



Report to: Development Services Committee

Meeting Date: October 1, 2024

SUBJECT: RECOMMENDATION REPORT, Greencapital Limited Partnership Inc., Applications for Official Plan and Zoning By-law Amendment to permit a mixed-use high-rise development at 10 Royal Orchard Boulevard and 8051 Yonge Street, (Ward 1), File No. PLAN 19 137814

PREPARED BY: Rick Cefaratti, MCIP, RPP, Acting Development Manager, West District, ext. 3675

REVIEWED BY: Stephen Lue, MCIP, RPP, Senior Development Manager, ext. 2520

RECOMMENDATION:

1. THAT the October 1, 2024, report titled, “RECOMMENDATION REPORT, Greencapital Limited Partnership Inc., Applications for Official Plan and Zoning By-law Amendment to permit a mixed-use high-rise development at 10 Royal Orchard Boulevard and 8051 Yonge Street, (Ward 1), File No. PLAN 19 137814”, be received;
2. THAT the Official Plan Amendment application submitted by Greencapital Limited Partnership Inc., be approved and that the draft Official Plan Amendment, attached hereto 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 Greencapital Limited Partnership Inc., be approved and that the draft Zoning By-law Amendment, attached hereto as Appendix ‘B’, be finalized, and brought forward to a future Council meeting to be enacted without further notice;
4. THAT servicing allocation for 1955 residential units be assigned to the proposed development; and,
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; and further,
6. 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 “Applications”) submitted by Greencapital Limited Partnership Inc., (the “Owner”) for the lands located on the north side of Royal Orchard Boulevard between Yonge Street and Inverlochy Boulevard (the “Subject Lands”). The Owner proposes 1,955 units, 4,051 m² of non-residential spaces, and a 0.19 ha public park (the “Proposed Development”). The Subject Lands are an appropriate location for intensification given it is within a Key Development Area and Major Transit Station Area (future Royal Orchard Station). Staff recommend approval of the draft Official Plan and Zoning By-law Amendments (see Appendix ‘A’ and Appendix ‘B’). The amending Zoning By-law will contain a Hold provision to be removed when the Owner enters into any necessary agreement (s) relating to the construction, financing, and implementation of off-site infrastructure improvements required for the development of the subject lands, including appropriate water supply and sewage capacity.

PURPOSE:

This report recommends approval of the Applications submitted by the Owner to permit the Proposed Development (see Figures 4 to 8).

PROCESS TO DATE:

- November 4, 2019: Staff deemed the Applications complete
- November 9, 2020: The Development Services Committee (“DSC”) received a Preliminary Report
- May 31, 2022: A Thornhill Sub-Committee meeting was held to provide an overview of a revised proposal
- July 5, 2022: The DSC held the statutory Public Meeting

The 120-day period set out in the *Planning Act* before the Owner can appeal the Official Plan Amendment to the Ontario Land Tribunal (“OLT”) for a non-decision ended on March 3, 2020. The 90-day period set out in the *Planning Act* before the Owner can appeal the Zoning By-law Amendment application to the OLT for a non-decision ended on February 2, 2020.

If the DSC supports the Applications, the planning process would include the next steps:

- Approval of the Official Plan and Zoning By-law Amendments, both of which will require further discussion with the applicant and potential revisions before being brought back to DSC for approval
- Submission of Site Plan Application(s)

BACKGROUND:**Subject Lands and Area Context**

Figures 1 to 3 show the Subject Lands that are currently occupied by two, single-storey commercial buildings with existing pharmacy, food store, and real estate office uses. Figure 3 shows the surrounding land uses.

The Owner revised the Proposed Development as described in Table 1

Table 1: The Proposed Development		
	Original Development Concept	Revised Development Concept
Site Area	1.56 ha (3.85 ac)	1.73 ha (4.27 ac)
Number of Buildings (and Storeys)	4 (25, 31, 39 and 59 storeys and 4 storey podium)	4 (25, 40, 45 and 55 storeys and 2, 4, 6 and 8 storey podium)
Residential Units	1,560	1,955
Residential Gross Floor Area (“GFA”)	129,501 m ² (1,393,943 ft ²)	151,952 m ² (1,635,597 ft ²)
Commercial GFA	3,742 m ² (40,278 ft ²)	4,051 m ² (43,605 ft ²)
Total GFA	132,793 m ² (1,434,221 ft ²)	156,003 m ² (1,679,202 ft ²)
Density (FSI)	9.4	10.12
Parking (Spaces)	1,866	1,899
Public Park Area	0.14 ha (0.35 ac)	0.19 ha (0.46 ac)

The purpose of the OPA is to amend certain policies of the existing “Mixed Use High Rise” designation under the Markham 2014 Official Plan, as amended, to permit the Proposed Development, specifically to permit a

maximum density of 10.2 FSI and maximum building height of 55 storeys on the Subject Lands. The ZBA application would rezone the Subject Lands from ‘CC – Community Commercial Zone’ to ‘CA2 – Community Amenity Area Two Zone’, with site-specific exceptions to permit the Proposed Development, and to an ‘OS1 Zone’, under By-law 177-96, to permit the proposed park blocks. In addition, the ZBA proposes a ‘Hold’ provision relating to servicing.

