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<b>SUBJECT:</b>	PRELIMINARY REPORT, Livante Holdings (Victoria Square Woodbine) Inc., Applications for Official Plan and Zoning By-law Amendments to permit 179 townhouse units at 10978, 10988 and 11030 Victoria Square Boulevard and Blocks 97, 98 and Part of Block 95, Plan 65M-4328, File No. PLAN 20 112387 Ward (2)
<b>PREPARED BY:</b>	Rick Cefaratti, MCIP, RPP Senior Planner, West District, (Ext. 3675)
<b>REVIEWED BY:</b>	Ron Blake, MCIP, RPP Senior Development Manager, West District, (Ext. 2531)

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**RECOMMENDATION:**

1. That the report dated April 19, , 2021 titled “PRELIMINARY REPORT, Livante Holdings (Victoria Square Woodbine) Inc., Applications for Official Plan and Zoning By-law Amendments to permit 179 townhouse units at 10978, 10988 and 11030 Victoria Square Boulevard and Blocks 97, 98 and Part of Block 95, Plan 65M-4328, File No. PLAN 20 112387 (Ward 2)”, be received.

**PURPOSE:**

This report provides preliminary information on Official Plan and Zoning By-law Amendment applications submitted by Livante Holdings (Victoria Square) Inc., to permit a townhouse development on the subject lands. The application contains general information in regards to applicable Official Plan or other policies as well as other issues. The report should not be taken as Staff’s opinion or recommendation on the applications.

**BACKGROUND:****Site and Area Context**

The 1.37 ha. (3.4 ac.) subject lands comprise 10978, 10988 and 11030 Victoria Square Boulevard and Blocks 97, 98 and Part of Block 95, Plan 65M-4328 and are vacant (see Figures 1, 2 and 3 – Location Map, Area Context and Air Photo). It contains mature vegetation. There is a row of City owned trees located on the east side of the subject lands within the Victoria Square Boulevard right-of-way.

Surrounding uses include a vacant property to the north (the remainder of Block 95, Plan 65M-4328). An application for Site Plan approval for an 8 storey mixed use mid rise building fronting onto Vetmar Avenue has been submitted on this property and is currently under review. Further to the north, across Vetmar Avenue, is a vacant property (Block 94, Plan 65M-4328). An application for Site Plan approval for a 9 storey mixed use mid rise building has been submitted on this property and is currently under review. Low-rise residential dwellings are located to the south and east, across Victoria Square Boulevard, as well as to the west fronting on Living Crescent and Livante Court.

A previous development proposal for 24 single detached dwellings on the subject lands, which included the dedication of lands to the City for a public park and new public roads, was abandoned as a result of the detection of groundwater contamination. The issue of site contamination is discussed in more detail later in this report.

**Application Status:**

The applications to amend the Official Plan and Zoning By-law were deemed complete on May 16, 2020.

**Next Steps:**

1. A Statutory Public Meeting to be scheduled at a future date when appropriate;
2. Staff will prepare a Recommendation Report on the Official Plan and Zoning By-law amendments at a future date;
3. If the current applications are approved then future applications for Site Plan approval and condominium approval are required;
4. An application for Consent will be required to sever and convey the portion of the lands described as Block 95, Plan 65M-4328 that is subject to the proposed applications;

**Proposal**

The applicant is proposing amendments to the Town of Markham Official Plan (Revised 1987) and Zoning By-law 177-96, as amended, to facilitate a 179 unit townhouse development on the subject lands (see Figure 4 – Conceptual Site Plan).

The proposed amendments to the Official Plan and Zoning By-law will facilitate a townhouse development that includes (See Figure 4):

- At total of 179 townhouse units including 169 stacked townhouse units, four (4) storeys in height and 10 street townhouses of three (3) storeys in height, at the south end of the site fronting the south side of the proposed east west condominium road;
- the four (4) storey stacked townhouse blocks (Blocks 3, 4, 5 and 6) on the west side of the site will be sited on an east to west axis and their end units will flank onto the rear yards of the existing semi-detached dwellings that front onto Living Crescent;
- the remaining blocks (Blocks 7 and 8) of four (4) storey stacked townhouses will front onto Victoria Square Boulevard;
- 10 street townhouse units, three (3) storeys in height will be located on the south side of the east-west road (Livante Court extension) within Blocks 1 and 2;
- A maximum building height of 16.0 m (52.5 ft.) is proposed for the stacked townhouses;
- A Site Density of 140.9 units per hectare (52.6 units per acre) is proposed;
- The proposed widths of the stacked and street townhouses is 6.0 m (19.68 ft.);
- Vehicular access will be provided via two private roads, both with right-in-right-out access to Victoria Square Boulevard;
- the proposed extension of Livante Court into the southern portion of the site, between the stacked townhouse units and the street townhouse units, is proposed as a private road due to groundwater conditions (contamination) that do not meet the City's standards for land dedication;
- A total of 277 parking spaces are proposed;

- For the stacked townhouses, 210 underground parking spaces and 2 above ground spaces are provided and the parking rate is 1 residential space plus 0.25 visitor space per unit. For the street townhouses, 20 above ground parking spaces are provided and the proposed parking rate is 2 residential spaces plus 0.25 visitor space per unit;

### **Provincial and Regional Policy Conformity**

In considering the Application, Staff will assess consistency with Provincial policies including the 2020 Provincial Policy Statement, conformity with the 2019 Growth Plan for the Greater Golden Horseshoe, and also for conformity with the York Region 2010 Official Plan.

