

1151 Markham Road – Zoning Amendment – Decision Report – Approval

Date: October 16, 2024

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 24 - Scarborough-Guildwood

Planning Application Number: 22 130491 ESC 24 OZ

SUMMARY

This application proposes to amend Zoning By-law 569-2013, as amended, to permit the redevelopment of the lands at 1151 Markham Road. The proposal contemplates a 44-storey mixed-use building with 455 residential units, retail space at the ground floor and a 266 square metre privately owned publicly-accessible open space (POPS). The existing structures on the site would be demolished for the redevelopment of the site.

The proposed development is consistent with the Provincial Policy Statement (2020) and the Provincial Planning Statement (2024) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) as well as the City's Official Plan. The proposal contributes to an emerging intensifying mixed use community at the southeast corner of Markham Road and Ellesmere Road. It 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 Site and Area Specific Policy 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 will remain in place until the owner has submitted a Servicing Report, Stormwater Management Report and Conceptual Servicing Plan demonstrating the infrastructure required for the proposed development is in place and/or arrangement made to secure the necessary improvements, including any necessary financially secured agreements, all to the satisfaction of the Chief Engineer, Engineering Construction Services.

RECOMMENDATIONS

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 1151 Markham Road 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 direct the Executive Director, Development Review Division, in consultation with the local 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

The Development Review 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

A pre-application checklist was provided on March 9, 2022. The Zoning By-law Amendment application was submitted on April 4, 2022 and deemed complete on May 2, 2022.

A preliminary report was adopted without amendment at Scarborough Community Council at its meeting on June 30, 2022 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=2022.SC33.20>

THE SITE

Description: The site is located at the southeast corner of Markham Road and Ellesmere Road. The site is a rectangular-shaped lot and has a frontage of approximately 45.5 metres along Markham Road, a frontage of approximately 46 metres along Ellesmere Road and an area of approximately 2,045 square metres

Existing Uses: Currently, the site is occupied by a furniture store and previously it housed a sales office for the condominium development to the south at 1 and 2 Meadowglen Place.

Surrounding Land Uses: There are three approved developments to the south of the subject site.

- 1125 Markham Road and 2141 Ellesmere Road which has a recently approved rezoning application for three towers (18, 33 and 37-storeys in height) and an 8-storey mid-rise building. The proposal includes a public park and two public roads which would be dedicated to the City as part of the plan of subdivision. The two new roads would complete the road network that was first introduced by the development further to the south and would allow for the full right-of-way width of Roman Abraham Boulevard and the extension of the Meadowglen Place public road to Ellesmere Road.
- 1 and 2 Meadowglen Place, which is still under construction, is the final phase of a mixed-use development with 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 which is 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 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 the portion of the adjacent development at 2141 Ellesmere Road that fronts on to Ellesmere Road and 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. The 19-storey apartment building at 1050 Markham Road is subject of an application for an in-fill development with two new residential buildings, one 37 storey residential building (Building A) with 438 units and one 15 storey residential building (Building B) with 195 units. Further west along Ellesmere Road is a townhouse neighbourhood.

For a visual representation of the context refer to Attachment 8: Context Plan and Attachment 9: 3D Context Plan.

THE APPLICATION

Description

The proposal contemplates a 44-storey building with retail space at the ground floor. The proposal also includes a privately owned publicly-accessible open space (POPS) space and a road widening conveyance for the planned Durham-Scarborough Bus Rapid Transit (BRT).

Density

A total of 31,866 square metres of gross floor-area is proposed comprised of 31,567 square metres of residential gross floor area. The resulting floor space index (FSI) is 16.99 times the area of the lot.

Dwelling Units

The proposal contemplates 455 units, comprised of 46, 3-bedroom units (10.1%), 114, 2-bedroom units (25.1%), and 295, 1-bedroom units (64.8%).

Non-Residential Component

The proposal includes 299 square metres of retail space at the ground floor in the building. The retail space is oriented at the corner of Ellesmere Road and Markham Road to improve visibility on two major street frontages.

Amenity

A total of 1,820 square metres of amenity space is proposed. A total of 1,385 square metres (3.0 square metres per unit) of indoor amenity space and 434 square metres (1.0 square metres per unit) of outdoor amenity space is proposed. The amount of outdoor space provided is limited by the site size.

Open Space

A Privately Owned Publicly-accessible Open Space (POPS) area of approximately 266.10 square meters is proposed along the easterly boundary of the site. It will provide future connection through the site to the proposed publicly accessible Enhanced Landscape Area required in the site-specific zoning to the south at 1125 Markham Road.

Access, Bicycle Parking, Vehicle Parking and Loading

Vehicular access to the development site would be provided from Markham Road. A total of 103 vehicular parking spaces are provided, including 24 visitor spaces and 2 retail spaces. Two surface parking spaces are proposed while the remainder of the parking will be located in the underground on four levels. One Type 'G' loading space and one Type 'C' loading space are proposed.

Additional Information

See the attachments of this report for the Application Data Sheet, Location Map, a Site Plan, and Elevations of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: www.Toronto.ca/1151MarkhamRd

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 and to bring the zoning for the lands into the City-wide zoning By-law 569-2013.

APPLICATION BACKGROUND

Application Requirements

- The following reports/studies were submitted in support of the application:
- Application Checklist
- Application Forms
- Architectural Plans
- Landscape Plans
- Block Context Plans
- 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

<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.

POLICY & REGULATION CONSIDERATIONS

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) (PPS (2020)), and shall conform to provincial plans including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan (2020)), the Greenbelt Plan and others.