DISCUSSION:

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, providing for all housing options, and wise use and management of resources. The Proposed Development facilitates a compact urban form through intensification. 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. The Subject Lands are within a Protected Major Transit Station Area (“PMTSA”). The Proposed Development includes an appropriate mix of uses and provides access to active transportation options, consistent with the Growth Plan. Staff are of the opinion that the Proposed Development will optimize transit investment.

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

The 2022 ROP designates the Subject Lands ‘Urban Area’ and permits a wide range of residential, commercial, and industrial uses. The Subject Lands are also located within an PMTSA, and the proposed mixed-use buildings support planned transit-supportive intensification.

The Subject Lands are located on the Yonge North Subway Extension (the “YNSE”) route, immediately adjacent to the planned Royal Orchard Subway Station

The Royal Orchard Station will have the capacity to provide walking distance access (800 metres or a 10-minute walk) for approximately 7,300 people. The Development Concept Plan proposes to integrate a subway entrance connection into the proposed building at the northeast corner of Yonge Street and Royal Orchard.

Table 2 identifies how the matters raised throughout the review process, including those raised at the Thornhill sub-committee meeting and statutory Public Meeting, have been resolved or considered

Table 2: Matters Raised and Considered	
a) Residents expressed a desire to keep the existing grocery store open during construction	
	The Owner confirmed that the first phase of development is proposed at the east end of the Subject Lands adjacent to Royal Orchard Boulevard and Inverlochy Boulevard, which is generally the location of the existing grocery store. As a result, it would not be feasible to keep the existing grocery store open during construction. The Owner indicated the willingness to facilitate a shuttle service for area residents to the nearest grocery store at the Thornhill Shopping Centre (300 John Street) in the interim.
b) Concerns expressed if the school system can handle the proposed density	
	The School Boards identified no issues or concerns with the Proposed Development.
c) Concerns expressed regarding the alignment of the subway construction and development phasing	

The Owner is proposing a phased approach of the Proposed Development to align with the availability of transportation improvements including the construction of the Royal Orchard Station. The proposed zoning by-law will include a Hold provision to address this concern. Staff further note that the construction technique proposed for the Royal Orchard Station is the Sequential Excavation Method (“SEM”). This method will be used due to the depth of the excavation and will provide minimal disruption in this location.

d) The DSC requested the inclusion of purpose-built rental or affordable housing

Staff recommend that the Proposed Development include at least 2% (40 units) of the total proposed residential units (1,955) which meet the Affordable Housing Threshold for Markham (\$538,377), as defined in the Affordable Housing in York Region - Measuring and Monitoring Report. In addition, the latest site statistics for the Development Concept Plan indicate that an appropriate unit mix of one-, two-, and three-bedroom units will be provided. Staff opine that the proposed mix of unit types will also make it more viable for a range of households to live adjacent to higher order transit (Royal Orchard Station).

No commitments have been provided to date to include affordable housing or purpose-built rental units as part of the Proposed Development. However, Staff will work with the Owner to explore opportunities for affordable housing and/or rental options during the future site plan process.

e) Residents expressed concerns with increased traffic generated by the Proposed Development

The Proposed Development will implement the Transportation Demand Management (“TDM”) measures and incentives to support active transportation and transit and to reduce the numbers of single-occupant-vehicle trips to and from the Proposed Development. Staff opine that the first phase of development at the eastern limit of the Subject Lands can be built and occupied prior to the Yonge North Subway Extension (“YNSE”) being operational. Prior to lifting of the Hold Provision in the zoning by-law for the first phase, Staff recommend implementing the following TDM measures, to the satisfaction of the City:

- i) Provision of appropriate pedestrian connections within and external to the Subject Lands with pedestrian and cycling amenities including dedicated bicycle parking and shared parking options.
- ii) That the signal timing at the intersection of Yonge Street and Royal Orchard is further optimized to address critical movements during peak traffic conditions.
- iii) Prior lifting of the Hold Provision in the zoning by-law for phase two, the Owner will be required to enter into agreement (s) between the City and York Region relating to the construction, financing, and implementation of off-site infrastructure improvements required to accommodate additional phases of the Proposed Development.

