

SUBJECT: RECOMMENDATION REPORT
2690622 Ontario Inc. (Kingdom - Markham Centre)
Application for Site Plan Approval to facilitate a mid-rise
mixed-use residential building at 4077 and 4101 Highway 7
East, Markham Centre (Ward 3)

File No. SPC 20 112580

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

RECOMMENDATION:

1. THAT the report titled “RECOMMENDATION REPORT, 2690622 Ontario Inc. (Kingdom - Markham Centre), Application for Site Plan Approval to facilitate a mid-rise mixed-use residential building at 4077 and 4101 Highway 7, Markham Centre (Ward 3), File No. SPC 20 112580”, be received;
2. THAT the Site Plan Control application (File No. SPC 20 112580) submitted by 2690622 Ontario Inc. (Kingdom - Markham Centre) be endorsed in principle, subject to the conditions attached as Appendix “A” 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 the Site Plan Agreement is not executed within that period;
4. THAT Council assign up to 331 units of servicing allocation for 2690622 Ontario Inc. (Kingdom - Markham Centre), Site Plan Control File SPC 20 112580; and
5. THAT Staff be authorized and directed 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 application, subject to the conditions attached in Appendix ‘A’, to permit a 331 unit, eight-storey, mixed-use residential building on the subject lands. The subject lands are located on the south side of Highway 7, east of Birchmount Road and is municipally known as 4077 and 4101 Highway 7 (Figures 1 to 3). 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 part of a previously approved Zoning By-Law Amendment and draft approved plan of subdivision. The subject Site Plan application is permitted by the

existing zoning, subject to minor variance application, which is considered supportable. Applications for Official Plan and Zoning By-law Amendments have also been submitted on the subject lands to facilitate proposed future development phases and will be addressed in separate reports.

Staff are generally satisfied with the proposed site plan, building elevations, and landscape.

PURPOSE:

This report recommends endorsement in principle, of a Site Plan application (the “Application”) submitted by 2690622 Ontario Inc. (Kingdom - Markham Centre) (the “Owner”) to facilitate the development of a mid-rise mixed-use residential building consisting of 331 units on the phase 1 portion of the subject lands.

BACKGROUND:**Site and Area Context**

The subject lands total approximately 2.41 ha (5.96 ac) and consist of a three-phased, mixed-use development (the “Overall Subject Lands”), as shown on Figure 6. The area subject to this report, the Phase 1 development, represents approximately 0.96 ha (2.37 ac) of the Overall Subject lands (the “Phase 1 Lands”). The Phase 1 Lands are located along the south side of Highway 7, east of Birchmount Road (municipally known as 4077 and 4101 Highway 7). Sheridan Nurseries Garden Centre currently operates on the Overall Subject Lands. Figure 3 shows the surrounding land uses.

For context purpose and subject to a future report to the DSC, in their 2019 Official Plan and Zoning By-law Amendment Applications (the “2019 Applications”), the Owner proposes the following in phases 2 and 3:

- a) Phase 2:
551 residential units in one podium and tower building with a height of 34-storeys. Staff are currently negotiating with the Owner to reduce the height to approximately 20-storeys. If the Owner agrees to a reduced height, the Owner would submit a future Site Plan application to facilitate the development of this phase.
- b) Phase 3:
1,106 units in two buildings on a shared podium with heights of 43 and 47-storeys.

The 2019 Applications propose to increase the building height from 25-storeys to 47-storeys and increase the density on the Overall Subject Lands from 1,225 units to approximately 2,000 units. The 2019 Applications are currently under review and will be evaluated in the context of the current Markham Centre Secondary Plan Update study.

Process to Date

- On July 23, 2014, the City draft approved a Plan of Subdivision File No. SU 12 111289 (the “Approved Draft Plan”) for the Overall Subject Lands (See Figure 6),

which the City extended on November 25, 2019. On January 28, 2014, Zoning By-Law 2014-9 was also approved for the Overall Subject Lands, which permits a mixed-use development consisting of 1,225 residential units, a maximum 4,900 m² (52,743 ft²) of commercial uses, building heights of six to 25-storeys.

- The Site Plan application was submitted on April 20, 2020.

Next Steps:

- Subject to endorsement in principle by the DSC, the site plan would be formally endorsed by Staff subject to the endorsement conditions attached to this report (Appendix “A”).
- Approval of variances through the Committee of Adjustment are required to address non-compliance matters identified through the site plan review.
- Site Plan Approval can be issued upon execution of a Site Plan Agreement, after clearance of endorsement conditions and registration of the subdivision application noted above.
- Removal of the Holding (H) Provision through a By-law Amendment (see Zoning section).
- Submission of a Draft Plan of Condominium application, followed by the condominium registration.

