

SUBJECT: **RECOMMENDATION REPORT**
2431988 Ontario Ltd.
Site Plan Control application to permit a 12-storey 259 unit mixed use apartment building and 312 stacked townhouses on Part of Lot 11, Concession 9, north side of Highway 7, east of 9th Line (Ward 5)

File SPC 19 136373

PREPARED BY: Stephen Corr, MCIP, RPP, ext 2624
Senior Planner, East District

REVIEWED BY: Stacia Muradali, MCIP, RPP, ext 2008
Acting Manager, East District

RECOMMENDATION:

- 1) That the report titled “RECOMMENDATION REPORT, 2431988 Ontario Ltd, Site Plan Control application to permit a 12-storey 259 unit mixed use apartment building and 312 stacked townhouses on Part of Lot 11, Concession 9, north side of Highway 7, east of 9th Line (Ward 5), File SPC 19 136375”, be received;
- 2) That the Site Plan application (SPC 19 136375) submitted by 2431988 Ontario Ltd. be endorsed in principle, subject to the conditions attached as Appendix ‘A’ to this report, and that Site Plan approval be delegated to the Director of Planning and Urban Design or his designate;
- 3) That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period;
- 4) That Council assign servicing allocation for up to 571 dwelling units for Site Plan Control application SPC 19 136375;
- 5) And that Staff be authorized to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY

This report recommends that Development Services Committee (DSC) endorse in principle the site plan control application, subject to the conditions attached in Appendix ‘A’, to permit a 259 unit, 12 storey, mixed use apartment building and 312 stacked townhouses (within 12 building blocks) on the subject property. It is also recommended that the approval authority be delegated to the Director of Planning and Urban Design, or his designate. This will allow the technical site plan review to be completed prior to the formal issuance of site plan endorsement and approval.

The subject lands are located on the north side of Highway 7, east of 9th Line and west of Bur Oak Ave. (Figures 1 to 3). Surrounding land uses include Markham Stouffville Hospital to the north and a York Region Rapid Transit Corporation (YRRTC) bus terminal under construction to the west. Vacant lands to the east and south are anticipated to be developed with mid and high rise development in accordance with the development concept envisioned in the draft 2015 Update to the Cornell Secondary Plan for Cornell Centre.

The subject lands are part of a draft approved plan of subdivision that was approved in conjunction with site specific Official Plan and Zoning By-law amendments in 2017. The proposed development conforms with the density, building height and building setbacks permitted through these earlier approvals, with the exception of some variances that were identified through the site plan technical review, which are detailed in this report. Staff is satisfied with the location and massing of the proposed building and therefore recommend endorsement in principle of the Site Plan application.

PURPOSE

This report recommends endorsement in principle of a site plan control application submitted by 2431988 Ontario Ltd, to permit a 12-storey 259 unit mixed use apartment building and 312 stacked townhouses.

BACKGROUND:

Site and area context:

The 1.72 ha (4.24 ac) subject property is located within Cornell Centre, on the south side of a proposed extension of Rustle Woods Avenue and the north side of a proposed extension of Arthur Bonner Avenue (north of Highway 7 and west of Bur Oak Avenue). See Figures 1 to 3. Surrounding land uses include:

- Markham Stouffville Hospital and the Cornell Community Centre and Library to the north;
- Vacant lands to the south, also owned by the applicant, and intended to be developed with high rise residential development;
- Stacked townhouses further south (south side of Highway 7);
- Vacant lands to the east which are anticipated to be developed with mid and high rise mixed use developments; and
- A York Region Rapid Transit Corporation (YRRTC) bus terminal to the west which is currently under construction,

Previous Development Application Approvals

Draft plan of subdivision approval was issued for the subject lands in 2017 along with the approval of site-specific official plan and zoning by-law amendments to permit the current site plan proposal.

The draft approved plan (Figure 4) proposes three development blocks, a new north/south road (Diamond Wood Drive) and extensions of Arthur Bonner Avenue and Rustle Woods Avenue. The north and central blocks are the subject of this site plan control application. The north block will contain the proposed mixed-use apartment building and has a total area of approximately of 0.295ha (0.73ac). The central block will contain the proposed

stacked townhouses and has a total area of approximately 1.42ha (3.51ac). The southern block will be subject to a future site plan application for high-rise development on Highway 7.