On October 20, 2024 the Provincial Planning Statement (2024) comes into effect and combines the PPS (2020) and the Growth Plan (2020) into a single policy document. As of October 20, 2024, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024) (PPS 2024) and shall conform to provincial plans including the Greenbelt Plan (2017) 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 3 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 322 applies to the subject site and forms 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, apartment building renewal, improved pedestrian connections to public parks, enhanced community services and facilities and the adoption of urban design guidelines.

Zoning

The property is not currently subject to City of Toronto By-law 569-2013, as amended.

The Woburn Community Zoning By-law 9510, as amended, zones the subject site as Neighbourhood Commercial (NC) with the following performance standards: 27-55-76 and Exception 62. The Neighbourhood Commercial zone permits uses such as automotive service stations, banks, medical centres, personal service shops, restaurants, retail stores and offices. The performance standards concern minimum building setbacks and the maximum lot coverage. The property is also subject to Exception 62 in the By-law which states that no parking shall be required for the gross floor area associated with storage rooms and washrooms located on mezzanine floors.

Design Guidelines

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

- Tall Building Design Guidelines
- Growing Up Guidelines for Children in Vertical Communities
- Design Guidelines for Privately Owned Publicly-Accessible Spaces (POPS)
- Pet Friendly Design Guidelines for High Density Communities
- Percent for Public Art Program
- Retail Design Manual
- Toronto Accessibility Design Guidelines
- Markham-Ellesmere Revitalization Study Urban Design Guidelines and Conceptual Master 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

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.

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.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by Community Planning staff on June 30, 2022. Approximately 6 members of the public attended as well as staff from the Ward Councillor's office, 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 in detail. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- Support for density at this location;
- Support for cycling connections to the development and broader area;
- Concerns about on-street parking in the area;
- Concerns about increased traffic from the proposed development;
- Concerns about construction management; and
- Questions and Comments about the Durham-Scarborough Bus Rapid Transit project and timing of completion.

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

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.

COMMENTS

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), the Provincial Planning Statement (2024), and conformity with the Growth Plan (2020). In the opinion of Staff, the proposal is consistent with the PPS (2020) and the PPS (2024), and conforms with the Growth Plan (2020).

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 at the corner of Markham Road and Ellesmere Road in a prominent location which will be highly visible and easily accessible from the sidewalk as well to multiple bus routes in the area. The proposed retail component will contribute to the retail uses emerging from the other developments under construction or approved to the south of the site.

The proposal includes 299 square metres of retail space which is less than the approximately 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 increase the space from the original submission and ensure the proposed space was located on a corner with visibility from both major street frontages.

The required indoor amenity space, located on the ground floor, and the exterior POPS contribute both to the enhanced livability in the proposed building and to the connectivity to the wider community. As a result expanding the non-residential space in the building beyond what is proposed is a challenge. Staff are satisfied with the amount of proposed non-residential space as increased through the revised proposal and its location on the most accessible and desirable location on the site. Other developments around the subject site also include retail space such that overall, the amount retail space on this block (east of Markham Road, south of Ellesmere Road and north of Brimorton Drive) will remain 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. This location at the most prominent corner of Markham Road and Ellesmere Road with planned Bus Rapid Transit, is appropriate for the tallest building and highest density within the Markham-Ellesmere Revitalization Area.

The proposed density is consistent with the densities in the existing and planned context. A total of 31,867 square metres of gross floor area is proposed including ground floor commercial uses, resulting in a floor space index (FSI) of 16.99 times the area of the lot. The high FSI partly the result of the constrained site size. The approved developments to the south of similar scale are on larger sites that create a lower FSI. Those larger sites are providing more of the elements that support the redevelopment of the block as a whole. Those elements include public roads, parks and mid-block pedestrian connections which contribute to a lower the gross density number for those sites. The proposed density on the subject site is appropriate considering the context and the surrounding development on the block which includes new public streets, parks and mid-block connections that are either built, under construction or will be built in the future.

The site is located on the route of the Durham-Scarborough Bus Rapid Transit line which has a proposed stop at the intersection of Markham Road and Ellesmere. The subject development will have the closest proximity to this transit line of any of the approved buildings on the block, and this line and other surface transit options will

provide connections to the future Scarborough Centre station on Line 2 which is within 1.5 kilometers. While this higher-order transit context emerges, the site is currently 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 and proximity, this site with the closest proximity to these transit routes, is appropriate for the highest density within the Markham-Ellesmere Revitalization Area.

The proposed tower height of 44-storeys is appropriate considering the existing and planned context. Through redevelopment and recent approvals, the built form context centres taller elements 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 a 37-storey, 33-storey, two 28-storey towers and a 34-storey tower fronting on Markham Road and 18-storey, 16-storey and 14-storey towers at the rear on the east side of their respective sites. The subject site is located at the most prominent corner in the Markham-Ellesmere Revitalization area with the closest proximity to existing and planned transit routes and is thus appropriate for the tallest building within the revitalization area. Staff are satisfied with how the proposed height would be deployed on the site to fit within the context of this block which is being revitalized.

The application proposes a 6-storey base building which is generally consistent with the approvals to the south of the site contributing to a consistent streetwall condition along the Markham Road frontage and an appropriate streetwall along Ellesmere Road. The tower is setback from the podium by a minimum of 3.0 metres on both Markham Road, Ellesmere Road and adjacent to the POPS to enhance pedestrian comfort and reduce visual impact of the towers from the public realm. The tower is setback from the podium by 5 metres to the south to allow for greater outdoor amenity space at the 7th level.

