



Report to: Development Services Committee

Meeting Date: February 28, 2023

SUBJECT: **RECOMMENDATION REPORT**
9781 Markham Road Limited Partnership
Zoning By-law Amendment Application to permit a high rise
mixed-use development with 746 apartment units at 9781
Markham Road (Ward 5)
File No. PLAN 21 140476

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RECOMMENDATION:

- 1) THAT the February 28, 2023, report titled, “RECOMMENDATION REPORT, “9781 Markham Road Limited Partnership, Zoning By-law Amendment Application to permit a high rise mixed-use development with 746 apartment units at 9781 Markham Road (Ward 5), File No. PLAN 21 140476”, be received;
- 2) THAT the Zoning By-law Amendment application submitted by 9781 Markham Road Limited Partnership (File No. PLAN 21 140476) , be approved and the draft Zoning By-law Amendment, attached as Appendix ‘A’, be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 3) THAT servicing allocation for an additional 746 units be assigned to the proposed 32 and 26 storey mixed use apartment building;
- 4) 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 a Zoning By-law Amendment application to permit a high rise mixed-use development at 9781 Markham Road, which is located on the south side of Castlemore Avenue, between Markham Road and Anderson Avenue. Following site plan endorsement and the issuance of a conditional permit, the Phase 1 Development is currently under construction and that consists of two 22-storey mixed-use buildings containing 533 apartment units and 12 townhouse units.

The proposed Zoning By-law Amendment (Appendix ‘A’) permits the “Phase 2 Development”, which consists of a mixed-use building with 746 apartment units and 517.6 m² (5,571 ft²) of non-residential gross floor area. The building form comprises an eight-storey podium with a 32-storey building oriented towards the Markham Road and

Castlemore Avenue intersection, a 26-storey tower oriented towards Castlemore Avenue (See Figures 4 to 7). It also includes a 1,721 m² (0.42 ac) strata park at the northeast corner fronting Castlemore Avenue and Anderson Avenue. While the intent of the zoning by-law is to permit the Phase 2 Development, it rezones the overall property to provide a consolidated site-specific by-law for both phases that have shared on-site amenity areas, integrated underground parking, and similar form, massing and building setbacks.

The proposed Zoning By-law Amendment proposes the following:

- increase the maximum number of units on the subject property from 548 to 1300
- permit building heights up to 32-storeys
- increase density from an FSI of 2.19 to 5.2
- reduce parking standards
- address other site-specific development standards for the Phase 1 Development and proposed Phase 2 Development (a Phase 2 Site Plan Application is still required)

The proposed development makes efficient use of land identified provincially, regionally, and locally for intensification with a mix of uses. It aligns with the proposed land use, density, and height parameters of the Markham Road Mount Joy Concept presented at the July 11, 2022, Development Services Committee meeting as part of an on-going Secondary Plan Study. The subject property is located adjacent to existing higher order transit stations and routes, and existing and future community amenities. For these reasons, Staff opine that the proposed Zoning By-law Amendment is appropriate and represents good planning.

PURPOSE

This report recommends approval of the Zoning By-law Amendment application (“the Application”) submitted by 9781 Markham Road Limited Partnership (the “Owner”) to permit the Phase 2 Development consisting of a mixed use high rise development with 746 apartment units and 517.6 m² (5,571 ft²) of non-residential Gross Floor Area (“GFA”) at 9781 Markham Road (the “Proposed Development”).

Process to Date:

- The Development Services Committee (“DSC”) endorsed the Phase 1 Development (File SPC 20 110692) on January 25, 2021. The technical review of the Site Plan is complete with the imminent issuance of site plan approval. Conditional Building Permits have been issued, and construction for Phase 1 is underway.
- Staff deemed the Application complete on November 17, 2021. The 90 day period set out in the *Planning Act* before the Owner can appeal the Zoning By-law Amendment application to Ontario Land Tribunal (the “OLT”) for a non-decision ended on February 15, 2022. Accordingly, the Owner can appeal the Application to the OLT.
- A Community Information Meeting was held by the Ward 5 Councillor on April 4, 2022, followed by the statutory Public Meeting on April 19, 2022.
- In response to Staff and Agency comments, the Owner provided their second submission on December 8, 2022.

