
SUBJECT:	RECOMMENDATION REPORT Green City Cornell Development Group Inc. Official Plan and Zoning By-law Amendment Applications to permit two 13-storey retirement home and/or apartment buildings with at-grade non-residential uses, a mix of townhouses, and public parkettes, at the southeast corner of Bur Oak Avenue and Church Street (Ward 5) File PLAN 23 139197
PREPARED BY:	Carlson Tsang, Senior Planner, East District ext. 2624
REVIEWED BY:	Stacia Muradali, MCIP, RPP, Manager, East District, ext. 2008 Stephen Lue, MCIP, RPP, Senior Development Manager, ext. 2520

RECOMMENDATION:

1. THAT the December 12, 2023, report titled, “RECOMMENATION REPORT, Green City Cornell Development Group Inc., Official Plan and Zoning By-law Amendment Applications to permit two 13-storey retirement homes and/or apartment buildings with at-grade non-residential uses, a mix of townhouses, and public parkettes, at the southeast corner of Bur Oak Avenue and Church Street (Ward 5) File PLAN 23 139197”, be received;
2. THAT the Official Plan Amendment application submitted by Green City Cornell Development Group 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 Green City Cornell Development Group Inc., as modified by City staff, 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. 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 the Official Plan Amendment and a modified approval of the Zoning By-law Amendment applications submitted by Green City Cornell Development Group Inc. for the lands located at the southeast corner of Church Street and Bur Oak Avenue, within Cornell Centre. The proposal includes two 13-storey retirement homes and/or apartment buildings containing 748 units and approximately 2,977 m² (32,044 ft²) of non-residential space, 116 lane-based townhouses, eight front-loaded townhouses, 194 back-to-back stacked townhouses, a 0.07 ha (0.18 ac) partial park and a 13 m wide (42.65 ft) linear park on Church Street. While staff generally support the Proposed Development as it provides for intensification within a Key Development Area and Major Transit Station Area, there are several issues identified through the review of the applications.

Staff are concerned with the proposed linear park as it has limited programming opportunities, and would push the townhouses far away from the street which is inconsistent with existing streetscape character. Staff recommend the open space zone proposed along Church Street be removed to allow greater flexibility for staff to work with the Owner during the subdivision and site plan processes to improve the siting of the townhouses and park configuration.

Staff do not support the proposed eight front-loaded townhouses as they are not consistent with the lane-based character of the Cornell community. Staff will work with the Owner during the site plan process to explore

other options such as lane-based townhouses or stacked townhouses. Staff recommend a provision in the zoning by-law to prohibit front-loaded units on the subject site.

Lastly, there are outstanding matters related to sanitary servicing capacity constraints. Staff recommend a Holding Provision in the Zoning By-law to ensure these servicing matters are adequately addressed prior to submission of future site plan applications. Staff recommend approval of the applications, subject to the modifications recommended in the draft Official Plan and Zoning By-law Amendment attached as Appendices 'A' and 'B'.

PURPOSE:

This report recommends approval of applications for Official Plan and Zoning By-law Amendments (the "Applications") submitted by Green City Cornell Development Group Inc. (the "Owner"), to permit two 13-storey retirement home and/or apartment buildings containing 748 units and approximately 2,977 m² (32,044 ft²) of non-residential space, 116 lane-based townhouses, eight front-loaded townhouses, and 194 back-to-back stacked townhouses, a 0.07 ha (0.18 ac) partial park and a 13 m (42.65 ft) wide linear park along Church Street (the "Proposed Development").

PROCESS TO DATE:

- September 26, 2023: Staff deemed the applications complete
- October 25, 2023: The local Ward Councilor held a Community Information Meeting
- November 7, 2023: The [Statutory Public Meeting](#) was held.

The 120-day period set out in the *Planning Act* before the Owner can appeal the Applications to the Ontario Land Tribunal for a non-decision will expire on January 24, 2023.

