



SUBJECT: RECOMMENDATION REPORT
Grmada Holdings Inc., Applications for Official Plan and Zoning By-law Amendments to permit a mixed use development consisting of two 60-storey towers, 1,330 residential units, an eight-storey podium and ground related retail uses at 7509-7529 Yonge Street (Ward 1)
File PLAN 23 141587

PREPARED BY: Rick Cefaratti, MCIP, RPP, Senior Planner, West District, Ext. 3675

REVIEWED BY: Clement Messere, MCIP, RPP, Development Manager, West District, Ext. 2191
Stephen Lue, MCIP, RPP, Senior Development Manager, Ext. 2520

RECOMMENDATION:

- 1) THAT the January 23, 2024, report titled, “RECOMMENDATION REPORT, Grmada Holdings Inc., Applications for Official Plan and Zoning By-law Amendment to permit a mixed use development consisting of two 60-storey towers, 1,330 residential units, an eight-storey podium and ground related retail uses at 7509-7529 Yonge Street (Ward 1), File PLAN 23 141587”, be received;
- 2) THAT the Applications for Official Plan and Zoning By-law Amendment, submitted by Grmada Holdings Inc., under File PLAN 23 141587, to amend the City of Markham Official Plan and Zoning By-laws 2237 and 177-96, as amended, be refused without further notice;
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends the refusal of the Official Plan and Zoning By-law Amendment applications (the “Applications”) submitted by Grmada Holdings Inc. (the “Applicant”) to permit two 60-storey towers, 1,330 residential units, an eight-storey podium and ground related retail uses (the “Proposed Development”) on the 0.72 ha (1.78 ac) lands located on the southeast corner of Yonge Street and Elgin Street at 7509-7529 Yonge Street (the “Subject Lands”), as shown on Figures 1 and 2.

The Official Plan Amendment seeks to re-designate the Subject Lands to a site-specific “Mixed Use High Rise” designation and permit a maximum building height of 60-storeys and a maximum density of 15.3 FSI, whereas the current Official Plan policies applying to the subject property permit a maximum height of 8-storeys and a maximum density of 2 FSI. The Zoning By-law Amendment proposes to remove the Subject Lands from the designated area of By-law 2237 and incorporate them into the designated area of By-law 177-96 to effectively rezone the Subject Lands to a Community Amenity Zone and include site-specific development standards for greater maximum height and total number of residential units to facilitate the Proposed Development.

Staff note that many of the concerns identified in this report were raised with the Applicant at the time of Pre-Application Consultation, and were not addressed or resolved as part of the Applications. In addition, staff opine that the Applications are premature and do not represent good and orderly land use planning as the Applicant seeks approval of the Proposed Development in isolation of the surrounding

area and not in a comprehensive and coordinated manner. Therefore, 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 received the Applications on September 16, 2023, with supplementary material to form Complete Applications on October 6, 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 will end on February 3, 2024
- Heritage Markham Committee considered the Applications on December 13, 2023
- The Applications are subject to the statutory processing timeframe under Bill 109 and also subject to Bill 23 requirements in relation to parkland dedication requirements

BACKGROUND:

Area Context

The Subject Lands consist of two properties located on the southeast corner of Yonge Street at Elgin Street, and are municipally known as 7509 and 7529 Yonge Street. Figure 2 shows the surrounding land uses. The Subject Lands are currently developed with a food market building at 7509 Yonge Street (“York Farmers Market”) and a restaurant building at 7529 Yonge Street (“The Octagon Steakhouse”).

The Applicant seeks approval of a Proposed Development, as summarized in Table 1

Table 1: The Proposed Development (see Figures 4 to 10)	
Gross Floor Area (“GFA”):	107,558 m ² (1,157,772 ft ²)
Density:	15.3 FSI (Floor Space Index)
Residential Units:	Tower A: 584 units Tower B: 584 units Podium: 162 units
Building Heights:	Tower A: 60 storeys Tower B: 60 storeys
Amenity Space:	6,112 m ² (65,773 ft ²)
Parking Spaces (Residential):	493
Parking Spaces (Visitor/Retail)	136

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

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 1.2.1 states that “A coordinated, integrated and comprehensive approach should be

used, when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

- a) managing and/or promoting growth and development that is integrated with infrastructure planning
- b) economic development strategies
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources
- d) infrastructure, multimodal transportation systems, public service facilities and waste management systems”

In addition, 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 3.2.1 of the Growth Plan states that “Planning for new and expanded infrastructure will occur in an integrated manner, including evaluations of long-range scenario-based land use planning”.