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

- a) Enactment of the site-specific Zoning By-law at a future Council meeting
- b) A Site Plan Application is required to initiate the detailed technical review of the Phase 2 development. The Owner will be required to enter into a Site Plan Agreement, prior to the issuance of Building Permits
- c) Submission of a future Draft Plan of Condominium application. The Owner has confirmed that the tenure will be a condominium.

BACKGROUND:

Subject Lands and Area Context

The vacant 2.07 ha (5.11 ac) subject property, municipally known as 9781 Markham Road (the “Subject Lands”), is located on the south side of Castlemore Avenue, between Markham Road and Anderson Avenue (See Figures 1 to 3). The east portion of the Subject Lands are within a regulated Toronto Region Conservation Authority (“TRCA”) flood plain. Figure 3 shows the surrounding land uses.

History: the Phase 1 Development is currently under construction

In 2011, Markham Council approved site-specific Zoning By-law Amendment 2011-173 to permit apartment, multiple unit, and townhouse dwellings on the subject property. It also permitted 20-storey maximum building heights, a maximum of 500 units, maximum 50,000 m² residential and 4,800 m² non-residential Gross Floor Areas, and a parking ratio of 1.1 spaces per residential unit.

In 2021, the Committee of Adjustment approved a Minor Variance application to permit a maximum density of 2.19 Floor Space Index, maximum 23-storey building height; a maximum of 548 units, and a parking ratio of 1.0 space per residential unit.

These prior approvals permit the “Phase 1 Development” that is currently under construction on the 1.38 ha (3.4 ac) southerly portion of the Subject Lands that will consist of two 22-storey mixed-use buildings containing 533 apartment units and 12 townhouse units. A site plan application has been endorsed and a conditional building permit has been issued.

The Application facilitates the development of the Phase 2 Development lands

The Proposed Development (“Phase 2 Development”) occupies the northerly 0.69 ha (1.7 ac) portion of the Subject Lands along Castlemore Avenue. Appendix ‘A’ shows the proposed Zoning By-law Amendment that rezones the Owner’s entire landholdings in a consolidated site-specific by-law for both phases, which have shared on-site amenity area and underground parking, and similar form, massing, and building setbacks.

Figure 4 shows the conceptual Site Plan and both Phases of Development. The Owner’s Proposed Phase 2 Development comprises of an eight-storey podium with a 32-storey building oriented towards the Markham Road/Castlemore Avenue intersection, a 26-storey building oriented towards Castlemore Avenue (See Figures 5 to 7). The Owner

proposes a 1,721 m² (0.42 ac) strata park at the northeast corner fronting Castlemore Avenue and Anderson Avenue. Vehicular access is provided via Anderson Avenue.

Parking supportive of both phases of the development is provided predominantly below grade in two levels of underground parking. Surface parking is available to support non-residential uses proposed in both phases. Surface parking is also provided for 12 townhouses in the Phase 1 Development on driveways and private garages.

The Draft Zoning By-law (Appendix ‘A’) proposes to rezone the Subject Lands Community Amenity One Exception*425 (CA1*425) Zone, to permit the following:

- Apartment Dwellings, Townhouse Dwellings, Home Occupations and Home Child Care, and other commercial uses on the ground floor of mixed use buildings
- A maximum of 1300 units
- Building Heights of 22, 26 and 32 storeys, and associated metric building heights ranging between 70 m (230 ft) and 110 m (361 ft)
- A maximum residential density of 5.2 times the area of the Subject Lands (Floor Space Index - “FSI”)
- Parking ratio at 0.71 spaces per apartment unit, 0.15 visitor spaces per apartment unit, and 1 space per 30 m² (323 ft²) of non-residential Net Floor Area (“NFA”)
- Provisions to share up to nine parking spaces between required visitors and required non-residential use parking for permitted retail, commercial and service uses
- Other site-specific development standards (lot area and lot frontage, building setbacks and encroachments)

Site Plan and Draft Plan of Condominium Applications are required

As noted, a Site Plan Application for Phase 1 is endorsed and close to final approval upon execution of a Site Plan Agreement.

