off area, the surface parking spaces, the two Type G loading spaces and the two Type C loading spaces.

In terms of parking, four levels of underground parking are proposed containing 52 residential visitor, 12 Non-residential visitor, four car-share and 590 residential parking spaces. A total of 30 accessible parking spaces are provided, 5 of the 30 spaces are designated for visitors, and 25 for residential use.

A total of 868 bicycle parking spaces (93 short-term and 775 long-term) are proposed to be provided and located primarily in the underground parking levels. The bicycle spaces provided exceed the requirements in By-law 569-2013, as amended.

### **Transportation Demand Management (TDM)**

The Transportation Impact Study proposes a number of transportation demand management measures, including the following:

- Providing car-shared parking spaces for the residents to reduce the need for automobile ownership;
- Encourage transit use by providing information packages containing route maps, schedules, and other applicable information, including displays in the central location of the building;
- Providing bicycling parking spaces more than the minimum required as per By-law to support active transportation, on-site bicycle repair spaces, and providing funds (\$50,000) for the establishment of a bike share facility; and
- Providing pedestrian connectivity with the public sidewalks along Markham Road and new streets through direct access and walkways to the building entrances.

Transportation Services staff find the proposed TDM measures acceptable. Planning staff will secure the above TDM measures as conditions in the Site Plan approval process.

### **Road Widening**

No Official Plan related road widenings are required for Markham Road or Ellesmere Road. In both cases, the 36 metre wide Official Plan right-of-way requirement has been met. However, the proposal includes a 1.3 metre road widening along the Ellesmere Road frontage of this site required to accommodate the proposed Durham-Scarborough BRT (DSBRT) alignment. The applicant has shown this land as being dedicated on the draft plan of subdivision (Attachment 9).

### **Streetscape and Road Network**

The proposal provides for an improved public realm on the subject site and contributes to the new road connections envisioned in SASP 322. Currently, pedestrian movement through the site would require navigating driveways, loading areas and a surface parking lot.

At-grade non-residential uses would contribute to an enhanced and animated public realm along Markham Road. The proposed road network would complete Roman Abraham Boulevard and add a new north-south public road with new sidewalks and landscaped areas to allow for safe movement through the site and complete connections to the development to the south. Vehicular access, loading and drop-off would be consolidated and contained to the private development site reducing potential conflicts with pedestrians and cyclists.

The proposed enhanced landscaped area allows for better pedestrian movement through the site, the park and the broader area in addition to the new road connections and enhanced public realm.

## **Servicing**

The applicant submitted a Functional Servicing and Stormwater Management Report with their proposal which was reviewed and commented on by Engineering and Construction Management Staff. Considering the comments from ECS, a holding provision has been included in the proposed Zoning By-law Amendment which requires the owner to submit a revised Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and, where infrastructure work is determined to be required, to make satisfactory arrangements for same to occur. Before the site can be redeveloped, an application to lift the holding provisions must be approved. The holding provision will also require the owner to have acquired additional adjacent lands necessary to facilitate the interim road condition and also to have advanced the subdivision matters and to have entered into a subdivision agreement with the City.

To allow for efficiencies of the build out, the Zoning By-law Amendment contemplates that below grade construction of the buildings within the development may proceed simultaneously with construction of the new roads and services but registration of the plan (conveyance of the roads to the City) will occur prior to above grade construction.

## **Noise Impact Study**

A Noise Impact Study was prepared by Valcoustics Canada Ltd. and submitted by the applicant as part of a complete application for the Zoning By-law amendment application. City Planning has initiated a peer review of the study. Depending on the results of the peer review process, Planning staff may require mitigation measures and conditions as part of the Site Plan approval process.

## **Parkland**

The City of Toronto Parkland Strategy (PLS) is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The PLS assesses parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the 2022 draft update to the PLS methodology, the development site is currently in an area with 28 + square metres of parkland per person, which is comparable to the City-wide average provision of 28 square metres of parkland per person (2022). Given the future expected growth both on the development site itself and surrounding sites, the existing parkland will be further stressed if no new parks are created. This anticipated parkland deficit must be addressed through the creation of new parks to serve the future population.

At the alternative rate of 1 hectare per 600 units as specified in Section 42 of the *Planning Act*, the parkland dedication requirement is 16,617 square metres or 203.16 % of the site area. However, for sites that are less than 5 hectares in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is

subject to a 2% parkland dedication. In total, the parkland dedication requirement is 821 square metres.

The application demonstrates that the applicant has proposed an on-site parkland dedication 830 square metres, located in the northeast corner of the site fronting Ellesmere Road which is acceptable to staff. The application also demonstrates that a 5 metre setback has been proposed between the park boundary and any adjacent building face, which is acceptable. It is contemplated that the park conveyance and terms will be secured in the subdivision agreement.

This report seeks direction from City Council on authorizing a credit of the Parks and Recreation component of the Development Charges in exchange for Above Base Park Improvement elected to be provided by the Owner upon agreement with the City. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The Owner will be required to enter into an agreement with the City to provide for the design and construction of the improvements and will be required to provide financial security to ensure completion of the works. It is contemplated that obligations relating to an election of the Owner to complete Above Base Park Improvements will also be secured in the subdivision agreement

### **Enhanced Landscape Area**

An enhanced landscaped area of approximately 850 square meters is being proposed. The enhanced landscape area would be central to the site connecting to the park and to Markham Road. Staff consider the proposed enhanced landscape area to be a positive element of the proposal. It will allow for pedestrian connections through the site, connecting Markham Road, Ellesmere Road, the park and the new buildings. Staff recommend that the enhanced landscape area, including its final location, configuration and design, together with public accessibility, be secured through the Site Plan Control approval process.

### **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).

As proposed, this project would require the removal of four by-law protected privately owned trees, located on the subject site and the removal of one City street tree, located in the road allowance adjacent to Markham Road. The proposed demolition, roadways, excavation and grading will require the removal of these trees. The planting of three replacement trees (or otherwise Cash-in-lieu of planting payment) for each by-law protected private tree removed would be a condition of Urban Forestry's permit issuance, if an application to remove the subject trees is approved.

