



SUBJECT: RECOMMENDATION REPORT
Transmark Developments Ltd., Applications for Official Plan and Zoning By-law Amendment to permit a 30- and 35-storey mixed use development with 864 residential units at 4216 Highway 7 East (Ward 3)

File PLAN 25 110915

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RECOMMENDATION:

- 1) THAT the July 8, 2025, report titled, "RECOMMENDATION REPORT, Transmark Developments Ltd., Applications for Official Plan and Zoning By-law Amendment to permit a 30- and 35-storey mixed use development with 864 residential units at 4216 Highway 7 East (Ward 3), File PLAN 25 110915", be received;
- 2) THAT the Applications for Official Plan and Zoning By-law Amendment, submitted by Transmark Developments Ltd., under File PLAN 25 110915, to amend the City of Markham Official Plan and Zoning By-laws 122-72 and 2004-196, as amended, be refused without further notice;
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends refusal of the Official Plan and Zoning By-law Amendment applications (the "Applications") submitted by Transmark Developments Ltd. (the "Applicant") to permit a 30- and 35-storey mixed use development with 864 residential units with a density of 3.57 FSI (the "Proposed Development") on the lands located on the south side of Highway 7 East and generally west of Main Street Unionville (and the Unionville Heritage Conservation District), municipally known as 4216 Highway 7 (the "Subject Lands"), as shown on Figures 1 and 2. The Applicant proposes the following to permit the Proposed Development:

- a) redesignate the Subject Lands from "Commercial Corridor Area" to "Community Amenity Area – Major Urban Place
- b) rezone the Subject Lands and incorporate them within the Markham Centre Zoning By-law 2004-196, as amended, and to modify the development standards

Staff note that many of the concerns identified in this report have been communicated to the Applicant since the Pre-Application Consultation stage, but were not addressed or resolved as part of the Applications. The Proposed Development and Applications do not represent good land use planning as they propose development in isolation of the surrounding area rather than in a comprehensive and coordinated manner. Furthermore, the Proposed Development does not conform to the policies and vision of the Official Plan for this area; and detracts from the planned function of the municipal structure identified within the Official Plan and the emerging Markham Centre Secondary Plan. It is not appropriate, does not provide for the critical future road network, and disregards the existing and future land use context.

PURPOSE:

This report recommends refusal of the Applications submitted by the Applicant to permit the Proposed Development on the Subject Lands, as shown on Figures 1 and 2.

PROCESS TO DATE:

- December 1, 2021: A preliminary meeting was held to review a mixed-use development, containing two residential towers (30- and 37-storeys) and 769 residential units. Staff issued preliminary comments and concerns of the development intensity on December 31, 2021.
- November 29, 2022: A Pre-Application Consultation Checklist was issued for a revised proposal consisting of 832 residential units, and towers relocated to the rear of the property. The Checklist identified that Staff's initial comments and concerns remain applicable.
- May 15, 2024: A revised Pre-Application Consultation Checklist was issued for a revised proposal, and considering Bill 109 changes to application review processes and submission requirements. Staff's comments and concerns remained unchanged.
- April 15, 2025: Staff deemed the Applications complete.
- May 14, 2025: Heritage Markham Committee considered the Applications (refer to Appendix 'A' for the Heritage Markham Meeting Minutes).
- May 20, 2025: The statutory Public Meeting was held (refer to Appendix 'B' for the Public Meeting Minutes).
- August 13, 2025: The 120-day period set out in the Planning Act before the Applicant can appeal the Applications to the Ontario Land Tribunal (the "OLT") for a non-decision ends.

BACKGROUND:

Location and Area Context

The 2.05 ha (5 ac) Subject Lands, shown in Figures 1 and 2, are currently occupied by a one-storey, 6,366 m² (68,523.05 ft²) and 22-unit commercial plaza (The Shoppes of Unionville). A variety of businesses currently occupy 16 units, with uses that include medical offices, restaurants, and other commercial and retail uses. Figure 3 shows the surrounding land uses and table 1 summarizes the Applicant's Proposed Development.

