
SUBJECT: RECOMMENDATION REPORT
2310601 Ontario Inc.
Applications for Official Plan and Zoning By-law
Amendments to permit a 1,081 unit independent living
retirement home complex at 3912 and 3928 Highway 7 East
(Ward 3)

File No. PLAN 20 123727

PREPARED BY: Sabrina Bordone, M.C.I.P., R.P.P., extension 8230
Acting Development Manager, Central District

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

RECOMMENDATION:

- 1) That the report titled, “RECOMMENDATION REPORT, 2310601 Ontario Inc., Applications for Official Plan and Zoning By-law Amendments to permit a 1,081 unit independent living retirement home complex at 3912 and 3928 Highway 7 East (Ward 3), File No. PLAN 20 123727”, be received.
- 2) That the Official Plan Amendment application submitted by 2310601 Ontario Inc., be approved and that the draft Official Plan Amendment, attached hereto as Appendix ‘A’, be finalized and brought forward to a future Council meeting to be adopted without further notice;
- 3) That the Zoning By-law Amendment application submitted by 2310601 Ontario Inc., be approved and that the draft Zoning By-law Amendment, attached hereto as Appendix ‘B’, be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 4) That the Site Plan Application (SPC 21 115121) submitted by 2310601 Ontario Inc. be delegated to the Director of Planning and Urban Design, or a designate, and that Site Plan Approval not be issued prior to the execution of a Site Plan Agreement;
- 5) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of Official Plan Amendment and Zoning By-law Amendment applications submitted by 2310601 Ontario Inc. to permit a 1,081 unit independent living retirement home complex at 3912 and 3928 Highway 7 East.

The Official Plan Amendment seeks to increase the maximum permitted height from eight storeys to 14 storeys and the maximum density from 3.95 to 6.42 FSI. The Zoning By-law Amendment scopes the permitted uses, amends certain development standards, and places Holding Provisions on the subject lands until certain conditions have been satisfactorily met.

The proposal provides a transit-supportive intensification opportunity within an existing urban area, utilizes existing infrastructure, diversifies the housing stock by offering an institutional housing type with both rental and life lease housing tenures, and proposes a compact built form close to a mix of land uses with access to a range of transportation options. Furthermore, it incorporates various building step backs, particularly along the north and east property lines, to ensure the tallest building portions are located along Highway 7. This approach results in an appropriate built form transition from the higher-density developments in Markham Centre to the lower density neighbourhoods in the north and has regard for the existing townhouse development to the east. For these reasons, Staff opine that the proposed Official Plan Amendment and Zoning By-law Amendment are appropriate and represent good planning.

PURPOSE:

This report recommends approval of the Official Plan and Zoning By-law Amendment applications (the “Applications”) submitted by 2310601 Ontario Inc. (the “Owner”) to permit an 84,836 m² (913,197 ft²) independent living retirement home development consisting of 1,081 units (the “Proposed Development”).

PROCESS TO DATE:

- September 22, 2020 – Staff deemed the Applications Complete
- November 18, 2020 – Community Information Meeting hosted by the Local Ward Councillor
- December 15, 2020 – Development Services Committee (“DSC”) received the Preliminary Report
- March 2, 2021 – the Statutory Public Meeting was held
- May 20, 2021 – Design Review Panel (“DRP”) considered the Proposed Development

The 120-day period set out in the *Planning Act* before the Owner can appeal the Applications to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on January 20, 2021. Accordingly, the Owner is in a position to appeal the Applications to the OLT.

If DSC chooses to support the Applications, then the planning process will include the following next steps:

- site-specific Official Plan Amendment adoption
- site-specific Zoning By-law Amendment enactment
- delegated approval of the Site Plan Application to the Director of Planning and Urban Design, or a designate

Application History

The Markham Committee of Adjustment, in 2018, approved Minor Variance application A/61/18 to permit reduced side and rear yard setbacks and an increased density to 3.95 times the area of the Subject Lands (Floor Space Index - “FSI”). The Owner now proposes to amend certain development standards, as shown in Table 1.

