

SUBJECT: PRELIMINARY REPORT
Dorsay Development Corporation
Application for Official Plan Amendment to permit a mixed-use development consisting of two 24-storey residential buildings and a four-storey office building on the north side of Highway 7, east of Rodick Road, in Markham Centre (Ward 2)
File No. PLAN 20 127887

PREPARED BY: Sabrina Bordone, M.C.I.P., R.P.P., extension 8230
Senior Planner, Central District

REVIEWED BY: Stephen Lue, M.C.I.P., R.P.P., extension 2520
Manager, Central District

RECOMMENDATION:

1. That the report titled “PRELIMINARY REPORT, Dorsay Development Corporation, Application for Official Plan Amendment to permit a mixed-use development consisting of two 24-storey residential buildings and a four-storey office building on the north side of Highway 7, east of Rodick Road, in Markham Centre (Ward 2), File No. PLAN 20 127887”, be received.

PURPOSE:

This purpose of this report is to provide preliminary information on an application for Official Plan Amendment (the “Application”) submitted by Dorsay Development Corporation (the “Owner”). This report contains general information on the applicable Official Plan policies and the identified issues and should not be taken as Staff’s opinion or recommendation on the Application.

BACKGROUND:

Subject Lands and Area Context

The 1.05 ha (2.59 ac) vacant subject lands are located on the north side of Highway 7, east of Rodick Road (the “Subject Lands”), as shown on Figure 1. Circa Drive bisects the Subject Lands as follows:

- a) the west parcel (the “West Parcel”), measuring 0.72 ha (1.77 ac) in size
- b) the east parcel (the “East Parcel”), measuring 0.33 ha (0.82 ac) in size

The public parkland, previously conveyed by the Owner to the City, is located immediately to the north on the Subject Lands. There is an existing agreement between the Owner and City to allow for underground parking to extend beneath the public parkland. Figure 3 shows the surrounding land uses.

The Subject Lands represent the last phase (Phase 3) of the Circa Development. Figure 3 shows Phase 1 comprised of the existing 155 townhouses on the south side of Cox Boulevard, east and west of Circa Drive, and the 16-storey residential building along Town Centre Boulevard. Phase 2 is comprised of another 16-storey residential building along Highway 7. Both of the 16-storey residential buildings share a common four-storey podium that was constructed as part of Phase 1.

Process to date:

Staff deemed the Application complete on November 2, 2020.

The next steps in the Planning process include:

- Holding the statutory Public Meeting at a future date, when appropriate
- Consideration of a Recommendation Report by the Development Services Committee (“DSC”)

After a decision on the Application is made, future submission and approval of a Zoning By-law Amendment and Site Plan Control applications would be required prior to development.

The Proposed Development

The Owner proposes a mixed-use development consisting of two residential buildings on the West Parcel and an office building on the East Parcel (collectively described as the “Proposed Development”), as shown conceptually in Figures 4 and 5, and further described below:

Table 1: Proposed Development		
	West Parcel	East Parcel
Proposed Uses	Residential and Retail	Office and Retail
Building Height	Two 24-storey buildings	Four-storeys
Podium Height	Eight-storeys with integrated step backs	Three-storeys with step back to fourth storey
Units	559	N/A
Density (Floor Space Index – “FSI”)	7.1	2.0
Approximate Gross Floor Area (“GFA”)	50,709 m ² (545,828 ft ²)	6,739 m ² (72,535 ft ²)
Approximate Residential GFA	49,939 m ² (537,541 ft ²)	N/A
Approximate Retail GFA	770 m ² (8,287 ft ²) at grade and closer to Circa Drive	1,238 m ² (13,320 ft ²) at grade

Table 1: Proposed Development		
	West Parcel	East Parcel
Approximate Office GFA	N/A	5,501 m ² (59,214 ft ²)
Vehicular Access	West side of Circa Drive	East side of Circa Drive
Parking	Approximately 1,120 spaces overall (encompasses the West and East Parcels and primarily located underground, with extension below the public parkland)	

Provincial and Regional Policy Conformity

In considering the Application, Staff will assess consistency with the 2020 Provincial Policy Statement (the “PPS”), conformity with the 2019 Growth Plan for the Greater Golden Horseshoe (The “Growth Plan”), and conformity with the York Region 2010 Official Plan (the “Regional OP”).

