



SUBJECT: RECOMMENDATION REPORT
Official Plan and Zoning By-law Amendment Applications submitted by Urban Growth Inc. (c/o Ledgemark Homes Inc.) to facilitate a four-storey residential building and the relocation and addition to a heritage dwelling at 3009 Elgin Mills Road East, 10731, 10737, 10743, and 10745 Victoria Square Boulevard (Ward 2)

File PLAN 24 160555

PREPARED BY: Nusrat Omer, MCIP, RPP, Senior Planner, West District, extension 2185

REVIEWED BY: Rick Cefaratti, MCIP, RPP, Acting Manager, West District, extension 3675
Stephen Lue, MCIP, RPP, Senior Development Manager, extension 2520

RECOMMENDATION:

- 1) That the June 4, 2024, report titled, “RECOMMENDATION REPORT, Official Plan and Zoning By-law Amendment Applications submitted by Urban Growth Inc. (c/o Ledgemark Homes Inc.) to facilitate a four-storey residential building and the relocation and addition to a heritage dwelling at 3009 Elgin Mills Road East, 10731, 10737, 10743, and 10745 Victoria Square Boulevard (Ward 2), File PLAN 24 160555”, be received;
- 2) THAT the Official Plan Amendment application be approved and that the draft Official Plan Amendment, attached as Appendix ‘A’, be finalized and brought forward to the June 12, 2024, Council meeting to be enacted without further notice;
- 3) THAT the Zoning By-law Amendment application be approved and that the draft site-specific Zoning By-law Amendment, attached as Appendix ‘B’, be finalized and brought forward to the June 12, 2024, Council meeting to be enacted without further notice;
- 4) THAT servicing allocation for 56 units be assigned to the four-storey residential development and that servicing allocation will be revoked or reallocated after a period of three (3) years from the date of Council approval, should the development not proceed in a timely manner;
- 5) AND THAT Staff be authorized and directed to do all things necessary to give effect to these resolutions.

EXECUTIVE SUMMARY:

This report recommends approval of Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications (“the Applications”) to permit a mid-rise mixed-use development at 3009 Elgin Mills Road East, 10731, 10737, 10743, and 10745 Victoria Square Boulevard, which is located at the south-east corner of Elgin Mills Road East and Victoria Square Boulevard (the “Subject Lands”, see Figures 1, 2, and 3). The OPA and ZBA (see Appendices ‘A’ and ‘B’) facilitate the development of a 56-unit, four-storey residential building and the relocation of the existing heritage dwelling that would be converted into a multi-unit commercial building (the “Proposed Development”). The Proposed Development reflects a revised submission received on May 14, 2024, as shown on Figures 6, 7 and 8.

The Proposed Development is compatible with the surrounding area and context, provides for increased and diverse housing supply options, and preserves the significant cultural heritage resources located on the Subject lands with a mix of uses located adjacent to existing transit routes. The revised proposal

demonstrates that the Proposed Development will result in minimal impact on the adjacent properties. Staff opine that the Applications are appropriate and represents good planning. Therefore, Staff recommend that the proposed OPA and ZBA (Appendices ‘A’ and ‘B’) be approved at the June 12, 2024, Council meeting.

PURPOSE:

This report recommends approval of the Applications submitted by Urban Growth Inc. (c/o Ledgemark Homes Inc.) (the “Owner”) to permit the Proposed Development on the Subject Lands.

PROCESS TO DATE:

- February 16, 2024: the Owner submitted the Applications to permit a six-storey residential development and the relocation of the existing heritage dwelling (see Figures 4 and 5, and Table 1)
- March 7, 2024: Staff deemed the Applications (the 120-day period set out in the Planning Act before the Owner can appeal the OPA and ZBLA applications to the Ontario Land Tribunal (the “OLT”) for a non-decision ends on June 15, 2024) - The applications are subject to the Bill 109 review timeframe.
- April 16, 2024: the Development Services Committee (“DSC”) held the [statutory Public Meeting](#).
- May 6, 2024: the Local Councillor hosted a Community Information Meeting.
- May 14, 2024: Staff received a revised development concept (see Figures 6, 7, 8 and Table 1)

If the DSC supports the Applications, then the planning process will include the following next steps:

- Adoption of the OPA and enactment of the ZBA at the June 12, 2024, Council meeting.
- Submission of the future Site Plan application is required to initiate the detailed technical review of the Proposed Development, including requiring the Owner to enter into a Municipal Servicing Agreement, Transportation Demand Management Agreement and Parks Agreement, prior to the issuance of Building Permits.
- Submission of a future Draft Plan of Condominium application, if required.

