



SUBJECT: RECOMMENDATION REPORT
8350 Kennedy Ltd. (c/o Goldberg Group)
Applications for Official Plan and Zoning By-law Amendment to permit two mixed-use buildings consisting of 28 and 24 storeys at 8350 Kennedy Road, in Markham Centre (Ward 3)
File PLAN 23 118558

PREPARED BY: Elizabeth Martelluzzi, RPP MCIP, Senior Planner, Central District, Ext. 2193

REVIEWED BY: Sabrina Bordone, RPP MCIP, Development Manager, Central District, Ext. 8230
Stephen Lue, RPP MCIP, Senior Development Manager, Ext. 2520

RECOMMENDATION:

1. THAT the report dated September 17, 2024, titled, “RECOMMENDATION REPORT, 8350 Kennedy Ltd. (c/o Goldberg Group), Applications for Official Plan and Zoning By-law Amendment to permit two mixed-use buildings consisting of 28 and 24 storeys at 8350 Kennedy Road, in Markham Centre (Ward 3), File PLAN 23 118558”, be received;
2. THAT the Official Plan Amendment application submitted by 8350 Kennedy Ltd. 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 submitted by 8350 Kennedy Ltd. be approved and the draft 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 769 residential units be assigned to the proposed 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 “Applications”) submitted by Goldberg Group (the “Applicant”) on behalf of 8350 Kennedy Ltd. (the “Owner”) to permit a mixed use development consisting of 2 residential towers of 28 and 24 storeys each with a total of 769 residential units, 1,163.60 m² (12,525.30 ft²) ground floor non-residential uses along the Kennedy Road frontage, and 578 parking spaces (the “Proposed Development”) at 8350 Kennedy Road (the “Subject Lands”). Since the initial submission, the Owner revised the Proposed Development by increasing the proposed gross floor area (“GFA”) from 59,263 m² (637,901.62 ft²) to 60,995 m²

(656,544.72 ft²), increasing the proposed non-residential GFA from 1,105 m² (11,894.12 ft²) to 1,163.60 m² (12,525.30 ft²), and reducing the proposed parking from 652 to 578 spaces. The Proposed Development includes 3,076 m² (33,109.79 ft²) or 4 m² (43 ft²) per unit of indoor and outdoor amenity space located on the ground, second, and tenth floors. The Owner also proposes a private outdoor parkette at the westerly portion of the Subject Lands.

The proposed Official Plan Amendment (“OPA”) allows for site-specific permissions to increase the height and density on the Subject Lands and redesignates the westerly portion as “Hazard Lands” to recognize the valleylands within the Natural Heritage System and associated buffer. The proposed Zoning By-law Amendment (“ZBA”) rezones the Subject Lands to “Community Amenity Two*779 (Hold) (CA2*779(H))” under By-law 177-96, as amended, incorporating site-specific development standards. The westerly portion of the Subject Lands will be rezoned to “Open Space One (OS1)”.

The Proposed Development provides a mix of uses and makes efficient use of land and infrastructure that supports the existing transit infrastructure, community amenities, and retail in Markham Centre. Staff opine that the Proposed Development is compatible with, and provides an appropriate interface to, the existing residential neighbourhood to the east and supports an active frontage along Kennedy Road.

PURPOSE:

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

Process to Date:

- May 31, 2023: Staff deemed the Applications complete
- September 19, 2023: the Development Services Committee held the [statutory Public Meeting](#)

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 September 28, 2023.

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

- Approval of the OPA and ZBA at a future Council meeting
- Submission of Site Plan and Draft Plan of Condominium Applications

BACKGROUND:

Location and Area Context

Figures 1 and 2 show the 1.22 ha (3.01 ac) Subject Lands currently developed with an automotive dealership (Mercedes-Benz Markham) with associated surface parking.

Table 1 summarizes the Proposed Development that includes two mixed-use buildings with nine-storey podiums

Table 1: Proposed Development (see Figures 4 and 5)	
Total GFA:	60,995 m ² (656,544.72 ft ²)
Non-Residential GFA:	1,163.60 m ² (12,525.30 ft ²)
Dwelling Units:	769 units

Building Heights:	28-storeys (Building A); 24-storeys (Building B) ^{Note 1}
Density:	5.16 times of the Subject Lands area (Floor Space Index – “FSI”) ^{Note 2}
Parking Spaces:	578 (77 residential visitor, 37 commercial/retail, and three car share spaces)
Parking Rates:	0.6 space/unit (residential) + 0.1 space/unit (visitor) 1 space/30 m ² (non-residential)
Access:	Vehicular and pedestrian access to Kennedy Road
Private Open Space:	861 m ² (9,267 ft ²) accessed by private walkway from Kennedy Road (Figure 4)

Note 1: The building heights presented at the September 5, 2023, statutory Public Meeting showed 27 and 23 storeys. Upon detailed review, an additional storey was included to reflect the second-storey mezzanine at the at-grade non-residential level.
Note 2: Density is calculated based on net site area and excludes valleylands within the Natural Heritage System (to be conveyed to the City).

