

SUBJECT: RECOMMENDATION REPORT
Alai Developments Inc. (formerly 2080552 and 2328465 Ontario Inc.)
Application for Zoning By-law Amendment to permit thirty-nine townhouse units at 4781, 4791, 4801, and 4813 14th Avenue (Ward 8)

File No. ZA 18 114381

PREPARED BY: Sabrina Bordone, M.C.I.P., R.P.P., extension 8230
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REVIEWED BY: Stephen Lue, M.C.I.P., R.P.P., extension 2520
Senior Development Manager

RECOMMENDATION:

- 1) That the report titled, “RECOMMENDATION REPORT, Alai Developments Inc. (formerly 2080552 and 2328465 Ontario Inc.), Application for Zoning By-law Amendment to permit thirty-nine townhouse units at 4781, 4791, 4801, and 4813 14th Avenue (Ward 8), File No. ZA 18 114381”, be received;
- 2) That the Zoning By-law Amendment application submitted by Alai Developments Inc (formerly 208552 and 2328465 Ontario Inc.) be approved and the draft Zoning By-law Amendment, attached hereto as Appendix ‘A’, be finalized and enacted without further notice;
- 3) That in accordance with the provisions of subsections 45 (1.4) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the Owner shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the By-law was approved by Council;
- 4) That Council assign servicing allocation for a maximum of thirty-nine residential units;
- 5) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 6) That York Region be advised that servicing allocation for thirty-nine residential units has been granted; and
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of the Zoning By-law Amendment application submitted by Alai Developments Inc. (formerly 208552 and 2328465 Ontario Inc.) to permit thirty-nine townhouse units at 4781, 4791, 4801, and 4813 14th Avenue, as shown on Figures 1 and 2. Staff are of the opinion that the proposal provides for infill residential intensification at an appropriate location, takes advantage of existing transit, and is compatible with surrounding land uses. The Proposed Development conforms to the City's Official Plan and the implementing Zoning By-law, attached hereto as Appendix 'A', is consistent with the City's policies.

Therefore, Staff recommend approval of the Zoning By-law Amendment application.

PURPOSE:

This report recommends approval of a Zoning By-law Amendment application (the "Application"), submitted by Alai Developments Inc. (formerly 2080552 and 2328465 Ontario Inc.) (the "Owner"), to permit thirty-nine, three-storey, townhouse units (the "Proposed Development").

Process to Date

- Staff deemed the Application complete on April 11, 2018
- The Development Services Committee ("DSC") received the Preliminary Report on May 28, 2018
- The statutory Public Meeting was held on November 13, 2018

The 90-day period set out in the *Planning Act* before the Owner can appeal the Application to the Ontario Land Tribunal (the "OLT") for a non-decision ended on July 10, 2018. Accordingly, the Owner is in a position to appeal the Application to the OLT.

Next Steps

- Council Approval of the site-specific Zoning By-law Amendment
- Future submission of a Draft Plan of Subdivision application, followed by a separate Public Meeting, recommendation report, and subdivision registration
- Future submission of a Draft Plan of Condominium application, followed by condominium registration
- Future submission of an application for Exemption from Part Lot Control By-law to create the parcels of tied land for each townhouse unit
- Detailed review of the Site Plan Application ("SPA") and approval by Staff

BACKGROUND:**Location and Area Context**

The 0.959 ha (2.37 ac) subject lands are situated at the southwest corner of 14th Avenue and Brimley Road and are comprised of four contiguous properties, municipally known as 4781, 4791, 4801, and 4813 14th Avenue (the "Subject Lands"), as shown on Figure 1. The Subject Lands are irregular in shape, and have approximate frontages of 139 m (457 ft) along the south side of 14th Avenue and 60 m (198 ft) along the west side of Brimley

Road. An existing two-storey institutional building (4813 14th Avenue), a vacant parcel (4801 14th Avenue), and two single detached dwellings (4781 and 4791 14th Avenue) currently occupy the Subject Lands. Figure 3 shows the surrounding land uses.