### **Official Plan and Zoning**

#### **Markham Official Plan 2014**

The subject lands are designated 'Residential Low Rise' in the Markham Official Plan 2014 (as partially approved on November 24, 2017 and further updated by the Local Planning Appeal Tribunal on April 9, 2018). The Residential Low Rise designation provides for residential buildings with a maximum height of 3 storeys.

Until an updated Secondary Plan is approved for the Highway 404 North lands, the provisions of the Town of Markham Official Plan (Revised 1987), and the Highway 404 North Secondary Plan (OPA 149), shall continue to apply to the subject lands.

#### **Town of Markham Official Plan (Revised 1987)**

The north portion of the subject lands (Part of Block 95, Plan 65M-4328) is designated "Urban Residential – Low Density" under the Town of Markham Official Plan (Revised 1987). The lands are also designated "Urban Residential – Low Density" designation in the Highway 404 North Secondary Plan. The "Urban Residential – Low Density" designation provides for residential buildings including single-detached, semi-detached, linked, duplex, street townhouses and limited block townhouses with a maximum density of 37.0 units per hectare (14.97 units per acre), with a maximum building height of 3 storeys, and require direct frontage on a public street.

The policies of OPA 149 further state that townhouse units without direct frontage on a public street may be permitted, provided that:

- they do not comprise a significant portion of the total number of dwelling units approved to be developed on lands designated "Urban Residential – Low Density" located west of "Old Woodbine Avenue" (now called Victoria Square Boulevard);
- they shall not be located more than 90 metres from the Woodbine By-Pass right-of-way;
- and that they shall also not be located within 30 metres of the southern boundary of the Planning District.

An Official Plan Amendment is required to facilitate the proposed development. The applicant is proposing to amend the 1987 Official Plan as follows:

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- Provide for stacked townhouses and street townhouses without direct access or frontage on a public street and located more than 90 metres from the Woodbine By-Pass right-of-way.;
  - Provide for a maximum site density of 140.9 units per hectare (52.6 units per acre);
  - Provide for a maximum building height of four (4) storeys;

## **ZONING**

The subject lands are zoned under four zone categories that reflect the previous development proposal for 24 single detached dwellings. Townhouse dwellings are not permitted. A Zoning By-law Amendment is required to permit the proposed development.

The applicant is proposing to amend Zoning By-law 177-96 as amended as follows:

- Rezone the property from R2-S\*560 and R2-S\*561 Residential Two Special Zone and OS1 Open Space Zone to an R3 Residential Three Zone;
- Permit a maximum building height of 16.0 m (52.5 ft.);
- Deem the “subject lands” as one lot for the purposes of the Zoning By-law;

The current proposal will comply with the minimum parking requirements for street townhouses (2 parking spaces per unit plus 0.25 visitor spaces per unit) and stacked townhouses (1.25 parking spaces per unit plus 0.25 visitor spaces per unit) established under the Parking Standards By-law (28-97).

## **OPTIONS/ DISCUSSION:**

### **Preliminary Comments**

The following is a list of preliminary comments raised to date. Other matters that are identified through the detailed review of these applications and public meetings will be discussed in a future recommendation report to DSC. Key matters identified include, but are not limited to:

1. Review of the submitted Planning Opinion Report and draft amendments to the Official Plan and Zoning By-law. Staff will provide further comments on these documents, if necessary, in a future Recommendation Report.
2. 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
3. Staff will review the appropriateness of the development proposal having regard for the following:

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- a) The appropriateness of the proposed density, building heights, massing and built form, as well as building setbacks from the existing low rise residential buildings to the west;
  - b) Consideration of incorporating purpose built second suites within a portion of the units within the proposed townhouse development;
  - c) The proposed concept plan does not indicate any public parkland dedication – staff will work with the applicant to determine the parkland dedication requirements which may include a combination of a separate cash-in-lieu of parkland contribution, an on-site parkland conveyance; or off-site park conveyance, as deemed appropriate by the City. These matters will be addressed in detail in a future Site Plan application;
  - d) Staff will determine the appropriateness of the sizes and locations of the landscaped private open space areas of the development proposal, as shown on Figure 4 – Conceptual Site Plan, through the review of a future site plan application;
  - e) Staff will review the requirement for private outdoor amenity space for individual units through the future site plan approval process.
  - f) Staff will review the appropriateness of Section 37 benefits, including a Public Art contribution, in accordance with City policies.
  - g) Traffic/Transportation impacts and access locations on to Victoria Square Boulevard;
  - h) Environmental clearance for on-site contamination - based on data contained within the Environmental Site Assessments conducted for the subject lands, contaminants were present in the groundwater that exceeded the maximum levels allowed for residential development in the location of the proposed extension of Livante Court to Victoria Square (see Figure 4 – Conceptual Site Plan). Staff note that the presence of these contaminants in the area between the proposed stacked townhouses and street townhouses will preclude the conveyance to the City of the proposed road extension as the City does not accept the dedication of lands that are encumbered by contamination. However, the owner is pursuing environmental clearance applications with the Ministry of the Environment, Conservation and Parks (MOECP) to address how on-site contamination of the subject lands can be mitigated so as to not affect the health and safety of residents. Prior to the scheduling of a future recommendation report to DSC, Staff will require confirmation that the MOECP has provided the above-noted environmental clearance to permit residential development on the subject lands.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The application is being evaluated in the context of the City's strategic priorities, including Growth Management and Municipal Services.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

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

**RECOMMENDED BY:**

Biju Karumanchery  
Director of Planning and Urban Design

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

**ATTACHMENTS:**

Figure 1 – Location Map  
Figure 2 – Area Context/Zoning  
Figure 3 – Air Photo  
Figure 4 – Conceptual Site Plan

**OWNER:**

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