



Report to: Development Services Committee

Meeting Date: February 10, 2020

SUBJECT:

RECOMMENDATION REPORT

Applications for Official Plan and Zoning By-law Amendments submitted by Kingsberg Warden Developments Inc. to permit an 8-storey, 91 unit residential building on the lands municipally known as 3882 Highway 7 East (Ward 3)

PREPARED BY:

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Planner II

REVIEWED BY:

Stephen Lue, MCIP, RPP, ext. 2520
Manager, Central District

RECOMMENDATION:

1. That the report entitled “RECOMMENDATION REPORT, Applications for Official Plan and Zoning By-law Amendments submitted by Kingsberg Warden Developments Inc. to permit an 8-storey, 91 unit residential building on the lands municipally known as 3882 Highway 7 East (Ward 3)”, dated February 10, 2020, be received;
2. That the Official Plan Amendment application submitted by Kingsberg Warden Developments Inc., to amend the 2014 Official Plan, be approved, and that the draft Official Plan Amendment attached as Appendix ‘A’ be finalized and enacted without further notice;
3. That the Zoning By-law Amendment application submitted by Kingsberg Warden Developments Inc., to amend Zoning By-law 118-79, as amended, be approved and that the draft Zoning By-law Amendment attached as Appendix ‘B’ be finalized and enacted without further notice;
4. That in accordance with the provisions of subsection 45 (1.4) of the *Planning Act, R.S.O. 1990*, as amended, the Owner shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of Zoning By-law 2020-XXX, before the second anniversary of the day on which the by-law was approved by Council; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of Official Plan Amendment and Zoning By-law Amendment applications submitted by Kingsberg Warden Development Inc. to provide for an eight-storey, 91-unit residential building on the lands municipally known as 3882 Highway 7 East.

The Official Plan Amendment proposes to redesignate the subject lands from ‘Residential Mid Rise’ to ‘Residential High Rise’ to allow for an increase in height and density. The Zoning By-law Amendment proposes to rezone the property to ‘Residential Three (R3)’ with site-specific development standards related to building height, maximum floor areas, separation distances, and the number of residential units.

Since the applications were first submitted in 2018, revisions to the proposed built form and massing were made to address comments from the public and City Staff. It is the opinion of Staff that the proposed Official Plan Amendment and Zoning By-law Amendment are appropriate and represent good planning. The proposal provides for infill residential development adjacent an existing transit route along an arterial road, in a manner that is compatible with the character and pattern of development in the surrounding area.

PURPOSE:

This report recommends approval of Official Plan Amendment and Zoning By-law Amendment applications (the “Applications”), submitted by Kingsberg Warden Developments Inc. (the “Owner”), to permit an eight-storey and 91-unit residential building, consisting of 143 underground parking spaces (the “Development”).

BACKGROUND:**Subject Lands and Area Context**

The 0.28 ha (0.7 ac) subject lands are located on the north side of Highway 7, east of Warden Avenue (the “Subject Lands”), as shown on Figure 1: Location Map. The Subject Lands have frontage of 38.4 m (126 ft) along Highway 7 East, a lot depth of approximately 147 m (482 ft), and currently contains a single-storey building occupied by the Markville Montessori Private School, as shown on Figure 2: Aerial Photo. The surrounding land uses include:

- North: existing single-detached dwellings and Tenbury Drive
- East: an existing place of worship
- South: high-rise residential developments (existing and proposed)
- West: an existing four-storey residential building

Application Process

- The Applications were deemed complete by staff on September 24, 2018
- The Development Services Committee (“DSC”) received the Preliminary Report on December 11, 2018
- The Statutory Public Meeting was held on June 24, 2019
- The second submission was received by staff in November 2019

PROPOSAL:**Official Plan Amendment (“OPA”)**

The Owner proposes a residential building consisting of 91-units on the Subject Lands, as shown on Figure 3: Conceptual Plan. The OPA proposes to redesignate the subject lands from ‘Residential Mid Rise’ to ‘Residential High Rise’ and allow for an eight-storey

building with a maximum floor space index (“FSI”) of 3.36. The draft Official Plan Amendment is attached as Appendix ‘A’.

