



Report to: Development Services Committee

Meeting Date: February 22, 2021

SUBJECT: PRELIMINARY REPORT
Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments) Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision to permit a high rise residential mixed-use development located at the Southwest Corner of Cedarland Drive and Warden Avenue, Markham Centre (Ward 8)

File No. PLAN 20 123292
(Previously File No. ZA 18 108856)

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RECOMMENDATION:

1. That the report titled “PRELIMINARY REPORT, Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments), Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision to permit a high rise residential mixed-use development located at the Southwest Corner of Cedarland Drive and Warden Avenue, Markham Centre (Ward 8), File No. PLAN 20 123292”, be received.

PURPOSE:

The purpose of this report is to provide preliminary information on the Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications submitted by Lifetime Developments (the “Owner”). This report contains general information regarding applicable Official Plan and/or other policies, as well as related issues and should not be taken as Staff’s opinion or recommendation on the applications.

BACKGROUND:

Subject Lands and Area Context

The approximately 2.35 ha (5.82 ac) subject lands are located south of Cedarland Drive, between Warden Avenue and South Town Centre Boulevard (the “Subject Lands”), as shown on Figures 1 and 3. The east portion of the Subject Lands are vacant, but contain trees and other vegetation, while the west portion consists of an existing surface parking lot and surrounding trees and other vegetation. The Subject Lands have no municipal address.

Figure 3 shows the surrounding land uses that include the following:

North: VIVA Next Bus Rapid Transit right-of-way, Cedarland Drive, Residential Uses and Songbird Park

East: VIVA Next Bus Rapid Transit right-of-way, Warden Ave., and Rouge River Valleylands

South: IBM flyover, IBM Road, Child Care/Early Education building, and Rouge River Valleylands

West: South Town Centre Blvd., IBM Software Lab, Markham District Energy building, and Business Park Employment Uses

Process to date

The original Zoning By-law Amendment application (File No. ZA 18 108856) was deemed complete on July 13, 2018, and was brought forward to the December 11, 2018, Development Services Committee in a Preliminary Report (the “Original Application”). The Ward 8 Councillor, Isa Lee, facilitated a Community Information Meeting on March 13, 2019, at the Milliken Mills Community Centre. A formal statutory Public Meeting was not held with the Original Application.

The Owner submitted a revised Zoning By-law Amendment application along with a new Official Plan Amendment and Draft Plan of Subdivision application (the “Applications”) under a new file number (File No. PLAN 20 123292). Staff deemed the new Official Plan Amendment and Draft Plan of Subdivision applications complete on November 20, 2020. Further details are provided in this report regarding: the past submission of the original Zoning By-law Amendment Application; the revised submission of the Zoning By-Law Amendment; and the new submission of an Official Plan Amendment and Draft Plan of Subdivision applications.

The next steps in the planning process include:

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

In the event of an approval, adoption of the site-specific Official Plan and Zoning By-law Amendments by Council, and draft approval of the Plan of Subdivision will occur. Future Site Plan Approval and Draft Plan of Condominium applications will follow.

Proposal has been revised since its original submission in 2018

The Original Application proposed a high density, residential mixed-use development within two development blocks consisting of five buildings (28 to 48 storey heights), separated by a private road, with 2,206 residential units, and a density of 939 units per hectare or 11.45 times the Subject Lands (Floor Space Index – “FSI”), as shown on Figure 7.

In their September 4, 2020, Addendum to the Planning Rational Report, the Owner identified that they revised their Original Application to address a number of matters raised by City of Markham, York Region, and external commenting agencies to improve the development of the Subject Lands, including:

- a) reduction in building heights (from 48 to 37 storeys) to comply with the height restrictions imposed by the nearby Buttonville Airport;
- b) reduction of the proposed number of buildings (from five to four buildings), location, orientation and separation distances between buildings to minimize shadow impacts within the site and on the surrounding area;
- c) integration of a greater mix of non-residential ground floor uses;
- d) reconsideration of the proposed private road as a public road for a seamless extension of Courtyard Lane from Cedarland Drive to the IBM Road, in support of a consistent public road network.

These revisions also resulted in a reduction of residential units from 2,206 units to 1,950 units and a reduction in density from 11.45 FSI (939 units per hectare) to 9.87 FSI (830 units per hectare). A more detailed accounting of the differences between the original zoning application and the current applications are noted in Table 1 below.

As part of this submission and after further discussion and review by staff, the Owner provided additional applications (i.e. an Official Plan Amendment and Draft Plan of Subdivision applications) in support their proposed development. A Precinct Plan accompanied the Original Application, as required by the in-effect Markham Centre Secondary Plan (“OPA 21”). Previously, applicants used Precinct Plans to facilitate proposed height and density increases beyond the permissions in OPA 21, and other parameters including detailed land use, the physical character and development form.