f) Tower separation, massing, and transition are appropriate

Staff opine that these matters are appropriate based on the Owner’s Development Concept Plan, subject to the following design consideration:

- i) a minimum tower separation distance of 30 m above the podiums with a maximum floor plate of 800 m² to provide adequate levels of light, views, and privacy.
- ii) Building heights would transition from maximum 55-storeys at the intersection of Yonge Street and Royal Orchard Boulevard to 25-storeys adjacent to Inverlochy Boulevard.
- iii) The north building adjacent to Yonge Street (Tower 3) will be setback 15 m from the north lot line and approximately 47 m from the south wall of the existing apartment building to the north.

g) Upgrades To Existing Municipal Services Required

To ensure all site servicing issues are identified and resolved, Staff recommend that Hold Provisions be included in the zoning by-law, which shall only be removed when the Owner executes an agreement with the City and York Region securing the provision of sanitary service infrastructure upgrades and any improvements that may be required to support the development of the Subject Lands.

h) The Owner proposes a phased development in coordination with Metrolinx

Phase 1A development focuses on the northwest corner of Inverlochy Boulevard and Royal Orchard Boulevard and the main north-south driveway. Phase 1B would consist of the tower and podium on the west side of the main north-south driveway. The final phase, Phase 2, would consist of the two buildings and associated podiums adjacent to Yonge Street with direct access to the Royal Orchard Subway Station.

The Owner continues to coordinate with Metrolinx that includes knockout panels at locations that provide direct below-ground access to the Royal Orchard subway station from the Phase 2 retail podium. Metrolinx commented that there will be a permanent subsurface acquisition on the most western portion of the Subject Lands needed for the construction of the subway tunnel that starts at a depth of 46 metres below grade. Further details regarding the phasing will be reviewed at the site plan approval stage.

i) The Owner proposes a new Public Park and Privately-Owned Publicly Accessible Spaces (“POPS”)

The Owner proposes to convey a new 0.19 ha (0.46 ac) public park at the northwest corner of Inverlochy Boulevard and Royal Orchard Boulevard. Staff are satisfied with the park block's location. The parkland dedication requirement for the Proposed Development is 0.154 ha (10% of the site area of 1.54 ha), which the 0.19 ha proposed park would exceed. In addition, the Owner proposes two POPS with a combined area of 0.11 ha (0.27 ac) immediately west of the proposed public park, which would not qualify for parkland credit.

Following the submission of an application for Site Plan approval, the Owner will be required to enter into a Parks and Open Space Agreement to determine the details of the proposed public park.

j) Community Benefit Charge (“CBC”)

The Proposed Development is subject to “CBC” that will be collected for each phase prior to issuance of the respective Building Permit(s).

k) Official Plan and Zoning By-law Amendment Instruments (the “Instruments”)

Prior to bringing forward the instruments to Council for approval, the Applications will continue to be reviewed, and further discussions will be had with the Owner and Staff regarding matters, including provisions for affordable housing, servicing, and transportation.

CONCLUSION:

Staff is of the opinion that the Proposed Development is appropriate and represents good planning. The Subject Lands have been identified provincially, regionally, and locally for intensification with a mix of uses. The Proposed Development provides for desired intensification adjacent to future planned high order transit routes in a manner that is generally consistent with the anticipated pattern of development along the Yonge Corridor area and will integrate a direct access to the future Royal Orchard Station in coordination with Metrolinx. The

proposed building heights and density are consistent with the expected levels of intensification adjacent to a PMTSA. Therefore, Staff recommend approval of the draft Official Plan and Zoning By-law Amendments attached as Appendix 'A' and 'B'.

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:

The Applications were circulated to various departments and external agencies and the City and external agency requirements are reflected in the implementing OPA and ZBA (refer to Appendices 'A' and 'B').

RECOMMENDED BY:

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Director, Planning and Urban Design

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Commissioner of Development Services

FIGURES AND APPENDIX:

Figure 1: Location Map
Figure 2: Area Context and Zoning
Figure 3: Aerial Photo
Figure 4: Development Concept Plan
Figure 5: West Parcel – West and South Elevations
Figure 6: North Elevation
Figure 7: East Parcel – West and South Elevations
Figure 8: East Parcel – East and North Elevations
Appendix 'A': Draft Official Plan Amendment
Appendix 'B': Draft Zoning By-law Amendment

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