Approvals and Proposal		Density (FSI)	Building Height	Front Yard Setback	Rear Yard Setback	Side Yard Setback (West)	Side Yard Setback (East)
Past	By-law 2016-77	3.5	30 m (8-storeys)	1.2 m (4.2 m for units on the first floor)	1.2 m (165 m from front property line above the second storey)	4 m, 7 m above the second storey	4 m, 7 m above the second storey
	- Two buildings - Maximum 8 storeys - approx. 662 units						
Current	Minor Variance approvals (A/61/18)	3.95	No change 30 m (8-storeys)	No change 1.2 m (4.2 m for units on the first floor)	4 m (8.5 m above the third storey)	4 m, 7 m above the third storey	4 m, 7 m above the third storey
	- Two buildings - Maximum 8 storeys - unit count not specified						
Proposal	Proposed Development	6.42	49 m (tiered to maximum 14-storeys)	No change 1.2 m (4.2 m for units on the first floor)	No change 4 m (8.5 m above the third storey)	4 m, 5m above the eight storey	No change 4 m, 7 m above the third storey
	- Three buildings - Maximum heights 9 to 14 storeys - 1,081 units						

PROPOSAL:

The Owner proposes to redevelop the vacant Subject Lands to facilitate the Proposed Development that includes the following, as shown on Figure 5:

- a) a tiered nine-storey building along the northeast property line (Building A) with a step back above the third storey
- b) a tiered 13-14 storey L-shaped building fronting Highway 7 and the west property line (Building B) with step backs above the eighth and 11th storeys
- c) a tiered 13-storey building along the northwest property line (Building C) with step backs incorporated above the third, eighth, and 11th storeys

After the DSC received the Preliminary Report on December 15, 2020, the Owner made revisions to the original Proposed Development (“Original Proposal”) in response to the comments received through the review process and at the March 2, 2021, statutory Public Meeting. Table 2 compares the key site statistics of the Original Proposal and the Proposed Development (as revised).

Table 2: Key Site Statistics		
	Original Proposal	Proposed Development (as revised)
Number of Units	1,136 (with 150 rental units)	1,081 (with 150 rental units)
Gross Floor Area	85,265 m ² (917,785 ft ²)	84,836 m ² (913,197 ft ²)
Density	5.75 FSI	6.42 FSI - *see note 1
Parking	626 spaces 46 visitor spaces at-grade 580 spaces in two underground levels (including 150 visitor spaces)	597 spaces 20 spaces at-grade (comprising 19 visitor spaces and one residential space) 577 spaces in two underground levels (including 144 visitor spaces)
Indoor Amenity Space	2,455 m ² (26,426 ft ²) Buildings A and B ground floor: permit a pharmacy, medical clinic, library, café, salon, kitchen, community dining area, and leisure spaces	4,324 m ² (46,545 ft ²) - *see note 2 Buildings A, B, and C ground floor: permit a health and wellness clinic, library, café, kitchen, community dining area, auditorium and leisure spaces
Minimum Outdoor Amenity Space	1,704 m ² (18,340 ft ²) (1.5 m ² / unit @ 1,136 units) (includes courtyard and landscaped terrace proposed on the roof of Building A)	1,622 m ² (17,460 ft ²) (1.5 m ² /unit @ 1,081 units) (includes landscape roof terrace on Building A, internal courtyard and

Table 2: Key Site Statistics		
	Original Proposal	Proposed Development (as revised)
		outdoor patio spaces adjacent to Buildings B and C)
Site Access	Two full movement access (includes one along Mayor Roman Drive and second along Buchanan Drive)	Two full movement access (includes one along Mayor Roman Drive and second along Buchanan Drive)
Underground Parking Access	Two ramps including one off Buchanan Drive and another located within internal courtyard under Building A	One ramp located within internal courtyard under Building C

Note 1: The increase density is largely due to the change in the calculation methodology based on GFA between the Proposed Development and Original Proposal. The density calculation for the Original Proposal was based on the GFA definition consistent with several site-specific floor space exclusions beyond the By-law 177-96 GFA definition, but similar to other seniors' developments in the City. At the request by Staff, the density calculation for the Proposed Development uses the GFA definition contained in By-law 177-96, instead of a proposed amendment to the GFA definition.