BACKGROUND:

Subject Lands and Area Context

The 0.34 ha (0.98 ac) Subject Lands are currently occupied by two single detached dwellings and two vacant lots (see Figures 1 and 2). Figure 3 shows the surrounding land uses. One of the single detached dwellings (the Savage-Schell-Dennie House) at 10737 Victoria Square Boulevard was recently [designated under Part IV of the Ontario Heritage Act](#) following Staff’s report on [April 3, 2024](#).

Table 1 compares the Owner’s original and revised proposals in support of the Proposed Development

TABLE 1: The Proposed Development Concepts		
	Original Proposal (Feb 2024)	Revised Proposal (May 2024)
Building Height (Storeys)	6 with step-backs to 4	4
Total Units	66 (+ 1 relocated heritage dwelling)	56
Non-Residential GFA	N/A	226 m ² (2,433 ft ²) ^{Note 1}
Residential GFA	7,667 m ² (82,527 ft ²) ^{Note 2}	5,946 m ² (64,002 ft ²)
Total GFA	7,667 m ² (82,527 ft ²)	6,172 m ² (66,435 ft ²)
Net Density (FSI) ^{Note 3}	2.08 (163 units per net hectare)	1.5 (136 units per net hectare)

TABLE 1: The Proposed Development Concepts		
	Original Proposal (Feb 2024)	Revised Proposal (May 2024)
Parking Spaces ^{Note 4}	100 (79 underground) @ 1.25 spaces/unit + 0.25 spaces/unit for visitors	88 (61 underground) @ 1.1 spaces/unit + 0.25 spaces/unit for visitors
Access	One full-moves access on Victoria Square Boulevard	

Notes

1. Staff intend to include permissions for non-residential uses at-grade in the 4-storey building (with no minimum requirements), and non-residential uses for the proposed to be re-located heritage dwelling with site-specific Official Plan and Zoning By-law Amendments
2. Includes the heritage dwelling
3. Based on increased road dedications along Elgin Mills Road East
4. Zoning By-law requires a minimum of 1.25 spaces per dwelling unit plus 0.25 spaces per unit for visitors

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, 2019 (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 and land use patterns, wise use and management of resources, and providing for appropriate affordable and market-based range and mix of residential types. The underutilized Subject Lands are located within a defined Settlement Area whereby the Proposed Development would promote the efficient use of existing resources and infrastructure. The Proposed Development would contribute to the City’s diverse housing stock and help meet the needs of residents of all ages, income levels, and family types.

The Growth Plan provides a framework for implementing the Province’s vision for supporting a diverse range of housing options 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 appropriate for intensification as they are located within a Built-up Area with access to municipal water and wastewater services. The Proposed Development would add variety to the local housing options without compromising the character of the surrounding area. The Subject Lands are in close proximity to transit routes that support reduced car dependence and encourage transit ridership.

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

The 2022 ROP designates the Subject Lands ‘Urban Area’ on Map 1 - Regional Structure, which permits a wide range of land uses including residential, commercial, employment, and institutional uses. Map 1A – Land Use Designations designates the Subject Lands ‘Community Area’, which are areas where the majority of residents, personal services, retail, arts, culture, recreational facilities and human-services needs would be located. The Proposed Development includes uses that are contemplated under the ‘Community Area’ designation and revised scale is considered compatible with the surrounding area.

The OPA application was exempted from Regional approval in York Region’s correspondence, dated April 2, 2024, Based on Regional staff’s review, the proposed OPA has been determined to be a routine matter of local significance and does not adversely affect Regional planning policies or interests. This allows the potential amendment (if approved by the City) to come into effect following its adoption by the City and the expiration

of the required appeal period.

Removal of “Hamlet” from the 2010 York Region Official Plan (the “2010 ROP”)

The 2010 ROP identified the area of Victoria as a Hamlet. However, this description was removed in the updated 2022 ROP. Hamlets were identified as small settlements of existing residential and limited commercial, industrial, or institutional uses. The majority of York Region’s Hamlets exist within the Protected Countryside Area designation of the Greenbelt Plan and within the Countryside Area designation of the Oak Ridges Moraine Conservation Plan. These communities are usually serviced by individual private on-site wastewater systems and drilled wells. Hamlets were often the first settlements in the Region and are valued for their part in retaining the rural character and cultural heritage resources of the past. The removal of the Hamlet designation from the 2022 ROP was due in part to the removal of this designation from the City’s 2014 Official Plan, and the recent and ongoing upgraded infrastructure through the community, which supported the growth and intensification in the surrounding area.