York Region Official Plan (2022), as approved by the Minister on November 4, 2022 (“YROP-2022”), designates the Subject Lands “Community Area” (Map 1A) – Land Use Designations and are identified as being within a “Regional Corridor” on ‘Map 1 - Regional Structure’

Community Areas are where most of the housing and population-related jobs required to accommodate the forecasted population will be located. In addition, the Subject Lands are along the Yonge North Subway Extension (“YNSE”) corridor and are within a Protected Major Transit Station Area “PMTSA 9 – Clark Subway Station”, which is planned to achieve a minimum of 250 people and jobs per hectare on the Markham side.

York Region provided comments on the proposed OPA and stated that, “the approval of 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 Official Plan to permit the Proposed Development

The City’s 2014 Official Plan designates the Subject Lands “Mixed Use Mid Rise”, which permits mixed use buildings with a maximum site density of 2 FSI. The Subject Lands are further identified as being located within the Yonge/Elgin Corridor Area and subject to the Area and Site Specific Policies under Section 9.18.14 of the Official Plan (“Yonge/Elgin Area Policies”). The current land use policy objective for this area is to provide for a mixed use area that integrates street-related retail service uses along Yonge Street, varied scales of development, including transit supportive mid-rise buildings and low rise buildings to complement adjacent heritage areas and residential neighbourhoods.

The Yonge/Elgin Area Policies permit a maximum building height of six-storeys. However, an increase in the maximum building height may be considered up to eight-storeys subject to a site-specific zoning by-law amendment that also provide for one of the following community benefits:

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- i) the provision of an on-site, publicly accessible urban parkette
 - ii) significant improvements to the public realm and streetscape
 - iii) the provision of underground public parking
 - iv) the incorporation of the existing Farmer's Market as an integral component of the redevelopment of the Farmer's Market property located at the southeast quadrant of Yonge Street and Elgin Street

The Applicant proposes an Official Plan Amendment to re-designate the lands from "Mixed Use Mid Rise" to a site-specific "Mixed Use High Rise" designation and remove the Subject Lands from the requirements of Policy 9.18.14 mentioned above.

Yonge Corridor Land Use and Built Form Study was endorsed by Markham Council in June 2022 and Yonge Street Corridor Secondary Plan has been initiated

The Subject Lands are located within the Clark area boundary of the Council endorsed Yonge Corridor Land Use and Built Form Study that considered the transit-oriented community potential for the Major Transit Station Areas surrounding the Yonge North Subway Extension stations. Additionally, the City has commenced a Secondary Plan process for the Yonge Street corridor that will provide direction related to land use, urban design, municipal servicing and transportation. The Secondary Plan will establish, among other matters, desired height, density and built form policies. A draft of the future Secondary Plan is expected to be completed by the fourth quarter of 2025.

Heritage Markham Committee considered the Proposed Development on December 13, 2023, and recommended that the Applications not be supported due to the negative impacts the proposed height and density would have on the historic character of the Thornhill Heritage Conservation District

The public right-of-way along Yonge Street adjacent to the Subject Lands are included in the boundaries of the Thornhill-Markham Heritage Conservation District primarily to connect with the Thornhill-Vaughan Heritage Conservation District on the west side of Yonge Street, and to ensure complementary streetscapes on both sides of Yonge Street in Markham and Vaughan are provided.

The Official Plan requires that proposed developments on properties that are "adjacent" to cultural heritage resources be reviewed for their potential impact on the resource. Adjacency is defined in the Official Plan as being within 60 metres of a cultural heritage resource and the definition of a cultural heritage resource includes a heritage conservation district.

The Applicant proposes a Zoning By-law Amendment to permit the Proposed Development, which is subject to Zoning By-law 2237, as amended (the "Zoning By-law")

The "Subject Lands" are zoned Highway Commercial General under Zoning By-law 2237, as amended as shown on Figure 3. The Highway Commercial General Zone permits commercial uses including art shops, bakeries, hotels, retail sales, personal service and repair shops, restaurants and recreational establishments. Residential uses are not permitted.

The Applicant proposes to remove the Subject Lands from Zoning By-law 2237 and incorporate them into Zoning By-law 177-96, and rezone the lands as "Community Amenity Zone" with site-specific exceptions to facilitate the Proposed Development with proposed site-specific exceptions including, but not limited to, the following:

- permission of apartment dwellings, commercial uses such as retail stores, restaurants, supermarkets
- A maximum height of 60-storeys
- A maximum site density of 15.3 FSI
- A minimum residential parking rate of 0.37 spaces per dwelling unit and a minimum combined visitors/shared parking rate of 0.1 spaces per dwelling unit
- A minimum of 4 loading spaces
- A minimum landscaped area of 12%
- A maximum projection of 7.5 metres above the highest point of the roof surface for mechanical equipment and any associated screening thereof