Note 2: Increase in indoor amenity space is accommodated by converting some ground floor units in Building C.

Proposed Development Phasing

The Proposed Development is expected to be built in two development phases. Phase 1 will consist of Buildings A and B, along with the full extent of the underground parking. Phase 2 will consist of Building C.

PLANNING POLICY AND REGULATORY CONTEXT:

The Applications are subject to a planning policy framework established by the Province, York Region and City under the *Planning Act, R.S.O. 1990*. The following sections describe how the Applications meet the respective policies and regulations:

Provincial Policy Framework

Provincial Policy Statement, 2020 (the "2020 PPS")

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are located within a defined settlement area and designated for development in both the York Region and City Official Plans. The Proposed Development accommodates growth within the built boundary of the settlement area, at a

transit supportive density, where roads, sanitary and municipal infrastructure and services are already in place. It diversifies the housing stock in the City and Region and provides a housing option to meet current and future population needs. Staff are satisfied the Proposed Development is consistent with the 2020 PPS.

Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”)

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are located within the ‘Built-Up Area’, adjacent to an Urban Growth Centre (Markham Centre). The Growth Plan seeks to achieve complete communities that feature a mix of land uses and housing options, expand convenient access to a range of transportation options, and fosters a compact built form and an attractive public realm. The Growth Plan provides a definition of a Major Transit Station Area (“MTSA”), as being the area within an approximate 500 to 800 m of a transit station. The Subject Lands are within 500 m to multiple bus stations on the Viva Purple Line on Highway 7 and within 800 m of the higher order bus rapid stop at Town Centre Boulevard.

Staff opine that the Proposed Development is consistent with the objectives of the Growth Plan. It provides a transit-supportive intensification opportunity within an existing urban area, utilizes existing infrastructure, and diversifies the housing stock by offering an institutional housing type with both rental and life lease housing tenures. It also proposes a compact built form close to a mix of land uses with access to a range of transportation options.

Regional Policy Framework

York Region Official Plan 2010 (“ROP”)

The ROP designates the Subject Lands ‘Urban Area’ on Map 1, which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located immediately north of a ‘Regional Centre’ (Markham Centre), along a Regional Corridor and a segment of Highway 7 with a planned 45 m right-of-way considered a Regional Transit Priority Network.

The Proposed Development conforms to the urban structure and intensification policies of the ROP as it proposes a compact, pedestrian-scaled, street and transit-oriented development. It supports the objectives of the Regional Centres and Corridors by contributing to the creation of a pedestrian-friendly, vibrant urban space and will serve as an appropriate built form transition from the higher-density developments in Markham Centre to the lower density neighbourhoods to the north.

City of Markham Policy Framework**2014 Markham Official Plan (“2014 Official Plan”)**

The 2014 Markham Official Plan designates the Subject Lands “Mixed Use Mid Rise” and permits mid-rise intensification opportunities in a variety of building forms and uses, including retirement homes. Site specific policy 9.19.9.f establishes a maximum height of eight storeys and a maximum density of 3.5 FSI on the Subject Lands.

As mentioned above, the Owner obtained approval from the Committee of Adjustment in 2018 to increase the maximum permitted density on the Subject Lands to 3.95 FSI.

The proposed Official Plan Amendment seeks to increase the maximum permitted height from eight storeys to 14 storeys and the maximum density from 3.95 FSI to 6.42 FSI (see Appendix ‘A’).