The 2014 Markham Official Plan (“2014 OP”) designates the Subject Lands “Residential Low Rise” in the Historic Village of Victoria Square

The 2014 OP does not permit the Proposed Development. The Subject Lands are subject to the Area and Site-Specific Policies for the Cathedral District under Section 9.5 of the 2014 OP. The land use objective for this area is to protect and preserve its integrity by ensuring all new development are compatible with the permitted uses, building forms, and scale appropriate to the historic features and residential character of the former hamlet (Policy 9.5.9.1). Most of the Subject Lands only permit detached dwellings and buildings associated with the existing adjacent place of worship/cemeteries (Policy 9.5.9.2). Additionally, the corner lot (3009 Elgin Mills Road East) also permits limited commercial uses within a detached dwelling and non-residential or mixed-use building with a form and scale appropriate to the historic features and character of the surrounding area (Policy 9.5.9.3).

The Urban Design Guidelines for the Cathedral District generally permit up to three-storeys for residential areas with non-residential opportunities with a heritage architectural style compatible with the buildings on adjacent lands. New buildings shall have setbacks compatible with adjacent buildings and materials and colours consistent with the existing buildings in the area. Heritage buildings will be preserved and integrated into new development or uses, with fronts of buildings and entrances oriented on Elgin Mills Road East only (Policy 9.5.9.4).

The Owner proposes to re-designate the Subject Lands to “Mixed Use Mid Rise” (see Appendix A). The Proposed Development is in keeping with the intensification policies with sufficient infrastructure and housing objectives in Policies 2.4.8 and 4.1.1 respectively of the 2014 OP, which seeks to increase opportunities for a diversified housing stock by introducing a range of housing choices by types, sizes, and affordability within the Cathedral community. This would help create a more complete neighbourhood that meets the needs of residents and workers of all ages, income levels, abilities, culture, and family types.

Staff note that although, the Mixed-Use Mid-Rise designation in the 2014 OP permits building heights between three to eight storeys, the proposed OPA will limit the height of the Proposed Development to four-storeys, given the context of the former historic hamlet.

Transportation Planning Staff review and concur with the Owner’s Transportation Impact Assessment Study that the existing network can support the Proposed Development. Transportation Demand Management

(“TDM”) initiatives to reduce automobile dependency would be required and secured through the implementing ZBLA and TDM Agreement. Water and Sanitary Services are available to accommodate the Proposed Development. Stormwater management will be reviewed in detail by City Engineering during the future Site Plan application. The technical studies submitted in support of the Applications adequately address the criteria in the 2014 OP policies. Staff consider the Proposed Development (height and density) consistent with the vision of the Cathedral Site-Specific Policy Area.

Removal of Hamlet from the 1987 Markham Official Plan (the “1987 OP”), and exploration of Heritage Conservation District (the “HCD”)

The 1987 OP also designated the area of Victoria Square as a “Hamlet”. As noted earlier, however, this designation was removed in the 2014 OP. Hamlets were identified as lands predominantly used for housing within the confines of small rural settlements. Other permitted uses shall include small-scale institutions and commercial uses designed to service the surrounding rural area. Since that time, the character of the area has changed into a predominantly low-rise residential area with upgraded infrastructure and growth. While the Hamlet designation was not retained, the policies from the 1987 OP were carried forward into the 2014 OP.

A HCD Study was undertaken between 2008 to 2018. Although the area was found to be worthy of a district designation, the study received a lack of support and negative feedback from the community. Consequently, a designation By-law was never adopted. Alternatively, Council focused on the protection of cultural resources through individual property designation in a [resolution on April 3, 2018](#), with a summary [Staff Report](#). Figure 9 illustrates the other lots that are either listed under the City’s Heritage Registry and those that have been designated under the *Ontario Heritage Act*.

The Proposed Development meets the goals identified in the [City’s Housing Pledge](#)

The Proposed Development would contribute to the City’s Housing Pledge for building 44,000 homes by 2031. The Proposed Development would also help achieve the City’s objectives of providing a greater diversity of housing types and sizes to address the changing composition of Markham households over time. The addition of more mid-rise building types with a greater mix of dwelling unit sizes, will accommodate an increasing and variety of households including, but not limited to, smaller, senior-led, immigrant, and lone parent. While staff requested inclusion of affordable housing or rental units as part of the [City’s Affordable and Rental Housing Strategy in 2021](#), none are being proposed by the proponent in this development.