A Site Plan Control Application is required to initiate the detailed technical review of the proposed Phase 2 Development to address, but not limited to, the following: building design materials and treatment, public realm interface, landscaping, sustainable site and building features, age-friendly considerations, parkland, wind impact mitigation, and site servicing and storm water management.

Given that the proposed development will be a condominium, a Draft Plan of Condominium Application(s) is required to enact the proposed condominium tenure of the units and associated underground parking, should the Owner proceed as they have indicated.

Provincial Policy Framework

The Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”) and the Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”) given the location of the Subject Lands within the Markham Road – Mount Joy Local Corridor, adjacent to higher order transit facility

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters, in-part, include building strong healthy

communities with an emphasis on efficient development and land use patterns, and wise use and management of resources. The Subject Lands are designated for development in the York Region and City Official Plans.

The Growth Plan provides, in-part, a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041, with building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth. The Subject Lands are located within the Growth Plan's 'Built-Up Area' that specifies minimum intensification targets and the objective of achieving complete communities with a mix of land uses and housing options, expanding convenient access to a range of transportation options, and fostering a compact built form and an attractive and vibrant public realm.

The Subject Lands are located within the Major Transit Station Area ("MTSA") around the existing Mount Joy GO train station. The Growth Plan defines a MTSA as the area within an approximate 500 to 800 m of a transit station. The Subject Property is approximately within 315 m to Mount Joy GO train station and other transit routes.

The TRCA will finalize their review of the Proposed Development at the Site Plan stage

The east portion of the Subject Lands is within the 2017 Provincial Greenbelt Plan (the "Greenbelt Plan") area and reflects an 'Urban River Valley System', which traverses southeast into the Rouge River Valley watershed. In accordance with Section 6.2 (1) of the Greenbelt Plan, Urban River Valley System policies only apply to publically owned lands, owned by the Province, a municipality or local board. Though not applicable to the Proposed Development, the TRCA is reviewing the Application to ensure that storm water management strategy and flood plain spill assessment is adequate and will not impact the abutting lands. While the technical comments must be addressed, the TRCA advises that they can be addressed through the future Site Plan Application.

Regional Policy Framework

The Proposed Development conforms to the York Region Official Plan 2022 ("ROP")

The ROP designates the Subject Lands 'Urban Area', which permits a wide range of residential, commercial, industrial, and institutional uses. The east portion of the Subject Lands are within the Regional Greenbelt's system that have been identified within the Urban River Valley System of the Greenbelt Plan, which applies only to publicly-owned lands. The Subject Lands are within the Mount Joy MTSA, which the ROP targets 200 people and jobs per hectare.

City of Markham Planning Policy Framework

The Proposed Development conforms to the current applicable 1987 OP policies and aligns with the draft Land Use Concept for the Markham Road – Mount Joy Corridor presented to the DSC

The 2014 Markham Official Plan (the "2014 Official Plan") identifies the Subject Lands within the Markham Road Corridor – Mount Joy area and designates it "Mixed Use High Rise", which permits office employment, high density residential uses, and retail and service functions. This designation addresses the needs of the local population and the broader regional area at locations where the greatest level of intensification are intended.

Unless specified in a secondary plan or site-specific policy, this designation permits maximum building heights of 15-storeys and a maximum density of 3 FSI.

