



**SUBJECT:** RECOMMENDATION REPORT  
Eastside Chevrolet GMC Buick Ltd., Applications for Official Plan and Zoning By-law Amendment to permit a 35-storey mixed use development consisting of 618 residential units and 2,820 m<sup>2</sup> (30,354 ft<sup>2</sup>) of motor vehicle sales, retail, and office uses at 8435 Woodbine Avenue (Ward 8)  
File PLAN 23 114260

**PREPARED BY:** Deanna Schlosser, MCIP, RPP, Senior Planner, Central District, Ext. 2157

**REVIEWED BY:** Stephen Lue, MCIP, RPP, Senior Development Manager, Ext. 2520

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**RECOMMENDATION:**

- 1) THAT the October 31, 2023, report titled, “RECOMMENDATION REPORT, Eastside Chevrolet GMC Buick Ltd., Applications for Official Plan and Zoning By-law Amendment to permit a 35-storey mixed use development consisting of 618 residential units and 2,820 m<sup>2</sup> (30,354 ft<sup>2</sup>) of motor vehicle sales, retail, and office uses at 8435 Woodbine Avenue (Ward 8), File PLAN 23 114260”, be received;
- 2) THAT the Applications for Official Plan and Zoning By-law Amendment, submitted by Eastside Chevrolet GMC Buick Ltd., under File PLAN 114260, to amend the City of Markham Official Plan and Zoning By-law 165-80, as amended, be refused without further notice; and
- 3) THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

This report evaluates the Official Plan and Zoning By-law Amendment applications (the “Applications”) submitted by Eastside Chevrolet Buick GMC Ltd. (the “Applicant”) to permit a 35-storey mixed use development consisting of 618 residential units and 2,820 m<sup>2</sup> (30,354 ft<sup>2</sup>) of motor vehicle sales, retail, and office uses (the “Proposed Development”) on the lands located on the east side of Woodbine Avenue, south of Highway 7 East (the “Subject Lands”), shown on Figures 1 and 2.

The Official Plan Amendment seeks to redesignate the Subject Lands from “Commercial”, “Greenway”, and “Mixed Use Mid Rise” to “Mixed Use High Rise” and permit the following:

- a) maximum building height of 35-storesys
- b) maximum density of 5.5 FSI
- c) modification of the 2014 Official Plan Structure (Map 1) and Centres and Corridors and Transit Network (Map 2) from “Employment Area (including Commercial Plans Lands)” to “Mixed Use Neighbourhood”

The Zoning By-law Amendment proposes to rezone the Subject Lands and modify the development standards (maximum units and height permissions) to permit the Proposed Development.

Staff note that many of the concerns identified in this report were identified to the Applicant at the time of Pre-Application Consultation, and were not addressed or resolved as part of the Applications. The Proposed Development and Applications do not represent good land use planning; do not conform to the policies and vision of the Official Plan for this area, and detract from the planned function of the municipal structure identified within the Official Plan, the intent of this Intensification Area, and the

role and stability of the established “Commercial” designation. It is not an appropriate land use and has not demonstrated protection of the Greenway System (Natural Heritage Network). For these reasons, Staff recommend refusal of the Applications.

### **PURPOSE:**

This report recommends refusal of the Applications submitted by the Applicant to permit the Proposed Development on the Subject Lands, as shown on Figures 1 and 2.

### **PROCESS TO DATE:**

- Staff deemed the Applications complete on March 30, 2023
- The statutory Public Meeting was held on June 20, 2023
- The 120-day period set out in the *Planning Act* before the Applicant can appeal the Applications to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on July 28, 2023
- The proposal is subject to Bill 23 requirements respecting parkland dedication, but is not subject to the statutory processing timeframe under Bill 109

### **BACKGROUND:**

#### **Area Context and Land Ownership**

The 1.05 ha (2.6 ac) Subject Lands have approximately 95 m (311 ft) frontage along Woodbine Avenue and consist of five contiguous properties, bisected by Beaver Creek, and currently contain an one-storey car dealership (“West Parcel”), natural heritage features (the “City Parcel”), two surface parking lots (“East Parcel 1” and “East Parcel 2”), and natural heritage features with a private bridge and private lane (“Bridge-Lane Parcel”), as shown on Figure 1. The surrounding area is developed with a mix of commercial and industrial uses. The Applicant proposes to connect their West Parcel, East Parcel 1, and East Parcel 2 (collectively “8435 Woodbine Avenue”) by the Bridge-Lane Parcel, which they do not own and are subject to a vehicle and pedestrian easement, as shown on Figure 1.