DISCUSSION:***Staff opine that the Proposed Development is premature and does not represent good planning***

- a) The Subject Lands are located within the future Secondary Plan area. There are confirmed sanitary downstream capacity constraints in the Secondary Plan area. The servicing requirements of the Subject Lands will be considered and determined through the Secondary Plan process to address the sewer upgrades required for all of the anticipated high density developments along the Yonge Street Corridor. Sanitary sewer capacity is not currently available to accommodate the expected flow generated from the Proposed Development. The Applicant should align servicing for the Proposed Development with the City's broader servicing plans for the Secondary Plan area to ensure that development is coordinated and appropriately phased.
- b) The Subject Lands are partially within the Toronto and Region Conservation Authority (TRCA) Regulated Area under Ontario Regulation 166/06, as it is within the Regulatory floodplain hazard associated with the Don River Watershed. TRCA's Living City Policies typically require that new development be located 10 metres from the flood plain, whereas the Proposed Development illustrates that one of the 60-storey buildings is located within the regulatory floodplain. This is in contrast to the Provincial Policy Statement and represents a potentially significant hazard. The submission of a Concept Development Application to the TRCA is recommended to determine development limits.
- c) The Proposed Development should not be evaluated in isolation of the surrounding area, which requires a comprehensive and coordinated approach. In order to appropriately evaluate the Applications, the Secondary Plan process should be more substantially advanced or at the very least, have a draft built form concept, to determine the appropriate planned level of intensification for the Subject Lands and surrounding area. Planning for the Subject Lands will also benefit from the City's direction on appropriate building heights and densities to achieve built form and vision for the overall Secondary Plan area.
- d) The scale of the proposed site-specific increases in heights, densities, and number of residential units, has the potential to establish precedence and expectations for other landowners in close proximity to the Subject Lands in advance of the Secondary Plan process being completed.
- e) Staff communicated concerns regarding timing for submitting concurrent Official Plan and Zoning By-law Amendment applications at the Pre-Application Consultation stage. Staff recommended that the Applicant participate in the upcoming Secondary Plan process whereby land use, transportation, servicing constraints, and opportunities along the Yonge Street corridor will be determined through

a comprehensive process. Staff advised the Applicant to consider applying for an Official Plan Amendment only such that the proposed land use could be assessed in parallel with the Secondary Plan process to establish the land use designations and policies. Staff opined that a site-specific application to amend the Zoning By-law at this time was considered premature in the existing policy context and that the Zoning By-law Amendment Application be submitted at a later date once the policy context is more advanced.

- f) Notwithstanding that the Applications are proposing a compact housing form adjacent to a future transit station, there are no specifically affordable housing units provided in the Proposed Development as defined by the Official Plan. The Official Plan defines “Affordable” as the least expensive of: a) housing for which the purchase price results in annual accommodation costs not exceeding 30 percent of gross annual household income for low and moderate income households; or b) housing for which the purchase price is at least 10 percent below the average purchase price or a resale unit in the regional market area.

CONCLUSION:

The Applications to amend the Official Plan and Zoning By-law to implement the Proposed Development are premature, and do not represent good and orderly land use planning as the Applicant seeks approval of the Proposed Development in isolation of the surrounding area and not in a comprehensive and coordinated manner. Staff recommend refusal of the Applications.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

In consideration that the Applications are subject to the statutory processing timeframe under Bill 109, the Applicant is entitled to the following refunds of Application fees if the City fails to render a decision on the Applications within 120 days:

- a 50% refund of all fees between 121 and 179 days from submission
- a 75% refund of all fees between 180 and 239 days from submission
- a 100% refund of all fees on a decision made 240 days or later from submission

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

In the absence of a Secondary Plan for the Yonge Street Corridor, the Applications do not align with the City’s strategic priorities in relation to developing Safe, Sustainable and Complete Communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to various departments and external agencies for review and feedback.

RECOMMENDED BY:

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

Giulio Cescato, MCIP, RPP
Director, Development Services

Arvin Prasad, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context and Zoning

Figure 4: Development Concept Plan

Figure 5: Conceptual Building Elevation – North

Figure 6: Conceptual Building Elevation - South

Figure 7: Conceptual Building Elevation – East

Figure 8: Conceptual Building Elevation – West

Figure 9: Conceptual Renderings – Aerial Views North East and North West

Figure 10: Conceptual Renderings – Aerial Views North East and North West

OWNER:

Grmada Holdings Inc. C/O Roman Zhardanovsky

Tel: 416-629-9259 Email: romazh@gmail.com

AGENT:

WeirFouldsLLP C/O Paul Chronis

66 Wellington Street, Toronto ON L4C 6X7

Tel: 416-460-0038 Email: pchronis@weirfoulds.com