The preparation of the Markham Road Corridor – Mount Joy Secondary Plan (the “Secondary Plan”) is currently underway, and the DSC received the most recent draft land use concept on July 11, 2022, which identified three 20-storey buildings on the Phase 2 Development lands. This concept reflects lower building heights while still achieving the density proposed by the Owner through this Application. The DSC, the Owner, and staff agreed that the Phase 2 Development lands would be better served by a two-tower format, resulting in the increased heights of 32 and 26 storeys. This was consistent with earlier versions of the land use concept presented at the April 19, 2022 statutory Public Meeting.

While the Secondary Plan for the Markham Road – Mount Joy Corridor is not yet approved, the “Major Commercial Area” policies from the City’s Official Plan (Revised 1987), as amended, continue to apply, which permits medium and high density development, a range of retail, service, community, recreation, and other uses that serves the broader regional area.

The Owner proposes to amend Zoning By-law 177-96, as amended, and shown in Appendix ‘A’

By-law 177-96, as amended, zones the Subject Land “Major Commercial *425 (MJC*425) and “Open Space One *427 (OS1*427)” (see Figure 2), which currently permits apartment units, multiple dwelling units, townhouse units and non-residential uses. The draft Zoning By-law Amendment proposes to rezone the Owner’s overall landholdings to reflect both phases of development.

DISCUSSION:

The following section identifies how the matters raised through the review process, including those raised at the April 19, 2022, statutory Public Meeting, have been resolved or considered:

a) One member of the public deputed about the impact of the Proposed Development on area traffic and schools

The School Boards have been involved in the Secondary Plan study to determine optimal location of school sites based on anticipated population and enrollment projections. The School Boards have been circulated the Application and advised of no concerns with the Proposed Development.

Broader traffic impacts throughout the area are also being assessed through the ongoing Secondary Plan study. The Owner submitted a Transportation Impact Assessment in support of the Application, which has been reviewed by the Transportation Planning Division of the Engineering Department. No traffic impact concerns have been identified.

b) Some members of DSC noted support for the proposed stratified park on the Subject Lands

The Owner proposes a stratified park encumbered with the underground parking structure. This will be conveyed to the City in fee simple, free of any future condominium corporation, with access and maintenance agreements to be secured through the future Site Plan Application. The ultimate design will be established through the future Site Plan Application.

Committee members also suggested that purpose built rental units be considered. The Owner is not proposing purpose built rental housing units, however, as discussed in the next section of this report the Owner is proposing seven units as affordable housing.

c) The Owner proposes seven apartment units for Affordable Housing, to be sold at the Region's published affordable ownership threshold, as may be updated or amended

The City will continue to work with the proponent through the future site plan process by exploring options to sell the Owner's seven units to Housing York Inc. or other non-profit housing providers. City staff met with Housing York Inc. staff who identified potential financial challenges to purchasing and maintaining these types of units at this time. If unsuccessful, these units will be sold privately to households with affordable housing needs and with incomes in the lowest 60% of all households as in the City's Official Plan and Markham's Affordable and Rental Housing Strategy.

d) The Proposed Zoning By-law Amendment is preceding endorsement of a Land Use Concept for the Secondary Plan

A Land Use Concept for the Secondary Plan study is targeted for the end of Q2-2023 with the adoption of the Secondary Plan at the end of 2023. However, Staff are recommending advancing the Recommendation Report for this Application, for the following reasons:

- The Proposed Development is consistent with the most recent Secondary Plan draft Land Use Concept and discussion at the July 11, 2022, DSC meeting,
- The Proposed Development conforms to applicable Provincial Policy
- The Proposed Development conforms to the applicable 1987 Official Plan, which allows for high rise development
- The current zoning applicable to the Subject Lands already permits mixed use high rise development, whereby the purpose and effect of the proposed Zoning By-law Amendment (Appendix 'A') permits increased density with additional height and units with site-specific standards for a consolidated site-specific by-law reflecting Proposed Development and development construction on the Subject Lands

The proposed Zoning By-law Amendment (Appendix 'A') is appropriate and represents good planning

The proposed Zoning By-law Amendment continues to permit the approved Phase 1 Development (Site Plan endorsed with Conditional Building Permit issued). It also

permits the proposed Phase 2 Development by allowing increased building heights, units, and density to implement a building form and mass consistent with the draft Land Use Concept presented to the DSC for the Secondary Plan Study. It conforms to Provincial Policy and the 1987 Official Plan, which still remains applicable on the Subject Lands.

