



Report to: Development Services Committee

Report Date: November 28, 2023

SUBJECT: RECOMMENDATION REPORT
Sunny Communities (Markham Gold) Inc.
Official Plan and Zoning By-law Amendment Application to permit a high rise mixed-use development with 736 units (624 apartment and 112 multiple dwelling units) at 9900 Markham Road (Ward 6)
File No. PLAN 21 140327

PREPARED BY: Stephen Corr, MCIP, RPP, ext. 2532, Senior Planner, East District

REVIEWED BY: Stacia Muradali, MCIP, RPP, ext. 2800, Development Manager, East District
Stephen Lue, MCIP, RPP, ext. 2520, Senior Manager, Development

RECOMMENDATION:

- 1) THAT the November 28, 2023, report titled, “RECOMMENDATION REPORT, “Sunny Communities (Markham Gold) Inc., Official Plan and Zoning By-law Amendment Application to permit a high rise mixed-use development with 736 units (624 apartment and 112 multiple dwelling units) at 9900 Markham Road (Ward 6), File No. PLAN 21 140327”, be received;
- 2) THAT the Official Plan Amendment application submitted by Sunny Communities (Markham Gold) Inc. (File PLAN 21 140327), be approved and the draft Official Plan Amendment, attached as Appendix ‘A’, be finalized and brought forward to a future Council meeting to be adopted without further notice;
- 3) THAT the Zoning By-law Amendment application submitted by Sunny Communities (Markham Gold) Inc. (File PLAN 21 140476), be approved and the draft Zoning By-law Amendment, attached as Appendix ‘B’, be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 4) THAT servicing allocation for 736 units be assigned to the proposed 21 storey apartment buildings and four-storey multiple dwelling unit buildings;
- 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 Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications (“the Applications”) to permit a high rise mixed-use development at 9900 Markham Road, which is located on the west side of Markham Road, south of Major Mackenzie Drive East (“the Subject Lands”).

The OPA and ZBA (Appendices ‘A’ and ‘B’, respectively) permit a proposed development consisting of two 21-storey buildings containing 624 apartment units, and four four-storey buildings containing 112

multiple dwelling units, including back-to-back and stacked townhouses (the “Proposed Development”). Conceptual Site and Elevation Plans are shown on Figures 4 to 6. Building ‘A’, oriented towards the Markham Road frontage, includes 513 m² (5,552 ft²) of ground floor commercial and service uses.

Approval of the OPA would specifically permit the Proposed Development with increased density on the Subject Lands, as contemplated by the Wismer Commons Secondary Plan and the 1987 Markham Official Plan, which still apply to the Subject Lands. Approval of the ZBA would rezone the Subject Lands to Community Amenity One – Exception 551 (CA1*551) under By-law 177-96, as amended. The ZBA would permit the apartment and multiple dwelling unit buildings, including site-specific provisions reflective of the proposed built form, height, density, setbacks, and parking standards.

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 and density parameters of the draft Markham Road Mount Joy (“MRMJ”) Secondary Plan presented at June 26, 2023, Development Services Committee meeting as part of an on-going Secondary Plan Study. The Subject Lands are located in vicinity to existing and potential higher order transit stations and routes, and existing retail, service, and employment uses, and future community amenities envisioned in the MRMJ Secondary Plan Study. For these reasons, Staff opine that the proposed OPA and ZBA are appropriate and represent good planning.

There are some outstanding technical matters related to sanitary servicing capacity constraints and acceptance of Transportation Demand Management (“TDM”) initiatives to support the proposed parking rates in the ZBA that can be addressed through subsequent planning applications. Consequently, Staff recommend a Holding Provision in the ZBA to ensure these matters are adequately addressed prior to a future site plan application.

PURPOSE:

This report recommends approval of the Applications to permit a high rise mixed-use development on the Subject Lands.

Process to Date:

- The Applications were initially filed by a previous landowner and proposed one mid-rise and two high rise buildings on the Subject Lands, which Staff deemed complete on November 24, 2017. 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, 2018. Accordingly, the Owner can appeal the Applications to the OLT.
- The Development Services Committee (“DSC”) received a preliminary report on the original proposal on December 11, 2018, and the statutory Public Meeting was held on May 21, 2019.
- The Subject Lands were acquired by the current Owner who submitted a revised concept on October 21, 2021, which proposed 650 apartment units and 112 multiple dwelling units. Resubmissions were filed on April 17 and August 28, 2023, reflective of the current proposal for 736 units.

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

- a) Adoption of the site-specific OPA and enactment of the site-specific ZBA law at a future Council meeting (the Region of York remains the approval authority for the OPA).

