



Report to: Development Services Committee

Meeting Date: April 23, 2024

SUBJECT: RECOMMENDATION REPORT, Application for Draft Plan of Subdivision by TH (Warden) Developments (BT) Inc. to facilitate the development of 137 lane-based townhouses, 136 back-to-back townhouses, mixed use blocks, a 2 ha dual use park/stormwater management block, a secondary school block, and the supporting road/lane network at 10506 and 10508 Warden Avenue (Ward 2)
File PLAN 22 265291

PREPARED BY: Hailey Miller, Planner II, West District, Ext. 2945

REVIEWED BY: Daniel Brutto, MCIP, RPP, Acting Manager, West District, Ext. 2468
Stephen Lue, MCIP, RPP, Senior Development Manager, Ext. 2520

RECOMMENDATION:

1. THAT the report titled, “RECOMMENDATION REPORT, Application for Draft Plan of Subdivision by TH (Warden) Developments (BT) Inc. to facilitate the development of 137 lane-based townhouses, 136 back-to-back townhouses, mixed use blocks, a 2 ha dual use park/stormwater management block, a secondary school block, and the supporting road/lane network at 10506 and 10508 Warden Avenue (Ward 2), File PLAN 22 265291”, be received;
2. THAT the Draft Plan of Subdivision 19TM-22021 be approved in principle, subject to the conditions set out in Appendix ‘A’ of this report and be brought forward to a future Council meeting once all outstanding matters have been resolved to the satisfaction of the Director, Planning and Urban Design;
3. THAT the Director of Planning and Urban Design, or designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix ‘A’, as may be amended by the Director of Planning and Urban Design, or designate;
4. THAT Draft Plan Approval for Draft Plan of Subdivision 19TM-22021 will lapse after a period of three (3) years from the date of Council approval in the event that a Subdivision Agreement is not executed within that period;
5. THAT servicing allocation for 1,443 units be assigned to Draft Plan of Subdivision 19TM-22021;
6. THAT the 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;
7. AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The Draft Plan of Subdivision application (the “Application”) facilitates the creation of approximately 273 back-to-back and lane-based townhouse units; blocks for future mixed use multi-storey development (1,170 units estimated), a 2 ha dual use park/stormwater management (“SWM”) block, a secondary school block, and the supporting road/lane network (the “Proposed Development”) at 10506 and 10508 Warden Avenue (the “Subject Lands”).

In November 2022, the 2022 York Region Official Plan (“2022 ROP”) was approved by the Minister of Municipal Affairs and Housing. It included a site-specific policy for the Subject Lands that permitted additional uses, height, and density beyond what the Berczy Glen Secondary Plan contemplated (the “Site-Specific Policy”). Following approval of the 2022 ROP, the City received applications for Official Plan and Zoning By-law Amendment, with a concurrent Draft Plan of Subdivision, on the Subject Lands that sought to implement the Site-Specific Policy.

During the Application review process, the Ministry of Municipal Affairs and Housing (“MMAH”) announced its intention to reverse recent official plan decisions for various municipalities through the introduction of Bill 150, which among other matters, proposed to delete the Site-Specific Policy. The Minister requested comments from the City on Bill 150. On December 5, 2023, the City provided comments that requested the Site-Specific Policy be maintained with reduced density and height permissions. As a result, on December 13, 2023, Council endorsed, in principle, the associated Official Plan and Zoning By-law amendment applications, subject to bringing the final instruments forward to a future Council Meeting. Among other matters, land use, density, and building height permissions were endorsed on the Subject Lands, consistent with the City’s comments on Bill 150. Once the implementing instruments are approved by Council, Staff will bring forward the draft plan conditions to a future Council Meeting, provided all outstanding matters have been resolved to Staff’s satisfaction.

In December 2023, Bill 150 was enacted and became known as the *Official Plan Adjustments Act*. It failed to reflect the City’s proposed modifications to the Site-Specific Policy. In February 2024, the Province introduced Bill 162, the *Get It Done Act*, which among other matters, proposed amendments to the *Official Plan Adjustments Act*. The City reaffirmed its position on the Site-Specific Policy at the March 19, 2024, General Committee when a staff report was brought forward on Bill 162. While Bill 162 is currently at second reading and has not yet received Royal Assent, the City’s requested modification to the 2022 ROP’s site specific policy is not required for the Proposed Development to conform to the 2022 ROP.