Table 1: the Proposed Development (see Figures 4 and 5)

Residential Area:	69,846 m ² (751,816 ft ²) Gross Floor Area ("GFA")
Retail GFA:	2,335 m ² (25,131 ft ²)

Table 1: the Proposed Development (see Figures 4 and 5)

Dwelling Units:	864
Building Height:	Tower A: 35 storeys; Tower B: 30 storeys; Podium: 2-8 storeys
Density:	3.57 times the area of the Subject Lands (Floor Space Index – “FSI”)
Parking Spaces:	709 (including 130 visitor/commercial spaces) in two levels of underground parking and two levels within the podium

Written submissions and comments were received at the May 20, 2025, statutory Public Meeting (see the meeting minutes in Appendix ‘B’)

To date, the City received one written submission and one oral submission from the Unionville Residents Association objecting to the Proposed Development. The following summarizes the key matters raised to date with how they have been considered and outlined in the Discussion section of this report:

- a) The rationale for the future extension of Rougeside Promenade
- b) Conformity with the emerging Markham Centre Secondary Plan (“MCSP”)
- c) Providing an appropriate height transition and the potential for mid-rise development on the Subject Lands

The Provincial Policy framework acknowledges that municipal official plans are the most important document for implementing province-wide policy direction and focuses on intensification to support complete communities, with implementation through official plan policies and designations

The 2024 Provincial Planning Statement (the “2024 PPS”) provides direction on matters of Provincial interest related to land use planning and development and includes, in part, building strong, healthy and complete communities with an emphasis on efficient development and prioritizing planning and investment in the necessary infrastructure to accommodate projected needs. The 2024 PPS also states that “municipal official plans are the most important vehicle for implementation of the Provincial Planning Statement and for achieving comprehensive, integrated and long-term planning.”

Policy 3.1.1 indicates that infrastructure “shall be provided in an efficient manner while accommodating projected needs” and shall also “be coordinated and integrated with land use planning and growth management”.

Furthermore, Policy 2.4.2.1 states that “planning authorities shall delineate the boundaries of major transit station areas on higher order transit corridors through a new official plan or official plan amendment adopted under section 26 of the Planning Act.” While the 2024 PPS promotes development and intensification within a Major Transit Station Area (“MTSA”), Staff note that the Subject Lands are located outside of the delineated boundaries of the Andre De Grasse, Unionville, and Enterprise MTSA, as shown in Figure 6.

The York Region Official Plan (the “2022 ROP”) designates the Subject Lands “Community Area” and within the “Urban Area” and “Built Up Area” in a “Regional Centre” with a portion of the Subject Lands located in the “Urban River Valley”

The 2022 ROP requires that intensification utilizes land efficiently and sustainably that is commensurate with available hard and soft services and existing infrastructure, while having regard for the local context. The 2022 ROP permits growth and development in the Community Areas and directs the highest densities and the greatest mix of land uses toward Regional Centres and other MTSAs. The 2022 ROP also identifies Regional Centres as the primary focal points for intensive development that will also provide “protection and construction of a continuous fine-grained street grid that facilitates the flexible and efficient movement of people and goods”. Finally, Section 2.3 of the 2022 ROP permits a mix and range of housing options to support complete communities and establishes that a minimum 25% of new housing outside of Regional Centres and MTSAs be affordable, and that a minimum of 35% of new housing in Regional Centres and MTSAs be affordable.

York Region provided comments on the Applications and stated that “it is recommended that the development be consistent with the draft Markham Centre Secondary Plan Update.”

The 2014 Official Plan (“2014 OP”) land use designation does not apply to the Subject Lands

The 2014 OP designates the Subject Lands as “Mixed Use Low Rise”, which permits small-scale mixed-use development with a maximum building height of three storeys in which non-residential use shall not exceed 1,000 m². However, Section 9.12.4 states that until the approval of an updated secondary plan for the Regional Centre-Markham Centre lands, the provisions of the 1987 OP, as amended by OPA 21, shall apply to the Subject Lands.

