



Report to: Development Services Committee

Report Date: July 16, 2024

SUBJECT: RECOMMENDATION REPORT
Spring Hill Homes Inc., Applications for Official Plan Amendment and Zoning By-law Amendment to permit two high rise residential apartment buildings and stacked townhouses at 7128, 7170, and 7186 Highway 7 East in Cornell Centre (Ward 5)

File PLAN 20 119576

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

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

RECOMMENDATION:

- 1) THAT the July 16, 2024, report titled, “RECOMMENDATION REPORT, “Springhill Homes Inc., Applications for Official Plan and Zoning By-law Amendment to permit two high rise residential apartment buildings and stacked townhouses at 7128, 7170, and 7186 Highway 7 in Cornell Centre (Ward 5), File PLAN 20 119576”, be received;
- 2) THAT the Official Plan Amendment application, submitted by Springhill Homes Inc., 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 Springhill Homes Inc., 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 884 units be assigned to the proposed apartment buildings and stacked townhouse buildings;
- 5) That York Region be advised that servicing capacity for 884 units has been granted;
- 6) THAT the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed within a period of three (3) years from the date that Council assigned servicing allocation;
- 7) 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”) submitted by Springhill Homes Inc. (the “Owner”) to permit a high-rise residential development and back-to-back townhouses at 7128, 7170 and 7186 Highway 7 East, which is located on the north side of Highway 7 East, between Cornell Centre Boulevard and William Forster Road (the “Subject Lands”) (see Figures 1 and 2).

The OPA and ZBA (Appendices ‘A’ and ‘B’, respectively) permit an 884-unit residential development consisting of two apartment buildings (840 units) with heights of 21, 24, and 27 storeys, and two four-storey back-to-back and stacked townhouses (44 units) in a condominium tenure (the “Proposed Development”). The Francis Pike House, circa 1875, which is designated under Part IV of the *Ontario Heritage Act*, is proposed to be preserved and used as amenity space by the future condominium. The Proposed Development includes public parkland along the east side of the Subject Lands, which includes 0.15 ha unencumbered parkland required by the *Planning Act* and an additional 0.1 ha stratified parkland (see Figures 3 to 5).

The OPA seeks permission to not require non-residential uses at grade and permit the proposed building heights. The ZBA would implement site-specific development standards, including setbacks, building heights, and parking requirements. The in-effect zoning permits 12-storey apartment buildings.

The Proposed Development makes efficient use of land identified provincially, regionally, and locally for intensification. It aligns with the proposed land use and density parameters of the ‘Draft’ Cornell Centre Secondary Plan presented at the September 22, 2015, Development Services Committee meeting as part of an on-going Secondary Plan process. The Subject Lands are situated on a Regional Rapid Transit Corridor (Highway 7), located within a Regional Major Transit Area (“MTSA”) for its proximity to the York Region Rapid Transit (“YRRT”) Cornell Bus terminal and is in vicinity to local institutional and recreational amenities within Cornell Centre. For these reasons, Staff opine that the proposed OPA and ZBA are appropriate and represent good planning.

PURPOSE:

This report recommends approval of the Applications to permit the Proposed Development on the Subject Lands (see Figures 1 to 3).

Process to Date:

- August 11, 2020: the Applications were deemed complete. The 120-day period set out in the *Planning Act* before the Owner can appeal the Applications to Ontario Land Tribunal (the “OLT”) for a non-decision ended on December 9, 2020. Accordingly, the Owner can appeal the Application to the OLT.
- October 13, 2020: the Development Services Committee (“DSC”) received the preliminary report on the original proposal
- November 3, 2020, and February 16, 2021: two statutory Public Meetings were held (the second was to address a notification error)
- Following the initial application filing, the Owner made resubmissions to address technical review comments on December 21, 2021, and on February 21, 2024.

If DSC supports 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 at a future Council meeting
- 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 various agreements with the City, prior to the issuance of Building Permits including, but not limited to, Municipal Servicing, Park Land, Affordable Housing, and Transportation Demand Management
- c) Submission of a future Draft Plan of Condominium application, if required

BACKGROUND:**Subject Lands and Area Context**

The 1.6 ha Subject Lands are comprised of three properties, known municipally as 7128, 7170, and 7186 Highway 7 with one existing detached dwelling developed on each. The Francis Pike House is at 7170 Highway 7. Figure 2 shows the surrounding land uses. The Subject Lands comprise a remnant block on a draft approved plan of Subdivision from 2010, which are anticipated to be registered in 2024.

