

SUBJECT: RECOMMENDATION REPORT
Livante Holdings (Victoria Square Woodbine) Inc.
Applications for Official Plan and Zoning By-law Amendments to permit 174 townhouse units at 10978, 10988, and 11030 Victoria Square Boulevard and Blocks 97, 98, and part of Block 95, PLAN 65M-4328 (Ward 2)
File PLAN 20 112387

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RECOMMENDATION:

- 1) THAT the report titled, “RECOMMENDATION REPORT, Livante Holdings (Victoria Square Woodbine) Inc., Applications for Official Plan and Zoning By-law Amendments to permit 174 townhouse units at 10978, 10988, and 11030 Victoria Square Boulevard and Blocks 97, 98, and part of Block 95, PLAN 65M-4328 (Ward 2) File PLAN 20 112387”, be approved;
- 2) THAT the Official Plan Amendment application submitted by Livante Holdings (Victoria Square Woodbine) Inc., be approved and the draft Official Plan Amendment, attached as Appendix ‘A’, be finalized and brought to a future Council meeting for adoption without further notice;
- 3) THAT the Zoning By-law Amendment application submitted by Livante Holdings (Victoria Square Woodbine) Inc., be approved and the draft site-specific Zoning By-law Amendment, attached as Appendix ‘B’, be finalized and brought to a future Council meeting for enactment without further notice;
- 4) THAT Council assign servicing allocation for a maximum of 174 dwelling units;
- 5) THAT York Region be advised that servicing allocation for 174 dwelling units has been granted;
- 6) THAT the City reserves the right to revoke or reallocated servicing allocation should the development not proceed in a timely manner; 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 applications for Official Plan and Zoning By-law Amendment to permit 174 townhouse units with underground parking accessed via private roads at 10978, 10988, and 11030 Victoria Square Boulevard, and Blocks 97, 98, and part of Block 95, PLAN 65M-4328.

The Official Plan Amendment proposes to permit site-specific provisions in the “Urban Residential – Low Density” designation to facilitate the development. The Zoning By-law Amendment proposes to rezone the subject lands to “Residential Three (R3)” under Zoning By-law 177-96, as amended, with site-specific development standards. The proposed development, which is located in proximity to existing and future community amenities, would make efficient use of an underutilized parcel of land that has been identified provincially, regionally, and locally for residential development and provide for a mix of housing types to accommodate a wider range of residents.

Staff opine that the proposed Official Plan and Zoning By-law Amendments are appropriate and represent good planning.

PURPOSE:

This report recommends approval of applications for Official Plan and Zoning By-law Amendment (the “Applications”) to permit a development of 174 townhouse units and underground parking accessed via private roads (the ‘Proposed Development’), as shown on Figures 4 to 8.

PROCESS TO DATE:

- Staff deemed the Applications complete on May 16, 2020
- The Development Services Committee (“DSC”) received the Preliminary Report on April 19, 2021
- The statutory Public Meeting was held on May 11, 2021

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 September 16, 2020. Accordingly, the Owner is in a position to appeal the Applications to the OLT.

The Owner also obtained approval on October 5, 2022, for a Consent Application File B/018/22 to sever and convey a portion of Block 95 of 65M-4328 to the development lands to accommodate an outdoor landscape amenity area and secure underground parking spaces. The Owner is in the process of satisfying the conditions of the Consent Application.

If the DSC supports the Applications, then the planning process will include the following next steps:

- Site-specific Official Plan Amendment adoption at a future Council meeting
- Site-specific Zoning By-law Amendment enactment at a future Council meeting
- Delegated approval of the Site Plan Application (“SPA”) and future Draft Plan of Condominium (standard condominium) applications to the Director of Planning and Urban Design or designate

BACKGROUND:

The Subject Lands contains mature vegetation with a row of City-owned trees along the east side within the Victoria Square Boulevard right-of-way

The vacant 1.37 ha (3.38 ac) subject lands consist of the parcels addressed as 10978, 10988, and 11030 Victoria Square Boulevard and identified as Blocks 97, 98, and part of Block 95 on Plan 65M-4328, as shown on Figures 1 to 3 (the “Subject Lands”). Figure 3 shows the surrounding land uses.

The Subject Lands were previously subject to a development proposal for 24 single detached dwellings, which included the dedication of lands to the City for a public park and new public roads

The previous proposal was abandoned as a result of the detection of groundwater contamination. The issue of site contamination is discussed in more detail later in this report. The DSC received the Preliminary Report for the current proposal in April 2021.