The application is also required to comply with the tree planting elements of the Toronto Green Standard (TGS) Version 4, which based on the area of the development site

(10,505.7 square metres), requires 1,910 cubic metres of soil volume. The submitted landscape plans specify soil volumes in excess of this requirement, including a combined total of fifty-four (54) acceptable new trees on the private and public portions of the site.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner. Performance measures for Tier 1 development features secured through the zoning by-law process include automobile infrastructure, cycling infrastructure, storage and collection of recycling and organic waste.

Performance measures for Tier 1 development features secured through the Subdivision Approval process include construction activity and stormwater retention. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

### **Community Services and Facilities**

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

The applicant submitted a CS&F Study as part of their application. As part of the review of the application and the CS&F study, child care space, community agency space and financial contributions to the nearby Centennial Recreation Centre were identified as priorities.

### **Community Benefits Charge (CBC)**

Since the subject application was submitted and initially reviewed, the Province replaced the former Section 37 Density Bonusing with a new Community Benefits Charge (CBC). The Planning Act requires that the CBC not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date. The

Province has capped the CBC at 4 percent of land value. Therefore, any voluntary in-kind contributions cannot exceed 4 percent of the land value.

This report recommends City Council direct the Interim Chief Planner and Executive Director, City Planning, in consultation with the local Ward Councillor and the City Solicitor, to continue to work with the applicant to explore an in-kind community benefit package pursuant to Section 37(6) of the *Planning Act* that includes the provision of affordable housing units within the proposed development and to report back to City Council for further instruction on any offer of in-kind community benefits made by the owner.

## **School Boards**

The application was circulated to the Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) for comments. The TDSB indicated that the local schools assigned to the development site include Churchill Heights Public School, Henry Hudson Senior Public School, and Woburn Collegiate Institute.

TDSB staff have determined that there may be insufficient capacity to accommodate students from new residential developments at Churchill Heights Public School by the time this development is occupied. In the event Council approves this application, the TDSB requests that conditions be included in the site plan agreement that advise that local schools may not have sufficient capacity. This information will be advertised to potential future residents through the erection of a notice sign on the site and a warning clause on all offers of purchase for the residential units.

The TCDSB advised through their comments that the local schools serving the site are St. Thomas More Catholic School, St. Mother Teresa Catholic School and Francis Libermann Catholic School. Currently, sufficient capacity at the local elementary school exists to accommodate additional students from the proposal. As part of the site plan approval process, the TCDSB has requested warning clauses indicating that school capacity is potentially subject to change to be included in any agreements of purchase and sale for the proposed units of this plan. A Notice Sign should also be erected on site to this effect.

## **Community Consultation**

A Virtual Community Consultation Meeting was hosted by City Planning staff on September 13, 2021. Approximately 10 members of the public attended as well as the Ward Councillor, applicant team and staff. City staff provided a presentation on the planning process, policy and site context, nearby development activity and the applicant presented the development proposal. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- Concerns about on-street parking in the area;
- Concerns about increased traffic from the proposed development;
- Concerns about construction management; and
- Comments about the Durham-Scarborough Bus Rapid Transit project.



The issues raised through the community consultation were considered through the review of the application and addressed in the relevant sections of this report.

### **Holding Provision**

A Holding provision (H) is recommended to be placed on the lands, where the (H) is not to be lifted to permit the proposed development until the Owner satisfies the following:

- Submit to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services confirmation that approval has been obtained for a lot addition and lands have been acquired by the owner to facilitate the interim north-south public road required for this development and those lands have been included in the plan of subdivision application;
- Submit to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services for review and acceptance, a revised Functional Servicing and Stormwater Management Report confirming the location of all municipal infrastructure within the public right-of-way, confirming capacity in the existing municipal infrastructure to accommodate the proposed development and what, if any, infrastructure improvements are required;
- A financially secured agreement has been entered into with the City by the owner, or alternate arrangements have been made, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, to pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing and Stormwater Management Report, should it be determined that improvements to such infrastructure are required to support this development; and
- A financially secured subdivision agreement has been entered into with the City by the owner, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor and release for construction of services pursuant to the agreement has been obtained to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

The Chief Planner and Executive Director, City Planning Division and their designates have the authority to make decisions on applications to remove Holding provisions. A new application to lift the H will be required and a decision on the application will be made by the Chief Planner or their designate once satisfactory material has been submitted and reviewed.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Greenbelt Plan (2017) and the Official Plan, SASP 322 and applicable guidelines. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Official Plan, particularly as it relates to *Mixed Use Areas* and SASP 322.

The proposal provides for residential intensification at a key intersection with good transit access and future bus-rapid transit. The proposal also contributes to the broader

community with a new park, two new public streets and with ground floor retail uses animating Markham Road. Staff recommend that Council support approval of the application.

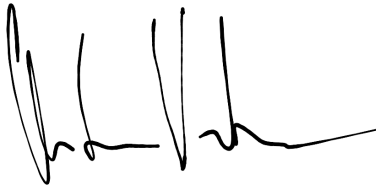
## **CONTACT**

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

## **SIGNATURE**

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Christian Ventresca MScPI, MCIP, RPP  
Director, Community Planning, Scarborough District

## **ATTACHMENTS**

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

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Context Plan
- Attachment 4: 3D Context Plan
- Attachment 5: Official Plan Land Use Map
- Attachment 6: Existing Zoning By-law Map
- Attachment 7: Draft Zoning By-law Amendment
- Attachment 8: Draft Plan of Subdivision Conditions

### **Applicant Submitted Drawings**

- Attachment 9: Draft Plan of Subdivision
- Attachment 10: Site Plan
- Attachment 11: Elevations