-
- b) A Site Plan Application is required to initiate the detailed technical review of the Proposed Development. The Owner will be required to enter into a Servicing Agreement and Parks Agreement, prior to the issuance of Building Permits
 - c) Submission of a future Draft Plan of Condominium application, if required, should the tenure be condominium as proposed.

BACKGROUND:**Subject Lands and Area Context**

The vacant 1.747 ha (3.317 ac) Subject Lands are shown on Figures 1 to 3 where the north and east portions are within a regulated Toronto Region Conservation Authority (“TRCA”) flood plain. Figure 3 shows the surrounding land uses.

The Applications facilitate the Proposed Development, as reflected in the OPA and ZBA (see Appendices ‘A’ and ‘B’)

Figure 4 shows a conceptual site plan. Building ‘A’ (21-storey mixed-use building) contains 300 apartment units and 513 m² (5,552 ft²) ground floor commercial and service uses and are located on the east side of the Subject Lands, towards Markham Road, a City arterial road. Building ‘B’ (21-storey residential building) contains 324 apartment units and is located on the north portion of the Subject Lands, along Harvard Way, which is a private street with access to Markham Road for the Subject Lands and the adjacent existing residential development to the west.

Blocks 1 to 4 contains 112 multiple dwelling units (back-to-back and stacked townhouses) and are located on the west portion of the Subject Lands with Blocks 1 and 2 oriented towards Tsinghua Way, a private street on the abutting lands to the west. Blocks 3 and 4 are oriented towards a private driveway on the Subject Lands between these Blocks and Building A.

Access to the Subject Lands is proposed via Harvard Way to Markham Road and through a mutual access easement on Tsinghua Way on the abutting lands to the west to Major Mackenzie Drive East. Parking is predominantly below grade, with two-levels of underground parking for Building A and Blocks 1 to 4, and three levels of underground parking for Building B. Conceptual Building Elevations are shown in Figures 5 and 6.

Site Plan and Draft Plan of Condominium Applications are required

A Site Plan application is required to initiate the detailed technical review of the Proposed Development to assess matters related, but not limited to, design, public realm interface, sustainable site and building features, age-friendly considerations, parkland, wind impact mitigation, and site servicing and storm water management. The proposed Development is currently contemplated as a condominium, therefore, a Draft Plan of Condominium Application(s) would be required to facilitate the tenure of the units and associated underground parking, should the Owner proceed as they have indicated.

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”) 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 northeast portion of the Subject Lands is within the 2017 Provincial Greenbelt Plan (the "Greenbelt Plan") that 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 Applications to ensure that storm water management strategy and flood plain spill assessment are adequate and will not impact the abutting lands. The TRCA has confirmed no objection to approval of the OPA and ZBA and will be circulated the future Site Plan Application to ensure that storm water management, flood plain impacts, low impact development and hydrogeological study review comments are satisfactorily addressed.

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 Proposed Development 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 Mid Rise", which permits 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 is intended. Unless specified in a secondary plan or site-specific policy, this designation permits maximum building heights of eight-stories and a maximum density of 2 FSI.

The DSC received the draft MRMJ Secondary Plan (the "Secondary Plan") on June 26th, 2023, which provided an overall land use concept, including proposed land use designations, height and density considerations. The draft Secondary Plan proposes to designate the Subject Lands 'Residential High Rise' (along the Markham Road frontage and north portion) and 'Residential Mid Rise' (at the rear/west portion). These proposed designations permit the land uses proposed in the Applications. Regarding proposed density, the draft Secondary Plan contemplates 3.5 FSI (High Rise) and 3 FSI (Mid Rise), with flexibility to allow additional density without an amendment to the Secondary Plan, subject to:

- Confirmation that the Proposed Development can be supported by the existing or planned transportation capacity and community infrastructure

-
- Submission of servicing studies for sanitary sewers, water mains and storm water management design
 - Provisions for rental and affordable housing

Regarding building height, the draft Secondary Plan contemplates maximum heights of four-storeys (Mid Rise) and 15 and 20 storeys (High Rise). The 15-storey height is specific to 'Building B'. Land use policies in the draft Secondary Plan for this specific area of the site, allow height to increase up to 20 storeys subject to same criteria noted above, and also approval of the potential GO Station at Major Mackenzie Drive.

Transportation Planning Staff have completed the review of the transportation impact assessment study and opine that the existing transportation network can support the Proposed Development.. TDM initiatives to reduce automotive dependency will be required and secured through the implementing ZBA as a Hold condition (see discussion further below). Water Services are available to accommodate the Proposed Development. Demonstration of sanitary service capacity is also secured as Hold condition in the implementing ZBA. Stormwater management will be reviewed in detail by City Engineering and the TRCA. The Owner has committed to providing ten (10) affordable units as part of the Proposed Development, which is also secured as a Holding Provision in the implementing ZBA. The technical studies submitted in support of the applications, in addition to holding provisions in the implementing ZBA adequately address the criteria in the Draft Secondary Plan policies. Staff consider the proposed 3.56 FSI and 21-storey building heights to be appropriate and align with the anticipated vision of the Secondary Plan.