The Owner has submitted the Applications to permit the Proposed Development, as shown on Figures 4 to 8 and summarized in Tables 1 and 2 below

Table 1: Proposed Development Key Statistics (see Figure 4)

Lot Area	1.37 ha (3.38 ac)
Floor Space Index (“FSI”)	1.44 times the area of the Subject Lands (Lot Area) or 127 units per hectare (“UPH”) or 51.48 units per acre
Number of Units	174
Typical Lots Frontages	Approximately 6 m
Building Height	<ul style="list-style-type: none"> • Townhouse (Blocks 1 and 2): 3 Storeys (11 m or 36.1 ft) • Stacked and Back-to-Back Townhouse (Blocks 3 to 8): 4 Storeys (15 m or 49.2 ft)
Parking Spaces	272 (225 residents and 47 visitors)
Outdoor Amenity Space	Shared: 2,000 m ² Private (Townhouse): 30 m ² Private (Stacked and Back-to-Back Townhouse): rooftop terrace and/or balcony

Table 2: Proposed Townhouse Block Details

Block(s)	Townhouse Dwelling Types	Units	Parking Rates and Spaces
1, 2	Traditional	10	2 spaces per unit (residents) 0.25 spaces per unit (visitor)
3	Stacked	24	1.25 spaces per unit (residents) 0.25 spaces per unit (visitor)
4	Stacked	24	
5	Back-to-back and Stacked	24	
6	Stacked	24	
7	Back-to-back and Stacked	36	
8	Back-to-back and Stacked	32	
TOTAL		174	272

The interior of the site is proposed to be accessed via a private road that connects to Victoria Square Boulevard at the north and south end of the Subject Lands. The south portion of the road would function as an extension of Livante Court, however, will remain in private ownership. Pedestrian

connections are provided throughout the development to connect to each townhouse block. A future Site Plan Control Application and Draft Plan of Condominium (standard) will be required to facilitate the Proposed Development.

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.

The Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”) and the Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”)

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 within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Proposed Development facilitates a compact built form through the development of underutilized lands, with access to existing municipal infrastructure, and the opportunity to provide varying housing types and sizes.

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 Proposed Development is consistent with the Growth Plan, specifically Section 2.2.1.2 directing growth to settlement areas having existing or planned municipal water and wastewater systems and Section 2.2.1.4 providing a diverse range and mix of housing options to accommodate people at various stages of life and various household sizes and incomes.

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

The 2022 ROP designates the Subject Lands ‘Urban Area’, which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are also located within close proximity to the Regional Transit Priority Network along Woodbine Avenue.

The 2014 Markham Official Plan (the “2014 Official Plan”) designates the Subject Lands “Residential Low Rise” and permits residential buildings with a maximum height of 3 storeys

Section 9.10.4 of the 2014 Official Plan state that until an updated secondary plan is approved for the Highway 404 North lands, the provisions of the City of Markham Official Plan (Revised 1987), as amended, and Secondary Plan PD 42-1, shall continue to apply to the lands shown in Figure 9.10.1.

City of Markham Official Plan (Revised 1987) (the “1987 Official Plan”) is the operative policy framework

The Subject Lands are designated “Urban Residential – Low Density” under the 1987 Official Plan and shall be primarily used for housing, with limited allocations for uses that are complementary to or serve basic residential uses.

The Subject Lands are also designated “Urban Residential - Low Density” in the Highway 404 North Secondary Plan (“OPA 149”)

OPA 149 permits residential buildings including single-detached, semi-detached, linked, duplex, street townhouses, and limited block townhouses with a maximum density of 37 UPH, or 14.97 units per acre, a maximum building height of three storeys, and require direct frontage on a public street. The policies of OPA 149 further state that the townhouse units without direct frontage on a public street may be permitted, provided that:

- They do not comprise a significant portion of the total number of dwelling units approved to be developed on lands designated “Urban Residential –Low Density” located west of “Old Woodbine Avenue” (now called Victoria Square Boulevard)
- They shall not be located more than 90 m from the Woodbine By-Pass right-of-way
- They shall also not be located within 30 m of the southern boundary of the Planning District

An Official Plan Amendment is required to facilitate the Proposed Development. Therefore, the Owner proposes to establish site-specific provisions to the “Urban Residential - Low Density”, as attached in Appendix ‘A’, to permit the following:

- a) stacked townhouses, back-to-back and stacked townhouses, and street townhouses without direct access or frontage on a public street
- b) a maximum site density of 127 UPH
- c) maximum building height of four storeys

On June 29, 2020, York Region advised that the proposed Official Plan Amendment is a local matter and exempted it from Regional approval. Following adoption of the said Amendment, notice of Council’s decision will be provided to York Region.