The proposed tower meets the minimum tower separation from the Tall Building Guidelines. The proposed tower would be 25 metres north of the approved Tower A, a 37-storey building contemplated for the adjacent property at 1125 Markham Road. A minimum of 12.5 metres of separation are provided on each side of the property line between the towers. Staff are satisfied with the proposed tower placement and separation.

The tower would have a maximum tower floor plate size of 750 square metres. As a result, the physical and visual impact of the proposed towers would be limited on the public realm. Shadow impacts on the public realm, the park in the neighbouring approved development nearby open spaces and surrounding properties would be adequately limited as discussed in greater detail below.

Unit Mix

A total of 455 residential units are proposed, including 46, 3-bedroom units (10.1%), 114, 2-bedroom units (25.1%), and 295, 1-bedroom units (64.8%).

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. Staff will continue to work with the applicant through the Site Plan Control process to further meet the objectives of the Growing Up Guidelines with respect to unit sizes.

Amenity Space

A total of 1,820 square metres of amenity space is proposed. A total of 1,385.2 square metres (3.0 square metres per unit) of indoor amenity space and 434 square metres (1.0 square metres per unit) of outdoor amenity space is proposed.

At the ground floor 137.9 square metres of indoor amenity space is located adjacent to the 266 square metre POPS. There are additional indoor and outdoor amenity spaces at the second floor and seventh floor. Overall staff are satisfied with the proposed amenity spaces.

Sun, Shadow, Wind

The 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 3:18 p.m. on March 21st and 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 reach the *Neighbourhoods* designated Woburn Collegiate Institute property on March 21st and September 21st at 3:18 p.m. and result in minor shadows at the southwest corner of the school site but they would be off of the property by 4:18 p.m. Further, the shadows would not impact any functional outdoor spaces like athletic fields or gathering spaces. 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 such as the main residential entrance, retail entrance and the 7th level outdoor amenity space. The wind mitigation details will be secured through the Site Plan Control application.

Access, Parking, Loading

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 79 and 98 two-way vehicle trips 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 from Markham Road leading to a driveway with two surface parking spots for retail and drop-off, a Type 'C' and a Type 'G' loading space and the access to the underground parking.

The application is providing four levels of underground parking which would include 24 residential visitor, 5 Non-residential visitor and 74 residential parking spaces. A total of 12 accessible parking spaces are provided.

A total of 342 bicycle parking spaces (32 short-term and 310 long-term) are proposed to be provided and located primarily in the underground parking levels. The bicycle spaces provided meet 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:

- Building entrances oriented close to the street with direct connections to the pedestrian pathways.
- Provide enhanced landscaping that would encourage walking and pedestrian activity
- Walking distance to nearby amenities.
- Provision of bicycle parking facilities within the public realm.
- Connectivity to the broader area via the available cycling network.
- Promote and increase cycling awareness and multi-modal transport.
- Connection to transit network
- Provision of pre-loaded PRESTO cards to all new residents.
- Independent leases for parking spaces / unbundled parking
- Limited parking on-site

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 this location. In both cases, the 36 metre wide Official Plan right-of-way

requirement has been met. However, the proposal includes a road widening along the Ellesmere Road frontage and at the corner of Markham Road and Ellesmere Road which is required to accommodate the proposed Durham-Scarborough BRT (DSBRT) alignment. The applicant has shown this widening on the site plan (Attachment 6).

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. Given the comments received from staff, a holding provision has been included in the proposed Zoning By-law Amendment which requires the owner to submit a Servicing Report, Stormwater Management Report and Conceptual Servicing Plan to the satisfaction of the Chief Engineer to demonstrate that the existing municipal infrastructure and any required improvements to it, has adequate capacity to support the development. In addition, where municipal infrastructure work, or upgrades, are determined to be required, the provisions will include the owner entering necessary financially secured agreements for the design and construction, including any accepted temporary and final conditions. Before the site can be redeveloped, an application to lift the holding provisions must be approved.

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 Strategy's methodology, the development site is currently in an area with more than 28 square metres of parkland per person, which is comparable to the city-wide average provision of 28 m² of parkland per person (2016).

In accordance with Section 42 of the *Planning Act*, the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

Privately-Owned Publicly Accessible Open Space (POPS)

A privately owned publicly-accessible open space of approximately 266 square metres is being proposed. The POPS would be located east of the proposed building and would allow the potential for connection to the future public park and enhanced landscaped open space contemplated as part of the approved development adjacent to the site (1125 Markham Road and 2141 Ellesmere Road). Staff consider the proposed POPS to be a positive stand alone element of the proposal. It will also allow for pedestrian connections through the site, connecting Ellesmere Road, the future park and the new development to the south which includes its own enhanced landscaped open space with connections through the block to the south. The recommended Zoning By-law Amendment requires landscape open space in the area of the contemplated POPS with

public access. Staff recommend that the final location, configuration and design, together with public accessibility of the POPS, together with terms of 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).

The report identifies 10 trees within 6 metres of the site. The proposed development would require the removal of 9 trees to accommodate the proposal. One tree can be preserved. Most of the designated trees for removal are not protected by the City of Toronto Private Tree By-law and will require no tree replacement. Three of the trees require a permit prior to removal. 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 3, which based on the area of the development site (1,875 square metres), requires 341 cubic metres of soil volume. The submitted landscape plans specify soil volumes in excess of this requirement (380 cubic metres), including a combined total of twelve (12) acceptable new trees on the private and public portions of the site.