Zoning By-law

By-law 177-96, as amended by site-specific Zoning By-law 2016-77, zones the Subject Lands “Community Amenity Area 3 Hold (CA3*558)”, as shown in Figure 2, and permits a variety of commercial and residential uses, including retirement homes. The proposed Zoning By-law Amendment (see Appendix ‘B’) does the following:

- a) scopes the permitted uses to retirement home and long-term care facility, and associated accessory permitted uses
- b) amends certain development standards
- c) places Holding provisions on the Subject Lands until certain conditions have been satisfactorily met, including but not limited to, execution of a Section 37 agreement, confirmation from the Archdiocese of Toronto that arrangements have been made for the construction of a driveway to St. Justin Martyr Church to Mayor Roman Drive, and submission of a Water Supply Analysis

The Original Proposal on the Subject Lands contemplated two, eight-storey apartment buildings with a maximum density of 3.5 FSI. At the time of the June 2016, Recommendation Report, the Owner had not finalized the number of dwelling units, but indicated that it would range up to approximately 622, depending on the unit mix. The Owner obtained approval for a subsequent Minor Variance application at the Committee of Adjustment (“COA”) in June 2018, to increase the density to 3.95 FSI. While the Staff report did not provide an approximate unit count, based on certain assumptions Staff have calculated that the COA approval included 747 units. This unit threshold is important to note as it informs one of the conditions of Hold removal as it relates to the Owner’s requirement to submit a Water Supply Analysis after 747 units have been constructed, which is reflected in Appendix ‘B’ of this report.

DISCUSSION:

The following section identifies how the matters raised through the review process, including those raised at the statutory Public Meeting and the Community Information Meeting, have been resolved or considered.

a) Height and Massing

Some members of the public expressed concern with the proposed building heights and cited potential built form impacts, such as privacy and shadow, with the Proposed Development's proximity to established low-density neighbourhoods to the north and west, and the existing townhouses to the east.

In response, the Owner reduced the building height at the portion of Building B that fronts on Mayor Roman Drive from 14 storeys to 13 storeys and significantly reduced the footprint of the enclosed rooftop greenhouse on Building A, which is adjacent to the existing townhouses to the east. The ceiling height of the new greenhouse has also been reduced from 5.5 m to 3.7 m. Overall, the portion of Building A adjacent to the townhouses maintains the as-of-right 8-storey building height permission with the exception of the ninth-storey greenhouse, a non-habitable amenity area.

The Proposed Development further incorporates a variety of building design step backs as detailed below:

- i) **Building A:** a step back is provided above the third storey on the eastern elevation, providing a compatible interface to the existing three storey townhouses to the east
- ii) **Building B:** step backs are introduced above the eighth and 11th storeys on both the front elevation adjacent to Highway 7 and along the west elevation adjacent to St. Justin Martyr Church
- iii) **Building C:** the rear elevation of Building C, being the one closest to the existing single-detached dwellings on Chimenti Court, is terraced and has large building step backs above the third, eighth, and 11th storeys

Additionally, all of the proposed mechanical penthouses are located away from the edge of the roofs to minimize their visibility and further mitigate any massing impacts. Staff are satisfied that the proposed building heights are appropriate and have been designed to reasonably mitigate any impacts to the surrounding uses.

b) Clarification Regarding Life Lease

At the statutory Public Meeting, further clarification was requested regarding the Life Lease tenure of the Proposed Development and its affordability and the number of proposed rental units.

Life Lease is a housing tenure that falls between ownership and rental. An individual does not own the property, but rather owns an interest that provides the right to occupy a dwelling unit for a long period of time, often a lifetime. This often results in a more cost-effective form of housing.

The Owner has advised that the Proposed Development does not include any units that meet the definition of affordable housing as contained in the 2014 Official Plan and the ROP. Notwithstanding, the Proposed Development provides an alternative

housing option for seniors that meets the intent of the 2014 Official Plan, which supports and encourages a range of housing types and tenures.