## **Attachment 1: Application Data Sheet**

### **APPLICATION DATA SHEET**

**Municipal Address:** 1125 MARKHAM RD    **Date Received:** February 26, 2021

**Application Number:** 21 120678 ESC 24 OZ

**Application Type:** OPA / Rezoning, Rezoning

**Project Description:** Redevelopment comprising of four mixed-use buildings ranging from 8 to 37-storeys. The total proposed gross floor area is 72,196 square metres, including 1,158 square metres of non-residential gross floor area, resulting in a gross floor space index (FSI) of 6.37. A total of 997 residential units are proposed

|                  |                 |                                       |   |
|------------------|-----------------|---------------------------------------|---|
| <b>Applicant</b> | <b>Agent</b>    | <b>Architect</b>                      | <b>Owner</b>                                  |
| BOUSFIELDS INC.  | BOUSFIELDS INC. | TURNER<br>FLEISCHER<br>ARCHITECTS INC | MARKHAM &<br>ELLESMERE<br>DEVELOPMENTS<br>INC |

**EXISTING PLANNING CONTROLS**

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

**PROJECT INFORMATION**

Site Area (sq m): 11,327                      Frontage (m): 105                      Depth (m): 90

| <b>Building Data</b>        | <b>Existing</b> | <b>Retained</b> | <b>Proposed</b> | <b>Total</b>  |
|-----------------------------|-----------------|-----------------|-----------------|---------------|
| Ground Floor Area (sq m):   | 3,500           |                 | 3,244           | 3,244         |
| Residential GFA (sq m):     |                 |                 | 71,038          | 71,038        |
| Non-Residential GFA (sq m): | 3,500           |                 | 1,157           | 1,157         |
| <b>Total GFA (sq m):</b>    | <b>3,500</b>    |                 | <b>75,656</b>   | <b>75,656</b> |
| Height - Storeys:           |                 |                 | 37              | 37            |
| Height - Metres:            |                 |                 | 116             | 116           |

Lot Coverage Ratio (%): 41.51                      Floor Space Index: 6.37

| <b>Floor Area Breakdown</b> | <b>Above Grade (sq m)</b> | <b>Below Grade (sq m)</b> |
|-----------------------------|---------------------------|---------------------------|
| Residential GFA:            | 71,038                    |                           |
| Retail GFA:                 | 1,157                     |                           |
| Office GFA:                 |                           |                           |

Industrial GFA:  
Institutional/Other GFA:

| <b>Residential Units<br/>by Tenure</b> | <b>Existing</b> | <b>Retained</b> | <b>Proposed</b> | <b>Total</b> |
|--|-----------------|-----------------|-----------------|--------------|
| Rental:                                |                 |                 |                 |              |
| Freehold:                              |                 |                 |                 |              |
| Condominium:                           |                 |                 | 997             | 997          |
| Other:                                 |                 |                 |                 |              |
| Total Units:                           |                 |                 | 997             | 997          |

**Total Residential Units by Size**

|              | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|--------------|-------|----------|-----------|-----------|------------|
| Retained:    |       |          |           |           |            |
| Proposed:    |       | 40       | 667       | 190       | 100        |
| Total Units: |       | 40       | 667       | 190       | 100        |

