

Date:	Tuesday, February 13, 2024		
Application Types:	Official Plan and Zoning By-law Amendment (the “Applications”)		
Owner:	2163321 Ontario Inc. (the "Owner")		
Agent:	Marshall Smith c/o KLM Planning Partners Inc.		
Proposal:	A 30-storey building (24 storeys with a six-storey podium), consisting of 372 residential units, including four integrated live-work units fronting Old Kennedy Road, and 305 m ² of ground level commercial space. The Owner proposes to convey a portion of the lands for a public right-of-way (the westerly extension of Sun Yat-Sen Avenue) (the “Proposed Development”).		
Location:	35-51 Old Kennedy Road (the “Subject Lands”)		
File Number:	PLAN 23 148834	Ward:	8
Prepared By:	Elizabeth Martelluzzi, RPP, MCIP, Senior Planner, Central Planning District		
Reviewed By:	Sabrina Bordone, RPP, MCIP Manager, Central Planning District	Stephen Lue, RPP, MCIP Senior Manager, Development	

PURPOSE

This preliminary information pertains to the Applications submitted by the Owner and contains general information on the applicable Official Plan policies and the identified issues and should not be taken as Staff’s opinion or recommendation.

PROCESS TO DATE

Staff received the Applications on Wednesday December 20, 2023, and deemed the Applications complete on Tuesday January 16, 2024. The 120-day period set out in the *Planning Act* before the Owner can appeal to the Ontario Land Tribunal for a non-decision ends on April 18, 2024. The Applications are subject to the timeframes of the Bill 109 amendments to the *Planning Act*.

NEXT STEPS

- Statutory Public Meeting is scheduled for February 13, 2024
- Recommendation Report for consideration by the Development Services Committee (“DSC”)
- In the event of an approval, adoption of the site-specific Official Plan Amendment and enactment of the site-specific Zoning By-law Amendment
- Submission of a future Draft Plan of Subdivision application to convey Sun Yat-Sen Avenue

- Submission of future Site Plan Control and Draft Plan of Condominium applications

BACKGROUND

Subject Lands and Area Context

Figures 1 and 2 show a gas station, accessory building, and detached dwelling (listed under Section 27 of the *Ontario Heritage Act*) currently occupy the .30 ha (0.75 ac) Subject Lands. Figure 3 shows the surrounding land uses.

Table 1 summarizes the Owner’s Proposed Development

Table 1: the Proposed Development (refer also to Figure 4)	
Residential:	26, 022 m ² Gross Floor Area (“GFA”)
Commercial GFA:	305 m ²
Density:	8.5 times the area of the Subject Lands (Floor Space Index - “FSI”), based on gross site area prior to land division or conveyance of lands
Dwelling Units:	372 (including four live-work units)
Building Height	30 storeys maximum
Access and Parking Spaces:	<ul style="list-style-type: none"> • Vehicular access via Sun Yat-Sen Avenue extension ^{NOTE 1}. • 324 parking spaces within five levels of underground parking and one level of surface parking enclosed within the building envelope

NOTE 1: The Owner proposes to convey Sun Yat-Sen to the City as a stratified road to allow for private parking serving the Proposed Development below.

Table 2 summarizes the Owner’s proposal to amend the Markham 2014 Official Plan (the “2014 Official Plan”) and the Main Street Milliken Secondary Plan (“OPA 144”) to permit the Proposed Development. The Subject Lands are also subject to the City’s Draft Milliken Centre Secondary Plan (“MCSP”)

Table 2: Official Plan Amendment Information			
	2014 Official Plan	OPA 144	Draft MCSP
Current Designation:	“Mixed Use Mid Rise”	“Community Amenity Area – Main Street”	“Mixed Use High Rise”

