

SUBJECT: PRELIMINARY REPORT
3555 Highway 7 Development Ltd. c/o Brivia Group
Applications for Official Plan and Zoning By-law
Amendment to permit a mixed-use high rise development
consisting of two 40-storey and one 53-storey buildings at
3505 and 3555 Highway 7 East (Ward 8)

File No. PLAN 21 106315

PREPARED BY: Melissa Leung, extension 2392
Planner I, 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, 3555 Highway 7 Development Ltd. c/o Brivia Group, Applications for Official Plan and Zoning By-law Amendment to permit a mixed-use high rise development consisting of two 40-storey and one 53-storey buildings at 3505 and 3555 Highway 7 East (Ward 8), File No. PLAN 21 106315”, be received.

PURPOSE:

This report provides preliminary information on the Official Plan and Zoning By-law Amendment applications (the “Applications”) submitted by 3555 Highway 7 Development Ltd. c/o Brivia Group (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 Applications.

Process to Date

Staff deemed the Applications complete on April 16, 2021. The 120-day period set out in the *Planning Act* before an applicant can appeal the Official Plan and Zoning By-law Amendment applications to the Local Planning Appeal Tribunal for a non-decision expires on August 14, 2021.

Next Steps:

- Holding the 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 Amendment and enactment of the site-specific Zoning By-law Amendment by Council
- Submission of future Site Plan Approval application(s)

BACKGROUND:**Location and Area Context**

The vacant 1.1 ha (2.7 ac) subject lands are located on the southwest corner of South Town Centre Boulevard and Highway 7 East (the “Subject Lands”), as shown on Figure 1. The Subject Lands have approximate frontages of 187 m (613 ft) along Highway 7 and 59 m (193 ft) along South Town Centre Boulevard. Young trees and shrubs exist throughout the property. Figures 2 and 3 show the surrounding land uses.

Proposed Development

The Owner proposes a two-phased mixed-use development consisting of three high-rise residential buildings with mid-rise podiums (the “Proposed Development”) accessed by a private road from South Town Centre Boulevard and a future public road to the west of the Subject Lands, as shown conceptually on Figure 4. A total of 1,134 residential units are proposed, which includes 10-storeys (100 units) of purpose-built rental units with office, commercial, and retail uses at grade along the Highway 7 frontage and a day care use at grade along the private road frontage.

In addition, the Owner is proposing a privately owned, publicly accessible landscaped amenity space between Phase One and Phase Two that provides an open space transition and physical connection from Highway 7 to the Thomas McQuay Park on the south side of the east-west private street (Figure 4).

Tables 1 and 2 below provide more details on the Proposed Development:

TABLE 1: Summary of the Proposed Heights and Uses (see Figure 4)				
Phase	Tower	Podium Height	Building Height	Proposed Uses
One	A, B	Four-storeys (connecting Towers A and B)	40-storeys each	- Residential units (future condominium) with amenities - retail and grocery - commercial fitness - a day care centre with outdoor play area - above-grade parking located within the podium (four-storeys) surrounded by residential units
Two	C	Three-storeys	53-storeys	- Residential units (future condominium) with amenities 10-storeys of purpose-built rental units - office and retail uses in the podium

TABLE 2: Proposed Development – Floor areas, densities, landscape areas and parking		
Total Gross Floor Area (“GFA”)	112,587 m ² (1,211,876 ft ²)	
Residential and Internal Amenities GFA	103,096 m ² (1,109,716 ft ²)	
Commercial GFA	3,410 m ² (36,705 ft ²), including:	
	Retail:	2,090 m ² (22,497 ft ²)
	Café/Restaurant:	640 m ² (6,889 ft ²)
	Commercial Fitness:	680 m ² (7,319 ft ²)
Office GFA	3,535 m ² (38,050 ft ²)	
Day Care Centre GFA	500 m ² (5,382 ft ²)	
Landscape Area	5,413 m ² (58,265 ft ²)	
Density	10.2 times the area of the Subject Lands (Floor Space Index – “FSI”)	
Parking	1,287 spaces within a four-storey above-grade podium and 4 to 5 levels of underground parking	

The Owner seeks to amend the Official Plan and Zoning By-law to permit site-specific policies and development standards pertaining to height, density, setbacks, parking, and uses.

Staff will continue to work with the Owner to refine the Proposed Development through a future Site Plan Approval application(s), should Council approve the current Applications.

Provincial Policies

In considering the Applications, Staff will assess consistency with the 2020 Provincial Policy Statement (“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 designates the Subject Lands “Mixed Use High Rise.” This designation further identifies the Subject Lands as a priority location, 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 3 FSI.

The policies of the 2014 Official Plan also state that until an approval of an updated secondary plan for the Regional Centre-Markham Centre lands, the provisions of the

1987 Town of Markham Official Plan (the “1987 Official Plan”), as amended, and the Markham Centre Secondary Plan (“OPA 21”), as amended, shall apply to the Subject Lands.