Holding Provision

This report recommends the adoption of a Zoning By-law Amendment that is subject to a holding provision under Section 36 of the *Planning Act*, restricting the proposed use of the lands until the conditions to lifting the holding provision, as set out in the By-law, are satisfied. Section 5.1.2 of the Official Plan contemplates the use of a holding provision and outlines the types of conditions that may have to be satisfied prior to the removal of a holding provision. The specific conditions to be met prior to the removal of the proposed holding provisions in the proposed By-law include:

- the owner or applicant, at their sole cost and expense has submitted a Servicing Report, Stormwater Management Report and Conceptual Servicing Plan ("Engineering Reports"), to demonstrate that the existing municipal infrastructure and any required improvements to it, has adequate capacity to accommodate the development of the lands to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- the owner or applicant has secured the design, construction and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, including temporary and final conditions that may be accepted, to support the development, in a financial secured agreement, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; or

- the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Engineering Reports in (i) above are constructed and operational, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services;

The Executive Director, Development Review 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 Executive Director, Development Review Division or their designate once satisfactory material has been submitted and reviewed.

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 for potential financial contributions.

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.

Through this report we are requesting that City Council direct the Executive Director, Development Review Division, 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.

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. Staff have initiated a peer review of the study. Depending on the results of the peer review process, staff may require mitigation measures and conditions as part of the Site Plan approval process.

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.

Conclusion

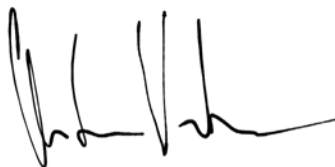
The proposal has been reviewed against the policies of the Provincial Policy Statement (2020), the Provincial Planning Statement (2024), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and the PPS (2024) and conforms with the Growth Plan (2020). Furthermore, the proposal conforms to the Official Plan, particularly as it relates to *Mixed Use Areas* and SASP 322.

The proposal includes mixed-use intensification at a prominent corner where two major streets intersect. The proposal further advances the revitalization of the block at the southeast corner of Markham Road and Ellesmere Road which is emerging as an intensified community supported by transit including the planned DSBRT. The proposal contributes to the public realm with appropriate setbacks, road widening for the DSBRT, retail space with frontage on both streets and a new POPS space. The recommended Zoning By-law Amendment includes a holding provision (H) on the lands related to ensuring necessary servicing infrastructure which can be lifted subject to satisfaction of the conditions noted in the report and specifically described in the By-law. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE



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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 6: Site Plan

Attachment 7: Elevations

Attachment 8: Context Plan

Attachment 9: 3D Context Plan

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 1151 MARKHAM RD Date Received: April 4, 2022

Application Number: 22 130491 ESC 24 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Rezoning for a 44-storey building comprised of 455 residential dwelling units and 299 square meters of retail gross floor area. The proposal includes 103 car parking spaces, 342 bicycle parking spaces and one Type G and one Type C loading spaces. The development will result in a density of approximately 17.0 times the area of the lot.

Applicant	Agent	Architect	Owner
LINDSAY			LASH
DALE-HARRIS			DEVELOPMENT
			INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: NC Heritage Designation:

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

PROJECT INFORMATION

Site Area (sq m): 1,876 Frontage (m): 32 Depth (m): 46

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	501		1,114	1,114
Residential GFA (sq m):			31,567	31,567
Non-Residential GFA (sq m):	501		299	299
Total GFA (sq m):	501		31,867	31,867
Height - Storeys:	1		44	44
Height - Metres:	8		139	139

Lot Coverage Ratio (%) 59.39 Floor Space Index: 16.99

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA:	31,226	342
Retail GFA:	299	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			455	455
Other:				
Total Units:			455	455

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			295	114	46
Total Units:			295	114	46