Table 2: Official Plan Amendment Information

	2014 Official Plan	OPA 144	Draft MCSP
Permitted uses:	<ul style="list-style-type: none"> Residential development integrated with mixed-uses (a range of retail and commercial) <u>Site-Specific Policy 9.15.3:</u> Until an updated Secondary Plan is approved, the provisions of the 1987 Official Plan (the “1987 Official Plan”), as amended by OPA 144 shall apply to the Subject Lands. 	<ul style="list-style-type: none"> A range of small to moderate scale retail, personal service, restaurant and business uses Permits residential uses 	<ul style="list-style-type: none"> High density that supports a mix of uses and range of building types (retail and service functions with residential and office uses and access to existing or planned transit) Residential will include types and tenures that ensure the availability of affordable housing
Maximum Permitted Height and Density:	<ul style="list-style-type: none"> 8 storeys 2.0 FSI 	<ul style="list-style-type: none"> 3 storeys 1.0 FSI 	<ul style="list-style-type: none"> 25 storeys 5.0 FSI Additional heights and densities may be considered without an amendment to the Plan, subject to draft policies.
Proposal:	<p>The Owner proposes a site-specific Official Plan Amendment to OPA 144 and the 2014 Official Plan to permit the following:</p> <ul style="list-style-type: none"> maximum density of 8.5 FSI maximum height of 30 storeys 		

A Zoning By-law Amendment application is required to permit the Proposed Development

Table 3: Zoning By-law Amendment Information Under By-law 177-96, as amended

Current Zone:	“Community Amenity Two, Special Exception 283 (Hold)” [CA2*283(H)]
Permissions:	<ul style="list-style-type: none"> A mix of uses including apartment and townhouse dwellings, restaurants, retail, office, personal service shops, and other community uses A maximum 12 m building height

Table 3: Zoning By-law Amendment Information Under By-law 177-96, as amended	
	<ul style="list-style-type: none"> • A maximum density of 1.0 FSI
Proposal:	<p>The Owner proposes to amend the Zoning By-law to permit the following:</p> <ul style="list-style-type: none"> • Additional uses including: museums, places of amusement, places of entertainment, recreational establishments, commercial/private/public schools, theatres, veterinary clinics, and supermarkets • A maximum height of 30 storeys or 100 m (whichever is lesser) • A maximum density of 8.5 FSI • Site-specific development standards including, but not limited to, setbacks, parking, density, height, and minimum net floor area for non-residential uses

Staff identified the following preliminary list of matters that will be assessed through the review of the Applications, including other matters and issues, and addressed in a future Recommendation Report to the DSC

- a) Conformity and Consistency with Provincial, and York Region and City Official Plan**
 - i) The appropriateness of the proposed Official Plan Amendment to increase the maximum height and density.
 - ii) Review of the Proposed Development in the context of the existing policy framework, with regard to the Draft Milliken Centre Secondary Plan.
- b) Community Benefits Charges (“CBC”) By-law**
 - i) The Applications will be subject to and reviewed in consideration of the City’s CBC By-law.
- c) Parkland Dedication and Other Financial Contributions**
 - i) The Applications will be reviewed in consideration of the appropriate amount of parkland dedication and/or cash-in-lieu of parkland, public art contribution, and other financial contributions.
- d) Affordable Housing**
 - i) The Applications will be reviewed in consideration of Provincial, Regional, and City polices to ensure that the Proposed Development provides an appropriate level, range, and mix of unit sizes and types to meet the City’s affordable housing goals.
 - ii) Incorporating appropriate affordable housing, purpose built rental, seniors housing, and family friendly units.

e) Allocation and Servicing

- i) The availability of water and sanitary servicing capacity for the Proposed Development must be identified and allocated by Council, if the Applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol, which will be removed once Council allocates servicing capacity to the Subject Lands.

f) Review of the Proposed Development will include, but not limited to, the following:

- i) Examination of whether the height, density, built form, and mix of land uses proposed are appropriate.
- ii) Evaluation of the compatibility with existing and planned development within the surrounding area.
- iii) Evaluation of the proposed Sun Yat-Sen Avenue extension for conveyance as a stratified public right-of-way by the City's Transportation Planning and Legal Services Staff.
- iv) Sun shadow analysis and angular plane study and the impacts to the immediate surrounding areas.
- v) Traffic impact and ensuring the adequate supply of parking spaces for the commercial and residential uses.
- vi) The submission of a future Site Plan Control application will examine appropriate landscape, site layout, snow storage areas, building elevations, and amenity areas.

g) Sustainable Development

- i) The Applications will be reviewed in consideration of the City's Policies and Sustainability Metrics Program.

h) Heritage Matters

- i) The Applications will be reviewed to address the cultural heritage resource on the Subject Lands, including the William Prebble House at 51 Old Kennedy Road. The Applications will be heard at the February 21, 2024, Markham Heritage Committee meeting.

i) External Agency Review

- i) The Applications must be reviewed by York Region, City of Toronto, and Metrolinx and any applicable requirements must be incorporated into the Proposed Development.

j) Required Future Applications

- i) The Owner must submit applications for Draft Plan of Subdivision, Site Plan Control, and Draft Plan of Condominium should the Applications be approved, to permit the Proposed Development and facilitate the conveyance of Sun Yat-Sen Avenue and the standard condominium tenure of the building.

