



Report to: Development Services Committee

Meeting Date: February 22, 2022

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**SUBJECT:** RECOMMENDATION REPORT  
Kingsberg Warden Development Inc.  
Application for Site Plan Approval to facilitate the development of a 91-unit, eight-storey residential building located along the north side of Highway 7 and west of Verclaire Gate, municipally known as 3882 Highway 7 East (Ward 3)

File No. SPC 20 135517

**PREPARED BY:** Melissa Leung, extension 2392  
Planner I, Central District

**REVIEWED BY:** Stephen Lue, M.C.I.P., R.P.P., extension 2520  
Acting Senior Development Manager

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**RECOMMENDATION:**

- 1) That the report titled “RECOMMENDATION REPORT, Kingsberg Warden Development Inc., Application for Site Plan Approval to facilitate the development of a 91-unit, eight-storey residential building located along the north side of Highway 7 and west of Verclaire Gate, municipally known as 3882 Highway 7 East (Ward 3) File No. SPC 20 135517”, be received;
- 2) That the Site Plan application (SPC 20 135517) submitted by Kingsberg Warden Development Inc. be endorsed in principle, subject to the conditions in Appendix ‘A’, and that Site Plan Approval be delegated to the Director of Planning and Urban Design or designate;
- 3) That Council assign servicing allocation for a maximum of 91 residential units;
- 4) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 5) That York Region be advised that servicing allocation for 91 residential units has been confirmed;
- 6) That Site Plan Endorsement shall lapse and Site Plan Approval will not be issued 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 time period; and
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

The approximately 0.29ha. (0.71ac.) subject lands are located along the north side of Highway 7 East, east of Verclaire Gate. This report recommends the approval of a Site Plan application for a 91-unit, eight-storey residential condominium development with two levels of underground parking, subject to the conditions outlined in Appendix 'A.'

**PURPOSE:**

The purpose of this report is to provide an overview, evaluation, and recommend endorsement, in principle, of a Site Plan Application (the "Application") submitted by Kingsberg Warden Development Inc. (the "Owner").

**Previous Development Application Approvals**

In 2020, Council approved and enacted the site-specific Official Plan and Zoning By-law Amendments (File Nos. OP/ZA 18 233310) to permit the current site plan proposal.

**Process to Date**

The City formally received and circulated the Application for review on February 3, 2021, which has undergone revisions in response to Staff and Agency comments.

Next Steps

- Endorsement, in principle, of the Application by Development Services Committee ("DSC")
- Issuance of Site Plan Endorsement by Staff, subject to the conditions outlined in Appendix 'A'
- Execution of a Site Plan Agreement by Owner
- Issuance of Site Plan Approval by Staff
- Future submission of a Draft Plan of Condominium application, followed by condominium registration

**BACKGROUND:****Location and Area Context**

The approximately 0.29ha. (0.71ac.) subject lands are located along the north side of Highway 7 East, east of Verclaire Gate, as shown on Figure 1, and have an approximate frontage of 38 m (126 ft) along Highway 7. An existing one-storey private school with dispersed mature trees and vegetation currently occupies the Subject Lands. Figures 2 and 3 show the surrounding land uses.

**Proposed Development**

The Owner proposes to demolish the existing private school and construct a 10,902 m<sup>2</sup> (117,350 ft<sup>2</sup>) eight-storey and 91-unit residential building with vehicular access from Highway 7, as shown conceptually on Figures 4 and 5 (the "Proposed Development"). Table 1 provides additional details of the Proposed Development.

<b>TABLE 1: Proposed Development - Additional Details</b>	
<b>Amenity Area GFA</b>	363 m <sup>2</sup> (3,915 ft <sup>2</sup> ) consisting of the following: Indoor: 185 m <sup>2</sup> (2,000 ft <sup>2</sup> ) Outdoor: 178 m <sup>2</sup> (1,915 ft <sup>2</sup> )
<b>Height</b>	Eight-storeys or 29.5 m (96.8 ft)
<b>Density</b>	3.8 times the area of the Subject Lands (Floor Space Index – “FSI”)
<b>Parking Spaces</b>	142 underground (23 are visitor and five barrier-free)

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

In February 2020, Council adopted Official Plan Amendment No. 33 (“OPA 33”) to re-designate the Subject Lands from “Residential Mid Rise” to “Residential High Rise”. The site-specific “Residential High Rise” designation provides for a residential building with a maximum building height of eight-storeys and a maximum density of 3.8 FSI. The Proposed Development conforms to the 2014 Official Plan.