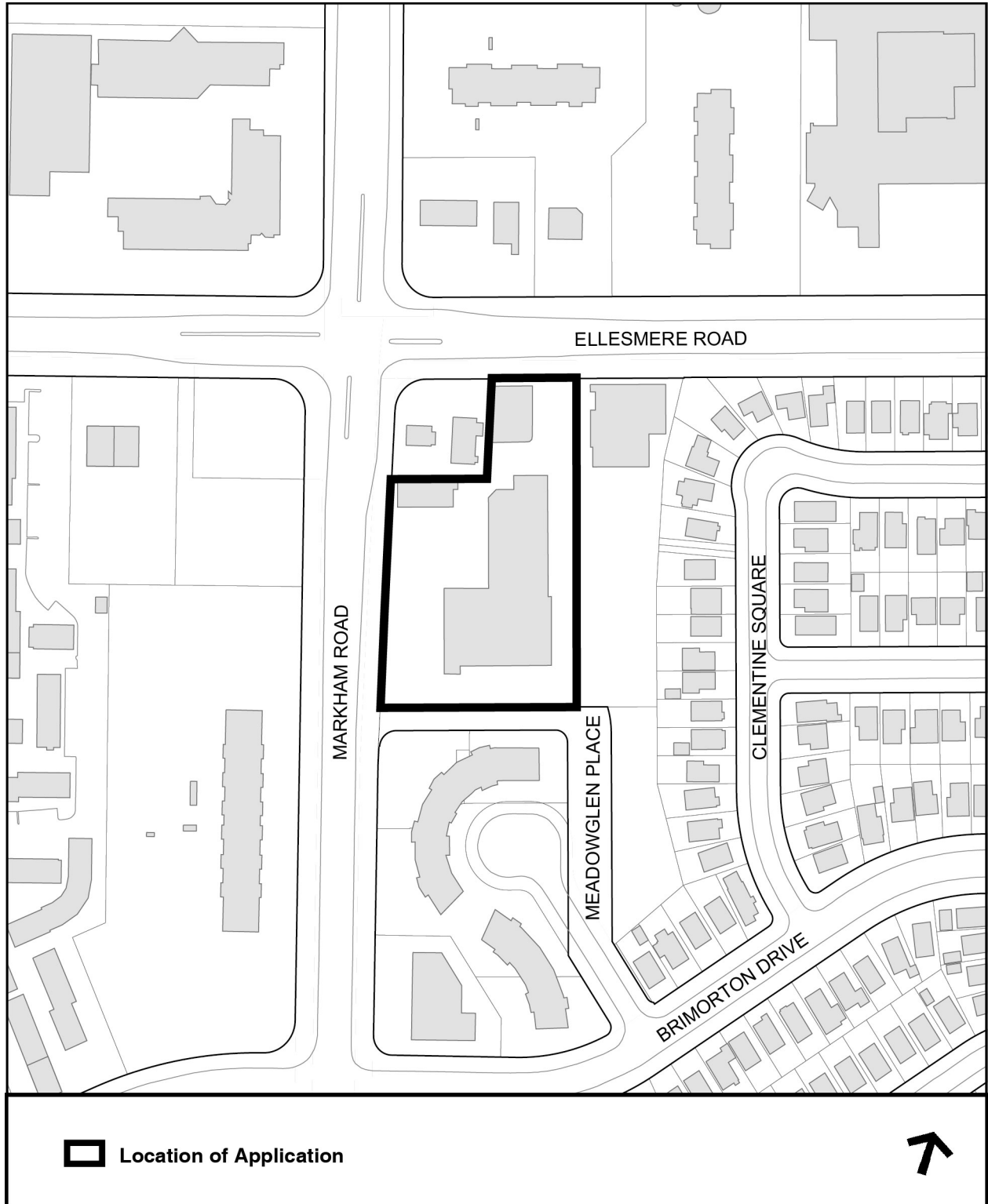
**Parking and Loading**

Parking Spaces: 658      Bicycle Parking Spaces: 868      Loading Docks: 4

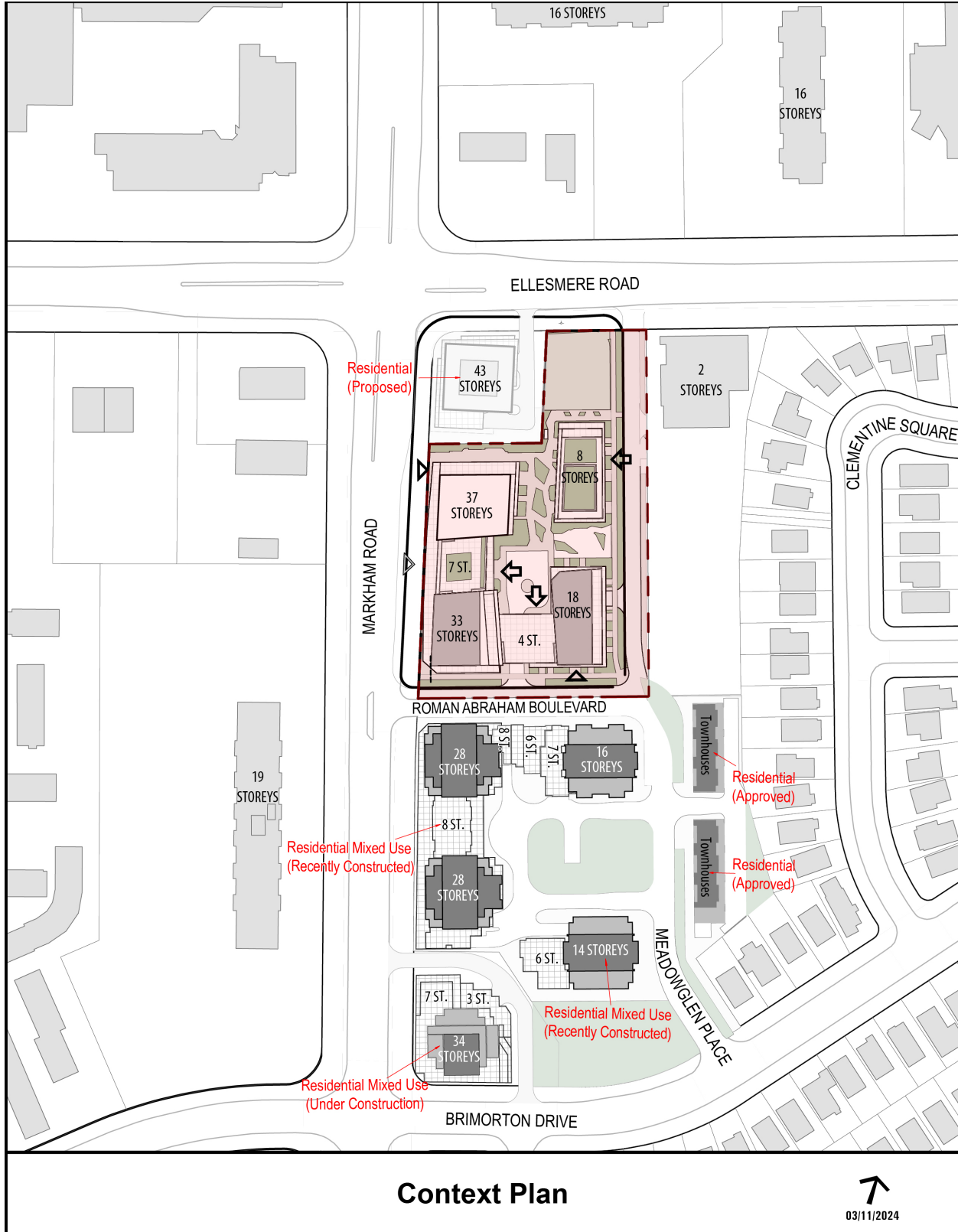
**CONTACT:**

Tyler Hughes, Senior Planner  
(416) 396-3266  
[Tyler.Hughes@toronto.ca](mailto:Tyler.Hughes@toronto.ca)