*The Applications seek to develop Proposed Development on the West Parcel (see Table 1) only with ancillary surface parking on the East Parcel 1, the East Parcel 2, and Bridge-Lane Parcel*

<b>Table 1: The Proposed Development (Figures 6 and 7)</b>	
Total Gross Floor Area (“GFA”):	55,126 m <sup>2</sup> (593,371 ft <sup>2</sup> )
Residential GFA:	53,946 m <sup>2</sup> (580, 670 ft <sup>2</sup> )
Residential Units:	618
Non-Residential GFA:	2,820 m <sup>2</sup> (30,354 ft <sup>2</sup> )
Building Height:	two 35-storeys buildings on a shared six-storey podium
Amenity Space:	3,013 m <sup>2</sup>
Parking Spaces:	591 (454 residential, 85 non-residential, 62 visitor)

*The June 20, 2023, statutory Public Meeting allowed the public the opportunity to comment on the Proposed Development (see Appendix 1)*

To date, the City has received one written submission on June 6, 2023, and one oral submission at the Public Meeting from residents objecting to the Proposed Development.

## PLANNING POLICY AND REGULATORY CONTEXT:

*The Provincial Policy framework acknowledges that municipal official plans are the most important document for implementing province-wide policy direction and focuses on intensification to support complete communities, with implementation through official plan policies and designations*

The 2020 Provincial Policy Statement provides direction on matters of Provincial interest related to land use planning and development with an emphasis on efficient development and complete communities. Policy 4.6 states, “*The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies.*”

The Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”) provides a framework for implementing the Province’s vision for building strong, prosperous communities to 2051. Section 2.1 accommodates forecasted growth in complete communities that are “*well designed to meet the people’s needs for daily living throughout an entire lifetime by providing convenient access to appropriate mix of jobs, local services, public service facilities, and a full range of housing*”. It also identifies complete communities are to provide both a “*balance of jobs and housing in communities across the GGH [Greater Golden Horseshoe] to reduce the need for long distance commuting.*”

Section 2.2.2.3 of the Growth Plan directs municipalities to develop strategies to achieve the minimum intensification targets throughout the delineated built-up areas by doing the following:

- *identifying strategic growth areas:* Staff note that in 2019, the Markham Centre Secondary Plan Update (the “MCSP Update”) study included area east of Beaver Creek (east of the development parcel) in the expanded Markham Centre boundary.
- *identifying the appropriate type and scale of development:* The Markham 2014 Official Plan (the “2014 OP”) identifies the appropriate scale and type of development and the MCSP Update study, where additional intensification has been identified.
- *encouraging intensification in the delineated built-up area*
- *ensuring lands are zoned and development is designed in a manner that supports the achievement of complete communities*
- *prioritizing planning and investment in infrastructure to support intensification:* Staff note that the 2014 OP permits the intensification of the commercial designation of the Subject Lands, which would contribute to the planning and infrastructure investment for this area.
- *implementing official plan policies and develop these strategies to be implemented through official plan policies and designations, updated zoning, and other supporting documents*

***York Region Official Plan, as approved by the Minister on November 4, 2022, (the “2022 ROP”) designates the Subject Lands “Community Area” (Map 1A) and within the “Urban Area” and a “Regional Corridor” (Map 1)” and “Regional Greenlands System” (Map 2)***

The 2022 ROP requires that intensification utilizes land efficiently and sustainably that is commensurate with available hard and soft services and existing infrastructure, while having regard for the local context. Much of the Subject Lands are within the “Regional Greenlands System”, as shown on Map 2 and Map 4 identifies that the bridge is adjacent to wetlands.