The draft plan of subdivision will be required to be registered prior to the issuance of site plan approval and any building permits. Prior to registration, the applicant is to submit a technical subdivision application through the Engineering Department and a subdivision Agreement application to the Legal Services Department. While the subdivision is not yet registered, construction of the associated street network has commenced through the approval of a construction agreement so that the public road network is in place for the opening of the adjacent YRRTC bus terminal.

Process to Date and Next Steps:

- The Site Plan application was submitted on October 1, 2019.
- Approval of variances through the Committee of Adjustment are required to address non-compliance matters identified through the site plan review (see Zoning subsection);
- Subject to Development Services Committee's endorsement, the site plan will be formally endorsed by staff following additional technical review by staff and external agencies, and subject to the endorsement conditions attached to this report (Appendix 'A').
- Site Plan Approval can be issued upon execution of a site plan agreement, after clearance of any endorsement conditions and subdivision registration;
- Removal of the Holding provision is required through a by-law amendment (see Zoning subsection);
- Submission of a Draft Plan of Condominium application, followed by Condominium registration.

Proposal:

The applicant has filed a site plan control application to permit a 12-storey, mixed use 259-unit apartment building and 312 stacked townhouses on the subject lands. The development will be a standard condominium, and both the apartment building and stacked townhouses will have shared access to two levels of underground parking containing 665 parking spaces (including 35 accessible spaces) and 164 bicycle parking spaces. (The 2nd level of underground parking only occupies half the site).

As shown in Figure 5, access to the site is provided at two locations. One access point is from Diamond Wood Drive on the west side of the property between the proposed mixed-use apartment building and stacked townhouses, and the other is on the south side of the subject site from Arthur Bonner Avenue. Internal circulation is by means of private driveways. The driveway that provides access to the south entrance also contains a total of 39 lay by-parking spaces, located on both sides. The proposed elevations are shown in Figures 6. Additional details for each component of the proposed development are outlined below:

Mixed Use Apartment Building

- 259 units, including 77 one-bedroom units, 56 one-bedroom + den units and 28 two-bedroom units;
- Unit sizes range between 39m² to 91m² (425ft² to 978ft²);
- Twelve storeys in height, plus an additional level containing mechanical equipment, 425m² (4575 ft².) of indoor amenity space (gym and party room) and a 725m² (7804 ft².) landscaped outdoor rooftop terrace;
- Maximum building height of approximately 44.57m (146.23ft.);
- Approximately 881.1m² (9,559.4ft²) of commercial space occupy most of the ground floor;
- Total Gross Floor Area (GFA) of 19,971.7m² (214,973ft²), resulting in a Floor Space Index of 6.74 for the mixed use apartment block.

Stacked Townhouse Buildings

- 259 units, including 208 one-bedroom units, 130 one-bedroom + den units and 228 two-bedroom units;
- Contains twelve stacked townhouse building blocks (Figure 5).
- Four units are within a vertical frame, with one unit on the ground level (partially below grade), a unit on the 2nd level, and two units occupying the 3rd and fourth levels (The upper units each have access to a rooftop terrace).
- Unit sizes range between 48m² (515ft²) to 116m² (1250ft²);
- Four storeys in height, with maximum building heights of approximately 14m (46.6ft.);
- Total Gross Floor Area (GFA) of 46,128.8m² (496,526ft²), resulting in a Floor Space Index of 3.25 for the stacked townhouse block.

OFFICIAL PLAN AND ZONING

Official Plan

York Region Official Plan

The “Subject Lands” are designated “Urban Area” in the York Region Official Plan, 2010 (YROP), which permits residential, commercial, industrial and institutional uses. The proposal conforms to the 2010 YROP.

2014 Official Plan

The subject lands are designated ‘Mixed Use Mid Rise’ in the 2014 Official Plan as partially approved on November 24, 2017 and further updated on April 9, 2018. This designation contemplates:

- Apartment buildings, multi-storey mixed use or non-residential buildings, stacked townhouses and townhouses.
- Building heights ranging from 3-storeys to 8 storeys, and a maximum FSI of 2.0.