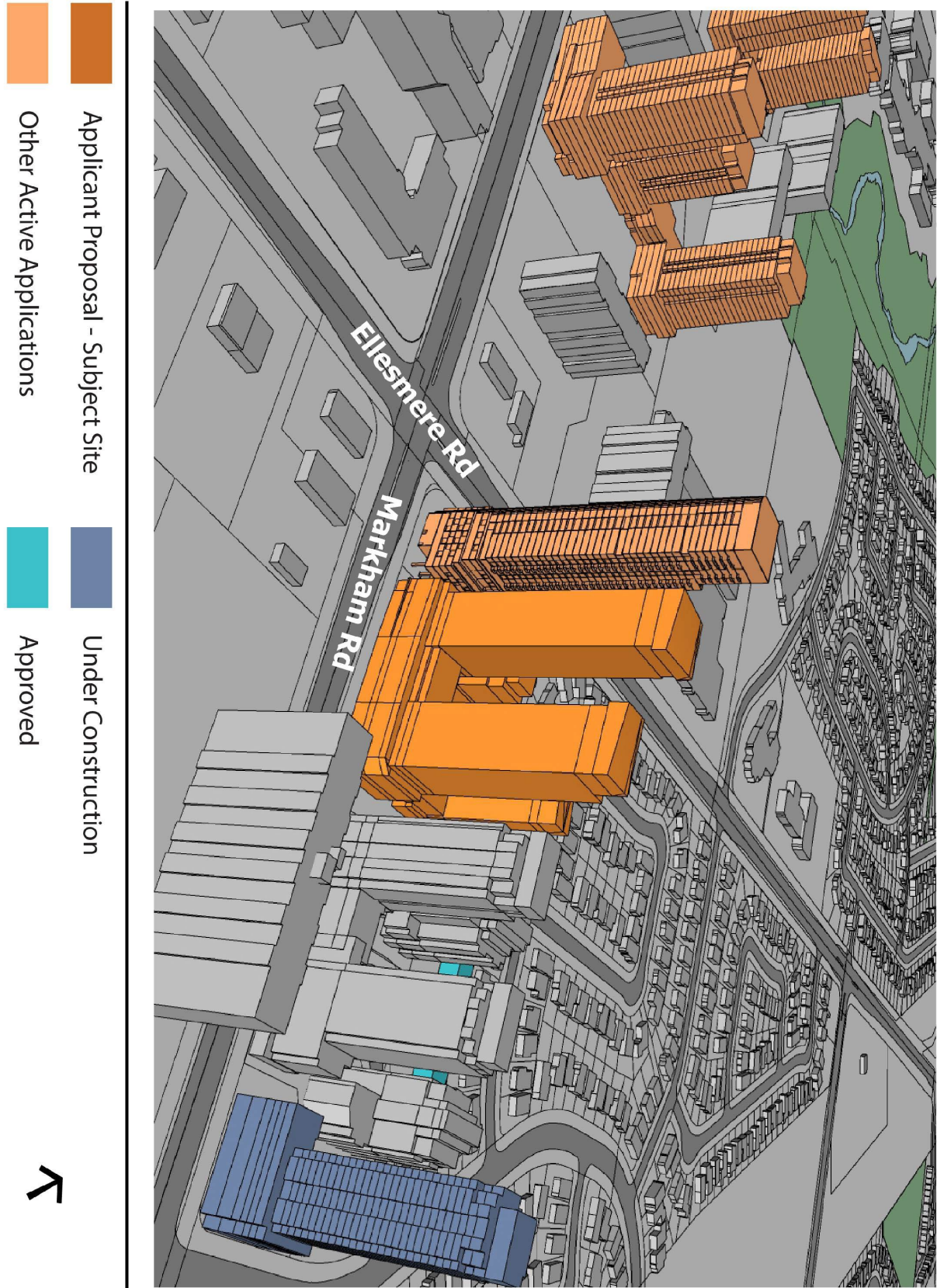
## Attachment 2: Location Map



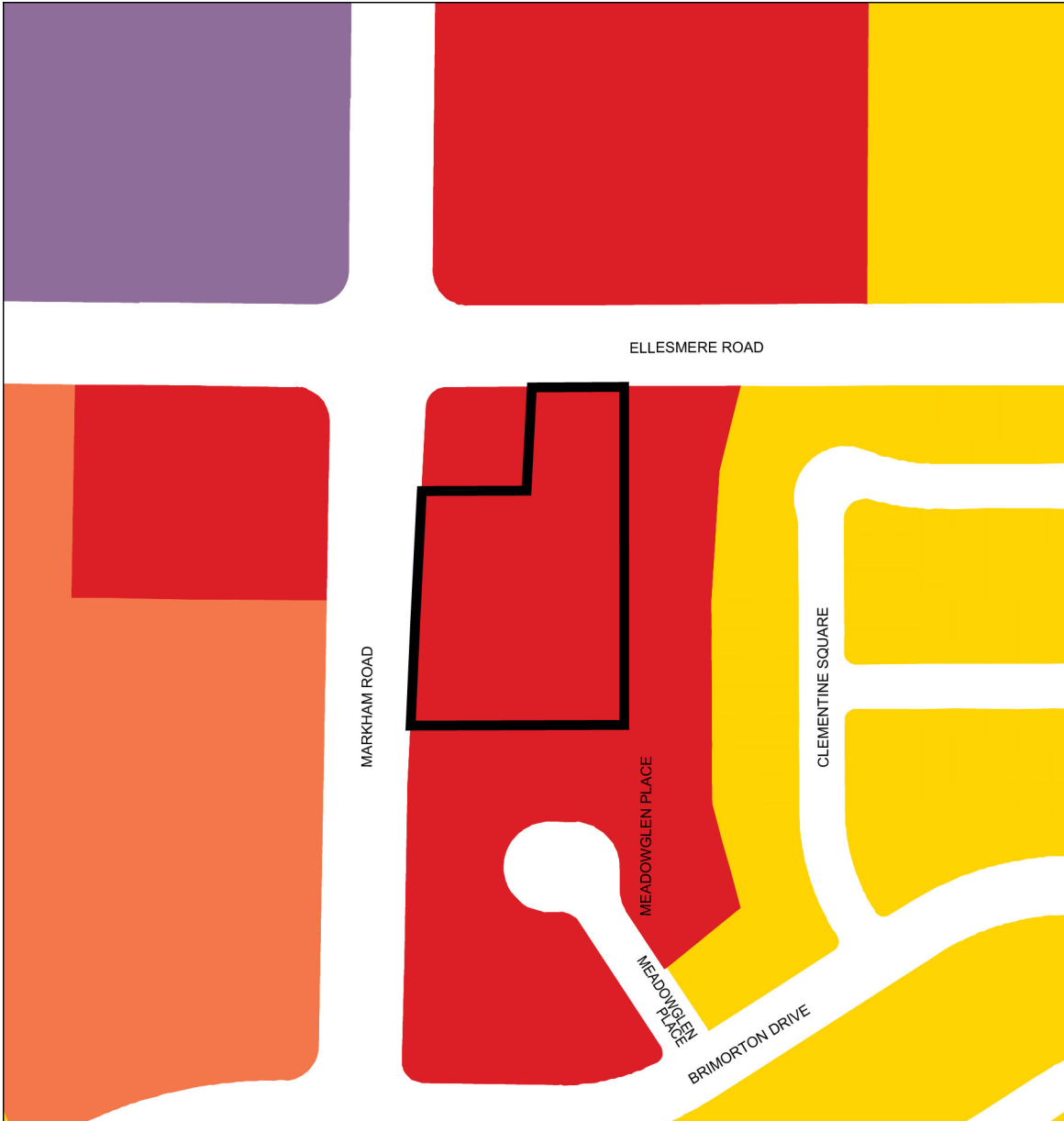
# Attachment 3: Context Map



# Attachment 4: 3D Context Map






# Attachment 5: Official Plan Land Use Map




Official Plan Land Use Map 22

1125-1137 Markham Road  
and 2141 Ellesmere Road

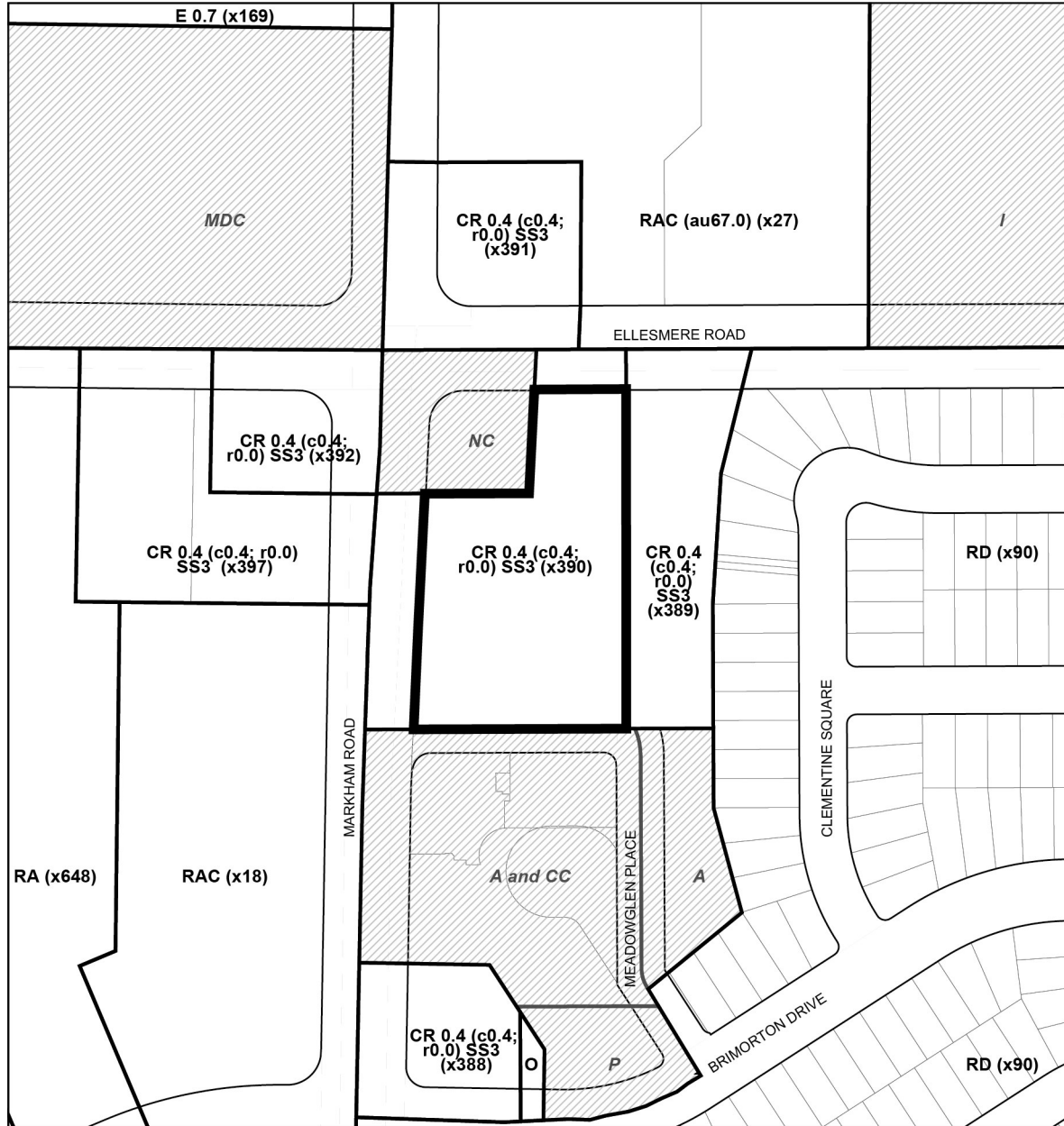
File # 21 120678 ESC 24 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  General Employment Areas

  
Not to Scale  
Extracted: 07/04/2023



# Attachment 6: Existing Zoning By-law Map





Zoning By-law 569-2013

1125-1137 Markham Road  
and 2141 Ellesmere Road  
File # 21 120678 ESC 24 OZ

-  Location of Application
- RD** Residential Detached
- RS** Residential Semi-Detached
- RA** Residential Apartment
- RAC** Residential Apartment Commercial
- CR** Commercial Residential

- E** Employment Industrial
- O** Open Space

-  See Former City of Scarborough Woburn Community By-law No. 9510 and Progress Employment District By-Law No. 24982
- A** Apartment Residential
- NC** Neighbourhood Commercial
- I** Institutional Uses
- CC** Community Commercial
- MDC** Industrial District Commercial Zone
- P** Park