Accompanying Figures:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context and Zoning

Figure 4: Conceptual Site Plan

Figure 5: Conceptual Rendering – North-east view

Figure 6: Conceptual Rendering – North-west view

Figure 1

Location Map

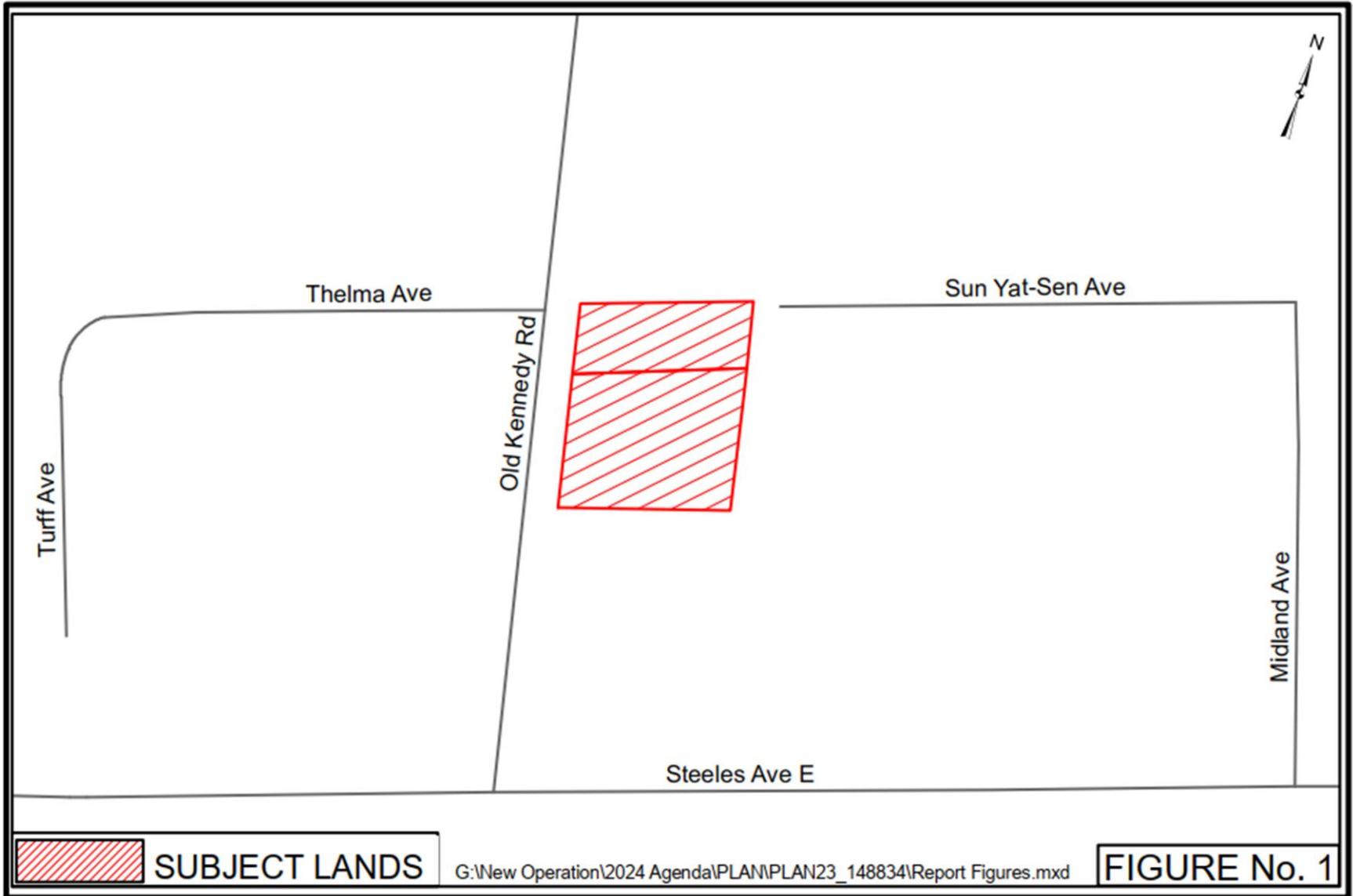


Figure 2

Aerial Photo



AERIAL PHOTO (2023)