City staff requested that the Owner not submit a revised Precinct Plan as the City has determined that a Precinct Plan, being a non-statutory policy document, is not a suitable instrument for height and density increases. Furthermore, in light of the ongoing Markham Centre Secondary Plan update, this proposal will have regard for the overall evaluation of development concepts for the Secondary Plan review update. Therefore, the Owner submitted an Official Plan Amendment application to permit the proposed building height and density along with other technical amendments identified through Applications review. The Official Plan Amendment will assist in informing the Markham Center Secondary Plan update.

The land holdings that were originally owned by IBM Canada Ltd (“IBM”) included the Subject Lands. When the 2014 Official Plan was adopted, IBM submitted a site-specific appeal (case no. PL140743) to the Ontario Municipal Board (the “OMB”) now the Local Planning Appeal Tribunal (the “LPAT”). The basis of the appeal (Appeal No. 20) involved the 2014 Official Plan land use designations and the impacts on the entire IBM land holdings relative to what OPA 21 permitted. In 2016, the Owner purchased the Subject Lands from IBM that included Appeal No. 20, which was subject to a separate consent application and will be discussed later in this report. Staff expects that the Appeal No. 20, as it applies to the Subject Lands, will be resolved through the processing of the current applications.

A new Draft Plan of Subdivision application was also submitted to facilitate the southerly extension of Courtyard Lane as a public road (Proposed Street A), shown on Figure 6.

The Draft Plan of Subdivision application will also support any potential future phasing of the proposed development.

The Proposed Development

The Applications would facilitate a mixed-use development, as shown on Figures 4 and 5, which consists of the following, as compared to the Original Application from 2018:

TABLE 1: Original Application vs. Current Proposal		
Proposed Standards	Original Application (2018)	Current Proposal (the “Proposed Development”)
Gross floor area (“GFA”)	269,627 m ² (2,902,241 ft ²)	209,879 m ² (2,259,119 ft ²)
Residential GFA	264,362 m ² (2,845,569 ft ²)	205,413 m ² (2,211,047 ft ²)
Retail GFA	860 m ² (9,257 ft ²)	2,005 m ² (21,582 ft ²)
Indoor amenity space	4,403 m ² (47,393 ft ²)	2,462 m ² (26,501 ft ²)
Outdoor amenity space	2.0 m ² (22 ft ²)	3,843.06 m ² (41,366 ft ²)
Total Residential units	2,206 Units	1,950 Units
Maximum density	11.45 FSI (939 units per hectare)	9.87 FSI (830 units per hectare)
Number of buildings	5	4
Maximum building heights	48 storeys	37 storeys
Total Vehicle Parking spaces (within two levels of underground parking with the addition of above-ground podium parking)	1,851 Parking Spaces	1,702 Parking Spaces
Bicycle Parking Spaces	1,545 Parking Spaces	1,490 Parking Spaces
Loading Spaces	5 loading spaces (4 x 13 metres)	2 Type B loading spaces 2 Type G loading spaces

Draft Plan of Subdivision facilitates the proposed development blocks and a public road

The proposed Draft Plan of Subdivision, shown on Figure 6, proposes a new public road (Proposed Street A) that bisects the Subject Lands to create two development blocks: Block 1 (the “West Block”) and Block 2 (the “East Block”) that includes the following:

1. The West Block
 - a) a C-shaped terraced mixed-use residential building
 - b) two 34-storey buildings that transition in height to nine and five-storeys on a shared four-storey podium

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- c) GFA of 96,707 m² (1,040,945 ft²)
 - d) 956 units
 - e) 22 ground level townhouse units integrated into the building podium
2. The East Block
- a) a C-shaped terraced mixed-use residential building
 - b) two buildings (36 and 37-storeys) that transition in height to nine, eight, and five-storeys on a shared four-storey podium
 - c) GFA of 113,172 m² (1,218,173 ft²)
 - d) 994 units
 - e) 27 ground level townhouse units integrated into the building podium

Regarding internal circulation, the Owner proposes vehicular access along South Town Centre Boulevard and from the Proposed Street A (the future extension of Courtyard Lane).

IBM Land Holdings

As noted above, the Subject Lands were subject to a separate consent application that facilitated the severance of the Subject Lands from the IBM land holdings, which Committee of Adjustment approved on November 23, 2016. As a condition of approval, IBM was required to enter into an agreement with the City to convey lands that would accommodate the southerly extension of South Town Centre Boulevard and the future east-west road (the current Private IBM Road) between South Town Centre Boulevard and Warden Avenue. These lands currently abut the southern limits of the Subject Lands.

The surrounding planned roads are required to provide appropriate public vehicular and pedestrian accesses to the Proposed Development. Arrangements to secure the construction of these roads still needs to be coordinated. The conveyance of these lands is tied to the current Markham Centre Secondary Plan Update study. The City of Markham will continue work with the Owner and IBM regarding these matters through the review of the Proposed Development.

Provincial and Regional Policy Conformity

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

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

The Subject Lands are designated “Mixed-Use High Rise” in the 2014 Official Plan. Lands designated Mixed-Use High Rise are priority locations for development with the greatest level of intensification that support residential intensification with a mix of commercial and other uses. 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 3 FSI.