  
Not to Scale  
Extracted: 07/04/2023

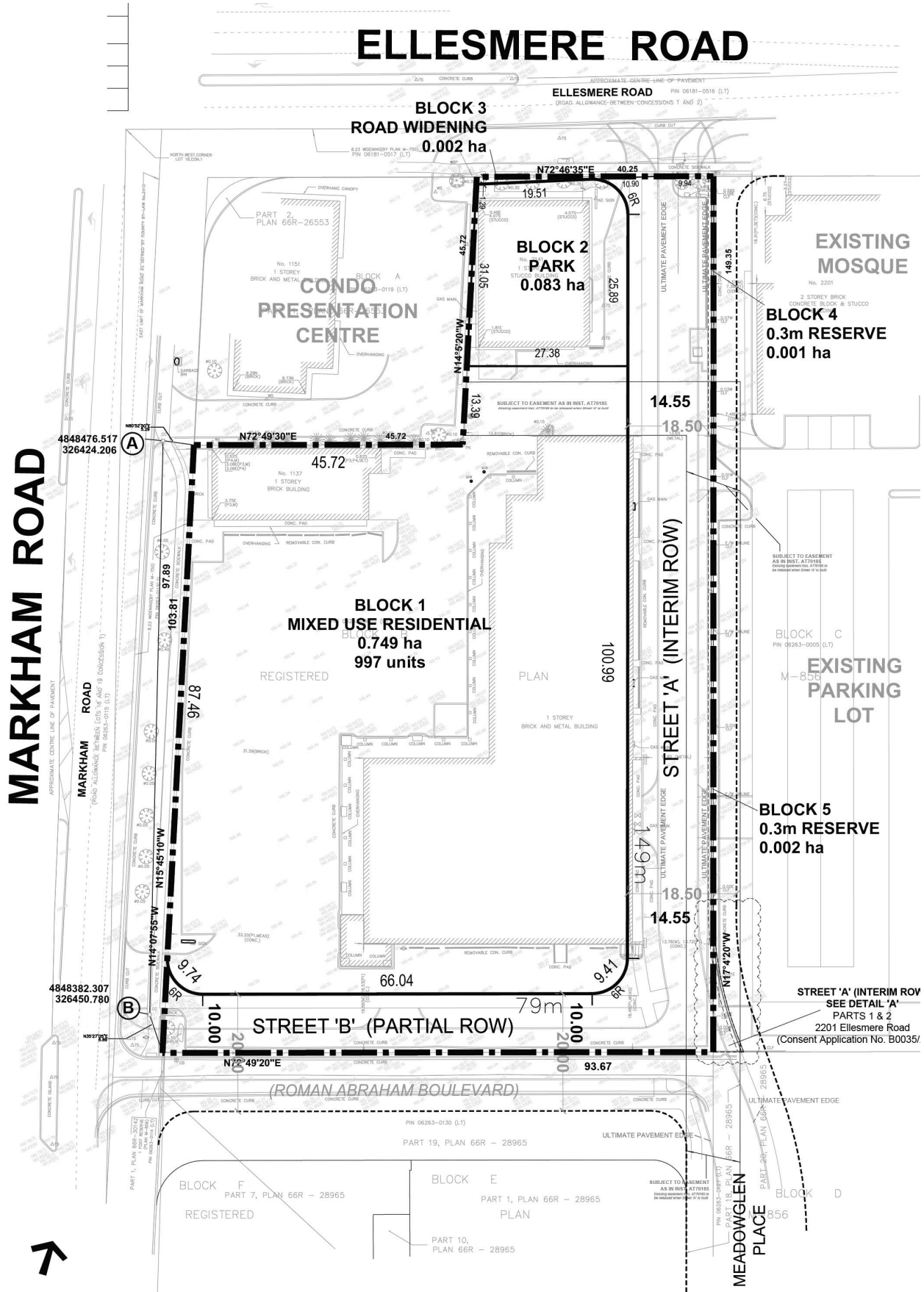
## **Attachment 7: Draft Zoning By-law Amendment**

(To be attached separately as a PDF)