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 and supports alternative modes of transportation including active transportation and transit.

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 and supports transit options.

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

The ROP designates the Subject Lands “Urban Area”, “Community Area” and Built-Up Area”, which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are also situated between Highway 7 and Highway 407, along Kennedy Road, which has been recognized as a “Rapid Transit Corridor”. Rapid Transit Corridors have been identified for intensification and higher density development. The Subject Lands are located within the Enterprise Bus Rapid Transit (“BRT”) Protected Major Transit Station Area (“PMTSA”), which requires a minimum of 250 jobs and people per hectare. 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, as it is compact, street-oriented, and transit supportive.

The 2014 Official Plan does not apply to the Subject Lands

The policies of the 2014 Official Plan state that until an approval of an updated secondary plan for the Regional Centre-Markham Centre lands, the provisions of the 1987 Town of Markham Official Plan, as amended by the 1997 in-effect Markham Centre Secondary Plan (“OPA 21”), applies.

OPA 21 restricts the height and density on the Subject Lands

OPA 21 designates the Subject Lands “Community Amenity Area – General”, which permits medium and high-density residential use, subject to review of a specific development proposal. The proposed OPA, attached in Appendix ‘A’, incorporates site-specific height and density provisions to permit the Proposed Development.

The Development Concept for the emerging Markham Centre Secondary Plan (“MCSP”) Update Study restricts land uses, heights, and densities on the Subject Lands

The Draft Recommended Concept presented at the July 5, 2023, Development Services Committee (“DSC”) and the Draft Policy Framework for the MCSP Update Study, which was presented to DSC on July 3, 2024, designates the Subject Lands “Mixed Use High Rise”. The draft policies also propose a maximum height of 25 storeys and an informative density of 4 FSI for the Subject Lands. The proposed OPA provides for additional building height of 28 and 24 storeys and an FSI of 5.16 on the Subject Lands (see Appendix ‘A’). Staff’s rationale for supporting the proposed increase in height and density is provided in the Discussion section below.

The proposed ZBA rezones the Subject Lands to permit the Proposed Development

Zoning By-law 122-92, as amended, zones the Subject Lands “Community Amenity (CA)” (see Figure 2), which permits an automobile dealership, banks and financial institutions, business and professional offices, personal service shops, retail stores, and service shops. The ZBA proposes to rezone the Subject Lands to “Community Amenity Two* 779 (Hold) (CA2*779(H))” and “Open Space (OS1)”, under By-law 177-96, as amended, and includes site-specific development standards including, but not limited to, height, density, and setbacks. The OS1 zone would protect valleyland features associated with the Natural Heritage System at the westerly portion of the Subject Lands. A Holding Provision (“H”) is also proposed to secure further information relating to a Sanitary Capacity Analysis and Transportation Demand Management (“TDM”) measures (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, have been resolved and considered.

The City received one written submission and one deputation at the September 19, 2023, statutory Public Meeting

The following is a summary of the key comments and concerns raised at the meeting:

- Suggested that the Proposed Development was well suited for students and commuters due to its proximity to transit and the York University Markham Campus
- Expressed concerns with the density of the Proposed Development
- Suggested that further refinements to the design of the Proposed Development be considered
- Expressed concerns on increased traffic congestion and road safety
- Encouraged the Applicant to include affordable and/or purpose-built rental units

a) The proposed height and density generally align with the MCSP Update

The Applicant proposes maximum building heights of 28 and 24 storeys and a density of 5.16 FSI. The July 5, 2023, Draft Recommended Concept and the July 3, 2024 Draft Policy Framework for the MCSP Update Study proposes a maximum height of 25 storeys and an informative density of 4 FSI for the Subject Lands. As noted within Table 1, the height of the Proposed Development was identified as 27 and 23 storeys at the statutory Public Meeting. Following a detailed technical review of the plans, an extra storey was accounted for accommodating the mezzanine space above the first level, resulting in an additional one storey within the 27 and 23 built forms (technically 28 and 24 storeys). Staff opine that this is appropriate, as the two-storey at-grade floor-to-ceiling heights provide flexible space for a variety of future non-residential uses. The average height of 26 storeys across the Subject Lands is a minor uplift from the height proposed by the MCSP Study Update.