The Applicant proposes to amend the in-effect Markham Centre Secondary Plan (“OPA 21”) to permit the Proposed Development

OPA 21 designates the Subject Lands “Commercial Corridor Area” and a portion of the lands as “Special Policy Area.” Section 4.3.4 a) – “West of Unionville Main Street” provides additional site-specific policies, as noted below:

- i. the assembly of parcels will be encouraged in order to provide limited points of access to Highway 7 and coordinated parking;
- ii. buildings will be located as close as possible to the Highway 7 right-of-way taking into account the need for and design of pedestrian amenities and the overall design objectives for Highway 7;
- iii. parking shall generally be located to the rear of the principal buildings; and,
- iv. residential uses shall be limited to a maximum of two storeys over the ground floor commercial or other permitted uses in mixed use developments.”

Section 4.3.4 b) – Lands designated COMMERCIAL and SPECIAL POLICY AREA on Schedule ‘A’ – LAND USE in the Official Plan (Revised 1987), as amended, on the south side of Highway 7 abutting the westerly limit of the CNR right-of-way, known as 4261 Highway 7, with a total of approximately 2.4 ha shall be subject to the following policies:

- i. Uses which generate high volumes of traffic or have high traffic turnover shall generally not be permitted; and,
- ii. Buildings and structures shall be flood protected to an elevation of not less than 176.4 metres, Canadian Geodetic Datum.”

The Subject Lands are also located within the “Urban Edge” along Highway 7. Section 3.6.2 identifies the Highway 7 Urban Edge as an area where commercial and retail should be massed to the street and buildings are encouraged to have direct pedestrian access at street level. Section 3.6.2 b) further specifies that retail stores and/or building entrances should front onto the street. The Applicant proposes an Official Plan Amendment to re-designate the lands from “Commercial Corridor Area” to “Community Amenity Area – Major Urban Place” and to permit a maximum building height of 35 storeys and density of 3.57 FSI.

The DSC received the draft policy framework for the MCSP Update on July 3, 2024

The draft policy framework designates the Subject Lands “Mixed Use Low Rise” with a maximum height of 3 storeys and maximum density of 2 FSI. The emerging MCSP also identifies a Minor Collector Road (the extension of Rougeside Promenade) traversing the Subject Lands and connecting to the existing signalized entrance at Highway 7 with park space on the south and east side of the future road extension. Staff note that every iteration of the draft MCSP that was presented to DSC, including the 2021 Preliminary Concept, the 2022 Draft Development Concept, and the 2023 Recommended Development Concept, showed the Rougeside Promenade extension on the Subject Lands. The final MCSP is targeted for approval in Q4-2025.

The Subject Lands are partially located within a Special Policy Area

Section 9.12.7 of the 2014 OP, OPA 21, and the ongoing MCSP Update identify the southern portion of the Subject Lands within a Special Policy Area (“SPA”). The intent of the SPA is to support the continued viability of existing and approved land uses in the floodplain. The SPA provides for more flexibility and certain development permissions are permitted that would otherwise be prohibited due to flood risk. Any change or modification to policies or designations within a SPA requires the approval of the Ministers of Municipal Affairs and Housing and Natural Resources. Re-development within the SPA may be permitted where it would not result in any intensification above and beyond existing Official Plan land use permissions subject to addressing flood risks to the satisfaction of the City and TRCA. As discussed below, technical review by the TRCA will be required to ensure the Proposed Development can be floodproofed to TRCA’s satisfaction.

The portion of the Proposed Development within the SPA consists of a 2-storey podium and meets the requirements of OPA 21 and the MCSP Update. Staff opine that the Proposed Development would meet the SPA’s height and density restrictions subject to technical revisions to the Official Plan Amendment to clearly restrict development to 2-storeys within the SPA.