The proposed maximum building height and density (32 storeys and 1300 units) is appropriate for the Subject Lands, which is within an urbanizing corridor, a York Region MTSA, and in close proximity to higher order transit. The Proposed Development includes at-grade non-residential uses (commercial amenities) to implement the anticipated mixed use vision for the area.

Appendix 'A' includes reduced site-specific parking standards, to permit:

- 0.71 spaces per apartment unit (compared to the 2021 Minor Variance Approval of 1.0 space per unit)
- 0.15 spaces per unit for visitor parking (consistent with the 2021 Minor Variance Approval)
- 1 space per 30 m² of NFA for non-residential uses (also consistent with the 2021 Minor Variance Approval)
- Two spaces per townhouse dwelling (standard By-law requirement)
- Permitted reduction by up to nine shared parking spaces for visitor parking and non-residential uses

The Owner commits to an enhanced Transportation Demand Management (“TDM”) Plan

The current bylaw requirement for residential parking for the Proposed Development through minor variance approval is 1 space per unit, while the Owner proposes 0.71 spaces per unit. The Transportation Study for the Secondary Plan is reassessing the residential parking rate for the area and is considering reducing it to a rate of 0.75 spaces per unit due to the planned service improvements to the Stouffville GO line by 2041. As noted earlier, the Subject Lands are within an MTSA and within walking distance to the Mount Joy GO station. Although the secondary plan is being studied for a rate of 0.75, the proposed 0.71 spaces per unit ratio for both Phases 1 and 2 are appropriate given the anticipated buildout of the transportation system in the future and the enhanced TDM plan.

The current Metrolinx GO rail expansion plan calls for a future two-way, all-day, up to 15-minute service only to Unionville Station, with a planned buildout scenario that will see the frequent 15-minute, two-way, all-day GO rail service extended to Mount Joy station by 2041 per Metrolinx's Regional Transportation Plan. There will also be a robust active transportation network envisioned through the Secondary Plan process. Therefore, the ultimate buildout scenario includes a mature active transportation network and the potential for future GO service enhancement to Mount Joy Station that would deliver a transit frequency of 15 minutes or less (similar to Unionville Station) to support the Proposed Development.

The Owner has committed to TDM measures to help evolve and bridge the gap of the travel behaviour of new residents from automobile use to more reliance on the ultimate

build out scenario. Table 1 provides a summary of core elements of enhanced TDM initiatives the Owner’s proposal to justify a reduction to 0.71 spaces per unit. The Owner’s TDM plan initiatives will be secured through the future Site Plan Agreement.