Moreover, the Subject Lands are located within two Protected Major Transit Station Areas 17 and 26 (the “PMTSA”). Bisected by Beaver Creek, the east side remains in the ‘Montgomery BRT Station 17’ (minimum density of 200 people and jobs per hectare), and the west side remain in the ‘Woodbine BRT

26' (minimum density of 160 people and jobs per hectare). York Region indicated, *“while the subject lands are within the boundaries for PMTSAs 17 and 26, the OPA proposes to increase the maximum permitted density on a site-by-site basis, in advance of the update to the Markham Centre Secondary Plan (as it relates to the eastern parcel), which does not constitute comprehensive planning.”*

York Region acknowledged, *“the decision on this site-specific OPA should await further direction from the City and pending Secondary Plan, as it will provide guidance on the appropriate height, density, urban design, transportation, and water and wastewater requirements in a comprehensive and coordinated manner.”*

***The Applicant proposes to amend the 2014 OP to permit the Proposed Development***

The 2014 OP designates the Subject Lands “Commercial”, “Greenway”, and “Mixed Use Mid Rise” (see Table 2). The City Parcel, Bridge-Lane Parcel, East Parcel 1, and East Parcel 2 were added to the expanded boundary of the Markham Centre Secondary Plan (“MCSP”) Update study, while the Proposed Development on the West Parcel remains outside of the MCSP study boundary (Figure 4).

The West Parcel where the Proposed Development is located is designated “Greenway” and “Commercial”, which prohibits residential uses. The 2014 OP structure identifies the West Parcel as an Intensification Area, Employment Area (including Commercial Lands), and Greenway System. For clarity, the intent of the Employment Area (including Commercial Lands) structure on lands designated “Commercial” is to “provide for the evolution of these commercial lands to more intensive building forms and office, retail, and service uses, while remaining compatible within the Markham’s structure.” However, the Applicant proposes the following:

- a) Modify the 2014 OP Structure (Map 1) and Centers and Corridors and Transit Network (Map 2) from Employment Area (including Commercial Lands) to become “Mixed Use Neighbourhood”
- b) Redesignate the Subject Lands “Mixed Use High Rise” and permit a maximum building height of 35-storeys and density of 5.5 FSI

***A Zoning By-law Amendment application seeks to permit the Proposed Development, which is subject to Zoning By-law 165-80, as amended (the “Zoning By-law”), as shown in Figure 5***

The Applicant proposes to delete the entire Subject Lands from the Zoning By-law and incorporate it into Zoning By-law 177-96, as amended, Holding - Community Amenity Two ((H)CA2\*XX) Zone with site-specific standards including, but not limited to, the following:

- permit the residential uses and a range of non-residential uses, including Motor Vehicle Sales Establishment, and Business Offices and Retail Stores on floors one and two
- a maximum height and density of 35-storeys (110 m) and 5.5 FSI
- a minimum building separation distance of 25 m
- a minimum commercial gross floor area of 2,800 m<sup>2</sup>
- permit a Parking Rate of 0.65 spaces/unit (residential) and 0.1 space/unit (visitor)
- permit one loading space (6 m by 3.5 m, with 3 m vertical clearance)

**DISCUSSION:**

***Staff identified a parcel ownership issue where the Applicant does not currently own the Bridge-Lane Parcel or the City Parcel, nor have they provided proof of ownership or authorization by the registered owners to make applications on these parcels***

The City Parcel is owned by the City of Markham, which forms part of the natural heritage network along Beaver Creek. Staff acknowledge that the *Planning Act* does not restrict applicants from making

Official Plan and Zoning By-Law Amendment applications on land without the registered owner's written authorization; however staff note that although these applications can be made without the registered owner of the land knowledge or approval, the owner is not forced or required to permit the Applicant to use or redevelop their land. Staff requested the Applicant to clarify the parcel ownership.

***Staff recommend that the Proposed Development does not represent good land use planning, detracts from the planned function and municipal structure of the 2014 OP, the intent of the identified Intensification Area and the role of the established "Commercial" designation, and has not demonstrated protection of the Greenway System***

***a) 2014 OP Considerations: Municipal Structure and Intensification***

The 2014 OP implements Provincial and Regional direction through local level strategic policies that achieve a full range of community uses with greater intensification in appropriate locations. It contains policies to achieve balanced sustainable growth that provides direction on an appropriate mix of jobs and residents and their appropriate locations, while protecting the natural environment. As noted previously, lands designated "Commercial," while not designated "Employment" form an important part of the employment area component of the municipal structure that is called "Employment Areas (including Commercial)". This municipal structure delineates these areas from other areas (Mixed Use Neighbourhood Area, Neighbourhood Area, Greenway System) to achieve this important balance within in the community. The Applicant has not provided any justification for the removal of these lands from the planned function and municipal structure of the Markham Official Plan or the "Greenway System".