The Applications facilitate the Proposed Development that consists of 884 residential units

The buildings in the Proposed Development are oriented towards the Highway 7 frontage with the back-to-back stacked townhouses along the Arthur Bonner Avenue frontage, including the relocated Francis Pike House, which will be used as amenity space by the future condominium. The Proposed Development would have a density of 4.77 times the area of the Subject Lands (Floor Space Index – “FSI”). Access is proposed from two driveway locations on Arthur Bonner Avenue to three levels of underground parking consisting of 1,115 spaces (988 residents; 127 visitors). Lay-by pick-up/drop-off spaces and loading areas are on the surface for each apartment building. The Proposed Development provides parkland at the east side of the Subject Lands, which includes 0.15 ha unencumbered parkland required by the *Planning Act* and an additional 0.1 ha stratified parkland. The unencumbered portion meets the *Planning Act* requirement, while the stratified portion is over-dedication (see Figures 3 to 5). This over-dedication is proposed at no charge to the municipality.

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”) given the location of the Subject Lands within the Cornell Centre – Key Development Area, adjacent to a Regional Rapid Transit Corridor and within Regional Major Transit Station Area

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

The ROP designates the Subject Lands ‘Urban Area’ and permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are within a Protected Major Transit Station Area (“PMTSA”), as it is in proximity to the Cornell Bus Rapid Transit Station. This PMTSA has a minimum density target of 200 people and jobs per hectare.

The Owner proposes to amend the 1987 Official Plan and 2008 Cornell Secondary Plan to permit only residential uses and increased building heights.

The 2014 Official Plan (“2014 OP”) designates the Subject Lands Mixed Mid Rise, which permits residential, retail and service uses within three to eight storey buildings and a maximum density of 2 FSI. Notwithstanding, the 2014 OP identifies the Subject Lands within the Cornell Centre Key Development

Area, which requires a new Secondary Plan; and until approved, the policies of the 2008 Cornell Secondary Plan and 1987 Official Plan remain applicable.

The DSC received draft land use concepts for the Cornell Centre Secondary Plan on September 22, 2015, and subsequently at the October 20, 2015, statutory Public Meeting. The concept provided proposed land use designations for Cornell Centre and proposed to designate the Subject Lands ‘Residential High Rise’ to permit stacked townhouses (except on the Highway 7 frontage), apartment buildings, and buildings associated with day cares or public schools. This designation allowed ground floor commercial retail and personal service uses in the contemplated built form of eight to 12-storeys (slab buildings) or four to 18-storeys (podium/tower format) with a minimum 2.5 FSI density. The Proposed Development conforms to the contemplated land uses and density FSI in the ‘Draft’ Secondary Plan but exceeds the contemplated building heights. Through review of the Applications and negotiation with the Owner, increased building height and density was transferred to the developable portion of the Subject Lands in exchange for additional parkland exceeding the Planning Act requirement, which is further explained in the Discussion Subsection of this report below.

The 1987 Markham Official Plan and 2008 Cornell Secondary Plan (“OPA 168”) remain applicable until the approval of the Secondary Plan for the Cornell Centre Key Development Area, which designate the Subject Lands ‘Urban Residential’ and ‘Avenue 7 Corridor – Mixed Residential’. The designation permits apartment buildings (mixed use where residential uses cannot exceed 45% of the total gross ground floor area) and multiple unit buildings (stacked townhouses). The policies envision a built form with minimum height of four-storeys (eight-storeys along Highway 7), a maximum height of 12-storeys, and a minimum density of 2.5 FSI. The Owner’s proposal to increase the maximum building height to 27-storeys also currently proposes to permit only residential uses (no commercial uses). The proposed OPA and ZBA would not preclude commercial uses in the future, as reviewed through a future Site Plan Application.

The Owner Proposes to Amend Zoning By-law 177-96 to permit the Proposed Development with site-specific development standards, including parking requirements, and building heights up to 27-storeys By-law 177-96, as amended, currently zones the Subject Lands ‘Community Amenity Two Exception 411 (Holding) (CA2*411(H))’, which permits apartment dwellings and several non-residential uses within the first and second floors of a multi-storey building. The current zoning reflects a former development proposal for the Subject Lands aligning with the built form contemplated by the Cornell Secondary Plan, as described above, which permits eight to twelve storey building heights, minimum density of 2.5 FSI, and site-specific building setbacks and parking standards. Appendix ‘A’ also proposes to rezone the east portion of the site to permit proposed parkland.