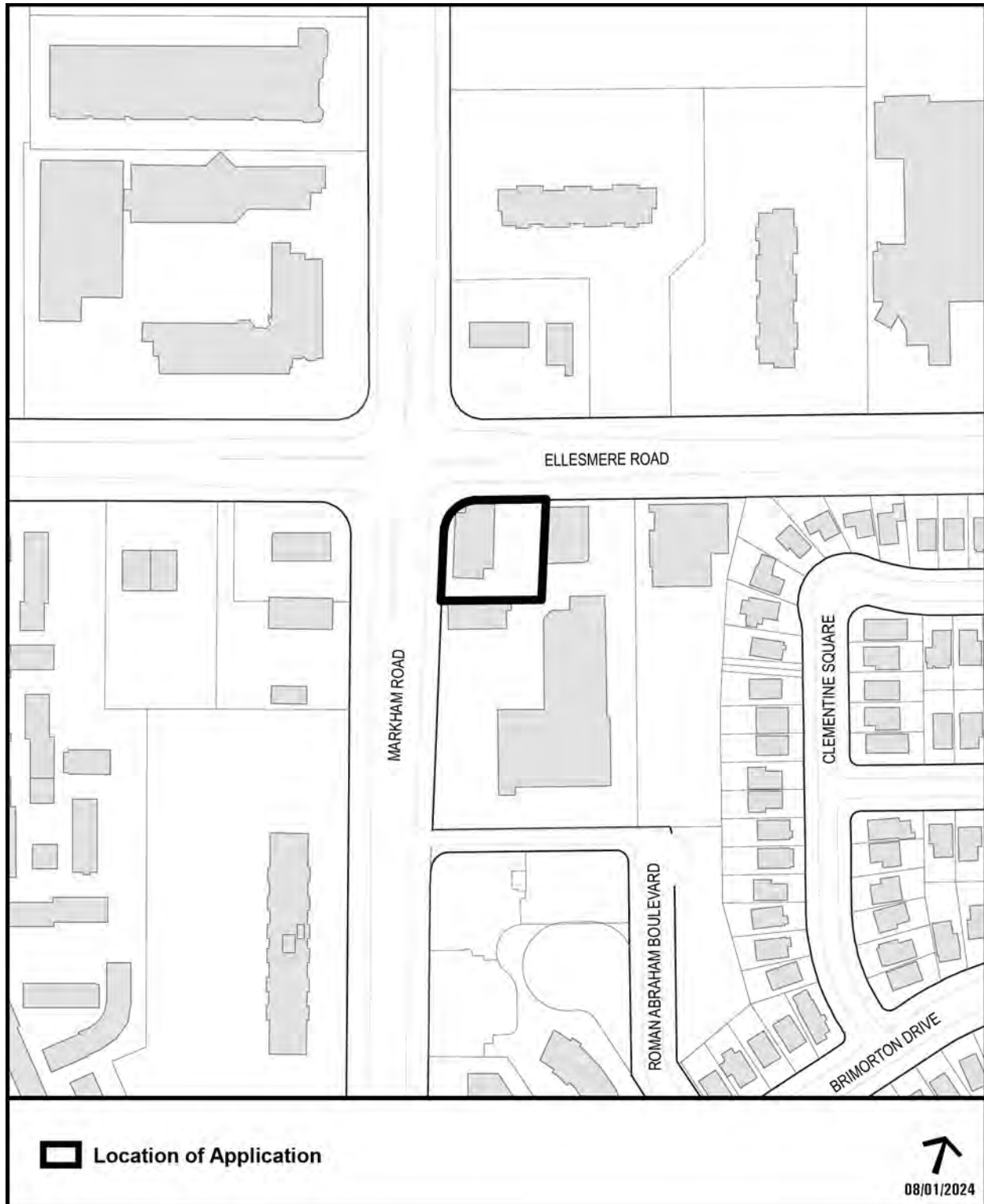
Parking and Loading

Parking Spaces:	103	Bicycle Parking Spaces:	342	Loading Docks:	2
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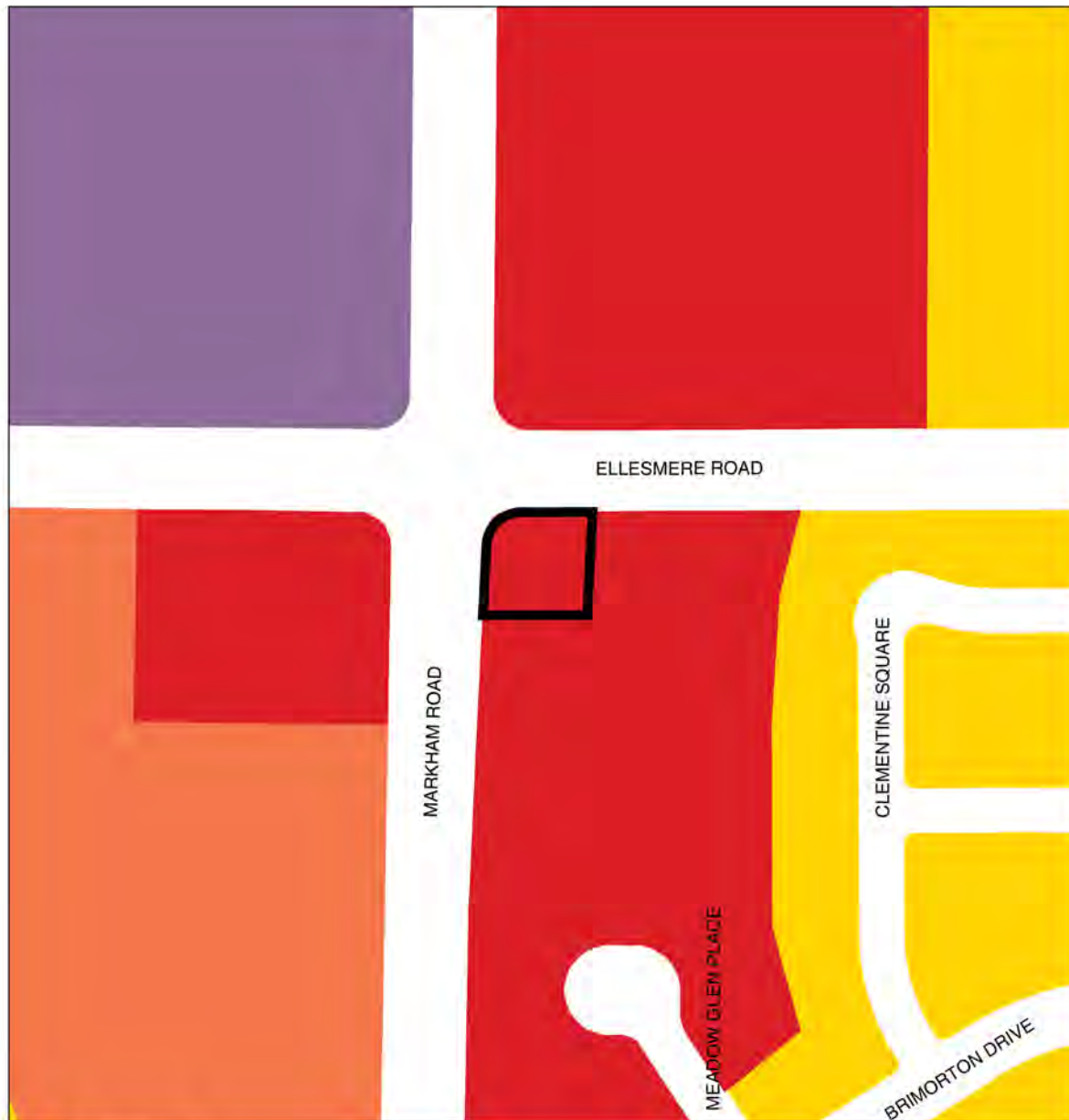
CONTACT:

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

Attachment 2: Location Map



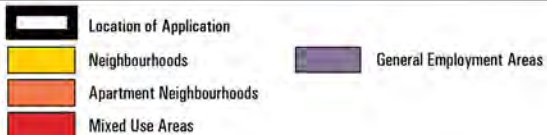
Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map 22

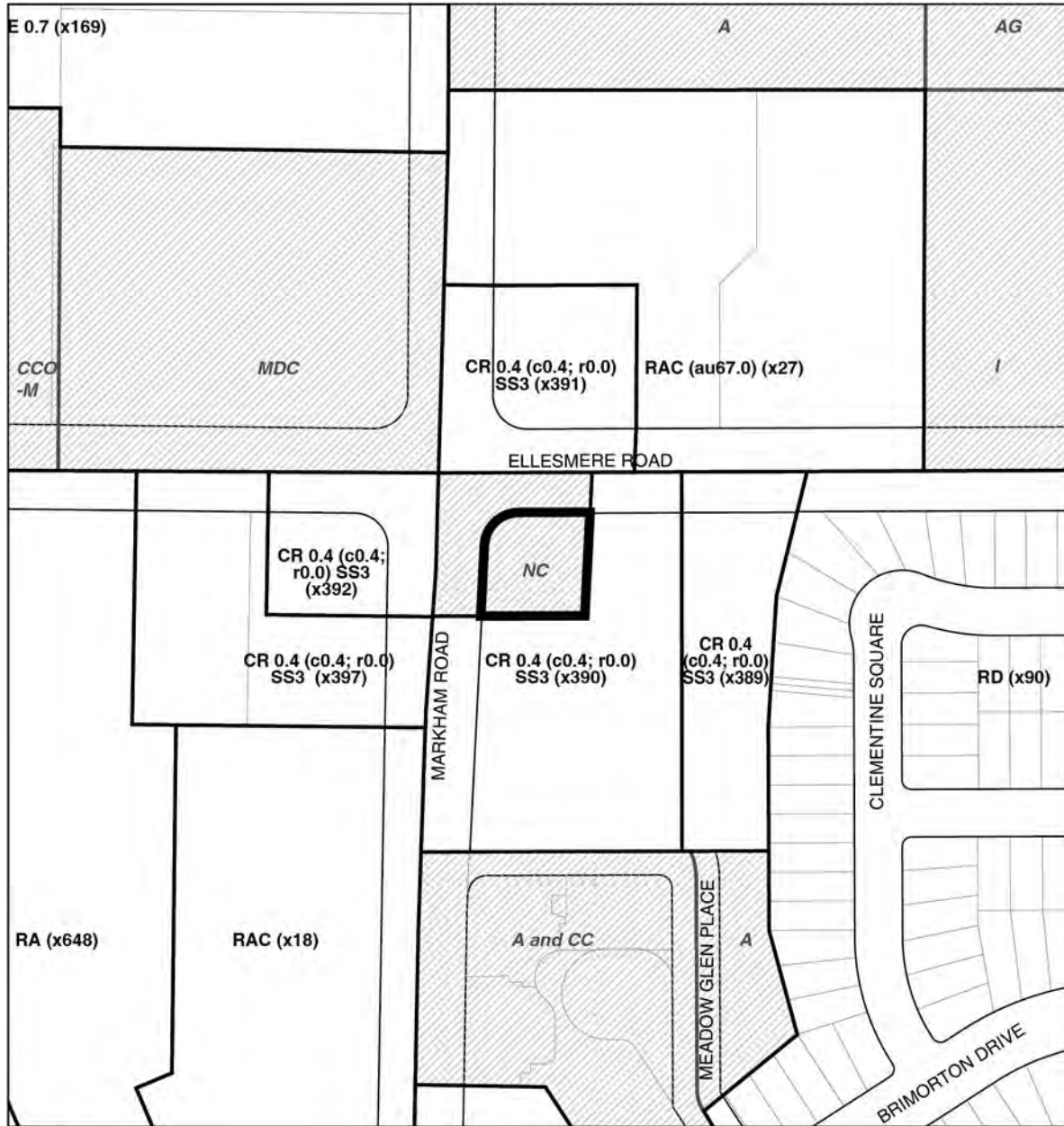
1151 Markham Road

File # 22 130491 ESC 24 02



Not to Scale
08/01/2024

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

1151 Markham Road

File # 22 130491 ESC 24 02



Location of Application

RD
RA
RAC
CR
E
O

Residential Detached
Residential Apartment
Residential Apartment Commercial
Commercial Residential
Employment Industrial
Open Space



See Former City of Scarborough Woburn Community By-law No. 9510
and Progress Employment District By-law No. 24982

A
NC
I
CC
MDC
M

Apartment Residential
Neighbourhood Commercial
Institutional Uses
Community Commercial
Industrial District Commercial Zone
Industrial Zone