The Owner Proposes to Amend the Markham Official Plan, Revised 1987 (the "1987 OP") and Wismer Commons Secondary Plan ("OPA 37")

Since the Secondary Plan is not yet approved, the "Major Commercial Area" policies from the 1987 OP, as amended, and OPA 37, 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. OPA 37 does not provide a maximum building height, but does establish a maximum density of 1.75 FSI for the Subject Lands, which the Owner proposes to increase to 3.56 FSI. Additionally, it also establishes a density range of 80 to 148 units per ha (32 to 60 units per acre) for high density housing. The Owner proposes a density of approximately 423 units per ha (171 units per ac), reflective of the proposed 736 units for the 1.74 ha (4.29 ac) Subject Lands.

The Owner Proposes to amend Zoning By-law 177-96, as amended, from "Major Commercial" to "Community Amenity", as shown in the draft Zoning By-law (Appendix 'B')

Since 2016, the Subject Lands were zoned Major Commercial Exception 551 (MJC*551) under By-law 177-96, as amended, which permits large format retail and services use and reflects an earlier proposal for a shopping centre on the Subject Lands. The Draft Zoning By-law proposes to rezone the Subject Lands to Community Amenity One Exception*551` (CA1*551) Zone, to permit the following:

- Apartment Dwellings, Multiple Dwellings, Home Occupations and Home Child Care, and other commercial uses on the ground floor of mixed use buildings
- A maximum of 736 units
- Apartment Building Heights of 21 storeys and Multiple Building heights of 4-storeys
- A maximum Gross Floor Area of 62, 200 m², reflective of the proposed 3.56 FSI

- Parking ratios of 0.79 spaces/apartment and multiple dwelling unit, 0.15 visitor spaces/unit, and a reduction of seven required parking spaces for non-residential uses
- Provisions to share 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 frontage, setbacks and encroachments)

DISCUSSION:

At the May 21, 2019, statutory Public Meeting, three deputations were made citing concerns that the Proposed Development would increase traffic congestion and impact safety, and that the proposed height and density would create privacy concerns and impact schools, daycares, health services

This section identifies how matters raised through the review process, including those raised at the statutory Public Meeting, have been resolved or considered. The DSC questioned the inclusion of seniors housing, need for a shadow study, and timing of the proposal in the context of the ongoing MRMJ Secondary Plan Study.

a) Transportation and Traffic Concerns

Broader traffic impacts throughout the area have been assessed through the ongoing Secondary Plan study. The Owner also submitted a Transportation Impact Assessment in support of the Applications, which has been reviewed and accepted by the City's Transportation Planning Division, and opines that the Proposed Development can be accommodated by the existing transportation network.

b) Privacy Concerns and Shadow Study

Shadow studies were submitted in support of the Applications that demonstrated minor shadow impact on abutting residential lands to the west in the mid-morning hours (September/March 21). Shadow impacts to adjacent properties are not anticipated in the afternoon and evening hours. Additional shadow studies will be required at the future Site Plan application stage to ensure that any shadow impacts to abutting properties are mitigated.

c) Impacts to Schools, Daycares and Health Services

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. They have been circulated the Applications and advised of no concerns with the Proposed Development. The Draft Secondary Plan, received by the DSC on June 26, 2023, anticipates the provision of two public school sites in the MRMJ corridor area (one on each side of Markham Road). Other services and amenities (daycares and health services) are permitted on surrounding properties developed with existing commercial plazas to the south and southeast. Additionally, the Subject Lands are being rezoned to permit a range of non-residential uses including daycares and offices on the ground floor of one building to accommodate on-site residents and the broader community.

d) Provision of Seniors and Affordable Housing

The Owner does not propose seniors housing as part of the Proposed Development. However, features for older populations and all age groups with varying abilities will be assessed in greater detail through the future Site Plan application. The Owner is proposing to 10 units as a commitment to affordable housing, which is secured as a Holding Provision in the implementing ZBA.

e) The DSC requested the Proposed Development advance in conjunction with the MJMR Secondary Plan Study

As noted, the Applications were filed in 2017, followed by the 2019 statutory Public Meeting. At the time, the DSC requested development approvals await for the MRMJ study to advance. In 2021, the Subject Lands were acquired by the current Owner who is a participating landowner in the MRMJ Secondary Plan Study. In addition to allowing the Secondary Plan Study to advance, this Recommendation Report was partly on hold for the Owner to address technical comments specific to the Proposed Development. As discussed above, Staff consider the Proposed Development appropriate and generally aligns with the proposed land use and built form considerations of the draft MRMJ Secondary Plan received by the DSC on June 26, 2023.

