



Report to: Development Services Committee

Meeting Date: March 18, 2025

SUBJECT: RECOMMENDATION REPORT
Meadow Park Investments (BT) Inc. (c/o Joran Weiner)
Applications for Official Plan and Zoning By-law Amendment to permit a
42-storey mixed-use building at 77 Anderson Avenue (Ward 5)
File PLAN 21 144733

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 March 18, 2025, titled, "RECOMMENDATION REPORT, Meadow Park Investments (BT) Inc. (c/o Joran Weiner), Applications for Official Plan and Zoning By-law Amendment to permit a 42-storey mixed-use building at 77 Anderson Avenue (Ward 5) File PLAN 21 144733", be received;
2. THAT the With Prejudice settlement offer of the Applicant's Mount Joy Secondary Plan appeal be received and accepted, subject to Minute of Settlement prepared and executed to the satisfaction of the City Solicitor.
3. Staff are bringing the Recommendation Report forward on the basis that the applicant, who previously appealed the Markham Road Mount Joy Secondary Plan, has submitted a With Prejudice Settlement Offer with respect to that appeal;
4. THAT the Official Plan Amendment application (PLAN 21 144733) 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 following a submission that reflects the revised proposal to the satisfaction of the Director of Planning and Urban Design without further notice;
5. THAT the Zoning By-law Amendment application (PLAN 21 144733) 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 following a submission that reflects the revised proposal to the satisfaction of the Director of Planning and Urban Design without further notice;
6. THAT servicing allocation for 490 residential units be assigned to the proposed 42-storey development;

7. THAT the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed within a period of three years from the date that Council assigned servicing allocation;
8. THAT York Region be advised that servicing capacity for 490 units has been assigned;
9. 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 Meadow Park Investments (BT) Inc. (the "Owner") to permit a 42-storey mixed use building consisting of 490 residential units and 398 m² (4,284.04 ft²) ground floor non-residential uses (the "Proposed Development") on the Lands municipally known as 77 Anderson Avenue (the "Subject Lands").

The Applicant appealed the Markham Road Mount Joy Secondary Plan (the "Secondary Plan") on July 30, 2024. On January 31, 2025, the City received a With Prejudice Settlement Offer to settle that appeal, copy attached as Appendix "D". City Staff have reviewed the settlement offer and have agreed to bring forth a recommendation of the Applications. Should Council approve the Applications, the Applicants will withdraw their appeal of the Secondary Plan.

The proposed Official Plan Amendment ("OPA") would redesignate the Subject Lands from "Service Employment" to "Mixed Use High Rise" to permit the Proposed Development with site-specific provisions for increased height and density. The proposed Zoning By-law Amendment ("ZBA") would rezone the Lands to Mixed Use – High Rise One (MU-HR1) Zone and Open Space 1 (OS1) Zone under By-law 2024-19, as amended, to permit the apartment building, and site-specific development standards for 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, community amenities, and retail services. The Subject Lands are located adjacent to an existing higher order transit station and are within a Major Transit Station Area ("MTSA") that is intended for employment uses, and future community amenities envisioned for the Markham Road Mount Joy ("MRMJ") Secondary Plan Area.

The outstanding technical matters related to sanitary servicing capacity constraints, Transportation matters, and comments from the TRCA can be addressed through subsequent planning applications. Therefore, Staff recommend a Holding Provision in the ZBA to ensure these matters are adequately addressed prior to a future Site Plan application.

PURPOSE:

This report recommends approval of the Applications submitted by the Owner to permit a 42-storey mixed use building on the Subject Lands.

Process to Date:

- The Owner initially submitted applications for a 30-storey building that Staff deemed complete on December 9, 2021

- The Local Councillor hosted a Community Information Meeting (“CIM”) on April 4, 2022
- The statutory Public Meeting was held on April 19, 2022
- The Owner submitted a revised application on March 27, 2023, for a 45-storey mixed use building that required a second statutory Public Meeting on May 23, 2023
- On July 30, 2024, the City received the applicant’s appeal of the Markham Road-Mount Joy Secondary Plan (OPA 53)
- Through negotiations with the Applicant, the City received the proposed With Prejudice Settlement Offer on January 31, 2025, in order to resolve the Secondary Plan appeal and bring forward their development applications.

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 April 8, 2022. Accordingly, the Owner is in a position to appeal the Application to the OLT.

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

- Consideration of the OPA and ZBA at a future Council meeting
- Submission and approval of a future Site Plan application after the removal of the Hold Provision
- Submission of a future Draft Plan of Condominium application, if required, should the tenure be condominium.
- Should Council formally approve the development applications, the Secondary Plan Appeal will be withdrawn.