The Owner proposes to rezone the Subject Lands from a Residential Zone to a Community Amenity Zone with site-specific standards, as shown in the draft Zoning By-law (Appendix ‘B’)

Zoning By-law 83-73, as amended, zones the Subject Lands Single Family Rural Residential (RRH), which permits a single detached dwelling and a home occupation. The Owner proposes to rezone the Subject Lands to Community Amenity One - Exception*XXX (CA1*XXX) Zone, to permit the following:

- a) Apartment Dwelling, Multiple Dwellings, Home Occupations and Home Child Care, permissions for commercial uses on the ground floor (if the Owner chooses to incorporate them within the apartment building), and a range of commercial uses within a multi-unit commercial building
- b) A maximum of 56 residential units
- c) Apartment Building Heights and Multiple Building Heights of four-storeys
- d) A maximum Gross Floor Area of 6,172 m² (density of 1.5 FSI)
- e) A reduced parking ratio of 1.1 spaces/apartment unit
- f) Site-specific development standards (lot area and frontage, setbacks, and encroachments)

Council passed the City's Comprehensive Zoning By-law 2024-19 ("CZBL") on January 31, 2024. The Proposed Development was received and deemed complete after the passing of the CZBL. Therefore, the Subject Lands were not removed from the lands subject to the CZBL. A proposed amendment to the CZBL will also be presented at the June 12, 2024, Council meeting if the Applications are approved with similar and corresponding site-specific amendments noted above.

Heritage Markham Committee ("Heritage Markham") reviewed the Original Applications at their meeting on May 8, 2024

Heritage Markham indicated 'no objection', but recommended that the Proposed Development be refined as follows, which is reflected in the Owner's revised proposal:

- Heritage Section staff identified the proximity and quantity of surface parking spaces and the location of garbage storage as items of concern. Both may adversely impact the enjoyability of the rear yard amenity space for a future resident.

In response, the Owner intends to store the garbage underground with a machine that would roll the bins out only on garbage pickup day to the designated Garbage Pick-up area when otherwise this area would be used as a loading space. The Owner successfully uses this solution at their other projects in York Region. Additional details will be addressed through the Site Plan application if the Applications are approved.

DISCUSSION:

At the April 16, 2024, statutory Public Meeting, twelve deputations, and twelve written submissions were received citing concerns with the Proposed (Original) Development not keeping with character of the former historic Victoria Square hamlet, which were reiterated at the May 6, 2024, Community Meeting Concerns were raised by area residents and members of the DSC with respect to the proposed height and density, the status of the hamlet and HCD, potential adverse impacts to adjacent well-water sources, traffic impacts, privacy and overlook concerns. In response to concerns raised by both DSC and City Staff, the Owner revised the proposal that addresses the noted concerns and those raised by City Staff and external commenting agencies. The following identifies how matters raised through the review process have been resolved or considered.

a) Mid-Rise Building Compatibility Concerns

The surrounding area predominantly consists of low-rise residential uses. The revised proposal meets a 45-degree angular plane from the surrounding low rise residential area with minor intrusions of the "L" shaped building portion near the northern lot line. The existing dwellings to the east are significantly setback from the adjoining lot line and would not provide overshadowing or overlook issues. The revised proposal conceptually shows new trees and landscape treatments along the east and south property lines that would provide screening. Staff will work with the Owner at the Site Plan application stage on the integration of architectural design that would be consistent with the character of the surrounding area. Staff note that the revised proposal relocates the underground parking ramp and surface parking away from the abutting residential lands. Other Site Plan application considerations will include addressing matters related, but not limited to, design, public realm interface, sustainable site and building features, age-friendly considerations, parkland, and detailed site servicing and storm water management.

The proposed reduction in building height, density, massing, and location of the mid-rise building provides an acceptable transition to the surrounding existing low-rise residential built forms. Appropriate buffers have been provided between the proposed mixed-use development and the adjacent low-rise

residential areas. The proposed height and density are considered appropriate and compatible with the surrounding areas. Staff opine the Proposed Development represents good planning and is appropriate.

b) Former Hamlet and HCD Concerns

As noted, the “Hamlet” designation and recognition were removed from both the Region’s and City’s Official Plans since 2014. Since that time, the character of the surrounding area has changed into a predominantly low-rise urban residential area with upgraded infrastructure. Surrounded by current and future urban development, Victoria Square no longer meets the City’s criteria to maintain a “Hamlet” designation.