***b) 2014 OP Considerations: Commercial Designation***

The 2014 OP designates the majority of the West Parcel "Commercial", which forms part of the employment area component of the City's urban structure which is separated from the Mixed Use Neighbourhood Area, Neighbourhood Area, Greenway System discussed previously. The "Commercial" designation permits the evolution of "Commercial" lands to more intensive building forms and offices, retail and services uses, while remaining compatible within City's structure. The policies provide "for the orderly, phased development or redevelopment of large-format retail development into more intensive multi-use commercial areas that accommodate complementary retail, service and office employment uses" (Section 8.4.1.1). To support the development and function of stable, more intensive commercial areas as part of the component of the municipal structure, residential dwelling uses and units are explicitly prohibited (Sections 8.4.1.1 and 8.4.1.5).

This portion of Woodbine Avenue is a stable commercial corridor that includes the West Parcel as part of a larger contiguous commercial area. The introduction of residential uses as significant as the Proposed Development would destabilize and fragment the commercial corridor. This would impact the ability to intensify and maintain the planned function of the surrounding "Commercial" designation. Staff do not support the Applicant's request to remove stable commercial designated lands from the planned function of the area. Moreover, Staff recommend the continued commercial use and potential intensification of these lands with uses permitted in the "Commercial" designation (office, retail, service services), and not for residential intensification. Staff further note that the City has permitted residential intensification in more appropriate areas.

***c) 2014 OP and the MCSP Update Considerations: Proposed Heights and Densities***

The Applicant proposes height and density far greater than permitted by the "Mixed Use High Rise" designation (15-stories and 3 FSI) and what the MCSP Update study contemplates (6 to 8-

storeys and 3 FSI - see Figure 4). Staff note that the Applicant's density may actually be greater than proposed as it includes lands designated "Greenway" and owned by others, which must be excluded. Further, should the Applicant's proposed open space be accepted as public parkland, it would also be excluded from the density calculation. Given that the natural heritage network boundary has not yet been determined, this also may result in a further density increase.

**d) MCSP Update Considerations: Clegg Road extension to Woodbine Avenue has not been included**

The MCSP Update study includes an ongoing review of the overall transportation network. The July 2023 Recommended Development Concept identifies the Clegg Road extension (a major collector road) connecting to Woodbine Avenue in an alignment that is generally located along the southern limit of the Subject Lands, which is not included in the Proposed Development. This road extension plays an important role in the overall transportation network for the surrounding area. Moreover, the location of the proposed surface parking spaces on the Bridge-Lane Parcel further precludes the Clegg Road extension to Woodbine Avenue.

**e) 2014 OP Considerations: "Greenway System" Designation**

The Applicant proposes to redesignate and rezone the existing Greenway System designation despite their Planning Justification report indicating that they would be "*maintaining the existing Greenway designation on those areas of the Site constrained by the natural heritage features associated with Beaver Creek*". The proposed OP Amendment redesignates the existing Greenway area that the City owns to "Mixed Use High Rise." Similarly, the Zoning Amendment rezones the entire Subject Lands to Holding - Community Amenity Two. Staff do not support the complete redesignation and rezoning of all lands currently designated "Greenway System."

**f) Natural Heritage Considerations**

Natural Heritage staff opine that Beaver Creek potentially meets a number of standards for significant valleyland. Staff require additional justification to confirm the conclusions of the Environmental Impact Statement ("EIS") that it is a non-significant valleyland. Staff comment that the proposed encroachments along with private trail uses into the Vegetation Protection Zones may have a cumulative impact on their ability to protect natural heritage features and mitigate long term negative impacts. Natural features will be requested to be conveyed into public ownership for their long term protection and stewardship. This is in addition to the significant increase in density and population of the adjacent lands, which are expected to place further pressure on natural areas. Natural Heritage staff maintain that buffer encroachments/uses and the reduced buffer widths will have negative impacts on the Natural Heritage System.

**g) Parking Considerations: Proposed Parking Rate and surface parking Location**

The Proposed Development includes 591 parking spaces (454 residential, 85 non-residential, 62 visitor), whereas 1,021 parking spaces are required under the current City-wide Parking By-law. The Applicant requests a proposed parking rate of 0.65 spaces/unit (residential) and 0.1 spaces/unit (visitor), which requires support with a revised Parking Study. The Proposed Development includes parking on the Bridge-Lane Parcel (not owned by the Applicant), subject to an existing vehicle and pedestrian access easement to Woodbine Avenue. The proposed parking precludes the function of the easement and the planned Clegg Road extension to Woodbine Avenue. The East Parcels 1 and 2 can only be accessed from lands owned by others (Bridge-Lane Parcel), which would render parking area land locked. Staff have concerns with access and safety to these parking spaces.