### **Zoning**

In February 2020, Council enacted site-specific Zoning By-law 2020-9, which rezoned the Subject Lands to “Residential Three” (R3\*645) under Zoning By-law 177-96, as amended (“By-law 177-96”) and shown on Figure 2, which permits apartment dwellings. Exception 645 pertains to the permitted maximum density, minimum required setbacks, maximum height, angular plane, and minimum outdoor amenity space requirements. Furthermore, it permits a maximum of 91 residential units and requires the Owner to enter into a Section 37 Agreement with the City, which will be secured as part of the Site Plan Agreement, as identified in Appendix ‘A.’ The Proposed Development complies with the Zoning By-law.

### **OPTIONS/ DISCUSSION:**

#### **Provincial Policy Conformity**

The Proposed Development conforms to the applicable provincial policy framework, including the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement and the land use designation and policies of the Regional Official Plan.

#### **Site Layout and Building Density Are Appropriate**

The proposed scale and orientation of the Proposed Development is considered appropriate and is consistent with the conceptual development plans considered through the Official Plan and Zoning By-law amendment approvals for the Subject Lands.

#### **Design Review Panel and Urban Design Review**

The Markham Design Review Panel (the “Panel”) reviewed the Proposed Development in May 2021, and provided comments including improving the proposed building façade by simplifying the elevation treatment, using lighter material or colours for the upper portion of the building, and enhancing the main entrance to the building through the use of materials, colours, height, and projecting elements.

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The Owner subsequently revised the elevations in response to the Panel's comments. The Urban Design section and the City Architect have reviewed the revised building elevations and provided minor comments regarding the colour and material for the base of the building, and depths of window recesses. These comments must be addressed prior to the formal issuance of site plan endorsement (Appendix 'A').

**Sustainability Initiatives and Bird-Friendly Guidelines**

The Owner has committed to constructing a LEED Silver building in accordance with the 2009 City Policy for all medium and high-rise residential developments. The Owner is required to submit a checklist itemizing the proposed sustainable features. The Site Plan Agreement will secure the proposed sustainable features, which is included as a condition in Appendix 'A.' The Proposed Development will be required to comply with the City's 2014 Bird-Friendly Guidelines and be dark sky compliant. A letter summarizing the proposed sustainable design measures is provided in Appendix 'B.'

**Draft Plan of Condominium Required**

A future Draft Plan of Condominium application, to allow the sale of the individual apartment dwelling units and to create the common elements, will be required. The Director of Planning and Urban Design is delegated the authority to approve the Draft Plan of Condominium.

**Section 37 Agreement**

The Owner is required to enter into a Section 37 Agreement with the City to provide a financial contribution for community benefits. The Site Plan Agreement will secure this requirement and is included as a condition in Appendix 'A.'

**Servicing**

Servicing allocation is available for the 91 residential units within the Proposed Development. However, a preliminary study to assess the performance of its water system in PD5A/5B was recently undertaken by Markham that concluded the system will experience a substantive decrease in performance as a result of growth. Improvements will be required to address performance deficiencies. As condition of approval, the Owner must submit a further study to review the performance deficiencies that the preliminary study had identified, and execute an agreement with the City to secure the provision of, or contribution to, water service infrastructure improvements. The Site Plan Agreement will secure this requirement and is included as a condition in Appendix 'A.'

**Traffic, Parking and Transportation Demand Management ("TDM")**

The Owner submitted a TDM and parking level plan in support of the Application, which have been reviewed by Transportation Planning staff. Minor outstanding comments respecting the parking level plans, loading space, and walkways must be addressed prior to the formal issuance of Site Plan Endorsement by staff (Appendix 'A').