The Proposal

The Owner proposes to demolish the existing Sheridan Nurseries facilities on the Overall Subject Lands and develop the Phase 1 Lands with a mid-rise mixed-use residential building consisting of the following (the “Proposed Development”):

Table 1: Proposed Development on the Phase 1 Lands	
Gross floor area (“GFA”)	25,048.10 m ² (269,616 ft ²)
Residential GFA	22,959.13 m ² (242,130 ft ²)
Retail GFA	560.47 m ² (6,033 ft ²)
Indoor amenity space	667.95 m ² (7,190 ft ²)
Outdoor amenity space	1,254 m ² (13,498 ft ²)
Total residential units	331
Maximum density	2.62 FSI (345 units per hectare)
Maximum building height	8 storeys, excluding mechanical penthouse
Total parking spaces (within two levels of underground parking)	385
Bicycle parking spaces	114

The Proposed Development represents the first phase of a three-phase development proposal on the Overall Subject Lands. The Owner proposes high-density residential mix-

use developments for the second and third phases, which are subject to Staff review under separate applications.

Official Plan and Zoning

2014 Markham Official Plan (the “2014 OP”)

The 2014 OP designates the Phase 1 Lands “Mixed-Use Mid Rise”, which supports residential intensification along with a mix of commercial and other uses as specified within the Official Plan. Unless specified in a secondary plan or site-specific policy, the “Mixed-Use Mid Rise” designation permits a maximum building height of eight-storeys and maximum density of 2.0 FSI.

The policies of the Official Plan indicate that until an updated secondary plan is approved for the Regional Centre-Markham Center lands, the provisions of the 1987 Town of Markham Official Plan (the “1987 OP”), as amended, and the 1997 Markham Centre Secondary Plan (“OPA 21”), as amended, shall apply to the Subject Lands.

The 1987 OP

The 1987 OP designates the Subject Lands “Commercial - Community Amenity Area”, which permits a diverse range of residential, retail, services, community, institutional and recreational uses. Provisions related to this designation are further detailed and refined in the Secondary Plan (OPA 21), including the establishment of additional development requirements and restrictions on land use.

OPA 21

OPA 21 designates the Subject Lands “Community Amenity Area - General”, which permits medium and high-density residential uses with a general maximum building height of six-storeys and a maximum permitted density is 148 units per hectare (“UPH”). See the Required Minor Variance Application section below for the Proposed Development policy conformity discussion.

Zoning

By-law 2004-196, as amended by site-specific By-law 2014-9 (the “By-law”), zones the Subject Lands “Markham Centre Downtown Two *22(Hold) - MC-D2*22(H)”, as shown on Figure 2, the intent of which is generally consistent with the Proposed Development. The By-law permits a maximum height of “the lesser of 6 storeys or 20 m” along the Highway 7 frontage of the Phase 1 Lands. A “maximum height of 30 m” is permitted at the south half of the Phase 1 Lands. The By-law also contains a Holding (H) provision, which must be lifted prior to issuance of building permits in accordance with the following conditions:

- a) an approved precinct plan
- b) entering into a subdivision agreement
- c) confirmation of municipal servicing supply and capacity
- d) execution of a Site Plan Agreement
- e) entering into a developers group agreement/cost sharing agreement
- f) entering into a Section 37 Agreement
- g) an approved Traffic Impact Study/TDM Plan.

Minor Variance Application is required

The Owner is required to submit a Minor Variance application to permit the development of the Phase 1 Lands to facilitate the Proposed Development, which ranges in height to a maximum eight-storey mid-rise mixed-use building. Though OPA 21 permits a six-storey building on the Phase 1 Lands, section 3.8 also permits specific building heights deemed appropriate by Council without an Official Plan Amendment if the Proposed Development meets the purpose and intent of the policies, being a mid-rise mixed use built form.

Furthermore, section 24(4) of the *Planning Act* states that if a by-law is passed under Section 34 by Council, the by-law shall be “conclusively deemed to be in conformity with the official plan.” In 2014, Markham Council approved the By-law (site-specific By-law 2014-9), which established the density for the Overall Subject Lands (1,225 units) and included the mid-rise built form on the Phase 1 Lands (see Table 2).

Table 2: Building Height - By-law Provision Comparisons		
	The By-law (2014-9)	Proposed Development
Building Height	Split requirements: <ul style="list-style-type: none"> • maximum height the lesser of six storeys or 20 m (north half of the Phase 1 Lands along Highway 7) • maximum height of 30 m (south half of the Phase 1 Lands) 	Maximum eight-storeys or 27.9 m excluding the Mechanical Penthouse (“MPH”)

The Proposed Development consists of 331 units, which is well within the density requirements established in the By-law. Furthermore, the development of the Phase 1 Lands would see a normalized mid-rise building height distribution consistent with the surrounding and existing developments along Highway 7. The increased building height to eight storeys would focus at the “wings” as height would step down to two-storeys towards the mid-point of the Proposed Development.