DISCUSSION:

This section identifies how matters raised through the review process, including those at the November 3, 2020, and February 16, 2021, statutory Public Meetings have been resolved or considered, which includes eight deputations that expressed concerns on the following themes:

- a) Proposed Height and Density, Shadow Impact, Compatibility and Community Character Concerns
Figure 6 shows the initial proposal presented at both statutory Public Meetings, which included two “U-shaped”, 18 to 24-storey buildings. The Owner responded with a revised proposal that included ground related dwellings with building typologies more compatible with the existing residential to the north and serve as a transition to the massing of the proposed apartment buildings, shifted along Highway 7. The Official Plan permits the proposed building typologies that are compatible with surrounding area character and land uses. The Owner’s Sun/Shadow study demonstrates minimal impact during the

daylight hours at the summer solstice and autumnal and vernal equinox dates (June/September/March 21), with minimal impact at the winter solstice (December 21) daylight hours.

Although the proposed building heights exceed the permissions in the in-effect 2008 Cornell Secondary Plan and 'Draft' 2015 Secondary Plan update, the Owner adequately sited the buildings to minimize impact. Staff opine that the Proposed Development is appropriate and considered good planning, including the proposed ZBA and OPA to permit increased building height up to 27-storeys. As noted above, the building heights and resultant density have been increased on the developable portion of the Subject Lands, in exchange for additional parkland exceeding the Planning Act requirement.

b) Lack of Commercial and Community Amenity Concern

The Owner's OPA and ZBA seeks to remove commercial uses from the Subject Lands, a requirement in the 2008 Cornell Secondary Plan, but not in the 'Draft' 2015 Secondary Plan Update, which would permit commercial, and service uses, but not require it. This shift in policy approach is to direct commercial and service amenities internal to the Cornell community along Bur Oak Avenue and Rustle Woods Avenue (south of the Markham Stouffville Hospital) instead of Highway 7. Consequently, staff support the proposed OPA and ZBA. Existing development on Bur Oak Avenue provides ground related mixed uses. It is also proposed along Bur Oak Avenue on Draft Approved development by Green City, and proposed development on Rustle Woods Avenue by CP Capital Inc, Juniper Cornell Holding Inc, and JD Elm Cornell Lands Ltd.

c) Traffic and Parking Concerns

The Owner's 'Traffic Impact, Site Plan Review and Parking Study' concluded with minimal impact from the Proposed Development on the existing road network under current and future growth conditions, which Staff from the Transportation Planning Division accepted. The Proposed Development shows parking at rates of 1.1 spaces per unit (residential), plus an additional 0.15 spaces per unit (visitors) for a total of 1,105 spaces, which Staff from the Transportation Planning Division accept based on the Owner's Transportation Demand Management (TDM) strategies to reduce car usage. The TDM includes unbundled parking, bike repair stations, participation in the York Region's Transit Incentive Program, and a car share program. TDM strategies are secured as a Hold provision in the ZBA (Appendix 'B') and will be implemented via a TDM agreement at the future site plan stage. The noted parking rates are not included in the ZBA, as Provincial Bill 185 amended to the Planning Act to no longer allow minimum car parking rates in MTSAs.

The DSC, Heritage Markham Committee ("Heritage Committee"), and Staff recommended revisions to the size/location of the Proposed Park and location of the Francis Pike Heritage Home

The Owner's original proposal (Figure 6) showed a 0.0813 ha park along the Arthur Bonner Frontage, central to the site and between the two apartment buildings with minimal public frontage and access. It also showed the Francis Pike Heritage Home south of the park within a private amenity area between the two buildings, which the Owner proposed as a day care.

Staff preferred siting the parkland on the east side of the Subject Lands for better exposure to street frontage and public access. Moreover, Staff note that the proposed parkland did not meet the 0.2 ha parkette requirements in the Official Plan policies (pre-Bill 23 at that time). Further, the Subject Lands are within the 'Highway 7 Corridor' of the Cornell Master Parks Agreement, where the Owner is obligated to provide additional parkland to the City (land or cash-in-lieu).

