



Report to: Development Services Committee

Meeting Date: July 16, 2024

SUBJECT: RECOMMENDATION REPORT
648321 Ontario Inc. (c/o Gatzios Planning Consultants)
Applications for Official Plan and Zoning By-law Amendment to permit a 13-storey mixed-use building at 5871 Highway 7 (Ward 4)
File PLAN 22 244910

PREPARED BY: Brashanthe Manoharan, BES, Planner II, East District, Ext. 2190

REVIEWED BY: Stacia Muradali, MCIP, RPP, Development Manager, East District, Ext. 2008
Stephen Lue, MCIP, RPP, Senior Development Manager, Ext. 2520

RECOMMENDATION:

1. THAT the report dated July 16, 2024, titled, “RECOMMENDATION REPORT, 648321 Ontario Inc. (c/o Gatzios Planning Consultants), Applications for Official Plan and Zoning By-law Amendment Applications to permit a 13-storey mixed-use building at 5871 Highway 7 (Ward 4) File PLAN 22 244910”, be received;
2. THAT the Official Plan Amendment application (PLAN 22 244910) be approved and that the draft Official Plan Amendment, attached hereto 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 (PLAN 22 244910) be approved and the draft site-specific implementing Zoning By-law, attached hereto as Appendix ‘B’ be finalized and brought to a future Council meeting for enactment without further notice;
4. THAT servicing allocation for 137 residential units be assigned to the proposed 13-storey development;
5. 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;
6. 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 and Zoning By-law Amendment applications (the “Application”) submitted by 648321 Ontario Inc. (the “Owner”) to permit a 13-storey mixed use building consisting of 137 residential units, 165 m² (1,776.05 ft²) ground floor non-residential uses, and 174 parking spaces (the “Proposed Development”) at 5871 Highway 7 (the “Subject Lands”). Since application submission, the Owner revised the Proposed Development to reduce the rear-step down from eight to five storeys, move the building closer to Highway 7, reduce the residential units from 146 to 137,

and increase the proposed parking from 150 to 174 spaces. The Proposed Development also provides 403.3 m² (4,341.09 ft²) or 2.9 m² (31.22 ft²)/unit mix of indoor and outdoor amenity areas, which are located on the ground floor and sixth floor.

The proposed Official Plan Amendment would redesignate the Subject Lands with site-specific provisions to permit the increased height and density on the Subject Lands. The proposed Zoning By-law Amendment would rezone the Lands to Community Area 2* XXX (CA2*XXX) Zone under By-law 177-96, as amended, which would permit the apartment building, and site-specific development standards for the proposed height, density, built form, and parking.

The Proposed Development provides intensification and a mix of uses to make efficient use of land and infrastructure while supporting existing transit routes, existing community amenities, and retail services. Staff opine that the Proposed Development is compatible and provides an appropriate interface to the existing residential neighbourhood that supports an active frontage along Highway 7.

PURPOSE:

This report recommends approval of the Applications submitted by the Owner to permit the Proposed Development on the Subject Lands.

Process to Date:

- Staff deemed the Applications complete on June 15, 2022
- A Community Information Meeting (“CIM”) was held on January 24, 2023
- The Development Services Committee (“DSC”) received the Public Meeting Information Report on February 17, 2023
- The statutory Public Meeting was held on February 27, 2023

The 120-day period set out in the *Planning Act* before the Owner can appeal the Applications to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on October 13, 2022. Accordingly, the Owner is able to appeal the Application to the OLT.

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

- Approval of the Official Plan and Zoning By-law Amendments at a future Council meeting
- Submission and approval of a future Site Plan application
- Submission of a Draft Plan of Condominium application, if required

BACKGROUND:

Location and Area Context

Figures 1 and 2 show the 0.29 ha (0.73 ac) Subject Lands adjacent to an unopened road allowance owned by York Region along the Highway 7 frontage that results in a significant front yard setback from Highway 7. The Subject Lands are currently developed with three commercial buildings accessed by a full movement driveway off Highway 7 and from Wignall Crescent at the east side of the Subject Lands. Figure 3 shows the surrounding land uses.

The Owner proposes to demolish the three existing commercial buildings to facilitate the construction of the Proposed Development, as conceptually shown in Figures 4 and 5, and summarized in Table 1. Figures 4 and 5 show the proposed conceptual site and elevation plans, respectively.