If the Development Services Committee ("DSC") supports the Applications, the planning process will include the following next steps:

- Approval of the Official Plan and Zoning By-law Amendments (see Appendices 'A' and 'B')
- Submission of a Draft Plan of Subdivision application
- Submission of Site Plan and Draft Plan of Condominium Applications

BACKGROUND:

Location and Area Context

The 6.4 ha (15.8 ac) vacant subject lands are located within the Cornell Community with no significant vegetation, specifically at the southeast corner of Bur Oak Avenue and Church Street (the "Subject Lands"), as shown on Figure 1. The Subject Lands have approximate frontages of 385 m (1,263 ft) along Church Street, 190 m (623 ft) along Cornell Centre Boulevard, and 240 m (787 ft) along Church Street. Figure 3 shows the surrounding land uses.

The Subject Lands were originally created as a development block in 2017 by the Wykland Estates Inc. subdivision (File SU 14 135999), and reserved as a Catholic Secondary school site in accordance with the 2008 Cornell Secondary Plan. In 2022, the York Catholic District School Board determined that the intended school was no longer required at this location. As a result, the Owner acquired the Subject Lands and submitted the Applications for its redevelopment.

The multi-phased Proposed Development also includes a new public road that provides east-west connection between Bur Oak Avenue and Cornell Centre Boulevard and a future extension of Dimma Street and Frank Davis Street, as described in Table 1 and shown in Figures 4 to 6

Table 1: the Proposed Development

	2 Retirement Home/ Apartments	Townhouses			Total
		Lane-based	Front-loaded	Back-to-Back Stacked	
Units:	748	116	8	194	1,066
Total GFA:	89,434 m ² (962,659 ft ²)	26,380 m ² (283,951 ft ²)	2,101 m ² (22,614 ft ²)	19,447 m ² (209,325 ft ²)	137,362 m ² (1,478,552 ft ²)
Non-residential GFA:	2,977 m ² (32,044 ft ²)	n/a	n/a	n/a	2,977 m ² (32,044 ft ²)
Height (Storeys)	13	3	3	3 to 5	n/a
Parking Spaces:	634	232	16	287	1,169

The local Ward Councillor held a Community Information Meeting on October 25, 2023 and the statutory Public Meeting was held on November 7, 2023

The City received no written submissions or deputations at the statutory Public Meeting. The following is a summary of the key concerns raised at the Community Information Meeting:

- a) Excessive height with the proposed 13-storey buildings along Bur Oak Avenue
- b) Increased traffic and parking demand
- c) Inadequate transit services to support the development growth in Cornell Centre
- d) the linear park proposed along Church Street would become an unused open space

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

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, providing for all housing options, and wise use and management of resources. The Subject Lands are located within a defined Settlement Area and the Proposed Development would provide a variety of housing options including senior residence. Staff opine that the Proposed Development is consistent with the objectives set out in the 2020 PPS.

The Growth Plan provides a framework for implementing the Province’s vision for supporting a diverse range of housing option and transit oriented communities within the Greater Golden Horseshoe to 2051. It specifies that a minimum of 50 % of all residential development within York Region should occur within Built-up Areas. The Subject Lands are located within a delineated Built-up Area, and the Proposed Development includes an appropriate mix of housing options and provides access to active transportation options. Staff opine that the Proposed Development is consistent with the 2020 PPS to the Growth Plan.

Bill 23 - More Homes Built Faster Act, 2022, applies to the Proposed Development

On November 28, 2022, the Province received Royal Assent for Bill 23, which aims to support the provincial goal of building 1.5 million homes in 10 years. Through Bill 23, the Province assigned the City a target of 44,000 units over 10 years (4,400 units annually). The Proposed Development contributes to providing more

units in an Urban Area without the need to remove or redesignate environmentally protected lands to support the building of more homes, as mandated by the Province.

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

The 2022 ROP designates the Subject Lands ‘Urban Area’ and permits a wide range of residential, commercial, and industrial uses. It sets out a minimum target of 50% of all residential development in York Region to occur within the built-up area, as defined by the Province’s Built-up Area Boundary in the Growth Plan. The Subject Lands are also located within a Major Transit Station Area (“MTSA”), surrounding the Cornell Bus Rapid Transit (“BRT”) Station with a density target of 200 people and jobs per hectare. York Region has no concern with the Applications and delegated the approval authority of the proposed Official Plan Amendment to the City.