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**h) *Parkland Considerations***

Staff note that a portion of the Subject Lands are located within the expanded MCSP area and on lands identified as Parks/Open Spaces, but the Proposed Development does not identify any lands to be conveyed to the City for parkland. The Applicant's comprehensive block plan show a small landscaped open space connection at the south end of the East 2 Parcel to a conceptual proposed park located outside of the Subject Lands, but no details were provided. Parks Planning staff have concerns with the integration of this area with future park blocks and safe access for residents.

**i) *York Region indicated the OPA would not be eligible for exemption due to location of the Subject Lands partially in the "Regional Greenlands System" and under Section 7.3.8 of the 2022 ROP***

York Region staff advise that the site-specific OPA should wait further direction from the City and pending the MCSP Study update as it would provide a comprehensive and coordinated guidance on the appropriate height, density, urban design, transportation, and water and wastewater requirements. While the Subject Lands are within the PMTSA 17 and 26 boundaries, the OPA proposes to increase the density on a site-by-site basis in advance of the MCSP update (i.e. the eastern parcel), which does not constitute good and comprehensive planning.

The Proposed Development continues a development pattern that exceeds planned growth, which may have a cumulative impact on the York Region's planned transportation and water and wastewater networks. Site-specific increases in heights and densities of this magnitude may set a precedent and expectation for other properties in close proximity and across York Region. While York Region recognize that the Proposed Development is bisected by two PMTSAs, planning for this area would benefit from the City's direction on appropriate building height and density to achieve built form and vision for the overall minimum density target for these PMTSAs.

**j) *Portions of the Subject Lands are located within TRCA's Regulated Area, within and/or adjacent a tributary of the Rouge River (Beaver Creek) and associated regulatory flood plain and erosion hazards, and unevaluated wetlands and adjacent lands***

The TRCA advises that the "Development Limit" shown on the conceptual site plan does not accurately reflect the actual development limits. The delineation of the meander belt remains outstanding and must be submitted to the satisfaction of the TRCA in order to finalize the "Greatest Constrain Limit", as demonstrated in the Environmental Impact Statement, which represents the development limit and should be reflected on all applicable drawings. The TRCA further advises that the Bridge-Lane Parcel, East Parcel 1, the East Parcel 2, City Parcel, and a smaller area of the West Parcel are in the flood plain where no future use would be permitted nor supported. The surface parking (east side of the watercourse) remains in the flood plain and spaces should not count as required parking. Lastly, the TRCA advises that bridge crossing and road do not provide safe access in the event of a Regional Storm and TRCA staff do not agree that there are no Provincially Significant Wetlands onsite since the wetlands were not evaluated.

**CONCLUSION:**

This report identifies many concerns by York Region, the TRCA, and Staff that the Applicant did not address from the Pre-Application Consultation to Applications submission. The Proposed Development and subject Applications are not appropriate and do not represent good land use planning as they do not conform to the Official Plan policies; they detract from the planned function of the municipal structure identified within the Official Plan, the intent of the Intensification Area, and the role and stability of the established "Commercial" designation; and they have not demonstrated protection of the Greenway System (Natural Heritage Network). Therefore, Staff recommend refusal.

**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

Not Applicable.

**HUMAN RESOURCES CONSIDERATIONS:**

Not Applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The Applications do not align 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 Applications were circulated to various departments and external agencies.

**RECOMMENDED BY:**

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

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Arvin Prasad, MCIP, RPP  
Commissioner of Development Services

**ATTACHMENTS AND APPENDIX:**

Figure 1: Location, Parcel and Easement Identifier

Figure 2: Aerial Photo and Context

Figure 3: Excerpt from City 2014 Official Plan – Map 1 Markham Structure and Map 3 Land Use

Figure 4: Excerpt from Markham Center Secondary Plan Update Recommended 2023 - Land Use, Density & Height Plans

Figure 5: Area Context and Zoning

Figure 6: Conceptual Site Plan

Figure 7: Proposed Conceptual Building Elevations

**PLANNING CONSULTANT:**

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