**York Region Approval**

The Subject Lands front onto Highway 7, which is under York Region's jurisdiction. Prior to the issuance of Site Plan Approval, York Region requires:

- a) Minor technical revisions to the engineering plans, landscape plans, tree inventory and preservation plans, and arborist report;
- b) Submission of financial and insurance requirements; and
- c) Submission of an encroachment permit (if applicable).

Notwithstanding, York Region has not identified any specific concerns related to the Proposed Development. A clearance letter from York Region is required prior to the formal issuance of Site Plan Endorsement (Appendix 'A').

**Site Plan Endorsement**

Other site plan issues to be resolved as part of the ongoing site plan process include:

- a) Finalize location of fire hydrants prior to the issuance of Site Plan Endorsement;
- b) Resolve any issues resulting from the review of technical studies including the Arborist Report, Stormwater Management Report, and Noise Control Study; and
- c) Confirm any outstanding financial obligations including, but not limited to, cash in lieu of parkland dedication, development charges, tree replacement or compensation, and financial contribution towards sanitary sewer system upgrade. These matters will be addressed in the Site Plan Agreement.

**CONCLUSION**

The Proposed Development is consistent with the plans the Owner presented to Council when the amendments to the Official Plan and Zoning By-law to permit the Proposed Development were considered. It is the opinion of staff that the Proposed Development is appropriate subject to the Owner addressing the technical comments summarized in this report. Staff recommend that the DSC endorse the Application, in principle, and delegate final approval to the Director of Planning and Urban Design. Staff will continue to work with the Owner to finalize the site plan and building elevations prior to the issuance of final Site Plan Approval.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The Application aligns with the strategic priorities for growth management and the environment, in the context of a safe, sustainable and complete community.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Application was circulated to various departments and external agencies and their requirements and comments have been taken into consideration.

**RECOMMENDED BY:**

Biju Karumanchery, M.C.I.P., R.P.P.  
Director of Planning & 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: Proposed Site Plan

Appendix 'A' - Site Plan Conditions

Appendix 'B' - Sustainable Design Measures Letter

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**Appendix 'A'**  
Site Plan Conditions  
Kingsberg Warden Development Inc.  
SPC 20 135517

1. That prior to Site Plan Endorsement:
  - a) The Owner shall provide a clearance letter from York Region advising that any outstanding conditions, financial or otherwise, have been cleared to their satisfaction.
  - b) That any outstanding City staff comments related to the technical review of the Site Plan Application be addressed, to the satisfaction of the Director of Planning and Urban Design or his designate, including final approval of building elevations and landscaping drawings.
  
2. That the Owner shall enter into a Site Plan Agreement with the City containing all standards and special provisions and requirements of the City and external agencies, including, but not limited to, the following:
  - a) Provisions 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, to the satisfaction of the Director of Planning and Urban Design;
  - c) Provisions for satisfying all requirements of City Departments and authorized public agencies including, but not limited to, York Region;
  - d) Provisions for, or contribution to, water service infrastructure improvements, to the satisfaction of the Director of Environmental Services;
  - e) That the Owner agrees to implement Bird-Friendly measures and Dark Sky lighting, to the satisfaction of the Director of Planning and Urban Design;
  - f) That the Owner agrees to implement the Transportation Demand Management Plan and provide the respective Letter of Credit, to the satisfaction of the Director of Engineering; and
  - g) That the Owner agrees to implement the sustainable design measures attached as Appendix 'B', including minimum LEED Silver certification, to the satisfaction of the Director of Planning and Urban Design;
  
3. That prior to the execution of the Site Plan Agreement and issuance of Site Plan Approval:
  - 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, which are required to comply with the requirements of the City and external agencies, to the satisfaction of the Director of Planning and Urban Design;
  - b) The Owner shall address all outstanding comments and comply with all requirements of the City, York Region, and authorized public agencies; and
  - c) The Owner shall provide a clearance letter from the Trustees of 621538 Ontario Ltd. (North Forest Investment & Valecon Ltd.) advising that all outstanding conditions related to site servicing, financial or otherwise, have been satisfied.

4. That prior to the issuance of Site Plan Approval and/or the issuance of any Conditional or Full Building Permits and/or the issuance of Site Alteration Permits, the Owner shall submit a clearance letter from York Region indicating that the Region's requirements and comments have been addressed to their satisfaction.