Zoning By-law Amendment (“ZBA”)

The ZBA proposes to delete the subject lands from By-law 75-98, as amended, incorporate the subject lands into By-law 177-96, as amended, and zone the subject lands ‘Residential Three (R3)’, with site-specific development standards related to building height, maximum floor areas, separation distances, and the number of residential units. The draft Zoning By-law Amendment is attached as Appendix ‘B’.

Since the initial submission of the Applications in September 2018, the Development has been revised by the Owner to address comments from the public and City Staff. Some key changes include the following:

- i) a reduced building height from 10-storeys with a mechanical penthouse (38.85 m) to eight-storeys without mechanical penthouse (29.5 m)
- ii) a corresponding reduced gross floor area (“GFA”) from 12,156 m² to 9,641 m² and density from 4.24 FSI to 3.36 FSI
- iii) an increased number of residential units from 80 to 91
- iv) an increased number of parking spaces from 120 to 143

The Owner expects to submit a future Site Plan Application in 2020 to facilitate the development of the Subject Lands.

PUBLIC CONSULTATION:

A Public Meeting was held on June 24, 2019. Matters with respect to the Applications were identified through written submissions and comments made by the public and DSC members. The following is a summary of the matters raised to date:

- concerns with the proposed building height and density, with impacts to privacy, shadow and screening on neighbouring properties
- concerns with connection to Tenbury Drive and the provision for sufficient on-site parking to eliminate overflow parking on neighbouring properties

The Discussion section of this report outlines how these comments have been addressed or considered.

PLANNING POLICY AND REGULATORY CONTEXT:

The Applications are subject to a planning policy framework established by the Province, Region of York and City of Markham under the *Planning Act, R.S.O. 1990*. The following section describes how the Applications meet the respective policies and regulations:

Provincial Policy Framework**Provincial Policy Statement, 2014 (the “2014 PPS”)**

The 2014 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters include building strong healthy communities

with an emphasis on efficient development and land use patterns, wise use and management of resources and protecting public health and safety.

The Subject Lands are located within a defined settlement area and designated for development in both the York Region and City of Markham Official Plans. Consistent with the policies of the 2014 PPS, the Development promotes infill intensification, which efficiently uses land, resources and infrastructure and supports alternative modes of transportation, including active transportation and transit. The Development would contribute to the mix of housing types in the area, which range from single-detached dwellings and townhouses to mid and high-rise buildings. Staff are satisfied that the Development is consistent with the 2014 PPS.

Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”)

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form.

The Subject Lands are located within the ‘Built-Up Area’, immediately north of an ‘Urban Growth Centre’ (Markham Centre), in the Growth Plan. The Growth Plan specifies minimum intensification targets to be accommodated in the delineated built-up area, with the objective of achieving complete communities that feature a mix of land uses and housing options, expanding convenient access to a range of transportation options, and fostering a compact built form and an attractive and vibrant public realm. Staff opine that the Development conforms to the Growth Plan as it promotes a range and mix of housing types, supports active transportation options, optimizes the use of existing infrastructure in a compact form.

The Planning Act

Section 45(1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law comes into effect. It also permits Council to pass a resolution to allow an applicant to apply for a minor variance(s) within two years of the passing of a by-law.

The Owner requests that Council grant exemption from subsection 45(1.4) of the *Planning Act*, which will permit applications for minor variances within two years of enactment of the amending by-law attached as Appendix ‘A’. Staff have no objection to this request as the detailed site plan and building elevations are in the conceptual design stage and may be refined at the future Site Plan Application stage triggering a minor variance request. Staff will have the opportunity to review the appropriateness of any requested minor variances should such applications be made in the future. This provision is included in the Resolution of Council.