APPLICANT: 2163321 Ontario Inc.
35-51 Old Kennedy Road

FILE No. PLAN 23 148834

G:\New Operation\2024 Agenda\PLAN\PLAN23_148834\Report Figures.mxd

 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: JC

Checked By: EM

DATE: 1/26/2024

FIGURE No. 2


 SUBJECT LANDS



Figure 3

Area Context and Zoning

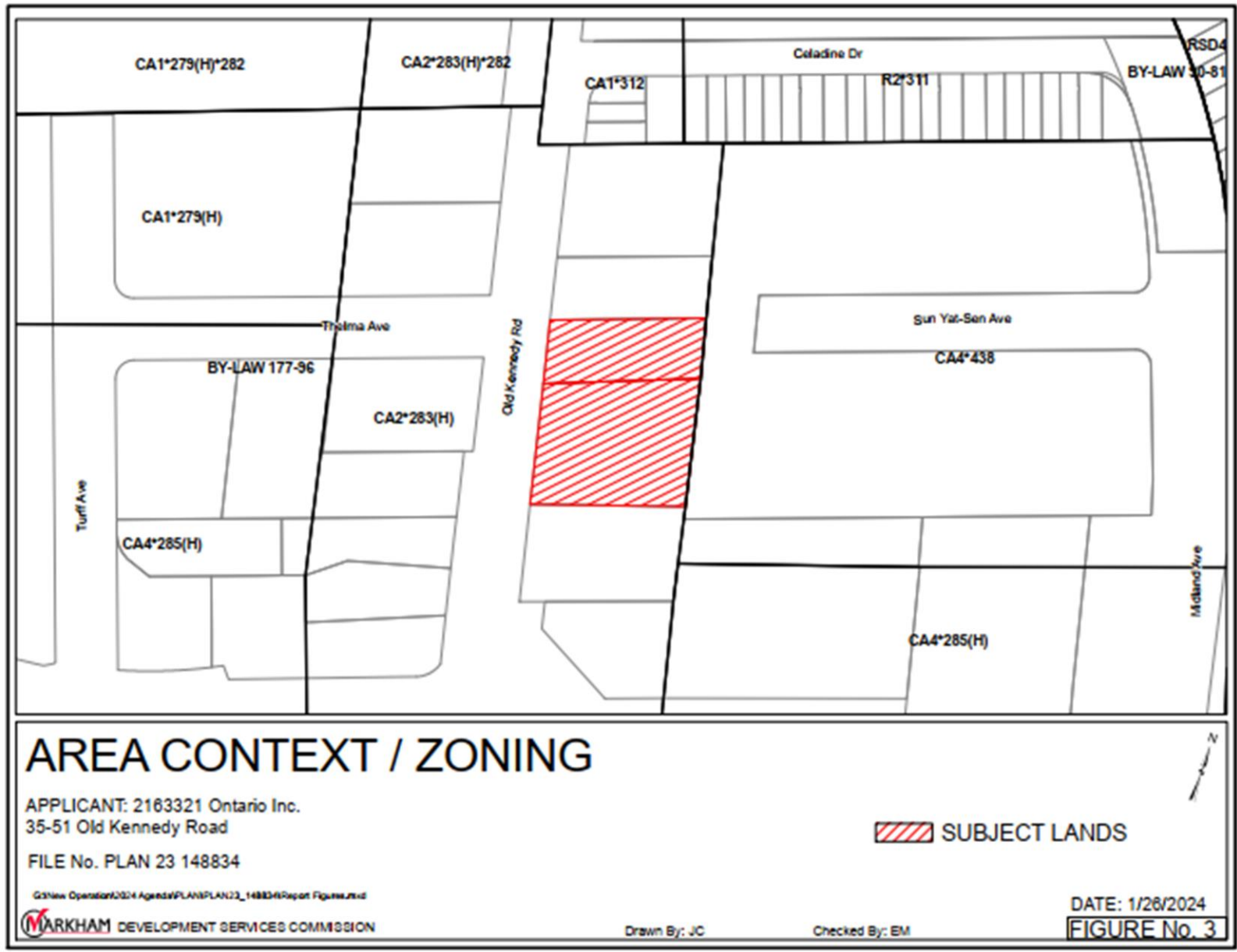


Figure 4

Conceptual Site Plan

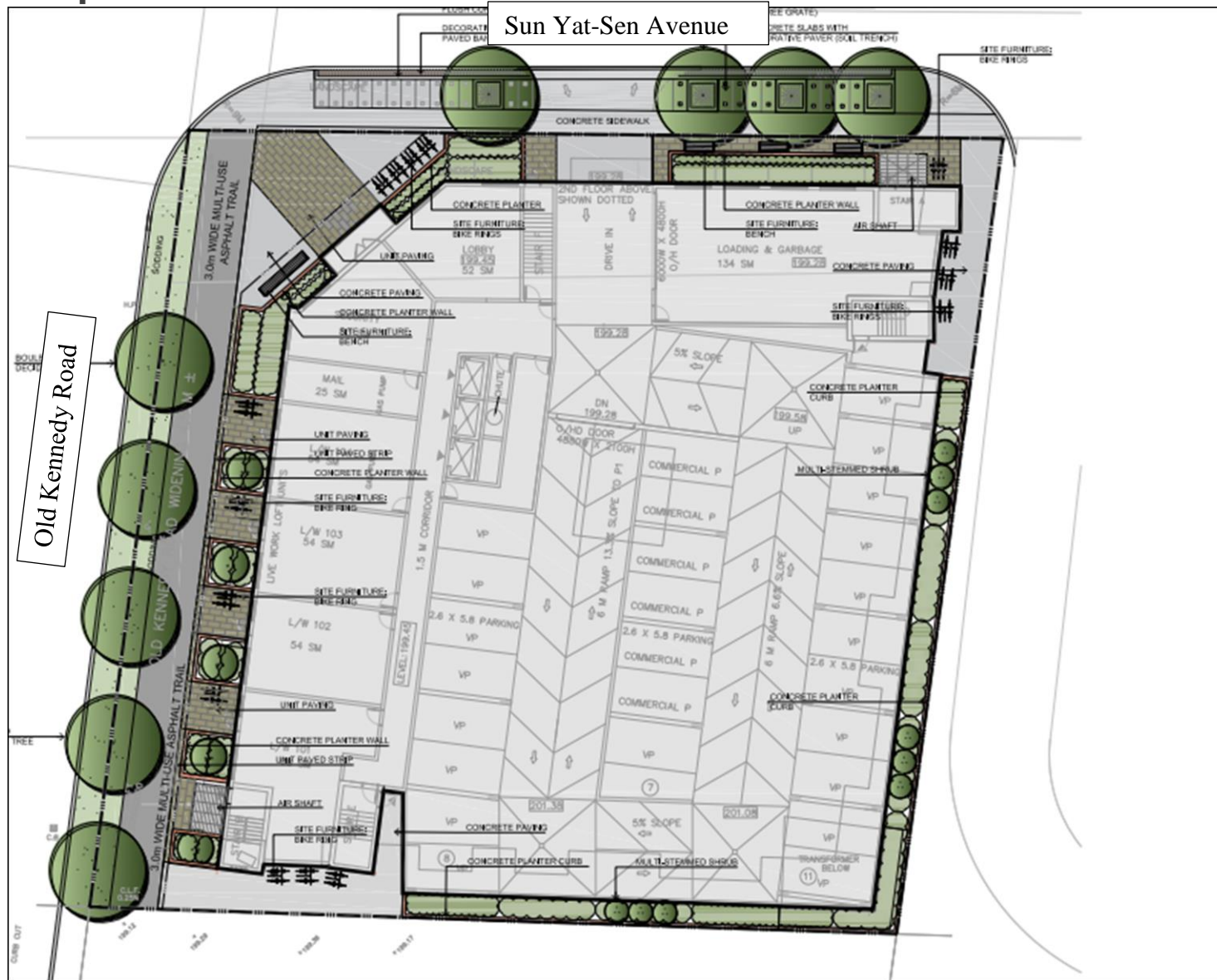


Figure 5

Conceptual Rendering - North-east view



Figure 6

Conceptual Rendering – North-west view