The Owner responded with a reconfigured site that accommodated 0.269 ha of parkland on the east portion of the Subject Lands. However, with Bill 23 in effect, the parkland requirement has been reduced to a 10% cap of the Subject Lands, resulting in an obligation for 1.6 ha parkland and an over-dedication of 0.1 ha. Instead of losing this additional parkland, Staff worked with the Owner to maintain the same amount of parkland by accepting a parkland over dedication that includes a stratified portion with underground parking below. Staff consider this an acceptable compromise to achieve a larger park as a benefit for the residents in the development and surrounding area in Cornell Centre, to be conveyed free of any costs to the City.

With respect to the Francis Pike Heritage Home location, the Heritage Committee, on November 11, 2020, recommended it be moved closer to Arthur Bonner Avenue, potentially on a corner location of the Subject Lands. While Heritage Committee and Staff expressed concern with the pickup/drop off function associated with the dwelling, the Owner proposes the dwelling be used as an amenity space for the condominium buildings that would be relocated closer to Arthur Bonner Avenue and adjacent to parkland (see Figure 4). Heritage Staff accepted this approach, per their February 8, 2023, memorandum to Heritage Committee.

The Implementing ZBA includes Hold Provisions to ensure that certain requirements are satisfied prior to deeming a future Site Plan Application complete and include the following:

- Execute a Parks Agreement with the City for the conveyance of the terra-firm and strata parkland conveyance.
- Execute a TDM agreement with the City to secure TDM strategies in support of reduced parking rates in the ZBA.
- Obtain a Major Heritage Permit to preserve and re-locate the *Francis Pike Home*.
- Apply for a Municipal Servicing Agreement, including analysis of downstream sanitary services to accommodate the Proposed Development.

In addition to the Holding Provisions on the ZBA, the future Site Plan Application will address the following matters:

- a) Community Benefit Charges (“CBC”)
The Owner will be required to pay CBC, pursuant to the City’s CBC By-law, as a condition of any Site Plan Approval.
- b) Sustainability and Inclusion of Age-Friendly features
The Owner will be required to comply with the City’s sustainability metrics. Additionally, the age-friendly measures will be reviewed and committed in the future Site Plan.
- c) Affordable Housing
The Owner proposes to provide eight (1-bedroom) units or six (6) (four 1-bedroom and two 2-bedroom) units towards affordable housing, which will be implemented as part of the future Site Plan Application to confirm the appropriate number/unit type.
- d) Design/aesthetic
Architectural design, materials and treatment, public realm interface, landscaping, and wind impact mitigation, and site servicing and storm water management.

CONCLUSION:

Staff opine that the Application is appropriate and represents good planning. The Proposed Development will make efficient use of land identified provincially, regionally, and locally for intensification. The Subject Lands are within a PMTSA due to its vicinity to the Cornell bus terminal and existing and planned transportation routes and to existing and planned community and commercial amenities. The Proposed

Development aligns with the proposed land use and density parameters of the 2008 Cornell Secondary Plan and ‘Draft’ 2015 Cornell Centre Secondary Plan. The building form, unit typologies, and heights are appropriate for the Subject Lands and Staff recommend that the proposed amendments to the Cornell Secondary Plan and Zoning By-law 177-96, as amended, be approved, with both implementing documents to be forwarded to Council for enactment.

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 Applications were circulated to various departments and external agencies and their requirements 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: Aerial Photo
- Figure 3: Conceptual Site Plan
- Figure 4: Elevation Renderings Birds Eye Perspective
- Figure 5: Elevation Renderings Ground Level Perspective
- Figure 6: Site Plan Concept – Initial 2020 Submission
- Appendix ‘A’: Draft Official Plan Amendment
- Appendix ‘B’: Draft Zoning By-law Amendment

AGENT:

Shannon Sigouin c/o WND Associates Planning and Urban Design.
90 Eglinton Avenue East, Suite 970, Toronto, ON M4P 2Y3
Tel: (416) 968-3511, Email: rsovig@mgp.ca

OWNER:

Ignazio Giardino-Papa, Sprinhill Homes Inc.
35 West Pearce Street, Unit 9, Richmond Hill, ON L4B 3A9
Tel: (905) 882-2320, Email: ssigouin@wndplan.com