Regional Policy Framework**York Region Official Plan (the “2010 ROP”)**

The Subject Lands are designated ‘Urban Area’ on Map 1 of the 2010 ROP, which permits a wide range of residential, commercial, industrial, and institutional uses. The 2010 ROP sets out a minimum of 40% of all residential development in York Region to occur within the built-up area as defined by the Province’s Built Boundary in the Growth Plan. The Development is infill that supports the use of existing infrastructure, including an arterial road and existing transit. Staff are satisfied that the Development conforms to the 2010 ROP.

City of Markham Policy Framework**Existing Official Plan Designation**

The Subject Lands are currently designated ‘Residential Mid Rise’ in the City’s 2014 Official Plan (the “2014 Official Plan”), as partially approved on November 24, 2017 and updated on April 9, 2018. The ‘Residential Mid Rise’ policies permit a broad range of residential uses in buildings ranging in height from three to six-storeys, with a maximum overall density of 2.0 FSI. The ‘Residential Mid Rise’ policies include development criteria directing height and density away from low-rise designations to frontages along arterial and major collector roads. Where buildings are located adjacent to areas designated for low-rise development, the angular plane test must be met. The Subject Lands are also subject to site-specific policy 9.19.9e), which restricts building heights to a minimum of two-storeys and a maximum of 3.5-storeys.

Proposed Official Plan Amendment

Since the Development exceeds the maximum building height and density permissions of the ‘Residential Mid Rise’ designation, an OPA is required. The OPA application proposes to redesignate the Subject Lands to ‘Residential High Rise’ and allow for an eight-storey building with a maximum density of 3.36 FSI.

Existing Zoning By-law

The Subject Lands are currently zoned ‘Medium Density Residential One – Hold (RMD1 (H))’ by By-law 118-79, as amended by By-law 75-98 and applies to the Subject Lands and the lands to the west, which are occupied by the Ellington Park condominium, as shown on Figure 2: Aerial Photo and Figure 4: Area Context/Zoning. By-law 75-98 permits the following:

- apartments and a broad range of commercial uses, requiring the following:
 - a minimum front yard of 12 m (39 ft)
 - a minimum lot area of 0.75 ha (1.8 ac)
 - a minimum rear yard of 17 m (56 ft)
 - a minimum side yard of 12 m (39 ft)
 - a maximum building height of 7.5 m (25 ft) within 15 m (49 ft) of side lot line and within 25 m of a rear lot line
 - a maximum building height of 15 m for the remainder of the lot
 - a maximum density of 60 units per hectare (24 units per acre)
- A Holding (H) provision applies until such time as a Site Plan or equivalent Development Agreement is executed

Staff understand that at the time of By-law 75-98 approval, the Subject Lands were proposed to be included in what is now the Ellington Park condominium development.

Proposed Zoning By-law Amendment

A ZBA application is required to rezone the Subject Lands to 'Residential Three (R3)' with site-specific development standards related to building height, maximum floor areas, separation distances, and the number of residential units.

DISCUSSION:

The following section identifies how the matters raised throughout the Applications review process, including those raised at the Public Meeting, have been resolved, based on the following themes:

1. Height and Massing
2. Vehicular Access and Parking
3. Site Grading and Servicing

Height and Massing

Members of the public expressed concern with the proposed building height. Local residents noted potential built form impacts, such as privacy and shadow concerns, given the proximity of the Development to an established low-rise residential community to the north and Ellington Park Condominium to the west.

Since the original submission in 2018, the Owner revised the Development to reduce the building height from 10-storeys (38.85 m) to eight-storeys (29.5 m). The Owner terraced the building to minimize shadow and privacy impacts to the low-rise residential community to the north and Ellington Park Condominium to the west. The building steps down from the south (eight-storeys) to the north (two-storeys) to ensure the tallest portion of the building is located adjacent a major arterial road (Highway 7 East), and away from the low-rise residential neighbourhood to the north. The building also steps down from the east (eight-storeys) to the west (two and four-storeys), to minimize shadow and privacy impact to the residents of Ellington Park Condominium. Additionally, the design calls for enclosed balconies and reduced glass exteriors to further minimize privacy concerns.