Therefore, Staff can support a variance to increase the Proposed Development building height on the Phase 1 Lands. Staff have advised the Owner to apply for a Zoning Preliminary Review to identify the exact parameters of their Minor Variance prior to the submission of their application.

OPTIONS/ DISCUSSION:

The Owner’s Proposed Development involves the relocation of the primary access off the future Sheridan Street (public) to the west and a future public street to the east (Street “H”), as shown on Figure 4, to a private east west road located on the south side of the Phase 1 Lands. Since the approval of the Draft Plan in 2014, minor revisions have been identified that would need to reflect the Proposed Development on the Phase 1 Lands. The Owner has committed to work with the City to reconcile the minor revisions to the

Approved Draft Plan as it pertains to the Phase 1 Lands, which has been included as a condition of site plan endorsement in Appendix “A.”

To provide street animation, the Owner includes 560.47 m² of grade-related retail space along the west-wing of the proposed building fronting the future Sheridan Street. The proposed 667.95m² indoor amenity space in this location would contribute to street front animation. A private 1,254 m² outdoor amenity space in the rear courtyard offers a playground and an additional landscaped area, as shown on Figure 4. The rear courtyard also provides accessible, carpool, and bicycle parking (with a bike repair station).

Urban Design Review

Urban Design Staff are generally satisfied with the Proposed Development on the Phase 1 Lands, and as such, input from the City of Markham Design Review Panel was not necessary. The Owner continues to work with Urban Design Staff to satisfy all outstanding matters related, but not limited to, minor updates to the building and site design and the finalization of the grading, elevation, and landscape plans, and cost estimates, subject to the conditions of approval in Appendix “A.” The applicant has also 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.

Development Engineering Review

Development Engineering Staff reviewed the Proposed Development and concluded that the infrastructure required to service the development is contingent on the registration of the Approved Draft Plan for the Phase 1 Lands. The resolution of the final servicing details and financial securities are expected to be included in the Subdivision Agreement for the Phase 1 Lands, prior to site plan approval. The Owner has committed to continue working with Development Engineering Staff to satisfy all outstanding matters in this regard, subject to the conditions of approval in Appendix “A.” Development Engineering Staff also note that Highway 7 is a Regional Road, deferring the review and approval of the proposed watermain, drainage and grading within the Regional right-of-way to York Region.

Transportation Engineering Review

Transportation Engineering Staff, in their review, expressed the need for the easterly public road (Street “H”) and its connection to the easterly extension of Rougeside Promenade to the future Sciberras Road extension for the full build out of the Overall Subject Lands (the “Ultimate Road Condition”). The Owner proposes to access the Phase 1 Lands through a private driveway off Highway 7 on an interim basis. However, the Ultimate Road Condition would be realized upon the development of the lands to the east of the Overall Subject Lands (i.e. 4121 Highway 7 East, is also currently owned by the Owner).

As part of the conditions of the Approved Draft Plan, staff will request the extension of the future Sheridan Street to Rougeside Promenade. The Owner will continue to work with the Transportation Engineering Staff to finalize the Ultimate Road Conditions for

the Overall Subject Lands and other matters including the Transportation Demand Management (“TDM”) Plan, subject to the conditions of approval in Appendix “A.”

York Region Review

The Phase 1 Lands abut Highway 7 and required circulation of the Application to York Region. York Region provided their comments in a letter dated December 17, 2020, which stated that prior to their endorsement of the site plan, the following matters must be satisfied, which include but are not limited to:

- a) York Region requests to be a party to a Site Plan Agreement
- b) the Owner satisfies all drawing and technical requirements
- c) the Owner satisfies all financial and insurance requirements and property conveyance requirements including, but not limited to, road widening of Highway 7 and daylight triangles at proposed intersections
- d) environmental site assessment approval
- e) encroachments review
- f) water and waste water servicing capacity and allocation
- g) dewatering review
- h) landscape and streetscape design along Highway 7
- i) all transportation planning related matters.

The Region has also outlined the requirements the Owner must satisfy to obtain Regional clearance prior to the execution of the Site Plan Agreement. The Owner continues to work with York Region to satisfy these and all other outstanding matters at this time, subject to the conditions of approval in Appendix “A.”