The proposed draft Zoning By-law Amendment (Appendix ‘B’) zones the Subject Lands Residential Three (R3) with site-specific development standards

Zoning By-law 177-96 had zoned the Subject Lands CA1*403 Community Amenity One, R2-S*560 and R2-S*561 Residential Two Special, and OS1 Open Space to permit the previous development proposal for 24 single detached dwellings. Townhouse dwellings are not permitted. The Owner proposes amendments to Zoning By-law 177-96, as amended, (see Appendix ‘B’), to facilitate the Proposed Development to permit, but not limited to, the following:

- a) rezone the Subject Lands from CA1*403 Community Amenity One Zone, R2-S*560 and R2-S*561 Residential Two Special Zone, and OS1 Open Space Zone to R3 Residential Three Zone
- b) permit a maximum building height of 15 m (49.2 ft)
- c) deem the Subject Lands as one lot for the purposes of the Zoning By-law
- d) site-specific development standards related to building design, amenity area, minimum yards, and encroachments

The existing site-specific exception shall be deleted and replaced with a new site-specific exception by-law. The current proposal complies with the minimum parking requirements for street townhouses (2 parking spaces per unit plus 0.25 visitor spaces per unit) and stacked townhouses (1.25 parking spaces per unit plus 0.25 visitor spaces per unit) established under the Parking Standards By-law (28-97). The

proposed Zoning By-law Amendment (attached as Appendix 'B') remains in draft form, which the Owner and Staff will continue to work toward finalizing.

DISCUSSION:

The following section identifies how the matters raised through the review process, including those raised at the May 11, 2021, statutory Public Meeting, have been resolved or considered:

a) Height, Density and Massing

The Proposed Development includes three residential built forms (Figures 4 to 8) with access from a private road and pedestrian connections throughout the Subject Lands as described in Table 2. The back-to-back and stacked townhouse dwellings in Blocks 7 and 8 proposes frontages on both Victoria Square Boulevard and onto the private condominium road.

The proposed density is 127 UPH, whereas OPA 149 permits a maximum density of 37 UPH. The development also proposes a FSI density of 1.44. A maximum FSI is not identified in OPA 149 or in the "Residential Low Rise" designation of the 2014 Official Plan. However, the 2014 Official Plan "Residential Mid-Rise" designation permits 2 FSI. The Proposed Development results in FSI density less than what is permitted in the Residential Mid-Rise designation. Staff opine that the proposed FSI density is appropriate for the Subject Lands.

Staff are satisfied that the proposed building heights are appropriate and have been designed reasonably to mitigate impacts to the surrounding uses.

b) Compatibility with Surrounding Land Uses

The two properties immediately to the north are designated "Community Amenity Area" and permits a diverse range of commercial and medium and high-density residential uses, where appropriate. Council endorsed an eight-storey mixed-use building at the property located at the southwest corner of Woodbine Avenue and Victoria Park Boulevard (see Figure 3). Another eight-storey mixed-use building is contemplated immediately north of the Subject Lands (see Figure 3). The Proposed Development would permit a residential built form that accommodates an appropriate transition between the eight-storey mixed-use buildings to the surrounding low-rise residential dwellings and contributes a diverse mix of housing options to accommodate people at various stages of life and household sizes.

c) Amenity Areas

The Owner proposes ground level shared amenity areas (See Figures 4 and 5), as described in Table 1. Provisions to ensure adequate amenity areas are included in the amending Zoning By-law. Staff will continue to work with the Owner through the Site Plan Control Application to ensure amenity areas are provided in the Proposed Development.

d) Parkland Dedication

The Owner will be required to fulfill their parkland dedication requirements through the payment of cash-in-lieu of parkland. The value of the cash-in-lieu requirement will be reviewed through the Site Plan Control Application.

e) Record of Site Condition ("RSC") is required

Based on data contained within the Environmental Site Assessments in support of the Proposed Development, contaminants were present in the groundwater that exceed the maximum levels allowed for residential development in the location of the proposed extension of Livante Court to Victoria Square (see Figure 4). Staff note that the presence of these contaminants in the area between the proposed townhouses will preclude the conveyance to the City of the proposed road extension as the City does not accept the dedication of lands that are encumbered with contamination.