2014 Markham Official Plan (the “2014 Official Plan”)

The 2014 Official Plan, as partially approved on November 24, 2017, and updated on April 9, 2018, designates the East Parcel “Mixed Use High Rise” and the West Parcel “Mixed Use Office Priority.”

Lands within the “Mixed Use High Rise” designation represent priority locations with the greatest level of development intensification. Unless specified in a secondary plan or site-specific policy, the “Mixed Use High Rise” designation permits a maximum building height of 15-storeys and a maximum density of three times the area of the lands (Floor Space Index – “FSI”).

The “Mixed Use Office Priority” designation permits primarily office employment uses, but may also permit multiple-unit residential uses and street-related retail and service uses integrated with the office uses. Residential development would only be permitted if a majority of the GFA on a development site is office employment uses as set out in an implementing zoning by-law.

The policies of the 2014 Official Plan indicate that the land use designations for the Regional Centre-Markham Centre lands, shown on Map 3 of the 2014 Official Plan, and the related policies, shall be used to inform the update of the Markham Centre Secondary Plan. The policies also indicate that until an updated secondary plan is approved for the Regional Centre-Markham Centre lands, the provisions of the 1987 Official Plan, as amended, and the 1997 Markham Centre Secondary Plan (“OPA 21”), as amended, shall apply to the Subject Lands.

Local Planning Appeal Tribunal (the “LPAT”) Appeal

In July 2014, the Owner appealed the Region’s decision to approve the 2014 Official Plan to the Ontario Municipal Board (the “OMB”), now the LPAT, which included the

application of the “Mixed Use Office Priority” designation on the West Parcel. On February 5, 2020, the Owner and City entered into Minutes of Settlement (“MOS”). As part of the MOS, the parties agreed that the Owner would file an application for an Official Plan Amendment to address the Owner’s desired designation of the West Parcel and that the application would be processed and considered by Council in advance of the Markham Centre Secondary Plan Update Study process. The MOS also indicates that when the Application is brought to Council for consideration, City Staff will recommend that Council endorse a recommendation either in support of, or in opposition to the Application, and Council’s position, if any, will then be considered and heard by the LPAT as part of the Dorsay 2014 OP appeal.

The 1987 Town of Markham Official Plan (the “1987 Official Plan”)

As mentioned above, the 1987 Official Plan still applies to the subject lands. The 1987 Official Plan designates the Subject Lands “Commercial – Community Amenity Area”. The planned function of the “Community Amenity Area” designation is to provide for a multi-use, multi-purpose centre with a diverse range of retail, services, community, institutional and recreational uses. Office development and medium and high-density housing at appropriate locations are also provided for in this designation.

OPA 21, as Amended by Official Plan Amendment 96 (“OPA 96”)

OPA 21 designates the Subject Lands “Community Amenity Area – Major Urban Place.” Site-specific OPA 96 amended OPA 21 to restrict the permitted uses and some development standards on the Subject Lands to the following:

Table 2: Site-Specific OPA 96 Approved Development Standards		
	West Parcel	East Parcel
Uses	Two office buildings with retail	One office building with retail OR one retirement home OR one nursing home
Minimum Building Floor Area	10,000 m ² for each building	13,000 m ²
Maximum Building Height (above sea level – “ASL”)	<u>Westerly Building</u> 210 m (four-storeys) <u>Easterly Building</u> 212 m (five-storeys)	213 m Office Building: five-storeys OR Retirement Home/Nursing Home: six to seven-storeys

The draft Official Plan Amendment (“draft OPA”) submitted by the Owner in support of the Application proposes to permit additional uses on the Subject Lands that include, but are not limited to, high density residential uses, restaurants and hotels, as well as providing for site-specific heights, unit counts and densities for both Parcels.