The policies in the 2014 Markham Official Plan (the “2014 OP”) are deferred until a new Secondary Plan is approved for Cornell Centre

The 2014 OP identifies the Subject Lands are within the Cornell Centre Key Development Area. Section 9.7.8.2 of the 2014 OP indicates that until an updated secondary plan is approved for Cornell Centre, the City’s 1987 Official Plan, as amended by the 2008 Cornell Secondary Plan (“OPA 168”) shall continue to apply to the Subject Lands.

OPA 168 designates the Subject Lands “Community Amenity Area Bur Oak Corridor” and “Residential Neighborhood Cornell Centre”

OPA 168 designates the frontage of the Subject Lands along Bur Oak Avenue “Community Amenity Area Bur Oak Corridor” with the balance designated “Residential Neighborhood Cornell Centre”. Both designations permit apartments and stacked townhouses with a minimum density of 1.5 FSI, and height limit between four and six storeys. Non-residential uses are mandatory on the ground floor of buildings fronting Bur Oak Avenue, and must occupy a minimum of 55% of the ground gross floor area. Some of the non-residential uses permitted include retail and services, banks and financial institutions, health and fitness recreation uses, institutional uses, private and commercial schools, and restaurants.

The Owner seeks to redesignate a portion of the Subject Lands from “Residential Neighborhood Cornell Centre” to “Community Amenity Area Bur Oak Corridor” with site-specific policies to increase the maximum height to 13-storeys and allow nursing homes, retirement homes, and long term care facilities uses (see Appendix ‘A’). For the lands currently designated “Residential Neighborhood Cornell Centre”, the Owner proposes site-specific policies to permit three-storey townhouse dwellings with reduced heights and densities from 4 storeys to 3 storeys and 1.5 to 1.0 FSI, respectively.

The 2015 Draft Update to the Cornell Centre Secondary Plan designates the Subject Lands “Residential Mid Rise I”

In 2015, DSC received a draft land use concept for Cornell Centre as part of the secondary plan update. The Subject Lands were proposed to be designated “Residential Mid-Rise I”, which contemplates apartments, townhouses, stacked townhouses, buildings associated with daycare and public schools, retail and service uses. The minimum density required is 0.75 FSI and the height limit is from three to six storeys.

By-law 177-96, as amended by By-law 2016-82, zones the Subject Lands “Open Space Two - OS2”

The Zoning By-law only permits public schools, parks, community centres, museums, libraries, day nurseries and art galleries. The Owner seeks to rezone the Subject Lands to “Community Amenity Two (CA2)” and “Residential Two (R2)” with site-specific exceptions to address development standards including setbacks, building height, yard encroachment, non-residential gross floor area and parking (see Appendix ‘B’).

DISCUSSION:

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

TABLE 3: Matters Raised
1. Comments on the Proposed Senior Residence
Staff support a proposed retirement home use as it assists in meeting the housing goal of the Official Plan by providing a range of housing options and tenures to meet the needs of special groups, such as seniors. The Subject Lands are an appropriate location for senior residence due to its proximity to the Markham Stouffville Hospital, Cornell Community Centre, and various institutional uses.
2. Residents expressed concerns with the height proposed for the two, 13-storey buildings
The Subject Lands are located within a Key Development Area identified in the Official Plan and a MTSA associated with the Cornell BRT Station where intensification is expected. In the 2015 draft land use concept, the three to six storeys height limit was in part attributed to the school originally contemplated on the subject site. Given the school is no longer required at this location, the height limit for the subject lands should be revisited. The 2015 draft land use concept envisages Bur Oak Avenue as a mixed use main street that would accommodate the tallest developments where heights would transition upward towards the south and peak at 24 storeys along Highway 7. The proposed height is considered appropriate and would provide an appropriate transition condition along Bur Oak Avenue. The Owner also demonstrated that the Proposed Development generally meets the 45-degree angular plane with no significant shadowing on the existing homes.
3. The Owner is seeking to reduce the minimum non-residential floor space within the buildings on Bur Oak Avenue, from 55% to 50% of the ground floor area
Notwithstanding the reduction, there will still be approximately 1,968 m ² (21,183 ft ²) of non-residential space spanning the frontage along Bur Oak Avenue. Staff opine that the proposed reduction is considered modest and will not compromise the Secondary Plan's goal of achieving a mixed use main street on Bur Oak Avenue. Staff recommend a special zoning provision to require non-residential uses to occupy a minimum of 50% of the ground floor area of the buildings fronting Bur Oak Avenue; the second storey would also accommodate additional offices and medical clinics.
4. Some residents expressed concerns with the massing of the proposed buildings along Bur Oak Avenue
The Applications are intended to establish the land use permissions and development standards for the Subject Lands. The concept plans submitted are only for illustration purposes. Staff will work with the Owner during the future site plan processes to improve the architectural design and articulation of the proposed buildings.
5. Comments on the Owner's proposal to permit reduced height and density for the townhouse blocks
The proposed three-storey lane-based townhouses (pink and purple highlight in Figure 4) are compatible with the surrounding and existing homes. Staff note that there are existing surrounding townhouses; two-storeys to the north and three-storeys to the south (under construction). The proposed reduced

