



Report to: Development Services Committee

Meeting Date: September 27, 2021

---

**SUBJECT:** PRELIMINARY REPORT  
Scardred 7 Company Limited  
Applications for Official Plan and Zoning By-law  
Amendment to permit a residential mixed-use development  
located at 4038 and 4052 Highway 7 East (Ward 3)  
File No. PLAN 21 120023

**PREPARED BY:** Dimitri Pagratis, M.C.I.P., R.P.P., ext. 2960  
Senior Planner, Central District

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

---

**RECOMMENDATION:**

1. That the report titled “PRELIMINARY REPORT, Scardred 7 Company Limited, Applications for Official Plan and Zoning By-law Amendment to permit a residential mixed-use development located at 4038 and 4052 Highway 7 East (Ward 3), File No. PLAN 21 120023”, be received.

**PURPOSE:**

The purpose of this report is to provide preliminary information on the Official Plan and Zoning By-law Amendment Applications (the “Applications”) submitted by Scardred 7 Company Limited (the “Owner”) on the southern portion of the lands located at 4038 and 4052 Highway 7 East (the “Subject Lands”), as shown on Figures 1 and 3. 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.

**Process to date**

The subject Applications for an Official Plan Amendment and Zoning By-law Amendment were deemed complete on July 23, 2021. The *Planning Act* sets out the 120-day period after which an applicant can appeal an application to the Ontario Land Tribunal (the “OLT”) for a non-decision. This period expires on November 23, 2021 for these Applications.

The Subject Lands are situated within a development block within previously submitted applications for a Draft Plan of Subdivision and Zoning By-Law Amendment (“File SU/ZA 18 180309”), which were approved by Council on June 29, 2021, and which included the following:

Draft Approved Plan of Subdivision (See Figure 6)

- The draft plan application was for a 20 lot, single detached, residential subdivision on the north half of 4038 and 4052 Highway 7 East, and a new development block (“Block 21”) depicted as “Future Development Block (Phase 2)” on the draft plan of subdivision (See Figure 6). The subject lands are located on Block 21.

- 
- The approved draft plan also consists of new public local streets, which include Tomor Drive, William Meleta Drive, and Alfredo Street.
  - The portion of the William Meleta Drive right-of-way from south of Alfredo Street to Highway 7 will be constructed as part of a future Site Plan Application on Block 21 and is comprised of three parcels (shown on Figure 6):
    - Block 25 which is part of the approved draft plan of subdivision;
    - A portion of the lands currently owned by the Audi dealership to the east, and depicted in red on Figure 6. Portions of these lands will be conveyed to the City of Markham and York Region as part of the Audi Dealership's Site Plan Application (File SPC 21 110940) that is currently under review; and
    - The portion from Block 25 to Highway 7, which is currently owned by the Region of York.

#### Approved Zoning By-Law Amendment (By-law 2021-49)

- In order to facilitate the draft plan application for 20 single detached residential lots, the north half of the property was rezoned from "Special Commercial 1 (SC1) Zone" under By-law 118-79, as amended, to "Residential Two Special Provision\*682 (R2\*682) Zone" under By-law 177-96, as amended with site-specific revisions to the development standards under Zoning By-law 2021-49.
- Zoning By-law 2021-49 also amended the minimum lot area and minimum lot frontage for the south half of the property, which is the location of the Subject Lands (i.e. Block 21), which remains under the "Special Commercial 1 (SC1) Zone", by By-law 118-79, as amended.

An Official Plan Amendment (OPA) and zoning by-law amendment (ZBA) is proposed at this time on the south half of the property to facilitate the proposed development on the Subject Lands, as explained in this report.

#### **Next Steps:**

- Holding a statutory Public Meeting at a future date, when appropriate, for the subject OPA and ZBA applications on Block 21
- Consideration of a Recommendation Report by the DSC

In the event of an approval, adoption of the site-specific Official Plan and Zoning By-law Amendments by Council would occur. Future Site Plan and Draft Plan of Condominium approvals will be required following the registration of the Draft Approved Plan of Subdivision (File SU 18 180309) approved by Council in June 2021.

#### **BACKGROUND:**

##### **Subject Lands and Area Context**

The approximately 0.83 ha (2.06 ac) Subject Lands are located on the north side of Highway 7 East, east of Village Parkway, and municipally known 4038 and 4052 Highway 7 East, as shown on Figures 1 and 3. A sales office, a one storey commercial building (former Canada Computers store), and surface parking area currently occupy the Subject Lands. Figure 3 shows the surrounding land uses.