Proposed Development

The Owner proposes to demolish the existing on site structures and construct a townhouse development (the “Proposed Development”) with right-in/right-out access from 14th Avenue and Brimley Road, as conceptually shown on Figure 5 that comprises the following, with additional details in Table 1:

- a) 39 freehold townhouse units accessed by a private condominium road
- b) six blocks, with the number of units per block ranging from five to eight
- c) 10 visitor parking spaces (including one accessible parking space) shared by all residents

TABLE 1: Proposed Development - Additional Details		
Gross Floor Area	9,804.45 m ² (105,537.67 ft ²)	
Units Width Range	5.5 m (18 ft) to 6.19 m (20 ft)	
Density	1.09 Floor Space Index (FSI) *see note 1	43.33 units per ha (UPH) *see note 1
Private Amenity Space	Approximately 26 m ² / unit (280 ft ² / unit) balconies above garages	
Shared Amenity Space	A 610 m ² (6,556 ft ²) outdoor amenity space west of Block E comprised of a gazebo, benches, sod, paved areas, and plantings	
Parking Spaces	Four parking spaces per townhouse unit	

Note 1: Calculated based on net lot area (less 14th Avenue road widening)

PUBLIC CONSULTATION:

The statutory Public Meeting was held on November 13, 2018. Matters with respect to the Application were identified through written submissions and comments made by the public and the Development Services Committee. The City received 15 written submissions and two deputations were made. The following is a summary of the key matters raised to date:

- a) The proposed density and unit types not fitting in with the character of the area
- b) The potential traffic generated by the Proposed Development and the location of the visitor parking spaces
- c) The accessibility of the proposed playground/outdoor shared amenity space
- d) The proposed elevations being too contemporary given the surrounding area context
- e) Site plan matters, specifically snow storage locations

The Discussion section of this report outlines how these comments have been addressed or considered.

PLANNING POLICY AND REGULATORY CONTEXT:

The Application is subject to a planning policy framework established by the Province, York Region, and City of Markham under the *Planning Act, R.S.O. 1990*.

Provincial Policy FrameworkProvincial Policy Statement, 2014 (the “2014 PPS”)

The 2014 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters 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 of Markham Official Plans. Consistent with the policies of the 2014 PPS, the Proposed Development achieves infill intensification, which efficiently uses land, resources and infrastructure and supports alternative modes of transportation, including active transportation and transit. The Proposed Development would contribute to the mix of housing types in the area in terms of built form and density. Staff are satisfied that the Proposed Development is consistent with the 2014 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, efficient form.

The Subject Lands are located within the ‘Built-Up Area’ in the Growth Plan. The Growth Plan specifies minimum intensification targets to be accommodated in the delineated built-up area, with the objective of achieving complete communities that feature a mix of land uses and housing options, providing convenient access to a range of transportation options, and fostering a compact built form and an attractive and vibrant public realm. Staff opine that the Proposed Development conforms to the Growth Plan, as it promotes and contributes to a range and mix of housing types, supports active transportation options, and optimizes the use of existing infrastructure.

The Planning Act

Section 45(1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law comes into effect. It also permits Council to pass a resolution to allow an Applicant to apply for a minor variance(s) within two years of the passing of a by-law.

The Owner has requested that Council grant exemption from subsection 45(1.4) of the *Planning Act*, which will permit applications for minor variances within two years of

enactment of the draft Zoning By-law Amendment, attached as Appendix 'A'. The Proposed Development may be further refined through the Site Plan Approval process, which could trigger the need for a minor variance request. Staff will have the opportunity to review the appropriateness of any requested minor variances should such applications be made in the future. This provision is included in the Resolution of Council.

Regional Policy FrameworkYork Region Official Plan (the "2010 ROP")

Map 1 of the 2010 ROP designates the Subject Lands 'Urban Area', which permits a wide range of residential, commercial, industrial, and institutional uses. The 2010 ROP sets out a minimum of 40% of all residential development in York Region to occur within the built-up area, as defined by the Province's Built Boundary in the Growth Plan. The Proposed Development is infill that supports the use of existing infrastructure, including an arterial road and existing transit. Staff are satisfied that the Proposed Development conforms to the 2010 ROP.