The 1987 Official Plan

The 1987 Official Plan designates the Subject Lands “Commercial – Community Amenity Area”. This designation permits a multi-use, multi-purpose centre offering a diverse range of retail, service, community, institutional and recreation uses, and is intended to accommodate office development and medium and high-density housing at appropriate locations.

OPA 21

OPA 21 designates the Subject Lands “Community Amenity Area – Major Urban Place”, which permits a high concentration and intensity of residential, commercial, employment and supporting uses. Section 3.2.1.3 of OPA 21 further designates the Subject Lands as a landmark location, which limits high-rise buildings to a maximum height of 13-storeys at key strategic locations such as Highway 7 E and Town Centre Boulevard. The key strategic locations ensure that the massing and design of the buildings and structures emphasize unique qualities that set them apart from other building sites.

The draft Official Plan Amendment (“draft OPA”) submitted by the Owner in support of the Proposed Development sets out site-specific height and density provisions that reflect the Proposed Development.

Zoning

By-law 2004-196, as amended, zones the Subject Lands “Markham Centre Downtown One *17 (Hold)” (MC-D1*17(H1)(H10)), as shown on Figure 2. Site-specific By-law 2012-28, which amended By-law 2004-196, restricts the permitted uses to a maximum of 500 apartment units within a building that also contains all of the following uses:

- a) a hotel
- b) trade and convention centre
- c) one or more restaurant(s)
- d) a commercial fitness centre
- e) offices or medical offices or personal service shops or retail stores

The draft Zoning By-law Amendment (“draft ZBLA”) submitted by the Owner in support of the Zoning By-law Amendment application proposes to amend certain site-specific use permissions and development standards contained in By-law 2012-28 including, but not limited to, building height, density, setbacks, and special parking provisions.

OPTIONS/ DISCUSSION:

The following summarizes the matters raised to date for consideration. These matters, including other matters identified through the circulation and detailed review of the Proposed Development, will be addressed in a final Recommendation Report to the DSC:

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- 1) Staff are reviewing the submitted Planning Justification Report, draft OPA, and draft ZBLA, prepared by Urban Strategies Inc. Staff will provide further comments on these documents, if necessary, in a future Recommendation Report.
 - 2) Staff will review the Proposed Development in the context of the existing policy framework and with regard to the Markham Centre Secondary Plan (MCSP) Update Study process. Staff do not intend to bring a Recommendation Report forward until Council endorses the Draft Development Concept for the MSCP Update process.
 - 3) The appropriateness of the Proposed Development will be reviewed in the context of the following:
 - a) compatibility with existing and planned surrounding land uses
 - b) the appropriateness of the proposed buildings and site design
 - c) the appropriateness of the proposed density and building heights
 - d) appropriate parkland to service future residents, visitors, and users including parkland dedication and the payment of “cash-in-lieu” of parkland
 - e) amenity and open space areas
 - f) the review and the appropriateness of the Owner’s proposed affordable housing (purpose-built rental units)
 - g) incorporation of senior-focused housing and family friendly units
 - h) built form and massing, building location/orientation, and transitions
 - i) building setbacks and proposed encroachments
 - j) preliminary sun and shadow analysis and wind analysis
 - k) traffic impacts, road network, access arrangement, parking and transportation demand management
 - l) internal traffic circulation and surrounding pedestrian and vehicular connectivity
 - m) municipal servicing
 - n) the quantity and appropriateness of the Owner’s integration of community amenity uses, such as daycares
 - o) sustainability features
 - 4) Review of all technical studies submitted in support of the Proposed Development including, but not limited to, the following:
 - a) Stormwater Management Report
 - b) Functional Servicing Report
 - c) Hydrogeological Assessment
 - d) Noise and Vibration Impact Study
 - e) Transportation Impact Study, including Parking Study
 - f) Urban Design Brief, including Shadow Impact Study
 - g) Tree Inventory and Preservation Plan Report
 - h) Pedestrian Wind Comfort Assessment

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- 5) The Subject Lands are located within and governed by the Toronto/Buttonville Airport zoning regulation area. NavCanada must satisfactorily review the impacts of the 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.
 - 6) The Proposed Development will have regard for any requirements of external agencies including, but not limited to, York Region.
 - 7) The review and confirmation of any outstanding financial obligations including, but not limited to, tree replacement/compensation; public art and other community benefit contributions under Section 37 of the *Planning Act*.

FINANCIAL CONSIDERATIONS:

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, environmental considerations, and safe, sustainable and complete communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications have been circulated to various departments and external agencies and their requirements will be addressed as part of a future staff recommendation report.

RECOMMENDED BY:

Ron Blake, M.C.I.P., R.P.P.
Senior Development Manager
Planning and Urban Design

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

ATTACHMENTS:

Figure 1: Location Map
Figure 2: Area Context/Zoning
Figure 3: Aerial Photo
Figure 4: Site Plan

AGENT:

Davin McCully
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