### The Proposed Development

The Owner proposes a mixed-use development consisting of a “U-shaped” building with a tiered building height that ranges from two-storeys (minimum) to 11-storeys (maximum), a landscaped courtyard, and ground related retail along Highway 7 (the “Proposed Development”), as shown on Figures 4 and 5 and detailed in Table 1 below:

<b>TABLE 1: Proposed Development Standards</b>	
<b>Gross Floor Area (“GFA”)</b>	43,495 m <sup>2</sup> (468,175 ft <sup>2</sup> )
<b>Residential GFA</b>	42,795 m <sup>2</sup> (460,640 ft <sup>2</sup> )
<b>Retail GFA</b>	700 m <sup>2</sup> (7,535 ft <sup>2</sup> )
<b>Indoor Amenity Space (including Rooftop)</b>	1,795m <sup>2</sup>
<b>Outdoor Amenity Space (courtyard)</b>	1,610 m <sup>2</sup>
<b>Total Residential Units</b>	450
<b>Maximum Density</b>	5.24 times the area of the Subject Lands (Floor Space Index – “FSI”)
<b>Maximum Building Height</b>	11 storeys
<b>Total Parking (two underground levels and at grade)</b>	514 Parking Spaces
<b>Residential Parking (including Visitor)</b>	496 Spaces
<b>Retail Parking</b>	18 Spaces
<b>Bicycle Parking</b>	70 Spaces (underground)

Proposed vehicular access will be from the future Alfredo Street, which provides access to underground parking ramps, loading bays, and covered at-grade parking spaces. This proposed parking area would be screened from public view and contained within the mass of the building.

Pedestrian access to the building will be from Highway 7, as well as from the future William Meleta Drive, Alfredo Street, Tomor Drive, and the exterior internal courtyard area. The development concept also proposes apartment units with entrances at grade along William Meleta Drive, Alfredo Street and Tomor Drive. The proposed retail units front directly onto Highway 7, providing public sidewalk access.

Parkland dedication is proposed as a cash in lieu payment.

### Provincial and Regional Policy Conformity

In considering the Applications, 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 Subject Lands are designated “Mixed-Use Mid Rise” in the 2014 Official Plan. Lands designated Mixed-Use Mid Rise are priority locations for development 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 Mid Rise” designation permits a maximum building height of eight storeys and maximum density of 2 FSI. However, Area and Site-specific Policy 9.19.9(g) of the 2014 Official Plan applies to the Subject Lands, which specifies a maximum building height of four storeys.

Through the submitted Official Plan Amendment application, the Owner proposes to increase the permitted maximum building height and density to allow for a maximum height of 11-storeys and 450 residential units with a maximum density 5.24 FSI.

**Zoning**

The Subject Lands are zoned “Special Commercial 1 (SC1) Zone” under By-law 118-79, as amended by By-law 77-88 and By-law 2011-159, as shown on Figure 2. The Zoning By-law Amendment application proposes to further amend By-law 118-79 with site-specific development standards to implement the Proposed Development. This application is also required, as the approved Zoning By-Law Amendment Application (File ZA 18 180309), which enacted Zoning By-law 2021-49 only amended the minimum frontage and minimum lot area on the Subject Lands.

**OPTIONS/ DISCUSSION:**

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

- 1) Staff are reviewing the submitted Planning Justification Report and draft OPA in support of the Applications prepared by M. Behar Planning and Design Limited. Staff will provide further comments on these documents, if necessary, in a future Recommendation Report.
- 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) appropriateness of existing open space and parkland facilities to service future residents, visitors, and users including the need for parkland dedication in addition to the payment of “cash-in-lieu” of parkland
  - d) built form and massing, building orientation, transitions, and angular planes
  - e) shadow impacts and wind effects
  - f) traffic impacts, parking, and transportation demand management. The applicant is requesting a reduction to the residential and visitor parking requirements set out in the City’s parking by-law.

- 
- g) pedestrian connections and vehicular accesses
  - h) municipal servicing
  - i) further review of 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
  - j) affordable housing, purpose-built rental, senior-focused housing, and family friendly units
  - k) sustainability measures, bird-friendly guidelines, and accessibility, in the context of the future Site Plan Approval applications
  - l) 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 and Urban Design Justification Report
    - b) Traffic Impact Assessment (with includes a parking justification review)
    - c) Hydrogeological Analysis
    - d) Functional Servicing Report/Stormwater Management Report
    - e) Noise Feasibility Study
    - f) Pedestrian Level Wind Study
    - g) Shadow Study
  4. York Region maintains jurisdiction over the Highway 7 right-of-way. The Owner must satisfactorily address York Region's requirements.
  5. The Subject Lands are located within and governed by the Toronto/Buttonville Airport zoning regulation area. NavCanada and Transport Canada must satisfactorily review the impacts of the proposed building heights on Buttonville Airport. The Owner must satisfy the requirements of Toronto/Buttonville Airport, including impacts of proposed building heights on and conformity to the Buttonville Airport height restrictions.
  6. Review and confirm any outstanding financial obligation including, but not limited to tree replacement/compensation, and consideration of density bonusing and community benefit contributions under Section 37 of the *Planning Act*. Cash-in-lieu of parkland dedication will be determined at the site plan agreement stage,

**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**

**Ron Blake, M.C.I.P, R.P.P**

Acting 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: Elevations

Figure 6: Draft Plan of Subdivision

**AGENT:**

Mr. Chris Pereira

M. Behar Planning & Design Limited

25 Valleywood Drive Unit 23

Markham, Ontario, L3R 5L9

(905) 470-6273 ext.222

chris@mbpd.ca