Table 1: Proposed Development	
Total Gross Floor Area:	13,100 m ² (141,007.22 ft ²)
Non-Residential GFA:	165 m ² (1,776.05 ft ²)
Floor Space Index (FSI):	4.46
Maximum Building Height:	13 storeys
Dwelling Units:	137 units
Parking Spaces:	174 (including 16 residential visitor and 5 commercial spaces)
Access:	Vehicle and pedestrian access to both Highway 7 and Wignall Crescent

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, the wise use and management of resources, and protecting public health and safety. The Subject Lands are located within a defined Settlement Area. The Proposed Development promotes the efficient use of land, resources, and infrastructure, supports alternative modes of transportation including active transportation and transit. The Proposed Development further contributes to the mix of residential and employment needs to meet long-term needs.

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2051. The premise of the Growth Plan is building compact, vibrant, and complete communities and prioritizing intensification and higher densities to make efficient use of land and infrastructure to support transit viability and a range of housing options. The Subject Lands are located within a delineated ‘Built-Up Area’. Staff opine that the Proposed Development contributes to a range of housing types and non-residential uses, supports transit options, and provides convenient access to public parks.

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

The ROP designates the Subject Lands “Urban Area”, which permits a wide range of residential, commercial, industrial, and institutional uses. The lands are also identified within a “Regional Corridor”, and Highway 7 is recognized as a “Regional Rapid Transit Corridor”. Regional corridors are planned to function as main streets that have mixed-use transit supportive developments. Staff note that the proposed development will assist in building complete communities and will help ensure that a minimum of 40% of all residential development in York Region occurs within the built-up areas as defined by the Province’s Built Boundary in the Growth Plan. Staff opine that the Proposed Development generally conforms to the ROP, is compact, street-oriented, and transit supportive.

In March 2023, the Council made a Housing Pledge to the Province with a goal of achieving 44,000 homes by 2031. The Proposed Development, when constructed, will contribute 137 units towards Markham’s Housing Pledge.

The Proposed Official Plan Amendment (“OPA”) would redesignate the Subject Lands in the 2014 Markham Official Plan (“2014 Official Plan”) to permit the Proposed Development

The 2014 Official Plan designates the Subject Lands “Mixed use Mid Rise”, which permits mid-rise intensification opportunities adjacent to public transit routes with a maximum building height of 8-storeys and density of 2 FSI, while ensuring a mix of uses that address the community needs. Further, the designation provides for apartment buildings, multi-storey non-residential or mixed-use buildings, and stacked and back-to-back townhouses. The Subject Lands are located along the “Highway 7 Regional Rapid Transit Corridor” on Map 1- Markham Structure and Map 2 – Centres and Corridors and Transit.

The proposed OPA would redesignate the Subject Lands from “Mixed-Use Mid Rise” to “Residential High Rise” with site specific policies to permit a maximum building height of 13-storeys and density of 4.6 FSI (see Appendix ‘A’).

The proposed Zoning By-law Amendment (“ZBLA”) would rezone the Subject Lands to permit the Proposed Development

Zoning By-law 1229, as amended, zones the Subject Lands “C3 – Service Commercial” (see Figure 2), which permits a range of commercial uses. The ZBLA proposes to rezone the Subject Lands to Community Area 2* XXX (CA2*XXX) Zone, under By-law 177-96, as amended, to permit the Proposed Development and include site-specific exceptions to development standards including, but not limited to height, setbacks, density, and reduced parking (see Appendix ‘B’).

DISCUSSION:

This section identifies how the matters raised through the review process for the Proposed Development, including those raised at the statutory Public Meeting and CIM, have been resolved and considered.

The Local Ward Councillor held a CIM on January 24, 2023, and the statutory Public Meeting was held on February 27, 2023

The City received 3 written submissions and 7 deputations at the statutory Public Meeting. The following is a summary of the key concerns raised at both meetings:

- Concern with the proposed height and density and potential impacts on the existing area
- Potential traffic infiltration and congestion into surrounding residential area and at Markham Road/Highway 7 intersection and concern with the reduced visitor parking rate
- Concern with only residential units and absence of commercial opportunities

a) Height and Massing Impacts

In response to concerns raised by the DSC and the public, the Owner reduced the rear step down from 8 to 5-storeys, thereby reducing the visual prominence while providing a gradual downwards transition to alleviate impacts to the existing residents to the south. The intent of the built form in the revised concept is to shift the height and massing away from the residential neighbourhood to the south, and re-orient the building closer to Highway 7. The 45-degree angular plane is generally met when measured from Wignall Crescent, with minor protrusions of design elements (i.e., balconies) that would not impact the existing residents. Additionally, the design eliminates balconies on the east building elevation to minimize privacy concerns to the residential area on the east. Furthermore, the building orientation and placement is restricted to the northwest area of the Subject Lands to shift the building massing away from the existing residential areas.

The Owner submitted revised Shadow Studies that demonstrate that the Proposed Development would have minimal impacts on the surrounding areas.