BACKGROUND:

Location and Area Context

Figures 1 and 2 show the 0.45 ha (1.13 ac) Subject Lands located on the northeast corner of Bur Oak Avenue and Anderson Avenue, which are currently developed with a one-storey industrial building occupied by a 24/7 self-serve carwash and automobile detailing facility with an existing full-moves access onto Anderson Avenue and an additional full-moves access onto Burk Oak Avenue. The eastern portion of the Subject Lands contains a floodplain associated with the Mount Joy Creek and is within the Toronto and Region Conservation Authority’s (“TRCA”) regulated area. Figure 3 shows the surrounding land uses (commercial, industrial, Metrolinx/CN Railway Corridor, the Mount Joy GO Station and associated commuter parking lot, and low-rise residential). The Mount Joy Public Elementary School and Speight Park are located further east on Bur Oak Avenue across from the railway track.

The Owner proposes to demolish the existing industrial buildings to facilitate the construction of the Proposed Development, as conceptually shown in Figures 4 and 5

The Proposed Development contemplates a 42-storey mixed-use apartment building with an eight-storey podium with below grade parking spaces with site statistics summarized in Table 1. Conceptual Site and Elevation Plans are shown in Figures 4 and 5, respectively.

Table 1: the Proposed Development	
Total Gross Floor Area:	40,146 m ² (432,120 ft ²)

Non-Residential GFA:	398 m ² (4,284.04 ft ²)
Floor Space Index (FSI):	7.5
Maximum Building Height:	42 storeys
Dwelling Units:	490 units
Amenity Area:	1,573 m ² (16,931 ft ²) (indoor + outdoor)
Access:	Full-moves access onto Anderson Ave

Site Plan and Draft Plan of Condominium Applications are required

A Site Plan application is required to initiate the detailed technical review of the Proposed Development to assess matters related, but not limited to, public realm interface, sustainable site and building design, age-friendly considerations, parkland, wind impact mitigation, site servicing and storm water management matters, transportation matters, and TRCA comments. If the Proposed Development is contemplated as condominium, a Draft Plan of Condominium application may be required to facilitate the tenure of the units and associated parking.

PLANNING POLICY AND REGULATORY CONTEXT:

The Applications are subject to a planning policy framework established by the Province, York Region, and City under the *Planning Act*, R.S.O. 1990. The following sections describe how the Application meets the respective policies and legislation.

The Proposed Development is consistent with the Provincial Policy Statement, 2020 (the “2020 PPS”) and Provincial Planning Statement, 2024 (“PPS”), and conforms to the Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”)

On October 20, 2024, the 2024 PPS came into effect. Subject to transition regulations, all planning decisions made after the effective date will be required to be consistent with the 2024 PPS. Planning Staff have reviewed the policies of the 2024 PPS and opine that the Proposed Development is generally consistent with its policies.

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 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 Subject Lands are located within the Major Transit Station Area (“MTSA”) immediately north of the existing Mount Joy GO train station. The Growth Plan defines a MTSA as the area within an approximate 500 to 800 m of a transit station and sets out minimum density targets for MTSA’s. The Subject Property is located less than 20 metres north of the Mount Joy GO train station and other existing transit routes. Increased heights, densities, and reduced parking are envisioned for MTSA areas.

The eastern portion of the Subject Lands is within the 2017 Provincial Greenbelt Plan (the “Greenbelt Plan”) that reflects an ‘Urban River Valley System’, which traverses southeast into the Rouge River Valley watershed

The eastern portion of the Subject Lands contain the Mount Joy Creek valley lands and floodplains that are protected as part of the Greenway System. The City and the TRCA require a 10 m buffer and floodplain spill protection measures. The City requests the conveyance of the valley lands and the 10 m buffer into City ownership, which will be finalized at the Site Plan approval stage. Further, the Markham Road Mount Joy Secondary Plan (under appeal) identifies the Mount Joy Creek valley lands as a key structural element and intended for opportunities for trail linkages, natural viewsheds, and passive recreational uses. Staff anticipate that trail planning and construction will be coordinated in the future.

The TRCA has no objection to the proposed OPA and recommends a Holding Provision be added to the ZBA to demonstrate that the Proposed Development will be adequately protected from the spill occurring immediately west and south of the Subject Lands and that sufficient grading will be provided to elevate the development above the spill. The TRCA’s comment letter is attached as Appendix ‘C’.

Bill 23 - More Homes Built Faster Act, 2022, applies to the Proposed Development

On November 28, 2022, the Province received Royal Assent for Bill 23, which aims to support the provincial goal of building 1.5 million homes in 10 years. Through Bill 23, the Province assigned the City a target of 44,000 units over 10 years (4,400 units annually). The Proposed Development contributes to providing more units in an Urban Area to support the building of more homes, as mandated by the Province.

Bill 185 - Cutting Red Tape to Build More Homes Act, 2024, applies to the Proposed Development

On June 6, 2024, the Province received Royal Assent for Bill 185, which introduced significant changes to municipal planning policies, including the elimination of minimum parking standards for developments within MTSA areas, aligning with the Province’s broader goal of promoting transit-oriented developments. As the Proposed Development is located within a delineated MTSA area, a minimum parking rate will not be implemented in the amending Zoning-law as the Owner will be providing parking based on market demands.