Notwithstanding the above designation, the 2014 Official Plan also indicates that the subject lands are located within a Key Development Area (KDA) for Cornell Centre, which requires a new Secondary Plan. The policies of the 1987 Markham Official Plan and 2008 Cornell Secondary Plan remain applicable until this new Secondary Plan is approved for Cornell Centre.

2015 Cornell Centre Draft Secondary Plan Update

In accordance with the KDA policies noted above, DSC received draft land use concepts for the Cornell Centre Secondary Plan update on February 17, 2015 and later on September 22, 2015. DSC also received a draft secondary plan amendment for Cornell Centre at the Statutory Public Meeting on October 20, 2015 that provided proposed land use designations for the Cornell Centre, which proposed the following for the site:

- ‘Community Amenity Area – Mixed Use 9th Line’, which applies to the north portion of the site. This provides for apartment buildings, stacked townhouses, multi-storey non-residential or mixed use buildings and single-storey community facility buildings. Building heights are between 4 to 12 storeys, with a minimum FSI of 2.0;
- ‘Residential High Rise’, which applies to the south portion of the subject lands. This designation provides for stacked townhouses and apartment dwellings. Building heights provide for a range of 4 to 12 storeys, with a minimum FSI of 2.0.

The proposed mixed use apartment building and stacked townhouse development conform to the 2015 Draft Secondary Plan Update for Cornell Centre. (Planning Policy section staff are tentatively targeting the Secondary Plan update to be brought forward to Council in early 2021.)

1987 Official Plan, 2008 Cornell Secondary Plan and Site Specific OPA 247

As noted, the 1987 Markham Official Plan and 2008 Cornell Secondary Plan remain the applicable policy framework until a secondary plan update is approved for Cornell Centre. In 2017, City Council approved Official Plan Amendment 247 to implement site specific designations and policies for the subject lands as follows:

Mixed-Use Apartment Block

- Designated ‘Community Amenity Area – Mixed Use Rustle Woods Avenue’
- Contemplates multi-storey non-residential or mixed use buildings, with a building height range of 4 to 12 storeys and minimum FSI of 2.0.

Stacked Townhouse Block

- Designated ‘Residential High Rise’
- Contemplates stacked townhouses and apartment buildings, with a building height range of 4 to 12 storeys and minimum FSI of 1.5.

By virtue of the site specific OPA, the proposed mixed use apartment building and stacked townhouse development conform to the 1987 Official Plan and 2008 Cornell Secondary Plan.

Zoning

In 2017 City Council approved zoning by-law 2107-16 to permit the proposed development, by zoning the subject lands as follows:

Mixed Use Apartment Block

- Zoned “Community Amenity Two Exception 569 – Holding (CA2*569(H))” in By-law 177-96, as amended.

- Permits apartment dwellings, offices and a number of retail and service uses on the first and second floor of an apartment or office building.
- Also permits site specific development standards such as building setbacks, a minimum height of 12 m and 4 storeys, and a maximum height of 40 m and 12 storeys.

Stacked Townhouse Block

- Zoned “Residential Three Exception 570 – Holding (R3*570(H))” in By-law 177-96, as amended.
- Permits multiple dwellings (stacked townhouses), home occupations and home childcares.
- Also permits site specific development standards such as building setbacks, a maximum height of 12 m and a maximum number of 270 units.

While the proposed development is permitted under the current zoning, approval of variances through the Committee of Adjustment are required to address zoning non-compliance items identified through the site plan review, as follows:

Parking Variances:

The 2017 approval of the applicable zoning was based on a conceptual development for the subject lands. Consequently, site specific parking requirements were not included in the approved by-law. The proposed development is consistent with the earlier conceptual version, but has been further developed to confirm the proposed number of units and configuration and provision of onsite parking. To permit this arrangement, the applicant require variances to Parking Standards By-law 28-97, as amended, as follows:

Land Use	By-law 28-97 Requirements	No. of Required Spaces	Proposed Parking Rate	No. of Proposed Spaces
Apartment Dwelling	1. 25 spaces per unit; & 0.25 spaces per unit for visitors	324 spaces for residents; & 65 for visitors	1. 04 spaces per unit; & 0.15 spaces per unit for visitors	269 spaces for residents; & 39 for visitors
Commercial Unit	1 space per 30 sq m of Net Floor Area	29 spaces	1 space per 37 sq m of Net Floor Area	24 spaces
Stacked Townhouse Dwelling	1. 25 spaces per unit; & 0.25 spaces per unit for visitors	390 spaces for residents; & 78 for visitors	1. 04 spaces per unit; & 0.15 spaces per unit for visitors	325 spaces for residents; & 47 for visitors
Totals		886		706

A Parking Justification Study has been submitted to support the reduction of 180 parking spaces. Transportation Planning is requesting 1.05 spaces be provided per unit (which would require an additional 6 spaces), what will be accepted for visitor parking and non-residential use parking requirements (including arrangements to share visitor and non-residential parking).

These comments are to be addressed to the satisfaction of Transportation Planning staff. Acceptance of the parking justification study is a condition to be satisfied prior to the

issuance of site plan endorsement (See Appendix A). A key consideration in assessing the requested parking reduction is the site's adjacency to the YRRTC transit terminal. The applicant will be required to implement a number of Transit Demand Management (TDM) strategies to reduce car dependency and parking demand. TDM strategies will include unbundled parking, a car-share program, transit passes and information, long and short term bicycle parking and storage, cycle route information and bicycle repair stations. Staff note that expansion of the proposed partial 2nd level of the underground parking garage could be incorporated into a revised site plan submission if it is determined that additional parking is required for the proposed development. Additional conditions limiting uses that typically generate significant parking demand, such as caps on total restaurant Gross Floor Area (GFA) for example, can also be applied to any variance approval.

Number of Stacked Townhouse Units and Building Height Variances:

The By-law permits a maximum of 270 stacked townhouse units, whereas 312 are proposed. As noted the zoning approved for the site was reflective of an earlier concept plan for the site. Staff do not have concerns with the proposed increase in 42 stacked townhouse units, particularly since the Cornell Secondary Plan permits 12 storey apartment buildings on this portion of the site, which would yield significantly more density.

The applicant is also requesting a variance to permit increased building heights for the mixed use apartment building from 40 m to approximately 46 m; to permit an additional storey for penthouse mechanical equipment, a gym and amenity room; and increased height for the stacked townhouses from 12 m to approximately 14m. Staff are in support of these required variances, as they will implement the intended built form envisioned by the 2017 Official Plan and Zoning By-law Amendment approvals.

Holding Provision

The site is subject to a Holding Provision, which will be required to be lifted via a by-law amendment prior to the issuance of any building permits for the proposed development. The requirements to remove the Holding Provision are:

- Entering into a Section 37 Agreement with the City (which will be secured as part of the Site Plan Agreement (Appendix 'A'));
- Confirmation of Servicing Allocation; and
- Confirmation that Hydrogeological Assessment has been approved by the Toronto Region Conservation Authority (TRCA)

OPTIONS/ DISCUSSION:

Site Layout, Building Design and Density Are Appropriate

The proposed scale and orientation of the mixed use apartment building and stacked townhouse buildings are consistent with conceptual development plans considered through the approved draft plan of subdivision and 2017 Zoning By-law and Official Plan amendment approvals for the site. Consequently, the proposed development conforms to the existing Official Plan and Zoning By-law provisions in place on the site, with respect to permitted FSI and building heights and building setbacks, with the exception of the variances required to implement the detailed design noted above.

With the exception of Markham Stouffville Hospital to the north and the YRRTC facility under construction to the west, surrounding lands are predominantly vacant. However, the built form contemplated through this site plan application will be compatible with anticipated development on adjacent sites as envisioned in the 2015 Draft Cornell Centre Secondary Plan update.

The proposed building elevation materials, treatment and colours have been reviewed by the Urban Design section and the City Architect, and are considered acceptable. Minor comments however, will be required to be addressed, to ensure that the brick base of the mixed-use apartment building is consistent with the colour and materials of the stacked townhouse buildings within the development. Also that the entrances to units on the south stacked house buildings adjacent to Arthur Bonner Avenue should be re-oriented so that access is from the public street. Outstanding Urban Design comments will be required to be addressed prior to the formal issuance of site plan endorsement (Appendix 'A').