The Shadow Impact Study prepared by Graziani and Corazza Architects and submitted by the Owner, shows acceptable shadow impact to the established low-rise residential neighbourhood to the north, the existing Ellington Park Condominium to the west, and the existing place of worship to the east. Furthermore, at the ground level, the Owner proposes a mix of landscape (mixed tree, shrub and meadow plantings) to provide appropriate screening of the Subject Lands from the surrounding adjacent properties. Staff will review the landscape plan details through the future Site Plan Application.

Vehicular Access and Parking

The Development includes one vehicular access to the Subject Lands, being a right-in right-out access along Highway 7 East. In letters dated October 26, 2018, and October 24,

2019, York Region recommended the addition of a second vehicular access to Tenbury Avenue. In response to the concerns raised by the neighbouring residents, the Owner does not propose a second vehicular access. However, to permit pedestrian porosity, the Development includes a pedestrian connection to Tenbury Avenue. As part of the review of the future Site Plan Application, the City and the Owner will engage York Region to resolve the vehicular access matter for the Subject Lands.

The Development meets the parking requirement standards of the Zoning By-law and therefore, the ZBA application does not contemplate an amendment to the parking standards. Two levels of on-site underground parking with 143 spaces will accommodate the residents and visitors and will eliminate overflow parking on neighbouring properties.

Site Grading and Servicing

Through the review of the Applications, representatives of the place of worship identified their concerns with grading and impacts on the lands to the east. Though Engineering staff anticipate no grading impacts on the surrounding properties, staff will review the details of this matter during the future Site Plan Application process. Furthermore, the Engineering Department has not identified any concerns with respect to the servicing allocation. Final approval of a Functional Servicing Report will occur through the future Site Plan Application process.

Future Site Plan Application

The development on the Subject Lands will require Site Plan Approval from the City of Markham. A Conceptual Plan (see Figure 3: Conceptual Plan) and perspective drawings (see Figure 5: Perspective-North East from Highway 7) were submitted in support of the OPA and ZBA applications to assist Staff with their review and evaluation; however, a formal Site Plan Application is required.

The future Site Plan Application process will include evaluation of the site plan layout, building elevations, landscape and tree planting, pedestrian connectivity, vehicular circulation and access, parking layout and location, interface with the surrounding existing and planned developments, sustainable initiatives, and parkland dedication or cash-in-lieu of parkland. The Owner anticipates submitting a Site Plan Application for the Subject Lands this year.

Exemption from Regional Approval

In a letter dated October 26, 2018, York Region delegated approval authority for the OPA to the City of Markham. In a letter dated October 24, 2019, the Region further indicated that there was no objection to approval of the OPA.

CONCLUSION:

It is the opinion of Staff that the proposed Official Plan Amendment and Zoning By-law Amendment are appropriate and represent good planning. The Development provides for infill residential intensification on the Subject Lands adjacent an arterial road with existing transit, and in a manner that is compatible with the character and pattern of development in the surrounding area. It is, therefore, recommended that the proposed amendment to the City's 2014 Official Plan, attached as Appendix 'A', and the proposed

amendment to Zoning By-law 118-79, as amended, attached as Appendix 'B', be approved.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications align with the City's strategic priorities of managing growth and municipal services to ensure safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications have been circulated to various departments and external agencies, and no concerns were identified on the proposed Official Plan Amendment or Zoning By-law Amendment. The requirements of the City and external agencies for development on the Subject Lands will be addressed through the future Site Plan Application process.

RECOMMENDED BY:

Biju Karumanchery, MCIP, RPP
Director of Planning & Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Conceptual Plan

Figure 4: Area Context/Zoning

Figure 5: Perspective Drawing

Appendix 'A': Draft Official Plan Amendment

Appendix 'B': Draft Zoning By-law Amendment