Table 1: Enhanced TDM Initiatives		
	City’s 0.75 space per unit residential parking rate	Owner’s proposal for a 0.71 spaces per unit residential parking rate
Long-term bike parking	<ul style="list-style-type: none"> • Long-term bike parking supply at a rate of 0.80 spaces/unit • Include provisions for e-bike charging stations 	<ul style="list-style-type: none"> • Long-term bike parking supply at a rate of 0.50 spaces/unit
Bike-share program	<ul style="list-style-type: none"> • Bike share available for a minimum of 5 years • Minimum number of 25 bikes available for bike share • <i>That is equivalent to approx. 50 units and sharing 1 bike on average (1,279 units proposed for the development)</i> • At least 75% of the bikes must be e-bikes 	<ul style="list-style-type: none"> • Bike share available for a minimum of 5 years • Minimum number of 24 bikes available for bike share
E-bike voucher	Vouchers in the amount of \$500 per unit	n/a
PRESTO transit card	\$500 pre-loaded amount	\$120 pre-loaded amount per unit
Car-share	<ul style="list-style-type: none"> • 4 car share spaces • 3-year car share membership for each unit 	<ul style="list-style-type: none"> • 4 car share spaces • 4-year car share membership for each unit
Other Provisions	<ul style="list-style-type: none"> • 2 bike repair stations • 1 information package per unit • 3 information session venues for York Region staff to distribute transit incentives and information packages • Residential travel survey at the time of closing • A follow-up travel survey 2 years after occupancy • Unbundled Parking • Short-term bike parking at 0.1 spaces/unit • Post-development parking surveys 	<ul style="list-style-type: none"> • 2 bike repair stations • 1 information package per unit • 3 information session venues for York Region staff • A survey at time of closing/occupancy • Additional survey 2 years after occupancy • Purchase of parking unbundled and optional • Short-term bike parking at 0.1 spaces/unit

The future Site Plan Application will address the following matters:

- a) Developers Group Requirements

As part of the ongoing Secondary Plan study, a Developers Group (the “Group”) would likely need to be formed to ensure that financial costs for infrastructure improvements including, but not limited to, servicing and transportation, parkland and school sites are equitably shared and covered. Should the Group be formed, the Owner will be required, as a condition of Site Plan Approval, to participate in the Group and obtain a clearance, or make other arrangements, to the satisfaction of the Commissioner of Development Services or their designate. City staff are also exploring alternatives for the Owner should forming the Group be unsuccessful. All developments advancing within the Secondary Plan area will be subject to the same condition moving forward.
- b) Parkland Obligations

Through the Phase 1 development, the Owner has proposes a stratified park and a cash contribution for parkland equivalent to approx. \$2.4 million to fulfil the parkland obligations. This significantly exceeds the requirements of Bill 23. For Phase 2, the Owner will be required to provide cash-in-lieu of parkland in accordance with Bill 23.
- c) Community Benefit Charges (“CBC”)

The Owner will be required to pay CBC, pursuant to the City’s CBC By-law, prior to the issuance of Site Plan Approval (collected in the Site Plan Agreement).
- d) Inclusion of Age-Friendly features

Age-Friendly features will be reviewed and committed in the future Site Plan.
- e) Sustainability Measures

The Owner will be required to incorporate sustainable design features into the Phased 2 Development in accordance with the City requirement at the time of Site Plan Application submission. The current City policy includes mid and high rise developments must achieve a minimum LEED Silver requirement. The City is currently establishing new sustainability metrics that may be in place at the time of the future Site Plan Application.
- f) TRCA Approval

Prior to Site Plan Endorsement, the Owner must address stormwater management and on-site spill mitigation comments, to the satisfaction of the TRCA.

CONCLUSION:

Based on the discussion above, Staff opine that the Application is appropriate and represents good planning. The Proposed Development will make efficient use of land that has been identified provincially, regionally and locally for intensification with a mix of uses. The Subject Lands are also located adjacent to existing transit routes and higher order transit stations, and existing and future community amenities. Additionally, the Proposed Development aligns with the proposed land use, density, and height parameters

of the Secondary Plan study. Therefore, Staff recommend that the proposed amendment to Zoning By-law 177-96, as amended, 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 of managing growth 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 reflected in the implementing Zoning By-law Amendment (see Appendix 'A').

RECOMMENDED BY:

Giulio Cescato, MCIP, RPP
Director of Planning and Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS AND APPENDIX:

Figure 1: Location Map

Figure 2: Area Context/Zoning

Figure 3: Aerial Photo

Figure 4: Phase 1 and Phase 2 Concept Site Plan

Figure 5: Conceptual Building Elevations – North and East Views

Figure 6: Conceptual Building Elevations – South and West Views

Figure 7: Conceptual Renderings – Northwest View

Appendix 'A': Draft Zoning By-law Amendment

AGENT:

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