CCO City Centre Office Zone

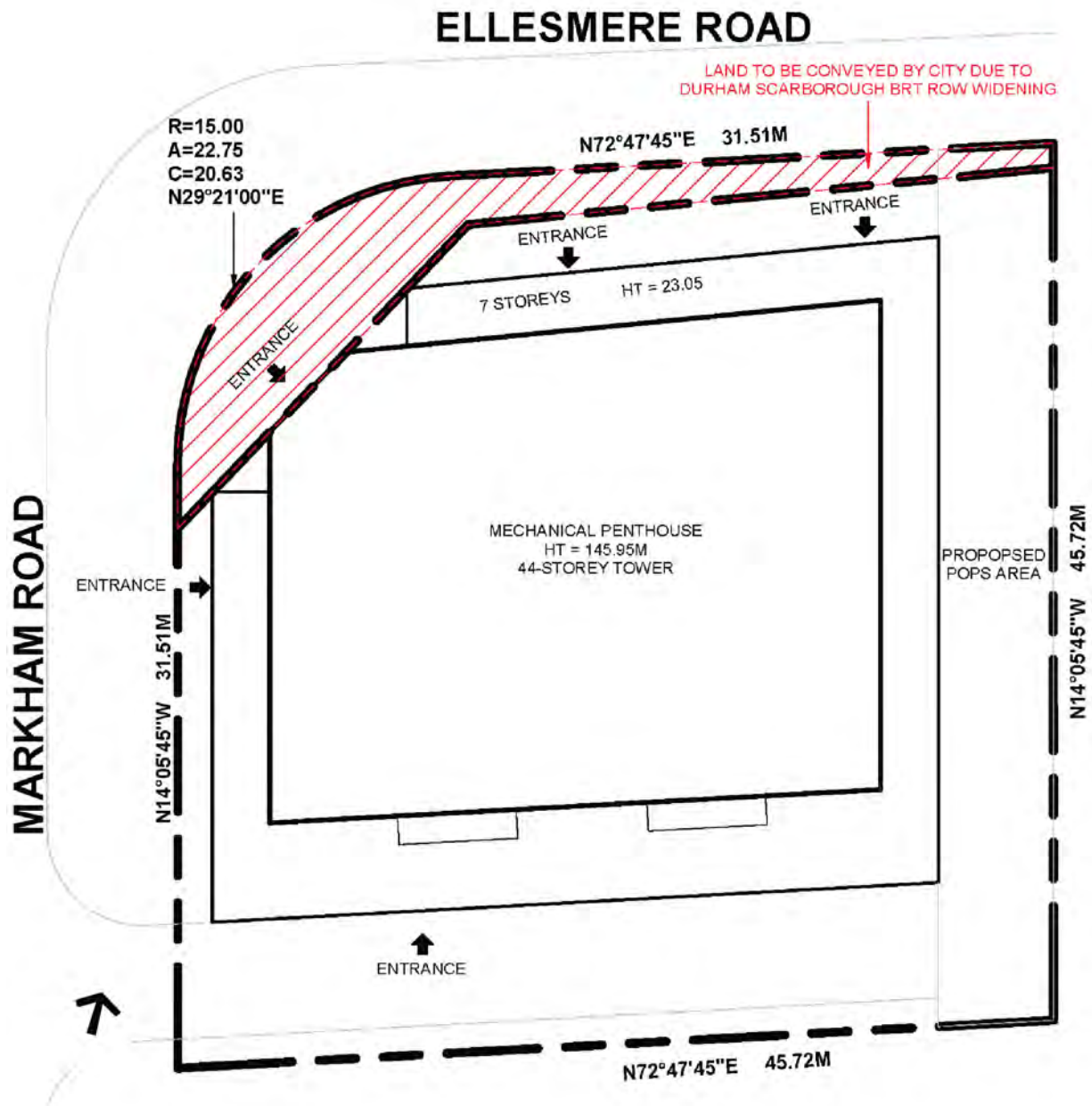


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Attachment 5: Draft Zoning By-law Amendment

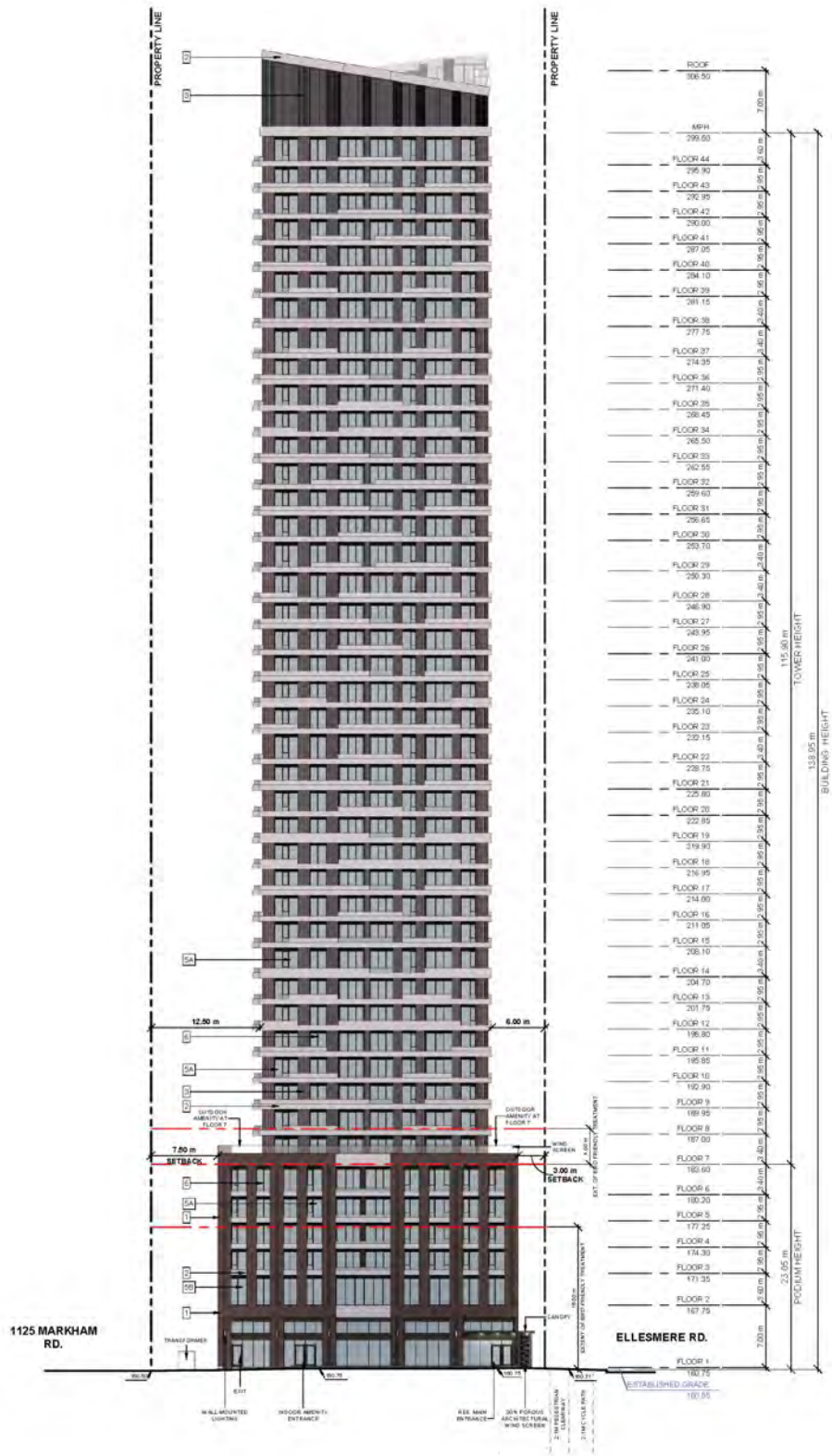
(Attached separately as a PDF)