On May 14, 2025, the Heritage Markham Committee recommended that the Applications not be supported due to the lack of appropriate transition to the adjacent Unionville Heritage Conservation District (see Appendix ‘A’)

The 2014 OP requires that proposed developments on properties that are “adjacent” to cultural heritage resources be reviewed for their potential impact on the resource. Adjacency is defined in the Official Plan as being within 60 m of a cultural heritage resource and the definition of a cultural heritage resource includes a heritage conservation district. In January 2015, Council endorsed the Main Street Unionville Community Vision Plan (the “Vision Plan”), which identified Highway 7 from the train tracks to Main Street Unionville as a gateway corridor with small-scale, picturesque, and traditional style buildings. The Vision Plan prefers heights of 2.5 to 3.5 storeys

in the east with a possible 4 to 5 storeys near the tracks. Heritage Markham Committee noted that the Proposed Development should provide a transition in height from the proposed 8-storey building at 4021 and 4217 Highway 7 (to the west) towards the Heritage District to the east.

The Applicant proposes an amendment to Zoning By-law 122-72, as amended, (the “Zoning By-law”) to permit the Proposed Development, as shown in Figure 5

While currently zoned “Special Commercial One” (SC1), which permits a variety of commercial uses, residential uses are not permitted on the Subject Lands. The Applicant proposes to delete the entire Subject Lands from the Zoning By-law and incorporate it into the Markham Centre By-law 2004-196, as amended, within the “Markham Centre Downtown Two *XX (MC-D2*XX)” Zone to permit the Proposed Development with site-specific development standards including, but not limited to, the following:

- a) One supermarket with a maximum net floor area of 930 m²
- b) Minimum 0.6 parking spaces/dwelling unit plus 0.1 parking spaces/dwelling unit (visitors)
- c) A maximum residential gross floor area of 69,846 m²
- d) A maximum non-residential gross floor area of 2,335 m²
- e) A maximum of 870 dwelling units
- f) A maximum height of 117 m
- g) Minimum setbacks (front: 4.5 m; east side: 30 m; west side: 20 m; rear: 25 m)

DISCUSSION:

Staff opine that the Proposed Development does not represent good planning for the following reasons listed below

a) Provincial and Regional Policy Considerations: MTSA delineation and proximity to higher order transit

The Applicant submitted a Planning Justification Report noting that the Subject Lands should be considered as being located within a MTSA due to the relative proximity to higher order transit, including the Sciberras/Highway 7 VIVA Bus Rapidway Transit (“BRT”) Station and the Unionville GO Station.

York Region Staff note that the Applicant incorrectly identified a new local route that has not been proposed by the York Region Transit (“YRT”) and incorrectly identified the bus stop at Sciberras/Highway 7 as a higher order transit station. “Higher order transit” is defined as “transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic.” The BRT higher order transit will not travel through this portion of Highway 7 and will instead travel through Markham Centre along Enterprise Boulevard. As per the long-term transit network identified in the York Region’s 2022 Transportation Master Plan, the bus route that services this portion of Highway 7, including the Subject Lands, will continue to be a mixed traffic route with curbside service.

Although the Proposed Development is in proximity to an existing bus stop and bus route (VIVA Purple), as previously noted and as shown in Figure 6, the Subject Lands are not located within a MTSA. The delineation of a MTSA is intended to maximize the number of potential transit users that are within walking distance of a major transit station; however, the walking distance to Unionville GO Station from the Subject Lands is approximately 28 minutes, which Staff do not consider to be a close or walkable distance. Finally, the MCSP

Update does not propose any new MTSA's or revised delineations within this area of the Secondary Plan. As such, the Proposed Development is not considered to be located within any existing or emerging MTSA's that allow for the highest intensity of development.

b) OPA 21 and MCSP Update Considerations: The proposed heights and density are not appropriate

The Applicant proposes height and density maximums of 35 storeys and 3.57 FSI, or 427.7 units per hectare ("UPH"), which are far greater than what is permitted by the existing "Commercial" land use designation (which permits 3 storeys with no density provisions) and what the MCSP Update Study contemplates (2 to 3 storeys, potentially 4 storeys in low density areas outside of an SPA, and a density of 2 FSI). The proposed height and density also exceeds the permissions under the proposed redesignation of "Community Amenity Area – Major Urban Place", which permits 8 to 13 storeys and 80 to 148 UPH. Moreover, Staff note that the Applicant's density may actually be greater than proposed, as it includes lands that may need to be conveyed to the City as "Open Space" or "Hazard Lands", which would be excluded from the density calculation. Given that the natural heritage network boundary has not yet been determined, this may result in a further density increase. Further details are provided in the Natural Heritage section below.