The Proposed Development will be managed by the Lang Yi foundation (the “Foundation”), a registered charitable organization and includes eligibility criteria, such as age and the ability to live independently. The Foundation has partnered with third-party service providers to ensure the Proposed Development will deliver efficient and integrated access to social and recreational programs, and a range of care and meal services.

The Proposed Development is a Life Lease tenured building to be owned by the Foundation. However, 150 of the leaseholds for individual units will be rented out to tenants, with the length of the rental term ultimately determined by the Foundation. Through discussions with Staff, the Owner has committed to 10 units being rented at affordable rents that meet the definition of affordable housing as contained in the 2014 Official Plan. Staff and the Owner will continue to work together to determine what agreements need to be in place to facilitate this commitment.

c) Proposed Reduced Parking Standard Relative to Minimum Age Eligibility

The City’s Parking By-law 28-97, as amended, requires parking for the Proposed Development to be provided at a rate of 0.5 spaces/unit for residents and 0.25 spaces/unit for visitors, resulting in a parking supply of 810 parking spaces. The Owner proposes a reduced parking standard of 0.4 spaces/unit for residents and 0.15 spaces/unit for visitors, resulting in a proposed parking supply of 594 parking spaces.

The proposed parking rate was determined through a review of parking survey data collected at comparable seniors’ residences across the GTHA. The survey results indicated that the majority of residents at these buildings do not own a vehicle and the proposed parking supply has been designed to ensure that a sufficient number of parking spaces are provided without building excess parking that would not be utilized.

The Subject Lands are located in an area with a well-developed transit network and a range of amenities and services within walking distance. The Owner commits to provide various Transportation Demand Management (TDM) measures including, but not limited to, bicycle parking facilities with bicycle repair stand, car-share space on site, and shuttle bus service for residents.

Transportation Planning Staff are satisfied with the proposed parking reduction and the proposed TDM measures.

d) Landscape Design and Private Outdoor Amenity Areas

The Owner explored opportunities to increase at-grade outdoor amenity space in the internal courtyard, which were comments received at the statutory Public Meeting

and repeated by the City's Design Review Panel. To address these concerns, the garage ramp, loading spaces, and at-grade parking spaces have been removed from the southern portion of the internal courtyard and redesigned as common amenity spaces and gardens for social activities, gathering and resident enjoyment. The northern portion of the inner courtyard has been redesigned to consolidate access to garage parking and loading activities. The number of at-grade parking spaces have been reduced, continuous pedestrian walkways through the Subject Lands have been introduced and landscaped areas were relocated to offer privacy screening for the at-grade residential units facing the courtyard (see Figure 6).

The Proposed Development also provides a substantial private amenity space on the Building A rooftop for open air and enclosed amenities that residents can use for passive wellness activities and potential programmed events. The proposed rooftop space includes a greenhouse for gardening opportunities, a walking track, a tai-chi area, and social gathering spaces with benches (see Figure 7). Additional common outdoor patio spaces are proposed along the ground floors of Buildings B and C fronting Mayor Roman Drive.

e) Comparative Shadow Analysis

In response to members of DSC's request at the statutory Public Meeting, the Owner's architect conducted a Shadow Impact Comparison Study, dated December 15, 2021 (see Appendix 'C'), to analyze the shadow impacts that would result from the Proposed Development compared to the impacts that would result from a proposal that aligns with the as-of-right permissions (8-storeys). The results of this analysis indicate that the Proposed Development has minimal additional shadowing impacts to the adjacent properties, when compared to an 8-storey built form.

f) Site Plan Application is Under Review

The Owner submitted a Site Plan Application ("SPA") to facilitate the Proposed Development and is currently addressing comments received from the initial circulation and from the City's Design Review Panel. Figure 8 shows a conceptual rendering of the Proposed Development, which uses a variety of architectural expressions and materials to present a pedestrian-scaled development along the proposed street frontages.