Staff recommend that the Draft Plan of Subdivision be approved in principle, subject to the conditions set out in Appendix ‘A’ of this report and be brought forward to a future Council meeting once all outstanding matters have been resolved to Staff’s satisfaction.

PURPOSE:

This report recommends approval of the Draft Plan of Subdivision application, submitted by TH (Warden) Developments (BT) Inc. (the “Owner”) to facilitate the Proposed Development on the Subject Lands.

Process to Date

- Staff deemed the Application complete on January 27, 2023
- Heritage Markham Committee reviewed the Application on March 8, 2023
- The statutory Public Meeting was held on May 9, 2023
- The associated Official Plan and Zoning By-law Amendment applications were endorsed in principle by Council on December 13, 2023

The 120-day period set out in the *Planning Act* before the Owner can appeal the Application to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on May 27, 2023. Accordingly, the Owner is able to appeal the Application to the OLT.

If the Development Services Committee (“DSC”) approves the Application, then the planning process will include the following next steps

- The Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision conditions will be finalized and brought forward to a future Council meeting
- The Owner would be required to clear the finalized conditions of Draft Plan of Subdivision, enter into a Subdivision Agreement with the City, and register the Draft Plan of Subdivision
- The review of future applications for Site Plan and Draft Plan of Condominium, where required

BACKGROUND:

The 20.22 ha (49.96 ac) Subject Lands are located within the Berczy Glen Secondary Plan Area

Figure 1 shows the Subject Lands located in the Berczy Glen Secondary Plan Area (the “Secondary Plan Area”). The Subject Lands contain rural residential uses and the “Trudgeon House”, which is listed under the *Ontario Heritage Act*, as shown on Figure 2. Figure 3 shows the surrounding land uses, which is predominantly under construction.

The Owner submitted the Application to facilitate the Proposed Development as shown in Table 1

Table 1: Original and Current Proposal - Development Blocks		
	Original Proposal (see Figure 4)	Current Proposal (see Figure 5)
Building Heights	<ul style="list-style-type: none"> • Townhouses (rear-lane and back-to-back): 12.5 m or three-storeys • Medium Density Block (Block 35): up to six-storeys • High Density Blocks (Block 36 and 37): up to 25-storeys 	<ul style="list-style-type: none"> • Townhouses (rear-lane and back-to-back): 13.5 m or three-storeys • Medium Density Block (Block 36): up to six-storeys • High Density Block (Block 37): up to 19-storeys • Medium Density Block (Block 38): up to eight-storeys
Units	<ul style="list-style-type: none"> • Total: 2,026 to 2,426 units • 140 rear-lane townhouses • 136 back-to-back townhouses • 200 to 250 units (Block 35) • 850 to 1000 units (Block 36) • 700 to 900 units (Block 37) 	<ul style="list-style-type: none"> • Total: 1,443 • 137 rear-lane townhouses • 136 back-to-back townhouses • 210 estimated units (Block 36) • 800 estimated units (Block 37) • 160 estimated units (Block 38)
Park	<ul style="list-style-type: none"> • Total: 1.51 ha (3.73 ac) • Park: 0.71 ha (1.75 ac) • Dual Use Park/ SWM Facility: 0.80 ha (1.98 ac) 	<ul style="list-style-type: none"> • Total: 2 ha (4.94 ac) • Park: 1.13 ha (2.79 ac) • Dual Use Park/SWM Facility: 0.87 ha (2.15 ac)
Public Secondary School*	<p>3.4 ha (8.4 ac)</p> <p>* Block 32 represents a portion of a public secondary school site that is anticipated to be combined with the abutting block to the west on draft approved Plan of Subdivision 19TM-18004 (Mattamy) to form a complete school site.</p>	<p>3.4 ha (8.4 ac)</p> <ul style="list-style-type: none"> • Block 33

Key changes made to the Proposed Development during the review process include the following:

- Reduced overall site density from a minimum of 100 units per ha (“UPH”) to a maximum of 71 UPH that resulted in a decrease of 983 units from 2,426 to 1,443 units
- Block 37 maximum building height has been reduced from 25 storeys to 19-storeys
- Block 38 maximum building height on Block 38 has been reduced from 25-storeys to eight-storeys
- Block 34 (Park) has increased in size from 0.71 ha (1.75 ac) to 1.13 ha (2.79 ac)
- Block 35 (Park/SWM Facility) has increased in size from 0.8 ha (1.97 ac) to 0.87 ha (2.15 ac)

The City and Owner requested the Minister maintain and amend the Site-Specific Policy in the 2022 ROP to reflect the revised development, as shown in Figure 5

The 2022 ROP includes policies that guide land-use planning consistent with the requirements of the Growth Plan 2020 to encourage high quality urban design, attractive buildings, landscape, and public streetscapes. It 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. Map 1A – Land Use Designations designates the Subject Lands ‘Community Area’ where the majority of residents, personal services, retail, arts, culture, recreational facilities and human-services needs would be located.

On November 4, 2022, the Minister of MMAH amended the 2022 ROP as part of its approval to include the following Site-Specific Policy respecting the Subject Lands:

“4.2.31 Special provisions for lands within the property known municipally as 10506 Warden Avenue and 10508 Warden Avenue in the City of Markham (PIN 030531745). Notwithstanding any other policies in this Plan to the contrary, the minimum density target to be achieved is 100 units per hectare across the whole of the lands and building heights up to 25 storeys for any high density residential built form on the site. Permitted uses shall include, but not be limited to, long-term care facility, retirement and senior’s residence together with healthcare clinics, low, medium, and high density housing in a variety of built-forms, schools and a dual-use parkland/stormwater management facility.”

The following summarizes the events that occurred since the inclusion of the Site-Specific Policy:

- **October 23, 2023:** the MMAH announced its intention to reverse recent official plan decisions for various municipalities through legislation
- **November 2, 2023:** the Minister requested comments from the City on the provincial modifications to the 2022 ROP
- **November 16, 2023:** the Province introduced Bill 150, the *Get It Done Act*, which, among other matters, proposed to delete the 2022 ROP Site-Specific Policy applicable to the Subject Lands
- **December 5, 2023:** the City provided comments on the Bill 150 proposed changes and requested that the provincial site-specific modification be maintained, but amended to reduce the density from “a minimum of 100 units per hectare” to “a maximum of 71 units per hectare” and height from “25-storeys” to “19-storeys” on the high density block, consistent with the Proposed Development
- **December 2023:** Bill 150, the *Official Plan Adjustments Act*, was enacted, but failed to reflect the City’s proposed modifications to the Site-Specific Policy
- **February 2024:** the Province introduced Bill 162, the *Get It Done Act*, which among other matters, proposed amendments to the *Official Plan Adjustments Act*.

- **March 19, 2024:** the City reaffirmed its position on the Site-Specific Policy at General Committee on when a staff report was brought forward on Bill 162. While Bill 162 is currently at second reading and has not yet received Royal Assent, the City's requested modification to the 2022 ROP's site specific policy is not required for the Proposed Development to conform to the 2022 ROP.

On December 13, 2023, Council endorsed, in principle, the associated Official Plan Amendment and Zoning By-law Amendment applications

Among other matters, land use, overall density and maximum building height permissions were endorsed by Council based on the comments the City provided the MMAH regarding Bill 150. Since this time, Staff have been working with the Owner to finalize the implementing instruments (i.e., Official Plan Amendment and Zoning By-law Amendment). Once the implementing instruments are approved by Council, Staff will bring forward the draft plan conditions to a future Council Meeting, provided all outstanding matters have been resolved to Staff's satisfaction.

DISCUSSION:

All the matters raised by the Public and the DSC members have been addressed through Staff's Recommendation Report on the associated Official Plan and Zoning By-law Amendment applications presented to the DSC on December 12, 2023. The following matters discussed are those directly related to the Draft Plan of Subdivision.

A: The Secondary School block is acceptable to the York Region District School Board ("YRDSB")

Block 33 represents a portion of a public secondary school site that is to be combined with the abutting block to the west on draft approved Plan of Subdivision 19TM-18004 (Mattamy) to form a complete school site. The YRDSB requested the City consider an increase in the building height permissions on the school block from three to four storeys. Staff have no concerns about the request and the requisite permissions will be included in the Official Plan Amendment and Zoning By-law Amendment.