City of Markham Policy Framework2014 Markham Official Plan ("2014 Official Plan")

The Subject Lands are designated "Residential Low Rise", which represents residential neighbourhoods with lower-scale building forms. This designation provides for a variety of grade-related, low density housing types, including detached dwelling, semi-detached dwelling, townhouse excluding back-to-back townhouse, and small multiplex building containing three to six units, all with direct frontage on a public street. A Zoning By-law Amendment to permit the above buildings on lots without direct frontage on a public street may be considered, at appropriate locations, where a development block has frontage on an arterial road or major collector road. Unless specified in a secondary plan or site-specific policy, the "Residential Low Rise" designation also permits a maximum building height of three storeys.

The Proposed Development includes a site-specific Zoning By-law Amendment, has frontages on an arterial road (14th Avenue) and major collector road (Brimley Road), and meets the maximum three-storey building height requirement. Therefore, the Proposed Development conforms to the 2014 Official Plan.

Existing Zoning By-law

Zoning By-law 193-81, as amended, ("By-law 193-81") zones the Subject Lands "Suburban Residential Three - Hold" [SUR3 (H)] and "Institutional and Open Space" (O2), as shown on Figure 2. The SUR3 zone permits a single detached dwelling and home occupation. The O2 zone permits institutional and public uses including, but not limited to, day care centres, churches, golf course, and public and private parks.

Proposed Zoning By-law Amendment ("ZBA")

The draft ZBA proposes to delete the Subject Lands from Zoning By-law 193-81 and incorporate the Subject Lands into Zoning By-law 177-96, as amended ("By-law 177-96") to zone the Subject Lands "Residential Two (R2)" with site-specific use and

development standards including, but not limited to, setbacks, dwelling widths, and building height. The draft ZBA is attached as Appendix 'A'.

DISCUSSION:

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

a) Density and Compatibility with the Area Character

In response to concerns raised at the statutory Public Meeting related to the density, the Owner undertook an analysis of similar development applications approved by the City in recent years, which was reviewed by Staff. The proposed density is in keeping with these recent approvals. Furthermore, the Proposed Development incorporates a prominent outdoor amenity space and appropriate landscape buffers that further restricts overdevelopment of the Subject Lands. In order to further address concerns regarding density, the draft ZBA permits a maximum of 39 townhouse units. Staff are satisfied the proposed density is appropriate and is representative of appropriate infill development.

Although the surrounding area consists of existing single detached dwellings, there exists a mix of non-residential land uses within the immediate vicinity of the Subject Lands. This includes a place of worship abutting the Subject Lands to the west, institutional uses (private schools) to the south, and a commercial plaza on the east side of Brimley Road. The Proposed Development is compatible with the various land uses within the vicinity and provides an appropriate built form presence along 14th Avenue.

b) Transportation Review

Concerns were expressed by the public that the Proposed Development would generate significant traffic and increase congestion. A Traffic Impact Assessment ("TIA"), prepared by Poulos and Chung, was submitted in support of the Application. The TIA indicates that the traffic generated by the Proposed Development would be minimal and has no discernible impact on the performance of the area intersections. The findings of the TIA are acceptable to both the York Region and City Transportation Planning Staff.

Access to the Proposed Development will be accommodated via a right-in/right-out accesses at 14th Avenue and Brimley Road. The proposed 14th Avenue driveway entrance would be located close to the westerly end of the Subject Lands and operated with a 'pork-chop' island. This traffic treatment addresses York Region's comment to restrict a full movement intersection from 14th Avenue. The proposed Brimley Road entrance would slightly shift north from its current location and would be restricted with the extension of the centre median along Brimley Road. The access locations have been reviewed by York Region and City Transportation Planning Staff who are satisfied that the accesses can safely and efficiently accommodate movements into and out of the Proposed Development.

The City's Parking By-law 28-97, as amended, requires two parking spaces per townhouse dwelling unit plus 0.25 parking spaces per dwelling unit for visitor parking. The Owner proposes four parking spaces per unit and 10 visitor parking spaces, in accordance with the by-law standards. At the time of the statutory Public Meeting, the visitor parking spaces were located in areas that were visible from the 14th Avenue and Brimley Road frontages. Through the review of the Application, Urban Design Staff commented that surface parking spaces must be located away from the public right-of-way (ROW) to minimize negative impacts from public view. Since then, the Owner revised the conceptual site plan so that the visitor parking spaces are located centrally within the Subject Lands.