Parkland, Open Space and Amenity Space Considerations

There is no parkland being conveyed to the City on the subject property. The applicant however is required to be a member in good standing of the Cornell Landowners Group, and through the group's Cost Sharing Agreement, the applicant will pay an equitable financial share for the delivery of community infrastructure, including parkland to serve Cornell Centre in accordance with the Cornell Master Parks Agreement. Nearby parks will include a proposed 0.43ha (1.06ac) park block on lands to the west of the subject property (west side of the YRRTC facility), which are part of a draft approved plan of subdivision (City File SU 16 117108). Additional parkland will also be required on adjacent sites to the east, and assessed when development proposals for those lands are submitted to the City in accordance with the Planning Act requirements in effect at that time.

Shared outdoor amenity space on the subject property includes a 10 m (32.8 ft) wide landscaped area and walkway through the centre portion of the stacked townhouse buildings containing a 'community square' with seating and children's play area (i.e. 'tot lot'). This configuration could potentially extend into future developments to the east, to provide a continuous east/west pedestrian and bicycle link from Bur Oak Avenue to the YRRTC transit facility. The proposed mixed-use apartment building contains a 725 m² (7804ft²) rooftop terrace which will be landscaped and contain seating areas. For private amenity space, each apartment dwelling will have access to a private balcony. The lower stacked townhouse units will have access to private patios and balconies and the upper units will have access to private rooftop terraces.

Sustainability Initiatives and Bird Friendly Guidelines

The applicant has committed to constructing a LEED building in accordance with the 2009 City Policy, which requires that all medium and high rise residential developments achieve at least LEED Silver. The checklist itemizing the proposed sustainable features is provided in Appendix 'B' and will be secured through the site plan agreement. Additionally, the applicant will be required to comply with the City of Markham's 2014 Bird Friendly guidelines and be dark sky compliant.

Traffic, Parking and Transportation Demand Management (TDM)

A Traffic Impact Study (TIS) has been submitted in support of the proposed site plan application, which has been reviewed by Transportation Planning staff. One outstanding comment respecting the TIS is that it be updated to account for the Passenger Pick Up and Drop Off (PPUDO) for the YRRTC facility, to ensure that traffic associated with the bus terminal is included in the future traffic analysis. Acceptance of the TIS will be required prior to the formal issuance of site plan endorsement (Appendix 'A').

Market Rate Condominiums are Proposed

Cornell Centre is within a Key Development Area in the 2014 Official Plan. As a strategy to support affordable housing, 35% of new housing units in KDAs in the 2014 OP are targeted to be affordable to low and moderate income households. The applicant has advised that the development will consist of market rate condominiums, which include a range of housing unit types and sizes. The applicant advises that 'over 35% of the unit supply are studio and one-bedroom layouts, combining apartments and multiple dwellings' within the proposed development. The smaller unit sizes will be accessible a broader income range.

Servicing

Servicing allocation is available for the 259 apartment dwellings and 312 stacked townhouse dwellings within the proposed development. The Engineering department has not identified any issues with respect to the capacity of municipal services, however the technical engineering review will need to be completed prior the formal issuance of site plan endorsement (Appendix 'A').

Draft Plan of Condominium Required

A Draft Plan of Condominium application, to allow the sale of the individual apartment dwelling units, non-residential units and to create the common elements, will be required. The authority to approve the Draft Plan of Condominium is delegated to the Director of Planning and Urban Design. This application has not yet been submitted.

Section 37 Agreement

As noted, a Holding provision exists on the subject lands which requires the applicant to enter into a Section 37 Agreement with the City to provide a financial contributions for public art and community benefits. This will be secured through the site plan agreement and is included as a condition in Appendix 'A'.

Region of York Approval

The Region of York requires further information related to dewatering on the subject lands, a construction management plan and registration of the plan of subdivision prior to the issuance of site plan approval. Notwithstanding, the Region has not identified any specific concerns related to the proposed development. A clearance letter from the Region of York is required prior to the formal issuance of site plan endorsement (Appendix 'A').