Toronto and Region Conservation Authority (“TRCA”) Review

The Overall Subject Lands lie within the TRCA regulated area. TRCA provided their comments in a letter dated January 15, 2021, which noted that prior to the endorsement or conditional approval of the Application, the following matters must be satisfied, which include but are not limited to:

- a) confirming TRCA’s Regulated Area in relation to the Phase 1 Lands and the development limit
- b) delineating the regulatory flood plain in relation to the Phase 1 Lands and proposed easterly public road (Street “H”)
- c) confirming site plan conformity with the Approved Draft Plan and identifying any required red-line revisions to the said Draft plan
- d) satisfying the conditions of the Approved Draft Plan

The Owner continues to work with the TRCA to satisfy the conditions of approval in Appendix “A.”

FINANCIAL CONSIDERATIONS

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Proposed Development is being reviewed in the context of a safe, sustainable and complete community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Proposed Development has been circulated to internal City departments and external agencies, including York Region and TRCA, for review and comment. All comments/requirements of these departments and agencies are or will be reflected in the final project plans or will be secured in the Site Plan Agreement.

CONCLUSIONS

Staff opine that the Proposed Development on the Phase 1 Lands is appropriate and represents good planning for the reasons contained in this report. It meets the objectives of the 2010 YROP, OPA 21, has regard for the 2014 OP, and meets the intent of the By-law. Therefore, Staff recommend that the Application (File No. SPC 20 112580) be endorsed in principle, and that authority for the final Site Plan Approval be delegated to the Director of Planning and Urban Design, subject to the conditions provided in Appendix "A."

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P, R.P.P
Commissioner of Development Services

Arvin Prasad, M.C.I.P.,R.P.P.
Director, Planning and Urban Design

ATTACHMENTS:

Figure 1: Location Map
Figure 2: Area Context/Zoning
Figure 3: Aerial Photo (2020)
Figure 4: Site Plan
Figure 5: Elevations
Figure 6: Draft Approved Plan of Subdivision

APPENDICES:

Appendix "A" – Conditions of Site Plan Approval

File path: Amanda\File 20 112580\Documents\Recommendation Report

APPENDIX “A”
City of Markham
Conditions of Site Plan Approval
2690622 Ontario Inc. (Kingdom - Markham Centre) 4077 and 4101 Highway 7
File No. SPC 20 112580

1. Site Plan Endorsement

Prior to Site Plan Endorsement, the following shall be fulfilled:

- a) The Owner shall obtain approval of any required minor variances identified through the technical site plan review, which must be approved by the City of Markham Committee of Adjustment and that the decision of the Committee of Adjustment shall be final and binding.
- b) The Owner shall submit a Zoning By-law Amendment application to facilitate the removal of the Holding (H) Provision on the Phase 1 Lands and that a by-law be enacted, to the satisfaction of the Commissioner of Development Services.
- c) The Owner shall provide any required amendments to Approved Draft Plan and related conditions and that the Phase 1 Lands Subdivision Agreement be executed together with the registration of the Phase 1 Lands, to the satisfaction of the Commissioner of Development Services.
- d) The Owner shall provide a clearance letter from the Trustee of the Markham Centre Landowners Group advising that the Owner has met their cost sharing obligations.
- e) The Owner shall satisfy all outstanding comments and technical requirements of City departments and applicable external agencies, and make necessary revisions to the satisfaction of the Director of Engineering and the Director of Planning and Urban Design.

2. Site Plan Agreement

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

- a) Provision for the payment by the Owner of all applicable fees, recoveries, development charges, cash-in-lieu of parkland, and any other financial obligations and securities.
- b) 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.

- c) Provision for any easements and right-of-way dedications, if applicable.
- d) Provision to ensure all requirements of York Region are satisfied.
- e) Provision to ensure all requirements of the Toronto and Region Conservation Authority (“TRCA”) are satisfied.
- f) The Owner agrees to finalize and implement the Transportation Demand Management Plan and provide the respective Letter of Credit, to the satisfaction of the Director of Engineering.
- g) The Owner agrees to implement Bird Friendly measures and Dark Sky lighting to the satisfaction of Director of Planning and Urban Design.
- h) The Owner shall agree to provide written confirmation from a qualified LEED consultant certifying that minimum LEED Silver for the Proposed Development has been achieved, to the satisfaction of the Commissioner of Development Services.

3. Site Plan Approval

Prior to the execution of Site Plan Agreement and issuance of Site Plan Approval, the Owner shall ensure the following:

- a) The Owner shall submit final site plans, building elevations, engineering, drawings, lighting plans, landscape plans, along with any other drawings, plans, studies and reports including, but not limited to, a Construction Management Plan, which are required to comply with the requirements of the City and applicable external agencies, to the satisfaction of the Director of Planning and Urban Design.