The Subject Lands are also surrounded by existing and potential low- and mid-rise development. The heights and density of the Proposed Development serve as a major deviation from what OPA 21 and the emerging MCSP permits and is significantly higher and more intense than the existing and proposed development within the immediate area.

The scale of the proposed site-specific increases in height, densities, and number of residential units have the potential to establish an undesirable precedent and expectations for other developments outside of a MTSA. In addition to creating an undesirable new context within the area, it would place additional strain on the transportation network and servicing considerations which are outlined in more detail below.

c) Heritage Markham, OPA 21, and MCSP Update Considerations: The Proposed Development should not be evaluated in isolation of the surrounding area

The Proposed Development requires a comprehensive and coordinated approach and must include the Rouge-side Promenade Extension, as noted in this report, and respect the context of the surrounding mid- and low-rise built form, including the Unionville Heritage Conservation District to the east. Notwithstanding that the Subject Lands are located in Markham Centre, which permits higher levels of intensification, Staff are of the opinion that OPA 21 and the MCSP Update intends for the Subject Lands to be part of a Highway 7 Corridor sub-area where development shall feature predominantly mid-rise buildings. The intent of the policies, as demonstrated in Schedule 'DD' of OPA 21 and in Map SP8 of the draft MCSP, is for the greatest heights and density along Highway 7 to be located at Highway 7 and Warden and gradually taper down near Sciberras Road, while also accommodating for the anticipated population growth by delivering the necessary road network improvements detailed below.

d) MCSP Update Considerations: Exclusion of the Rougeside Promenade Extension

The MCSP Update study includes the review of the overall transportation network. The July 2024 Policy Framework identified the Rougeside Promenade extension (a minor collector road) connecting to Highway 7 in an alignment that is generally located along the southern portion of the Subject Lands and curved northward to the existing signalized intersection at Highway 7 (see Figure 7). The extension plays an important role in the overall transportation network for the surrounding area that the Applicant omitted in the Proposed Development.

Staff note that the MCSP Update is a plan designed to guide the development of Markham Centre over the next 20 to 30 years, as it relates to matters including, but not limited to, mobility, built form, land uses, parks and public spaces, and servicing. The mobility needs are informed by the Transportation Assessment as part of the Secondary Plan review. A key outcome of this assessment is the recommendation of a cohesive mobility framework that includes an integrated road network, cycling infrastructure, and transit systems to support the anticipated population of 139,000 residents and employment growth of 55,000 jobs in Markham Centre at full build out, whereas the in-effect OPA 21 only contemplated a population of 25,000 residents and 17,000 jobs.

The proposed road network, including the Rougeside Promenade extension, is part of a holistic mobility system assessed to address multiple objectives that include improving traffic flow, reducing congestion, enhancing connectivity and accessibility, and supporting multi-modal transportation options (cycling, walking, and transit). The road network recommendations were developed based on extensive data analysis, and technical assessments.

The extension is also integral to the overall network's functionality. It contributes to creating a connected grid that distributes traffic efficiently, strengthens community connections by avoiding over-reliance on existing arterial roads, and ensures equitable access to new developments in this area, and provides opportunities for potential future local transit routes. By integrating with the cycling and pedestrian networks, the extension also supports active transportation, reducing car dependency and aligning with the City's sustainability goals.

Furthermore, Transportation Staff have reviewed the Applicant's June 2024 Transportation Impact Study ("TIS") for the Proposed Development, prepared by LEA Consulting Ltd., which concludes that the Rougeside Promenade extension is not required to connect to the existing signal access on Highway 7 to support the Proposed Development. Staff have provided comments on this report and note that the TIS approach is based on the review of the development activities in the immediate area within a short-term and does not address the broader and long-term land use planning context included in the emerging MCSP update. For road capacity, the TIS also needs to consider the need for secondary access, connectivity, and pedestrian and cyclist connections. Therefore, Staff are of the opinion that the approach and conclusion from the submitted TIS are not appropriate.