TABLE 3: Matters Raised
height and density would maintain a built form compatible with the existing neighbourhood character. Moreover, the proposed density aligns the 2015 draft land use concept.
6. Concerns with the front-loaded townhouses
Staff expressed concern with the eight front-loaded townhouses proposed on the future extension of Dimma Street (yellow highlight in Figure 4) that would face driveways along public streets and sidewalks. This configuration poses safety concerns for residents and is inconsistent with the lane-based character of the Cornell community. Staff will work with the Owner to improve the design of the block during the subdivision process and have included a special provision to prohibit front-loaded townhouses or multiple unit buildings on this development block.
7. Residents were concerned that the Proposed Development would significantly increase traffic congestion
The Owner submitted a Traffic Mobility Study that examined the traffic counts in the study area, estimated trip generation, and undertook intersection capacity analysis for existing and future traffic condition. The study concluded that future site trips are not expected to cause significant area impacts and the intersections are anticipated to operate at an acceptable level. York Region and the City's Transportation staff have no concern with the study conclusion, subject to the subdivision process. The future developments on Highway 7 would include the extension of Rustle Woods and Arthur Bonner Avenues to Bur Oak Avenue, which will improve area connectivity resulting in greater traffic dispersal and potentially less reliance on existing routes. Further, these future roads will all be constructed with sidewalks or multi-use pathways to provide pedestrian connectivity to the BRT station, which would provide alternative modes of travel, lead to increased transit ridership, and reduce car dependency. The Owner also proposes various Transportation Demand Management measures to incentivize alternate travel modes with subsidized Presto cards for residents and provides bicycle racks.
8. Transit Services: York Region Transit ("YRT") would closely monitor applications in Cornell Centre to adjust transit schedules as development intensifies
YRT's ultimate vision is for buses to operate at 15-minute frequencies, or better, six days a week from 6 am to 10 pm. Therefore transit service is expected to improve as redevelopment in the area occurs to better serve the community.
9. Parking Reductions
Staff have concern with the request to reduce the retail parking requirement from 1 space/30 m ² to 1 space/90m ² . After discussions, the Owner agreed to amend the parking rate to 1 space/45 m ² to lessen the parking impact on the community. As a mitigation measure, staff will include a provision that requires restaurants, which typically generate more parking, in excess of 20% of the gross floor area of all non-residential uses to be subject to the regular restaurant parking rate of 1 space/9 m ² .