- c) The Accessibility of the Proposed Playground/Outdoor Shared Amenity Space
At the statutory Public Meeting, the proposed playground (now passive, outdoor shared amenity space) was located at the southwest corner of the Proposed Development, see Figure 4, which Staff expressed concerns with the proposed location. Staff requested that the common outdoor amenity spaces should be located for easy access for its users with maximum visibility to ensure the safety and comfort. The Owner revised the block layout and orientation (with blocks now flanking the westerly lot line) and has centralized the outdoor shared amenity space (see Figure 5) to maximize visibility and accessibility. Staff are satisfied with the location of the shared outdoor amenity space.
- d) Proposed Conceptual Building Elevations
In response to comments made at the statutory Public Meeting, the Owner worked with Staff on the proposed elevations to propose a traditional building design consistent with the surrounding context that includes the incorporation of stonework at the first floor of each townhouse unit, with upper floors comprised of a grey brick finish. The proposed rooflines have been revised from flat roofs to mansard style roofs punctuated with windows, finished in charcoal gray shingles. Staff will continue to work with the Owner to refine the conceptual elevations (see Figure 6 for a conceptual rendering of Blocks B and C).
- e) Site Plan Matters
The Owner submitted a SPA, which is currently under review. One site plan matter that was identified at the statutory Public Meeting pertained to adequate snow storage locations and to ensure snow is not plowed onto the City's roads. The Owner proposes two snow storage locations, at the southwest portion of the Subject Lands. Operations Staff advise that the proposed snow storage locations are acceptable.

In accordance with the City's Delegation By-law, approval of the SPA is delegated to the Director of Planning and Urban Design.

The Proposed Development will require sprinkler systems

The City's Fire Services Department requires two full movement access points into a development for firefighting purposes, whereas both access points into the Proposed Development are restricted to right-in/right-out only. To address this concern, the Owner

has agreed to install an automatic fire suppression sprinkler system within each of the proposed townhouse units. The Fire Services Department is in agreement with this approach.

Sustainability Initiatives

The Owner continues to work with Staff through the SPA process to incorporate various sustainability measures into the Proposed Development including, but not limited to, the installation of low-flow fixtures including faucets, shower heads, and dual flush toilets, insulated hot water piping, Energy Star HVAC and appliances, infiltration of stormwater run-off, and use of absorbent landscaping materials.

Secondary Suites

The Owner has committed to providing mandatory secondary suites in Blocks B and C, fronting onto 14th Avenue, with the option for secondary suites in the remaining townhouse blocks. This requirement for mandatory secondary suites is reflected in the draft ZBA attached as Appendix 'A'.

A Draft Plan of Subdivision is Required

The Owner proposes freehold townhouse units on a private condominium road (common elements condominium). As the Subject Lands are not lots on a registered plan of subdivision, the Owner is required to submit an application for Draft Plan of Subdivision so that a future Exemption from Part Lot Control By-law can be passed to create the parcels of tied land (POTL) for each townhouse unit.

York Region Approval

The Subject Lands front onto 14th Avenue, which is under York Region's jurisdiction. The Region has requested and the Owner has agreed to land conveyances along the 14th Avenue frontage, and at the northeast corner of the Subject Lands to accommodate a daylight triangle. York Region advises no objections to the approval of the Application.

Section 37 Public Art Contribution

The Proposed Development includes a greater number of residential units than originally contemplated. Therefore, a Section 37 provision is included in the proposed ZBA (see Appendix 'A'), which enables the City to collect a Section 37 contribution for public art. The Section 37 contribution will be collected at the Site Plan Agreement stage.

CONCLUSION:

Staff opine that the proposed ZBA is appropriate and represents good planning. The Proposed Development provides for infill residential intensification, located at the intersection of an arterial and major collector road that is serviced by existing transit, and is compatible with the various land uses within the vicinity. Therefore, Staff recommend that the draft ZBA, attached as Appendix 'A', be approved.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application aligns with the City's strategic priorities in the context of growth management and municipal services to ensure safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Application was circulated to various departments and external agencies. Requirements of the City and external agencies have been reflect in the implementing draft ZBA as appropriate (see Appendix 'A').

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: Conceptual Site Plan (Original Submission)

Figure 5: Conceptual Site Plan (Proposed Development)

Figure 6: Conceptual Rendering - View Looking Southeast (Blocks B and C)

Appendices:

Appendix 'A': Draft Zoning By-law Amendment

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