Finally, Transportation Staff note that the Applicant must coordinate with adjacent landowners when considering the extension of Rougeside Promenade to identify feasible alignment(s). A Functional Traffic Design Study shall be provided to address the related road design matters. The Applicant has not addressed Staff's comments and concerns.

e) Parking Considerations

The Proposed Development includes 709 parking spaces (579 residential and 130 non-residential and visitor spaces), whereas 1,296 parking spaces for residential and visitors parking are required under the current City-wide Parking By-law 28-97, as amended ("By-law 28-97"). The Applicant requests a proposed parking rate of 0.67 spaces/unit and 0.15 spaces/unit for visitors with no additional parking spaces provided for commercial uses (which is intended to be shared with the visitors parking), whereas By-law 28-97 requires 1.25 spaces/unit plus 0.25 spaces/unit for visitors, and 1 space/30m² of net floor area for retail store uses (note that other commercial uses would have different parking rates and requirements). The proposed parking rates need to be supported by a revised Parking Study. Transportation Staff have noted inconsistencies in the proposed parking rates identified in the submitted draft Zoning By-law (a parking rate of 0.6 spaces/unit for residential and 0.1 spaces/unit for visitors) and in the TIS. A revised Transportation Demand Management Plan is also required to support the proposed parking rates.

f) Toronto and Region Conservation Authority ("TRCA") Considerations: Portions of the Subject Lands are located within the TRCA's Regulated Area and requires their review and approval in accordance with Ontario Regulation 166/06

The Subject Lands are located partially within the regulatory flood hazard and erosion hazards associated with the Rouge River Valley and within the area of interference of an unevaluated wetland. TRCA reviewed the Applications and noted that the Proposed Development is inconsistent with the emerging MCSP and does not include the Rougeside Promenade Extension. TRCA is unable to conduct a comprehensive review of the Applications until this matter is resolved. TRCA further notes that a future trail is shown at the south side of the Subject Lands that would require a future crossing of the Rouge River, which does not align with the City's Trails Master Plan. Additional crossings of the valley are not supported by the TRCA. The proposed future trail and bike path depicted on the submitted plans should be consistent with the City's Trails Master Plan.

Once the City supports, in principle, the Proposed Development concept, TRCA will work with the Applicant to establish the development limits on the Subject Lands. The Proposed Development must be located outside of TRCA's natural system and any development in the SPA must be floodproofed. TRCA also indicated that the floodplain delineation has not been finalized, and further analysis will be required based on revised plans. Based on the key issues noted above and the detailed technical comments outlined in TRCA's review letter to the Applicant, TRCA has confirmed that they are unable to support an approval of this application at this time.

g) Natural Heritage Considerations

Natural Heritage Staff completed the review of the Applications and note that the portion of the Subject Lands located within the SPA shall comply with the height and density permissions of the in-force land use designations. As such, heights shall be limited to a maximum of three storeys within the SPA and the draft Official Plan Amendment must clearly exclude the SPA lands from the proposed site-specific height and density provisions.

The Applicant is required to submit a buffer restoration plan for the vegetation protection zones associated with any significant woodland and significant valleylands. Furthermore, a

revised Environmental Impact Study (“EIS”) shall also be submitted addressing Staff’s comments including, but not limited to, identifying hazard lands to be conveyed to the City, and more analysis to demonstrate how the proposed development can be constructed in compliance with the Endangered Species Act and Species at Risk Act due to the proximity of the parking areas and access routes from the Rouge River meander belt. This area is a Regulated Habitat for Redside Dace and considered a Habitat for Endangered and Threatened Species under the Provincial Planning Statement.