TABLE 3: Matters Raised
The Owner requests to reduce the parking requirement for stacked townhouses from 1.25 space/unit to 1 space/unit, and retirement home from 0.75 space/unit to 0.6 space/unit. Transportation staff have no concern as the proposed parking rates are generally consistent with previously approved developments. The Owner also requests to remove the visitor parking requirement of 0.25 space/unit that applies to townhouses fronting on private street. The proposed townhouses are all designed with two parking spaces, either in a double car garage or single car garage with a second tandem parking space provided on the driveway. Transportation staff opine that the parking demand would not change based on the tenure of the street and, therefore, have no concern with the request.
10. Parkland Dedication: The City is not entitled to collect parkland for new development in Cornell other than the area within the Highway 7 corridor as per the 2007 Cornell Master Parks Agreement Notwithstanding the Master Parks Agreement, the Owner proposes a 0.07 ha (0.16 ac) partial park block that would merge with the adjacent lands to the south to form a 0.31 (0.76 ac) public park and would be secured as a condition of approval of the future subdivision application. In the Pre-Application, the townhouses proposed on Church Street were initially located close to the street line, which was supported by staff as they were in keeping with the character of the existing homes across the street. However, the proposal submitted with the formal Applications shows a different design, which includes a 13 m (42.65 ft) wide linear park with a combined size of 0.5 ha (1.23 ac) along the entire frontage of Church Street. The Owner proposes to rezone the entire frontage along Church Street to accommodate the linear park. Staff are concerned that the townhouses will be pushed back far away from the street, resulting in a streetscape that is not consistent with the existing character of the neighborhood. Further, the shape of the linear park is not suitable to efficiently support the recreational needs and facilities contemplated in Markham's Integrated Leisure Master Plan, and that the configuration would limit the City's programming of the park. It should be noted that parkland is permitted in all zones, and therefore the linear park needs to be modified and relocated which can be achieved without rezoning approval by Council. The linear park is to be consolidated into a large contiguous and regular-shaped park block versus the current configuration in order to maximize park functionality and usability. The townhouses needs to be brought closer to the street to achieve a more pedestrian oriented streetscape in which the Secondary Plan seeks to achieve. Staff recommend the open space zone proposed on Church Street be removed to allow greater flexibility for staff to work with the Owner during the subdivision review process to improve the siting of the townhouses, and the configuration of the park.
11. Amenity space for stacked townhouses Staff are concerned of the proposed parking ramps (see Figure 4) in Phases 3 and 4, and recommend modifying the concept to relocate or consolidate them in the 13-storey buildings in order to accommodate additional shared outdoor amenity space and alleviate negative visual impacts on the stacked townhouse units. Staff included zoning provisions to require a minimum of 2 m² (21.5 ft²) per unit of outdoor amenity space for the retirement home/apartment dwelling and stacked townhouses in Phase 3 and 4. The detailed design of the amenity space and underground parking ramp will be

TABLE 3: Matters Raised
finalized during the site plan process. The amenity space for the retirement home or apartment building can be provided on the rooftop.
11. Affordable Housing
Staff will work with the Owner to explore opportunities for affordable housing and/or rental options during the future site plan processes.
12. Markham District Energy
Staff will work with the Owner to explore the possibility of connecting the Proposed Development to Markham District Energy. Further review will be required at the Subdivision and Site Plan application stages.
13. Community Benefit Charge (“CBC”)
The Proposed Development is subject to CBC that will be collected prior to issuance of a Building Permit at an amount equivalent to 4% of the value of the Subject Lands on the day before the building permit issuance.
14. Master Environmental Servicing Plan (“MESP”)
The Subject Lands are located within the Cornell Centre Master Environmental Servicing Plan area and it was considered for institutional land use at the time. Given the intensification of the site and Cornell Centre the MESP should be updated to ensure there is enough sewer capacity to support this application, and other ongoing developments in the area. As such, Engineering staff require a Holding Provision that cannot be lifted until the City is satisfied that adequate sanitary sewer facilities are available to service the Proposed Development on the Subject Lands.
15. York Region delegated approval authority of the proposed OPA to the City
In their comments dated November 13, 2023, York Region indicated that they do not have an objection to approval of the proposed official plan and zoning by-law amendments.

CONCLUSION:

Staff opine that the Proposed Development is appropriate and represents good planning. The Subject Lands have been identified provincially, regionally, and locally for intensification with a mix of uses. The Proposed Development provides for desired intensification adjacent to existing transit routes and existing and future community amenities in a manner that is generally consistent with the pattern of development in the surrounding area. The proposed building heights and density are generally consistent with 2015 draft Cornell Secondary Plan update. Therefore, staff support the approval of the proposed Official Plan and Zoning By-law Amendments subject to the recommendations noted in the report, as reflected in Appendices ‘A’ and ‘B’.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications 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 and the City and external agency requirements are reflected in the implementing OPA and ZBA (refer to Appendices 'A' and 'B').

RECOMMENDED BY:

Giulio Cescato, MCIP, RPP
Director, 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 (2020)
Figure 4: Conceptual Site Plan
Figure 5: Conceptual Renderings
Figure 6: Phasing Plan
Appendix 'A': Draft Official Plan Amendment
Appendix 'B': Draft Zoning By-law Amendment