B: The cultural heritage resource has been appropriately addressed

Heritage Markham Committee considered the demolition permit application for the Trudgeon House and its associated structures on March 8, 2023, which the Committee recommended is not a significant cultural resource and, therefore, had no objections to the demolition subject to the existing buildings on site being advertised for relocation or salvage by others. Council supported this position on April 5, 2023.

D: The Community Energy Plan (the "CEP"), and its sustainability initiatives, is a living document and will be updated as needed over time

The CEP will identify and advance sustainable development practices as they relate to energy use and generation within the Secondary Plan Area. Staff incorporated a draft plan condition requiring the Owner to agree to the mandatory measures of the CEP, such as high energy efficiency building design. The Owner is expected to conduct a demonstration pilot of new energy conservation and low carbon emissions technologies that may inform decisions to be adopted in new buildings. Additionally, the Owner must implement the mandatory requirements of the CEP, which include the following:

- a) High energy efficiency building design, including:
- b) A minimum of R60 in the attic/roof insulation
- c) R10 underslab insulation
- d) Triple pane windows or equivalent high performance double pane (U-value 1.4 or lower)
- e) Electric Vehicle wiring in all garages
- f) Implementation of the Solar Strategy outlined in the CEP

g) Smart thermostats and in-home energy displays

E. Berczy Glen Developers Group (the “Developers Group”) obligations must be met

The Secondary Plan integrates the locations of public infrastructure (roads, stormwater management facilities) and the provisions of other community facilities (parks, schools, roads, road improvements, servicing), regardless of property boundaries. To ensure all affected property owners contribute equitably towards the public infrastructure and provisions of other community facilities, a draft plan condition requiring all Owners in the Secondary Plan Area to enter into the Developers Group Agreement has been incorporated into the conditions (See Appendix A).

CONCLUSION:

Council endorsed, in principle, the associated Official Plan and Zoning By-law amendment applications on December 13, 2023. Among other matters, land use, overall density and building height permissions were endorsed by Council based on the comments the City provided to the MMAH regarding Bill 150. Although Bill 150 (*Official Plan Adjustments Act*) failed to reflect the City’s proposed modifications to the Site-Specific Policy in the 2022 ROP, in February 2024, the Province introduced Bill 162 (*Get it Done Act*), which among other matters, proposed amendments to Bill 150. The City reaffirmed its position on the Site-Specific Policy at General Committee on March 19, 2024, when a staff report was brought forward on Bill 162. While Bill 162 is currently at second reading and has not yet received Royal Assent, the City’s requested modification to the 2022 ROP’s site specific policy is not required for the Proposed Development to conform to the 2022 ROP.

Based on the matters discussed above, Staff recommend that the Draft Plan of Subdivision be approved in principle, subject to the conditions set out in Appendix ‘A’ of this report and be brought forward to a future Council meeting once all outstanding matters have been resolved to Staff’s satisfaction.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application has been reviewed in the context of the City’s Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Application was circulated to internal City department and external agencies. Requirements of the City and external agencies have been reflected in the conditions of Draft Plan of Subdivision approval (See Appendix A: Conditions of Draft Plan of Subdivision Approval).

RECOMMENDED BY:

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

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

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

FIGURES AND APPENDIX:

Figure 1: Location Map

Figure 2: Area Context and Zoning

Figure 3: Aerial Photo (2023)

Figure 4: Original Draft Plan of Subdivision

Figure 5: Draft Plan of Subdivision

Figure 6: Berczy Glen Secondary Plan Extract - Detailed Land Use

Appendix A: Conditions of Draft Plan of Subdivision Approval

OWNER:

TH (Warden) Developments (BT) Inc. C/O Matthew Creador
1681 Langstaff Road, Vaughan, ON, L4K 5T3 | T: 416-987-5500

APPLICANT/AGENT:

Malone Given Parsons C/O Emily Grant,
140 Renfrew Drive Suite 201, Markham, ON, L3R 6B3 | Email: egrant@mgp.ca | T: 905-513-0170 ext. 145