Attachment 6: Site Plan



Decision Report - Approval - 1151 Markham Road



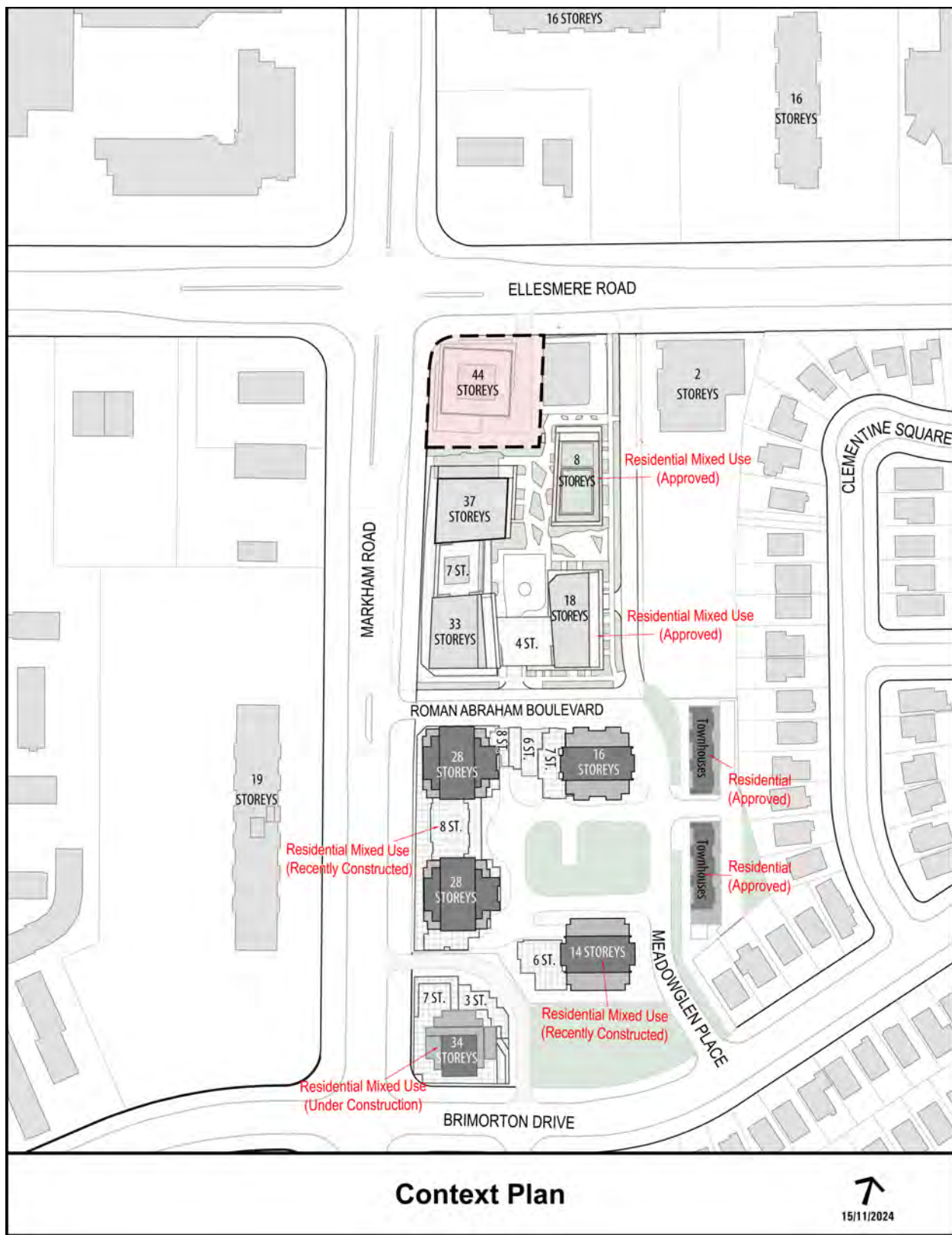


East Elevation





Attachment 8: Context Plan



Attachment 9: 3D Context Plan