In accordance with Section 4.6.1 c) of OPA 21, Hazard Lands shall be conveyed to the City as a condition of development approval and are defined by the greater of the stable top-of-bank, the Regulatory Flood Line, and the 10 m environmental buffer. A revised EIS, Site Plan, draft ZBA and OPA are required to identify Hazard Lands, if any, to be conveyed to the City and to be designated and zoned “Greenway” or “Open Space”.

h) Parkland Considerations

The Applications include park lands within the regulatory floodplain limit, which is not permitted. As per Section 4.3.2.3 c) of the 2014 OP, “parks must not be encumbered by uses that would take away from the enjoyment or use of the park”. Staff do not support parkland within the floodplain as they are considered encumbered and are not able to support necessary park programming facilities. The Applicant’s grading plan shows up to 18.4% slopes the proposed parks, which do not meet the City’s standards where slopes must be between 2 to 4% across the entire park block to provide positive surface drainage suitable for park programming and accessibility.

Furthermore, Section 4.3.2.3 a) of the 2014 OP, require parks to have frontage on one or more public street or publicly accessible private streets. The City’s park block standards require maximum public street frontage along the edges to ensure visibility and safety. The City’s best practice is to provide a minimum 50 m (164 ft) public street frontages for high visibility, pedestrian safety and access, and servicing and maintenance access.

The proposed parks do not match the location of the parkland identified in the emerging MCSP (Figure 7), which identifies the portion east and south of the future Rougeside Promenade Extension as parkland. However, Staff note that the lands to the south of Rougeside Promenade would be constrained and likely designated “Greenway”, to be conveyed to the City, pending the review of a revised EIS as noted in the Natural Heritage section above. Therefore, the viability of parkland on the Subject Lands is dependent on the outcome of future EIS studies and confirmation of the limits of the Greenway lands.

i) Servicing Considerations: The proposed servicing shall align with the Master Servicing Report for the MCSP

The water and wastewater servicing strategy to service the Proposed Development shall align with the overall servicing strategy for the MCSP area, as identified through the Municipal Servicing Study, which is currently in progress. The proposed density does not align with the current draft MCSP servicing strategy. As such, the Proposed Development must be revised to align with the draft servicing study, otherwise additional analysis may need to be conducted to determine an appropriate servicing strategy. Furthermore, Staff note that the density of the

Proposed Development is a significant increase from the population allocated to the existing sanitary sewer on Highway 7.

York Region also noted that the Proposed Development will require water and wastewater servicing allocation from the City. If the City does not grant this development the required allocation from the Region's existing capacity assignments to date, then the development may require additional infrastructure based on conditions of future capacity assignment.

j) Metrolinx Considerations

Metrolinx confirmed that their comments on the Pre-Application Consultation have not been fully addressed. The Proposed Development must be set back 30 m from the rail corridor and a safety barrier is required in the event of a train derailment scenario. A 3.5 m vegetation setback is also required. Metrolinx further noted that additional drainage from the Proposed Development is not permitted onto Metrolinx-owned lands, and a revised Stormwater Management Report is required for further review. Metrolinx also noted that the Traffic Noise Feasibility Assessment submitted by the Applicant did not incorporate the correct rail date; as such, a revised assessment is required for further review.

k) Housing Considerations

The Proposed Development will provide for a mix of residential unit sizes including 90 three-bedroom units (10%) at approximately 89.19 m² (960 ft²) and 148 (17%) two-bedroom units at 64.66 m² (696 ft²) which are suitable for families, and 443 (51%) one-bedroom units at 59.74 m² (643 ft²) and 182 (21%) studio apartments at 47.29 m² (509 ft²). Notwithstanding the proposed unit mix and sizes, the Applicant does not specifically provide affordable housing units, as defined by the Official Plan. The Official Plan defines "affordable" as the least expensive of the following:

- a) housing for which the purchase or rental price results in annual accommodations costs not exceeding 30% of gross annual household income for low and moderate income households; or
- b) housing for which the purchase or rental price is at least 10% below the average purchase price of a resale unit or average rent of a unit in the regional market area.