However, the Owner is pursuing environmental clearance applications with the Ministry of the Environment, Conservation and Parks (“MECP”) to address the on-site contamination of the Subject Lands and ensure no public health risk after remediation. In order to address and clean up the Subject Lands, the Owner intends to remove contaminated soil and provide underground parking to ensure the groundwater contamination is remedied.

Staff have discussed the approach that the RSC must be filed and approved by the MECP as a condition of the future Draft Plan of Condominium approval. The Owner shall file a RSC(s) with the Provincial Environmental Site Registry and provide a Letter of Acknowledgment from the MECP for the Subject Lands, and in any event no later than the registration of a condominium declaration/description for the Subject Lands. A clause shall also be included in the a future agreement with the City to this effect.

f) Private Extension of Livante Court

The extended portion of Livante Court shall remain as a private road, which shall provide for the same road width, landscape, sidewalk connection along the north side, and is intended to maintain a seamless connection with the existing public road. Surface easements over the private extension of Livante Court will be detailed and secured through the Site Plan Application and Draft Plan of Condominium process. The Owner shall be required to enter into an agreement with the City that details matters pertaining to the maintenance, snow clearance, vehicular and pedestrian access, and any other matters as required by the Engineering Department. This will form as a condition of site plan approval for the Proposed Development.

g) Future applications for Site Plan and Draft Plan of Condominium approval

The Owner is required to submit a future Site Plan Application to review matters that address any additional feedback provided by the DSC, City Staff, and public comments and includes, but is not limited to, details pertaining to sustainability measures, landscape requirements, pedestrian connections, amenity areas, and agreements/surface easement over the private extension of Livante Court. The Owner is also required to submit a future Draft Plan of Condominium application to establish the tenure of the Proposed Development.

h) Capital Projects – Victoria Square Boulevard Improvements

The City is conducting a detailed redesign of Victoria Square Boulevard. The Owner shall coordinate with the City to ensure proper integration between the Proposed Development fronting on Victoria Square Boulevard and the planned improvements and redesign by the City’s Infrastructure and Capital Projects Department.

i) 404 North Developers Group

The Subject Lands are part of the 404 North Developers Group area. The Owner shall obtain a letter from the trustee that the Owner has contributed their proportionate share and are members in good standing

j) Archaeological Assessment

The Subject Lands are located within an area of archaeological resource potential and an Archaeological Assessment is required. Prior to the future site plan approval, the Owner is required to provide a clearance letter from the Ministry of Tourism, Culture and Sport indicating that work has been completed and accepted into the provincial data case and the Subject Lands are cleared.

k) Existing Easement

There is an existing easement for a temporary lane along the westerly boundary of the Subject Lands and the property immediately north, being Block 95, PLAN 65M-4328. This easement must be released from title prior to site plan approval.

l) Affordable Housing

Council adopted the City's Affordable and Rental Housing Strategy in July 2021. The Owner advised there is no plan at this time to provide affordable housing within this Proposed Development. However, the Owner intends to work with Staff to provide some affordable housing units as part of their Proposed Development to the north for the eight-storey mixed-use building. Staff will continue to work with the Owner on this matter.

York Region advises no objection to the approval of the Applications

On June 29, 2020, York Region advised that the proposed Official Plan Amendment is a local matter and exempt from Regional approval. Following adoption of the said Amendment, notice of Council's decision will be provided to York Region. Additional matters will be reviewed in the subsequent Site Plan Application.

CONCLUSION:

Staff are satisfied the Applications are appropriate and represent good planning. Staff are satisfied that the Applications are consistent with the PPS, and conform to the Growth Plan, the YROP 2022, and are compatible with the surrounding context. Staff, therefore, recommend that the proposed amendment to OPA 149, as amended, attached as Appendix 'A', and the proposed amendment to Zoning By-law 177-96, as amended, attached as Appendix 'B', be approved.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

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 and Zoning By-law Amendments (Appendices 'A' and 'B').

RECOMMENDED BY:

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

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS AND APPENDICES:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context/Zoning

Figure 4: Proposed Conceptual Site Plan

Figure 5: Proposed Conceptual Landscape Plan

Figure 6: Typical Elevation (Stacked Townhouse Dwellings Blocks 3, 4 and 6)

Figure 7: Typical Elevation (Stacked and Back-to-back Townhouse Dwellings Blocks 5, 7 and 8)

Figure 8: Typical Elevation (Townhouse Dwellings Blocks 1-2)

Appendix 'A': Draft Official Plan Amendment

Appendix 'B': Draft Zoning By-law Amendment

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