The DSC and public expressed concerns regarding the appropriateness of the proposed density. Staff opine that the proposed density introduces appropriate intensification and sustainable growth in a built-up area to support existing transit services, retail and service uses, and community amenities.

b) Inclusion of Non-Residential Uses

Members of public had expressed that the absence of non-residential uses in the Proposed Development takes away from a resident’s ability to have convenient access to retail services. The Owner responded by providing 165 m² (1,776.05 ft²) of ground floor non-residential space. This has the potential to provide a range of uses including, but not limited to, retail, personal services, and office uses to service the residents in the area. Staff also note that Subject lands are within vicinity of existing commercial and service amenities to the northwest, across Highway 7 East.

c) Traffic Congestion and Infiltration into existing residential areas

Concerns related to increased traffic flow and congestion resulting from the Proposed Development were expressed at the Public Meeting and the CIM. Transportation Staff noted that the Proposed Development is not expected to significantly affect the existing traffic pattern in the area, given the minimal net increase in traffic from the proposal. There is no indication of capacity issues at the proposed site driveways that will result in site traffic using alternative routes.

d) Parking Reductions

Concerns related to the proposed parking reduction were expressed at the meetings. The following table provides a breakdown of the required and proposed parking rates:

Use	By-law Rate	Required Parking	Proposed Rate	Proposed Parking
Residential	1.25 spaces/unit	171	1.01 spaces/unit	138*
Visitor	0.25 spaces/unit	34	0.15 spaces/unit	21
Non-Residential	1 space per 30m ²	5	shared with visitor parking	
TOTAL		210		159

*Four (4) residential spaces are proposed to have substandard dimensions

The Owner increased the residential parking rates from 0.99 space/unit to 1.01 spaces/unit, and revised the visitor parking rate from 0.04 spaces/unit to 0.15 spaces/unit, thereby increasing the total proposed parking spaces from 150 to 159. Transportation Staff reviewed the Transportation Impact Study, prepared by LEA Consulting, and support the proposed residential parking rate of 1.01 spaces/unit subject to the implementation of an enhanced Transportation Demand Management (“TDM”) program. Transportation Staff have also accepted the visitor parking requirement from 0.25 spaces/unit to 0.15 spaces/unit.

As part of the TDM program to support the parking reduction, the City requested long and short-term bicycle parking at 0.50 spaces/unit and 0.10 spaces/unit, respectively, e-bike vouchers and pre-loaded Presto cards in the amount of \$200 to be available to all units, post development parking surveys, and TDM cost summary. Consequently, to ensure that the TDM measures are appropriately provided, a Holding Provision is included draft Zoning By-law (Appendix ‘A’).

e) Provision of Affordable Housing

In July 2021, Council approved ‘Housing Choices: Markham’s Affordable and Rental Housing Strategy’. At this time, the Owner has not committed to providing any affordable and/or rental housing.

The future Site Plan Application would address the following matters:

- Parkland Obligations: Cash-in-lieu of Parkland will be required at a rate calculated prior to the issuance of any Building Permit.
 - Community Benefit Charges (“CBC”): The Proposed Development is subject to CBC, pursuant to the City’s CBC By-law, prior to the issuance of a Building Permit.
 - Age-Friendly Features: Age-friendly features for building, site, and unit design to meet the needs of a variety of residents for all ages overtime.
 - Sustainability Measures: The Proposed Development is required to achieve a minimum Bronze performance level with the City’s Sustainability Metrics program.

CONCLUSION:

Staff reviewed the Applications in accordance with the provisions of the Provincial, Regional, City’s policies and are satisfied that the proposed OPA and ZBLA are appropriate and represent good planning with respect to the proposed increase in height and density. Therefore, Staff recommend that the proposed OPA and ZBLA (see Appendices ‘A’ and ‘B’) be approved and brought forward to a future Council meeting for adoption and enactment.

FINANCIAL CONSIDERATIONS:

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:

This Applications were circulated to various departments and external agencies and their requirements are reflected in the implementing draft OPA and ZBA (see Appendices ‘A’ and ‘B’).

RECOMMENDED BY:

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

Giulio Cescato, MCIP, RPP Director,
Planning and Urban Design

ATTACHMENTS AND APPENDICES:

Figure 1: Location Map

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

Figure 2: Area Context and Zoning

Figure 3: Aerial Photo (2020)

Figure 4: Conceptual Site Plan

Figure 5: Conceptual Rendering

Appendix 'A': Draft Official Plan Amendment

Appendix 'B': Draft Zoning By-law Amendment

APPLICANT:

Gatzios Planning + Development Consultants Inc.
7270 Woodbine Avenue, Markham ON, L3R 4B9