The policies of the 2014 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, as amended, and the 1997 Markham Centre Secondary Plan (“OPA 21”), as amended, shall apply to the Subject Lands.

As previously indicated, Appeal No. 20 to the 2014 Official Plan by IBM also applies to the Subject Lands and is expected to be resolved through the processing of the Applications.

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

The Subject Lands are designated “Commercial - Community Amenity Area” in the 1987 Official Plan. 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 are provided for at appropriate locations. Secondary Plans further detail the provisions related to this designation, including the establishment of additional development requirements and restrictions on land use.

1997 Markham Centre Secondary Plan (“OPA 21”)

The Subject Lands are further designated “Community Amenity Area – Major Urban Place” in OPA 21. Lands designated “Community Amenity Area – Major Urban Place” shall develop with a high concentration and intensity of residential, commercial, employment and supporting uses with a general maximum building height of eight storeys. The maximum permitted density is 148 units per hectare. Table 1 above summarizes the Proposed Development.

Zoning

By-law 165-80, as amended, (the “Zoning By-law”) zones the Subject Lands “Select Industrial with Limited Commercial Zone - M.C (60%)”, as shown on Figure 2. The Zoning By-law Amendment application proposes to remove the Subject Lands from By-law 165-80 and incorporate it into the Markham Centre Zoning By-law 2004-196, as amended, and rezone the Subject Lands “Markham Centre Downtown Two (MC-D2) Zone”, with site-specific development standards to implement the Proposed Development.

OPTIONS/ DISCUSSION:

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

1. The Proposed Development shall be reviewed with regard to the context of the Markham Centre Secondary Plan Update and the recommended development concept, which the City is currently undertaking. In accordance with other development applications that are being considered concurrently with the Markham Centre Secondary Plan Update, a statutory Public Meeting will be scheduled once the development concept for the new Secondary Plan has been endorsed by the DSC.

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2. The appropriateness of the Proposed Development will be reviewed in the context of the following:
- a) compatibility with the existing and planned surrounding land uses
 - b) the appropriateness of the proposed density and building height
 - c) impacts of proposed building heights on Buttonville Airport. 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 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
 - d) appropriate open space and parkland to service future residents, visitors, and users including parkland dedication and the payment of “cash-in-lieu” of parkland
 - e) built form and massing, building orientation, transitions, and angular planes
 - f) shadow impacts and wind effects
 - g) traffic impacts, parking, and transportation demand management
 - h) pedestrian connections and vehicular accesses and impacts on the servicing of the private IBM Road and the York Region Transit (the “YRT”) and VIVA Next Bus Rapid Transit (“BRT”) right-of-way (“ROW”)
 - i) consideration of the design, delivery and conveyance to the City of the extension of South Town Centre Boulevard and the future east-west public road between South Town Centre Boulevard and Warden Avenue
 - j) municipal servicing
 - k) the quantity and potential need to incorporate additional non-residential land uses including, but not limited to, commercial, retail, and other community amenity uses, such as daycares
 - l) affordable housing, purpose-built rental, senior-focused housing, and family friendly units
 - m) sustainability measures, bird-friendly guidelines, and accessibility, in the context of the future Site Plan Approval applications
 - n) Public art and public benefits (Section 37 of the *Planning Act*)
3. The Review of all technical studies submitted in support of the Applications including, but not limited to, the following:
- a) Planning Rational Addendum
 - b) Transportation Mobility Plan (which includes a Parking Study)
 - c) Geotechnical Assessment
 - d) Environmental Site Assessment
 - e) Hydrological Investigation
 - f) Functional Servicing Report/Stormwater Management Report
 - g) Noise Study
 - h) Pedestrian Wind Level Study

- i) Shadow Study
4. The Owner shall resolve any issues relating to floodplain, development limit, and/or other matters on the Subject Lands, to the satisfaction of the City and the Toronto and Region Conservation Authority (the “TRCA”).
 5. York Region maintains jurisdiction over Warden Avenue and the YRT/VIVA Next BRT ROW. The Owner must satisfactorily address York Region’s requirements.
 6. Through the review of this development proposal, the City of Markham will continue work with the Owner and IBM regarding the conveyance of land related to the extension of South Town Centre Boulevard, and the future east-west public road between South Town Centre Boulevard and Warden Avenue. The conveyance of these lands are tied to the current Markham Centre Secondary Plan Update study.
 7. Review and confirm any outstanding financial obligation including, but not limited to, cash-in-lieu of parkland dedication, tree replacement/compensation, and consideration of density bonusing and community benefit contributions under Section 37 of the *Planning Act*.

FINANCIAL CONSIDERATIONS AND TEMPLATE

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Proposed Development is to be evaluated in the context of growth management, environmental, and strategic priorities of Council.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications have been circulated to various City departments and external agencies and are currently under review.

RECOMMENDED

Biju Karumanchery, M.C.I.P, R.P.P
Director, Planning and 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: Aerial Photo

Figure 4: Conceptual Site Plan

Figure 5: Aerial Perspectives

Figure 6: Draft Plan of Subdivision

Figure 7: Previous Site Plan

AGENT:

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