In relation to an HCD designation, as discussed previously in this report a HCD Study was initiated by Staff in 2008, however it was never adopted, and further evaluation did not progress due to lack of support and negative feedback from the community.

c) Adjacent Well-Water Contamination Concerns

In recognition of the many residential well water users in the area and depending on the depth and excavation details, the construction dewatering activities could have impacts on these wells. Staff recommend that prior to any construction and/or dewatering activities, the Owner must prepare a comprehensive well monitoring and mitigation program, to the satisfaction of the Director of Engineering, which shall include the following measures:

- i) *Pre-construction monitoring*: Prior to starting the construction activities, each well located within a 250 m Zone of Influence (ZOI) radius from the construction site shall be assessed to establish the baseline conditions of water level and water quality.
- ii) *During construction monitoring*: The monitoring program shall remain in place during construction to completion. Both water quantity (water level in all monitored wells), and water quality shall be monitored for all wells within the 250 m ZOI and data shall be provided to the City for review immediately after lab analysis is provided.
- iii) *Post-construction monitoring*: The monitoring program shall remain in place after construction is fully completed for a minimum one-year period to ensure that there are no post-construction impacts on the wells within the 250 m ZOI.
- iv) *A contingency plan* shall be prepared by the Owner and provided to the City for review and approval to ensure continued supply of potable water to the existing well users within the 250 m ZOI if any data shows any of the wells are impacted by the construction dewatering during the periods mentioned above.

d) Transportation and Traffic Concerns

Broader traffic impacts throughout the area have been assessed through the ongoing Elgin Mills Environmental Assessment. In addition, the Owner submitted a Transportation Impact Study in support of the Applications, and the City’s Transportation Planning Division has commented that the Proposed Development can be accommodated by the existing transportation network. Staff support the request to reduce the residential parking rate from 1.25 spaces/unit to 1.10 spaces/unit. The TDM measures will be refined and secured through the TDM Agreement. Moreover, the Owner will be required to convey a portion of the Subject Lands along the north frontage for the future road widening of Elgin Mills Road East. The new property line must be set back 18 m (59 ft) from the centerline of the road, which is reflected in the revised proposal. York Region has no concern with the Proposed Development and delegated the approval authority of the OPA to the City.

e) Privacy Concerns and Shadow Study

Shadow studies were submitted in support of the original proposal that demonstrated minor shadow impact on abutting residential lands to the east in the early-evening hours (September/March 21). Shadow impacts to adjacent properties are not anticipated in the afternoon and evening hours. No revised or additional shadow studies will be required at the future Site Plan application stage given the Owner has reduced the building height from six to four storeys.

f) Lack of Community Consultation

A statutory Public Meeting was held on April 16, 2024, in accordance with the *Planning Act* requirements, which includes posting signs with details of the Applications and mailing notices 20-days before the meeting to all properties located within 200 m of the Subject Lands. This exceeds the 120 m stipulated in the *Planning Act*. An additional non-statutory Community Information Meeting on May 6, 2024, was organized by the Local Councilor's office and the Owner. It is the opinion of Staff that there has been sufficient consultation on the project for it to move forward.

CONCLUSION:

The Proposed Development is compatible with the surrounding area and context, provides for increased and diverse housing supply options, and preserves the significant cultural heritage resources located on the Subject lands with a mix of uses (at-grade non-residential uses in a relocated heritage dwelling) on lands located adjacent to existing transit routes. The Owner's revised proposal demonstrates that the Proposed Development would result in minimal impact on the adjacent areas. Staff opine that the Applications are appropriate and represents good planning. Therefore, Staff recommend that the proposed OPA and ZBLA (Appendices 'A' and 'B') be approved at the June 12, 2024, Council meeting.

FINANCIAL CONSIDERATIONS:

If a decision is not made by June 15, 2024, then application fees would have to be refunded in accordance with Bill 109, More Homes for Everyone Act, 2022.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications have been reviewed in context of the City's Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to internal City departments and external agencies. Any requirements have been reflected in the draft Official Plan and Zoning By-law amendments.

RECOMMENDED:

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 Planning and Urban Design

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Contact and Zoning

Figure 4: Original Conceptual Site Plan

Figure 5: Original Conceptual Building Elevations

Figure 6: Revised Conceptual Site Plan

Figure 7: Revised Conceptual Building Elevations

Figure 8: Revised Conceptual Building Massing Model Views

Figure 9: Heritage Mapping

Appendix "A" – Owner's Draft Proposed Official Plan Amendment

Appendix "B" – Draft Proposed Zoning By-law Amendments

AGENT:

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