Toronto Region Conservation Authority (TRCA) Approval

The TRCA has provided comments and outstanding matters include:

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- Obtaining approvals and permits for realigning a tributary, as part of the related subdivision application;
 - Providing further analysis on the water balance strategy for the entire site;
 - Technical comments related to groundwater movement and permanent dewatering.

A clearance letter from TRCA is required prior to the formal issuance of site plan endorsement (Appendix 'A').

Developers Group Clearance

A clearance letter from the Trustee of the Cornell Developers Group is required prior to the issuance of site plan approval, confirming that all outstanding Group obligations, financial or otherwise, have been satisfied (Appendix 'A').

CONCLUSION:

It is the opinion of Staff that the proposed development is appropriate and represents good planning. It will meet the City's policy objectives by diversifying the housing stock, improving housing choice and affordability, as well as providing compact built form and a level of intensification in high-rise and mid-rise buildings within the existing urban boundary. It is therefore recommended that the Site Plan Control application be endorsed in principle, with authority for final site plan approval delegated to the Director of Planning and Urban Design, subject to the conditions provided in Appendix 'A'.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development aligns with the strategic priorities for growth management, transportation and the environment.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various departments and external agencies and their requirements and comments have been taken into consideration.

Biju Karumanchery, M.C.I.P., R.P.P.
Director of Planning & Urban Design

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1 – Site Location Map
Figure 2 – Area Context/Zoning
Figure 3 – Aerial Photograph
Figure 4 – Draft Approved Plan of Subdivision
Figure 5 – Proposed Site Plan
Figure 6 – Proposed Elevations – Southeast View
Figure 7 – Proposed Elevations – Northeast View
Appendix 'A' – Site Plan Conditions
Appendix 'B' – Sustainable Features

Appendix 'A'
Site Plan Conditions
2431988 Ontario Ltd.
SC 19 136374

That prior to Site Plan Endorsement:

1. The Owner shall provide a clearance letter from the Toronto Region Conservation Authority (TRCA) advising that any outstanding conditions, financial or otherwise have been cleared to the satisfaction of the TRCA.
2. The Owner shall provide a clearance letter from the Region of York advising that any outstanding conditions, financial or otherwise have been cleared to the satisfaction of the Region.
3. That any outstanding City staff comments related to the technical review of the site plan application be addressed to the satisfaction of the Director of Planning and Urban Design or his designate, including final approval of a traffic impact study, building elevations and landscaping drawings.
4. That the Owner obtain approval of any required variances identified through the technical site plan review, or revise the site plan application accordingly to comply with the provisions By-law 177-96, as amended.

That the Owner shall enter into a Site Plan Agreement with the City containing all standards and special provisions and requirements of the City and external agencies, including but not limited to:

1. Provisions for the payment by the Owner of all applicable fees, recoveries, development charges and any other financial obligations and securities.
2. Provisions for a Section 37 Agreement with the City, including provisions for Public Art, to the satisfaction of the Director of Planning and Urban Design.
3. Provisions to satisfy all of the Region of York requirements
4. Provisions to satisfy all of the Toronto Region Conservation Authority requirements.
5. That the Owner agrees to implement Bird Friendly measures and Dark Sky lighting to the satisfaction of the Director of Planning and Urban Design.
6. That the Owner agrees to implement the Transportation Demand Management Plan and provide the respective Letter of Credit to the satisfaction of the Director of Engineering.
7. That the Owner agrees to implement the sustainable design features attached as Appendix 'B', including LEED silver certification as a minimum, to the satisfaction of the Director of Planning and Urban Design.

That prior to the execution of the Site Plan Agreement and issuance of Site Plan Approval:

1. The Owner shall submit final site plans, building elevations, engineering drawings, lighting plans, landscape plans, along with any other drawings, plans, studies, reports which are required to comply with the requirements of the City and external agencies, to the satisfaction of the Director of Planning and Urban Design;
2. The Owner shall provide a clearance letter from the Trustee of the Cornell Developers Group advising that all outstanding conditions related to site servicing, financial or otherwise, have been satisfied.