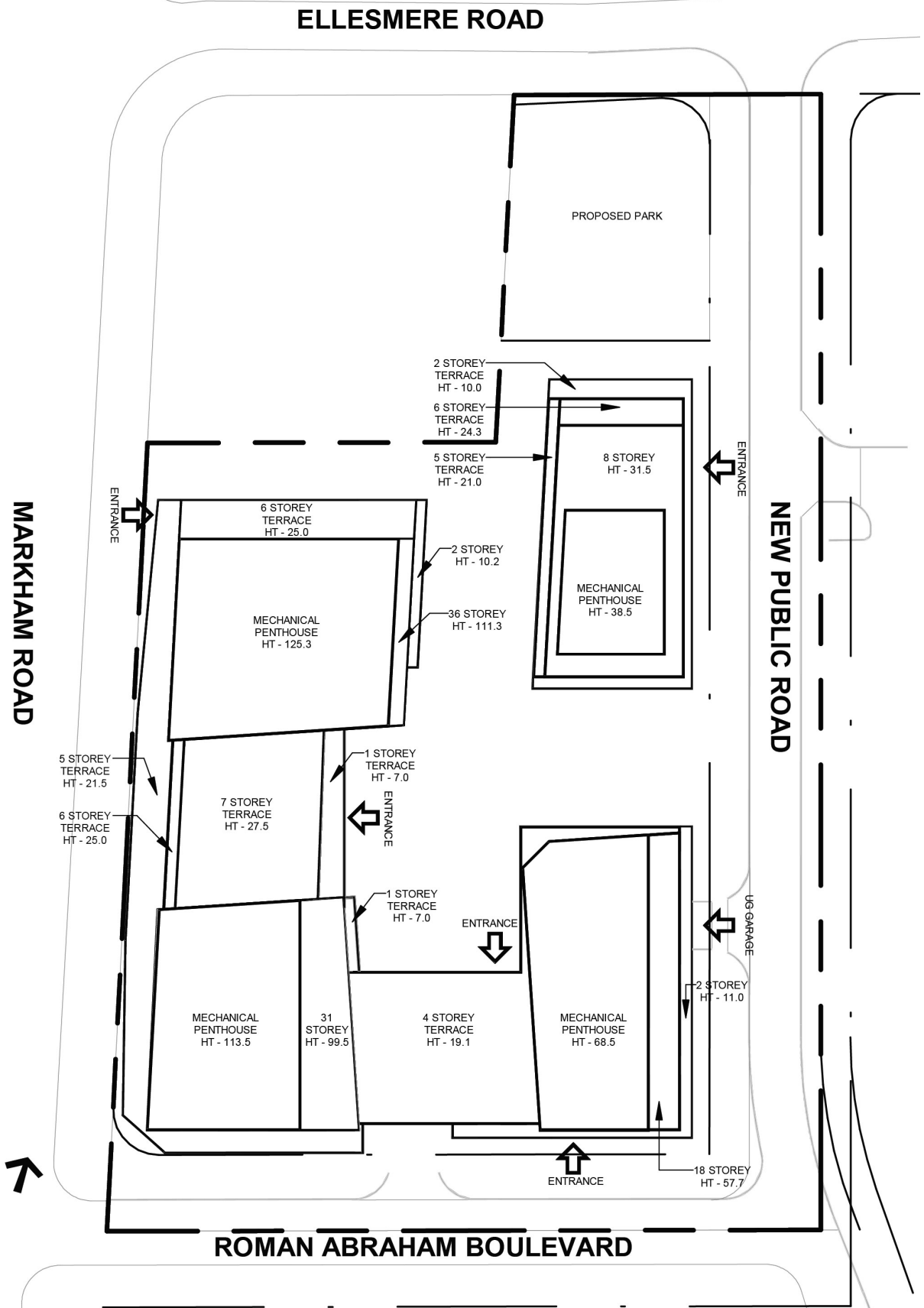
**Attachment 8: Draft Plan of Subdivision Conditions**

(To be attached separately as a PDF)

Attachment 9: Draft Plan of Subdivision



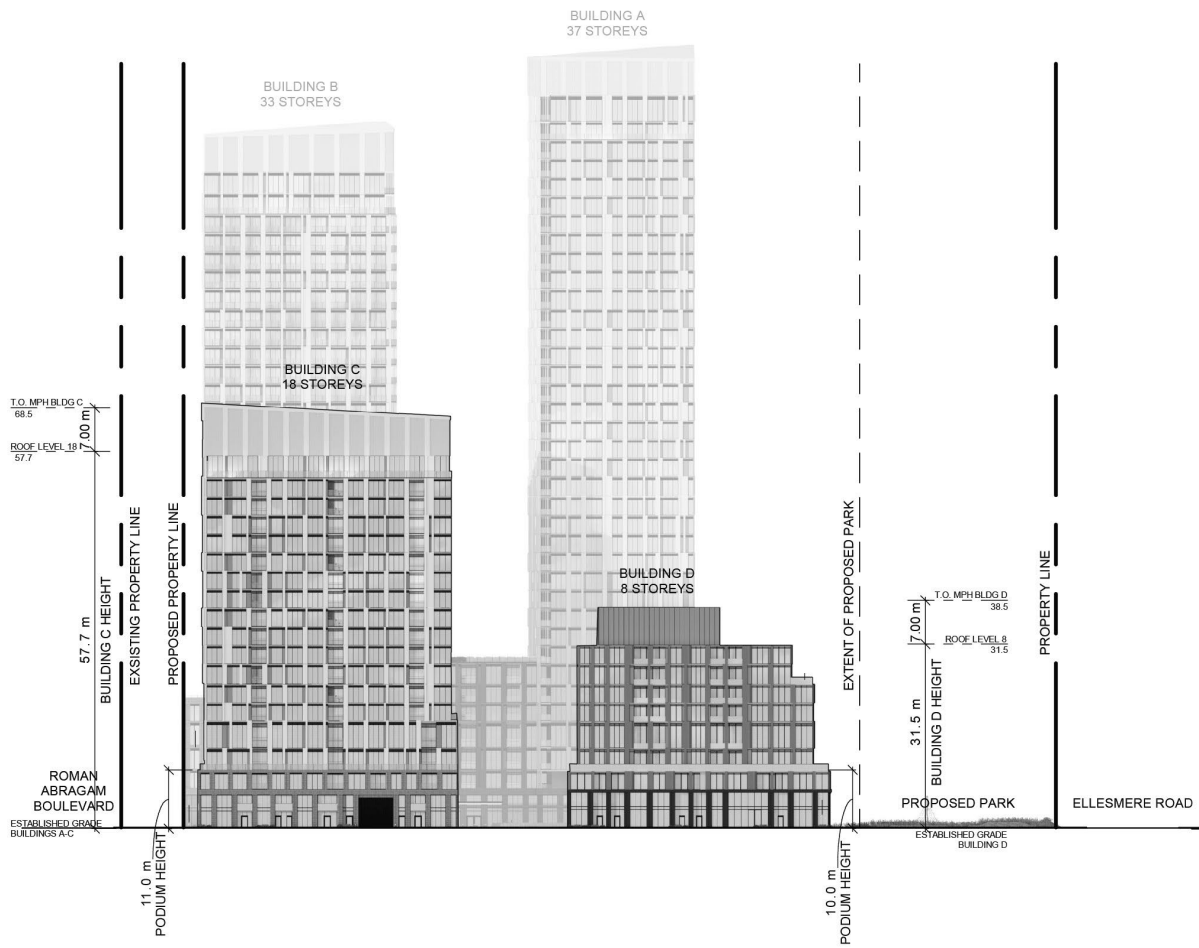
Attachment 10: Site Plan



# Attachment 11: Elevations



West Elevation



## East Elevation