The proposed density is slightly higher than the informative density recommended in the MCSP Update Study. Moreover, the Proposed Development accommodates appropriate vehicular and pedestrian access, private outdoor and indoor amenity areas, and achieves appropriate built form through adequate tower separation to minimize shadow and privacy impacts. As noted below, the Applicant continues to work with Staff to achieve an attractive and desirable building design. Staff find that the proposed height and density are appropriate.

b) *Staff will continue to work with the Applicant on the proposed building design following the review by the City's Design Review Panel (the "Panel") in February 2024*

In response to the Panel's comments, the Applicant made several design modifications, including but not limited to, changes to the colour palette and materiality to draw inspiration from the natural tones of the adjacent Natural Heritage System, reduced hard edges by redesigning balconies, and includes vertical expressions over the balconies to enhance the design of the buildings (see Figures 5 and 6). Staff will continue to work with the Applicant on design matters, and achieve the City's Sustainability Metrics, through the future Site Plan Application ("SPA") submission. The Panel will also review the Proposed Development as part of the SPA process. The future SPA would also 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.

c) *Staff concur with the findings of the Transportation Impact Assessment ("TIA")*

Concerns related to increased traffic congestion on Kennedy Road and longer wait times at Avoca Drive resulting from the Proposed Development were expressed through the one written submission received at the statutory Public Meeting. A TIA has been submitted to the City and York Region to assess the transportation impacts on the road network. Staff reviewed the TIA and concur with its conclusion that the site-generated traffic is not expected to adversely impact traffic operations on Kennedy Road. Kennedy Road is under the Region's jurisdiction. The Region accepted the TIA.

A request for a pedestrian crossing from the Subject Lands across Kennedy Road was made at the statutory Public Meeting. York Region Staff advise that a pedestrian crossing is not warranted at this

time and will continue to monitor the location. Two existing pedestrian crossings will remain at Avoca Avenue and at Unionville Gate.

d) A public park with connection to Mildred Temple Park is not supported by the Toronto and Region Conservation Authority (“TRCA”) and Staff at this time

The westerly portion of the Subject Lands is regulated by the TRCA, as it is adjacent to a valley slope/top-of-bank and regional Storm flood plain associated with the Rouge River. The Applicant originally proposed a public park with a proposed connection to Mildred Temple Park via a public trail connection. The TRCA was not supportive of the connection, as it would result in disruptions or impacts to the Natural Heritage System and advised that a detailed comprehensive study would be required should this option be pursued. Further, Staff advised the proposed public park providing public access would require frontage on to a public street, and that the steep grade differential into Mildred Temple Park would require further study and design. In response, the Applicant changed the park to private amenity space and eliminated the public connection to Mildred Temple Park.

A 10 metre vegetation protection zone will be established at the westerly portion of the Subject Lands to protect Natural Heritage features and will be redesignated as “Hazard Lands” in the OPA and rezoned “Open Space One (OS1)” in the ZBA. This portion of the Subject Lands will also be conveyed into the City’s ownership.

e) Through future development approvals, Staff will continue to work with the Applicant to secure affordable housing

The Owner has not committed to provide any affordable and/or purpose-built rental housing. The Proposed Development offers a diverse mix of unit types and sizes, including 2 and 3-bedroom family-friendly units, which supports policy direction of the 2014 Official Plan. Staff will continue to advocate for the Owner to include some affordable and/or purpose-built rental units through site plan control.

CONCLUSION:

Staff opine that the Proposed Development is appropriate and represents good planning. The Subject Lands are in an Urban Growth Centre and Regional Centre (Markham Centre), an area planned to accommodate more intense forms of redevelopment that are transit supportive. The Proposed Development is compatible with, and provides an appropriate interface to, the existing residential neighbourhood to the East and supports an active frontage along Kennedy Road. The proposed building heights and density are generally consistent with what is intended in the ongoing MCSP Update Study. Therefore, Staff recommend that the proposed OPA and ZBA (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 ZBLA (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

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS AND APPENDICES:

- Figure 1: Location Map
- Figure 2: Area Context and Zoning
- Figure 3: Aerial Photo (2023)
- Figure 4: Conceptual Site Plan
- Figure 5: Conceptual Rendering
- Appendix ‘A’: Draft Official Plan Amendment
- Appendix ‘B’: Draft Zoning By-law Amendment

APPLICANT:

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