York Region notes that affordable rental housing is a priority for the Region. Staff further note that Council adopted the July 2021 Housing Choices: Markham's Affordable and Rental Housing Strategy, which identified the need for affordable housing, purpose-built rental, senior-focused housing, and family-sized units. Staff encourage the Applicant to consider these housing types as part of any future development on the Subject Lands.

l) Urban Design Considerations: Location of commercial units, Sun/Shadow Analysis, and Wind Study Analysis

The Applicant proposed four commercial units within the ground floor of the Proposed Development with access from the interior private driveway. Retail building entrances, following Section 3.6.2 - Urban Edge, subsection b) of OPA 21, should front onto Highway 7 to allow for direct pedestrian access at street level.

Urban Design Staff note that the proposed commercial uses do not adequately address the primary street frontage along Highway 7 and lack a clear pedestrian connection from the

public sidewalk to support street animation and accessibility. Non-residential uses should be located along the public street frontage to enhance visibility, support a more active streetscape, and encourage pedestrian activity.

Urban Design Staff reviewed the submitted Sun and Shadow Study and note that the proposed enclosed courtyard at-grade will remain shadowed for most of the day, from 9:18 am to 6:18 pm during the spring (March 21) and fall (September 21) equinoxes, and will be significantly and consistently shadowed by the podium and the proposed towers.

Urban Design Staff reviewed the submitted Pedestrian Level Wind Study and note that uncomfortable at-grade pedestrian wind conditions are identified in several key areas including near the Tower B residential lobby and other building entrances, along pedestrian walkways flanking the internal driveway corridor, and within the passenger pick-up/drop-off zone. These conditions occur in the spring and winter seasons within the area between the enclosed courtyard opening to the north and the two-storey podium to the south, creating a wind tunnel condition that will impact pedestrian comfort.

m) York Catholic District School Board ("YCDSB") Considerations

YCDSB expressed concerns with approving site-specific development applications with densities that exceed the proposed MCSP Update study. Given that the MCSP update has not yet been finalized and the phasing of the MCSP is unknown, YCDSB advised it is premature to provide formal comments on site-specific development proposals until the MCSP update is complete. Moreover, YCDSB advises that the updated projection of 139,000 people in the MCSP area directly impacts their student accommodation. If there is limited or no opportunity for the YCDSB to secure school sites within the MCSP to accommodate the proposed growth, then YCDSB may need to bus students living within Markham Centre to schools outside the area permanently. As such, YCDSB recommends the City consider provisions in the planning of the transportation network to accommodate increased traffic volumes, including the need for many school buses during peak time.

CONCLUSION:

This report identifies many concerns by York Region, TRCA, Metrolinx, YCDSB, and Staff that the Applicant did not address from the Pre-Application Consultation to the submission of the Applications. The Proposed Development and subject Applications are not appropriate and do not represent good land use planning. The Applicant seeks approval in isolation of the surrounding area, rather than through a comprehensive and coordinated manner. Furthermore, the Proposed Development completely disregards the planned function of the municipal structure identified within the Official Plan and Secondary Plan, is not appropriate in the context of the existing and emerging land use context, and does not provide for the critical future road network to accommodate the anticipated population growth of the broader area. Therefore, Staff recommend refusal of the Applications.

FINANCIAL CONSIDERATIONS:

This report has no financial impact to the Operating Budget or Life Cycle Reserve Study.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications do not align with the City's strategic priorities in the context of growth management and municipal services to ensure safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to various departments and external agencies.

RECOMMENDED BY:

Giulio Cescato, MCIP, RPP
Director of Planning and Urban Design

Trinela Cane
Interim Commissioner of Development Services

ATTACHMENTS:

Figure 1: Location Map
Figure 2: Area Context and Zoning
Figure 3: Aerial Photo
Figure 4: Conceptual Site Plan
Figure 5: Conceptual 3D Views
Figure 6: Major Transit Station Area
Figure 7: Draft 2024 MCSP Land Use Map
Appendix 'A': Heritage Markham Committee Meeting Minutes
Appendix 'B': Statutory Public Meeting Minutes

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