The Proposed Development is predominantly designed in a light coloured precast material with a strong cornice for the first three storeys to provide a clear base at the street level. A light coloured brick is used from the fourth to eighth storeys to provide a clear middle, while the light-coloured precast is re-introduced above the eighth storey. Spandrel glass is introduced on the 14th storey of Building A to reduce the visual impact of the upper floor. Other materials proposed on the façade include vision and spandrel glass, metal panels to match the window frame, precast sills and aluminum canopies.

As a highly visible and prominent site along Highway 7, the variation in material/colour palette will provide greater façade articulation to help break down the overall building mass.

In order to expedite the approval process, Staff recommend that the DSC delegate approval of the SPA to the Director of Planning and Urban Design. The Owner continues to work closely with Staff to refine the building elevations for the Proposed Development, addressing matters pertaining to materiality, articulation and bird-friendly measures.

g) Advancing the Park Block to North

Members of the public inquired as to whether the proposed park block to the north could be advanced ahead of the construction of the Proposed Development. The Owner advises that a portion of the proposed park block will be required for construction staging. Staff have consulted the Parks Design & Construction division and have been advised that it becomes unnecessarily complicated and costly to advance the park on the portion that is not being used for construction staging. This is due to two mobilization efforts occurring at the same time and multiple contractors on site. For these reasons, Staff recommend the public park be advanced once the Owner no longer requires the proposed park block and can deliver the parkland to the City in a form that is acceptable and graded in accordance with City standards.

Sustainability Measures and Markham District Energy

The Owner continues to work with Staff through the Site Plan process to incorporate various sustainability measures into the Proposed Development including, but not limited to, achieving minimum LEED Silver standards. The Owner has confirmed the Proposed Development will be designed to connect to Markham District Energy.

Toronto/Buttonville Airport Zoning Regulations

The Owner's surveyor has provided confirmation that the heights of the Proposed Development do not penetrate the airspace associated with the Toronto/Buttonville Airport Zoning Regulations. However, further confirmation that the construction equipment (i.e. cranes) does not penetrate the airspace is also required. In order to address this, a condition of Hold removal relating to the Toronto/Buttonville Airport Zoning Regulations has been included in the draft Zoning By-law Amendment (Appendix 'B').

Section 37

The Proposed Development includes a greater number of residential units and taller building heights than originally contemplated. In these circumstances, it is appropriate to require a Section 37 contribution for community benefits. The draft Zoning By-law Amendment requires the Owner enter into a Section 37 agreement with the City prior to Hold removal (Appendix 'B').

Exemption from Regional Approval

In a letter dated November 13, 2020, York Region delegated approval authority for the OPA to the City of Markham.

CONCLUSION:

Staff opine that the Applications are appropriate and represent good planning. The Proposed Development provides for a transit-supportive intensification opportunity within an existing urban area, utilizes existing infrastructure, diversifies the housing stock by offering an institutional housing type with both rental and life lease housing tenures and proposes a compact built form close to a mix of land uses with access to a range of transportation options. Therefore, Staff recommend that the proposed amendment to the City's 2014 Official Plan, attached as Appendix 'A', and the proposed amendment to Zoning By-law 177-96, as amended, attached as Appendix 'B', be approved.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications align with the City's strategic priorities of managing growth and municipal services to ensure safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to various departments and external agencies. Requirements of the City and external agencies have been reflected in the implementing Official Plan Amendment and Zoning By-law Amendment (see Appendices 'A' and 'B').

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 (2020)
- Figure 4: Approved Draft Plan of Subdivision
- Figure 5: Proposed Site Plan
- Figure 6: Ground Floor Landscape Concept
- Figure 7: Building A Rooftop Amenity Plan
- Figure 8: Perspective – North East from Highway 7

APPENDICES:

Appendix 'A': Draft Official Plan Amendment

Appendix 'B': Draft Zoning By-law Amendment

Appendix 'C': Shadow Impact Comparison Study

AGENT:

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