The proposed Official Plan and Zoning By-law Amendments are appropriate and represent good planning (Appendices ‘A’ and ‘B’)

Staff are satisfied that the Proposed Development aligns with the draft Secondary Plan received by the DSC on June 23, 2023, as it facilitates a mixed use high rise development within an urbanizing corridor, in close proximity to higher order transit. The Proposed Development includes at-grade non-residential uses to implement the anticipated mixed use vision for the area. The implementing ZBA includes Holding Provisions to ensure that technical matters identified through the review of the Applications are addressed prior to the submission of a Complete Site Plan Application that related to the following:

- a) Confirmation of sanitary servicing capacity, to the satisfaction of the Waterworks and Engineering divisions
- b) Confirmation of TDM strategies to reduce automobile dependence and support the reduced parking rates in the ZBA, to require the following:

TABLE 1: TDM Initiative, supportive of 0.79 parking spaces per Residential Unit	
Bike Parking	<ul style="list-style-type: none"> • Long-term bike parking supply at a rate of 0.80 spaces/unit • Short-term bike parking supply at a rate of 0.15 spaces/unit • Bike parking supply requirement for non-residential use
Bike-share Program	<ul style="list-style-type: none"> • Bike share available for a minimum of three years • Minimum number of 15 bikes available for bike share • <i>That is equivalent to approx. 50 units sharing 1 bike on average (736 units proposed for the development)</i> • At least 40% of the bikes must be e-bikes
E-bike Voucher	<ul style="list-style-type: none"> • Vouchers in the amount of \$400 per unit
PRESTO Card	<ul style="list-style-type: none"> • \$250.00 pre-loaded amount per unit
Car Share	<ul style="list-style-type: none"> • 2 car share spaces • 3-year car share membership for each unit
Other TDM Initiatives	<ul style="list-style-type: none"> • Unbundled parking • Two bike repair stations with one at each building • Post development parking surveys • Pre and post occupancy travel surveys • Work with York Region to deliver the Transit Incentive Program and New Resident Information Packages for all residential unit purchasers, such as through information sessions

- c) That the Owner shall execute an agreement with the City regarding the provision of ten (10) affordable housing units to the satisfaction of the Director of Planning or their Designate.

The future Site Plan Application will address the following matters:

- a) Developers Group Requirements
The Subject Lands are within the Wismer Commons Secondary Plan, and the Wismer Commons Developers Group Trustee has advised that there are outstanding financial obligations related to the Proposed Development that will be addressed through the future site plan application. Additionally, as part of the ongoing Secondary Plan study, a Developers Group (the “Group”) is strongly encouraged 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
Cash in lieu of parkland will be required for the Proposed Development and will be calculated prior to the issuance of any building permits.
- 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 the first Building Permit.
- d) Inclusion of Age-Friendly features
Age-Friendly features will be reviewed and committed in the future Site Plan Application.
- e) Sustainability Measures
The Owner will be required to comply with the recently adopted City of Markham Sustainability Metrics program as part of a future Site Plan Application.

CONCLUSION:

Staff opine that the Applications are appropriate and represents good planning. The Proposed Development makes efficient use of land that has been identified provincially, regionally, and locally for intensification with a mix of uses on lands located adjacent to existing transit routes and higher order transit stations, and existing and future community amenities. The Proposed Development aligns with the proposed land use, density, and height parameters of the MRMJ Secondary Plan study. Therefore, Staff recommend that the proposed OPA and ZBA (Appendices ‘A’ and ‘B’) be approved, with both implementing documents to be finalized pending technical matters being addressed, and forwarded to Council for enactment at the earliest opportunity.

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 will be reflected in the implementing Official Plan and Zoning By-law Amendments (Appendices ‘A’ and ‘B’).

RECOMMENDED BY:

Darryl Lyons, MCIP, RPP
Deputy Director of Planning and Urban Design

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: Area Context/Zoning
- Figure 3: Aerial Photo
- Figure 4: Concept Site Plan
- Figure 5: Conceptual Elevation – West View from Markham Road
- Figure 6: Conceptual Stacked Townhouse Elevation
- Appendix ‘A’: Draft Zoning By-law Amendment
- Appendix ‘B’: Draft Official Plan Amendment

AGENT:

Rohan Søvig c/o Malone Given Parsons.
140 Renfrew Drive, Suite 201, Markham, ON L3R 6B3
Tel: (905) 513-0170, Email: rsovig@mgp.ca

OWNER:

Christopher O’Hanlon, President c/o Sunny Communities
25 Brodie Drive, Unit 1, 2nd Floor, Richmond Hill, ON L4B 3K7
Tel: (905) 415-6966, Email: christopher.ohanlon@sunnycommunities.com