Zoning

Site-specific Zoning By-law 2002-251 (“By-law 2002-251”), which amends the Parent Zoning By-law 177-96 (see Figure 2), zones the West Parcel “Community Amenity Two - *170, *172 Hold” [CA2*170*172(H)] and zones the East Parcel “Community Amenity Two - *169, *172 (Hold)” [CA2*169*172(H)]. Similar to OPA 96, By-law 2002-251 restricts the permitted uses on the Subjects Lands, provides site-specific development standards, and permits required parking in an underground parking garage that extends under the public parkland to the north.

A Zoning By-law Amendment application is required to permit the Proposed Development, which the Owner advises will be submitted to the City in the near future.

OPTIONS/ DISCUSSION:

The following summarizes the issues raised to date for consideration. These matters, among others identified through the circulation and detailed review of the Application will be addressed, if necessary, in a final report to DSC:

- 1) Review of the submitted Planning Opinion Report and draft OPA, prepared by Malone Given Parsons Ltd. Staff will provide further comments on these documents, if necessary, in a future Recommendation Report.
- 2) Review of the Proposed Development in the context of the existing policy framework, and with regard to the emerging policy framework of the Markham Centre Secondary Plan Update Study, which the City is currently undertaking. As previously noted, in accordance with the approved MOS, the Application may be processed and considered by Development Services Committee in advance of completion of the Markham Centre Secondary Plan Update Study.
- 3) Review of the appropriateness of the Proposed Development having regard for the following:
 - a) compatibility with the existing and planned surrounding land uses;
 - b) the appropriateness of the proposed uses, density and building heights;
 - c) the amount of required office employment uses in light of the requirements of OPA 96 and By-law 2002-251;
 - d) affordable housing, purpose-built rental, senior focus housing, and family friendly units;
 - e) built form and massing, building orientation, and transitions with particular focus on impacts to the existing residential area immediately north of the Subject Lands;
 - f) sun and shadow analysis and angular plane study and the impacts to the immediate surrounding area, which the Owner must mitigate to the satisfaction of the City;
 - g) traffic impacts and driveway access restrictions to Circa Drive;
 - h) appropriateness, functionality and programmability of parkland.

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- 4) The Owner requests that the parking standards from the Markham Centre Zoning By-law 2004-196, as amended, be applied for the Proposed Development. These rates are lower than the parking standards set out in the City's Parking Standards By-law 28-97, as amended. Staff have requested that further information be submitted to justify the application of the Markham Centre Zoning By-law 2004-196 parking standards to the Proposed Development and acknowledge that parking rates will be assessed during the review of a future application for a Zoning By-law Amendment.
 - 5) Review of all technical studies submitted in support of the Proposed Development including, but not limited to, the following:
 - a) Functional Servicing and Stormwater Management Report;
 - b) Transportation Impact and Demand Management Study;
 - c) Angular Plane Study;
 - d) Sun and Shadow Analysis;
 - e) Urban Design Brief.
 - 6) The Subject Lands are located within and governed by the Toronto/Buttonville Airport zoning regulation area and impacts of the proposed building heights must be reviewed. Building heights in excess of the maximum height permitted by the airport zoning order would require Transport Canada to lift the current height restrictions. Should Council approve heights above the Airport Height Restrictions, the future site-specific zoning amendment will include an H - Holding Provision limiting building heights to the current Airport Height restrictions until these restrictions have been lifted by Transport Canada.
 - 7) Further discussions between York Region, the City, and the Owner are required to determine the potential to implement a full-moves signalized intersection at Circa Drive and Highway 7. Signalization would improve pedestrian connectivity from the Subject Lands to the rest of Markham Centre. This issue will be further reviewed as part of the ongoing Markham Centre Secondary Plan Update Study process, which will provide a comprehensive review of the resulting land uses and transportation system within Markham Centre.
 - 8) The Proposed Development will have regard for any requirements of external agencies including, but not limited to, York Region.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Proposed Development will be reviewed in the context of the City's strategic priorities, including Growth Management, Transportation/Transit and Environment.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Application has been circulated to various departments and external agencies and their requirements will be addressed as part of a future recommendation report, if necessary.

RECOMMENDED BY:

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: Location Map

Figure 2: Area Context/Zoning

Figure 3: Air Photo

Figure 4: Proposed Development (Roof Plan/Site Plan)

Figure 5: 3D Mass Models

OWNER:

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