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. In April 2018, Meadow Park

Investments (BT) Inc. submitted a formal request to York Region requesting consideration of the redesignation of the Subject Lands to non-employment uses as part of the Region's Official Plan Municipal Comprehensive Review. In October 2020, York Region Council endorsed the recommendation that these lands should not be included as an "Employment Area" in the ROP, and that the land use designation be at the discretion of the City.

The Proposed OPA (see Appendix "A") would redesignate the Subject Lands in the 2014 Markham Official Plan ("2014 Official Plan") to permit the Proposed Development

On June 12, 2024, Markham Council adopted Official Plan Amendment 53 ("OPA 53") to incorporate the Markham Road-Mount Joy Secondary Plan (the "Secondary Plan") in the 2014 Official Plan. While under appeal, the Secondary Plan is not in effect. The 2014 Markham Official Plan identifies the Subject Lands within the "Central Precinct" with a "GO Station Mixed Use Node" overlay and designates it "Mixed-Use Employment Priority". This designation permits residential uses, retail, employment, and service uses, and addresses the needs of the local population and the broader regional area at locations where the greatest level of intensification is intended.

OPA 53 provides for a maximum building height of 30-storeys and establishes a maximum density of 7 FSI. Section 8.7.3 allows additional heights up to 5-storeys above the maximum heights permitted in the MTSA, thereby allowing a maximum height of 35-storeys on the Subject Lands without an amendment to the Secondary Plan, where appropriate. The Owner proposes to increase the height and density to 42-storeys and 7.5 FSI, respectively. Further, Section 8.7.2 provides the following criteria for allowing densities to exceed the densities in OPA 53 without an amendment to the Plan, subject to the following matters being addressed to the satisfaction of the City:

- a) transportation assessment/study to confirm the additional densities can be supported by the existing and/or planned transportation capacity of the Secondary Plan
- b) servicing study to demonstrate that the additional densities can be supported by existing and/or planned servicing capacity, as outlined in Section 7.2 of the Secondary Plan
- c) the community design principles for the Secondary Plan Area, as outlined in Section 6.1 of the Secondary Plan
- d) housing impact statement to monitor and encourage the implementation of a diverse and affordable housing stock, including provisions for purpose built rental and/or affordable housing.

The Applicant has appealed the Markham Road-Mount Joy Secondary Plan (the "Secondary Plan")

The Applicant appealed the Secondary Plan on July 30, 2024. Since that time, the City was able to reach a tentative settlement of the appeal with the Applicant. On January 31, 2025, The City received a With Prejudice Settlement Offer from Meadow Park Investments (BT) Inc. (the "Owner"), whereby it proposed to resolve its Secondary Plan appeal and revise the site-specific OPA and ZBA applications as follows and as outlined in Table 1:

- Residential Gross Floor Area: 40,146 m² (432,120 ft²) maximum;
- FSI: 7.5 maximum;
- Retail Space: 398 m² (4,285 ft²) to be located on ground floor but not second floor podium

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- Maximum Building Height: 42-storeys (including a maximum height of eight-storeys for the podium with a minimum ground floor at 7.5m in height and permission for mezzanines);
 - No retail uses on the 2nd floor of the podium;
 - Dwelling Units: 490 units maximum;
 - Affordable Rental Units: 5 units to remain in Owner's ownership and made available at the Region of York's affordable housing rate (or comparable alternative as agreed upon by the parties) for a minimum of 20 years;
 - Amenity Space: 1,573 m² (16,934 ft²) (indoor and outdoor);
 - No minimum parking spaces required as the site is within a MTSA; and
 - Access: One full movement access on Anderson Avenue.

The information presented in this report reflects the With Prejudice Settlement Offer from the applicant described above. Should Council approve the OPA and ZBA Applications, the Applicant will withdraw their appeal of the Secondary Plan. Staff note that a resubmission will be required to revise the Applications to reflect the details noted above.

The proposed Zoning By-law Amendment (see Appendix 'B') will rezone the Subject Lands to permit the Proposed Development

Zoning By-law 88-76, as amended, zones the Subject Lands "Select Industrial with Limited Commercial" (MIC) and "Open Space One" (OS1) (see Figure 2), which permits a range of industrial and commercial uses. The ZBA application proposes to rezone the Subject Lands to Mixed Use – High Rise One (MU-HR1) Zone and Open Space 1 (OS1) Zone under By-law 2024-19, as amended, to permit the Proposed Development, including other site-specific development standards (lot frontage, setbacks, encroachments).

Housing Choices: Markham's Affordable and Rental Housing Strategy ("the Housing Strategy")

In July 2021, Council endorsed the Housing Strategy to address Housing affordability in Markham, which sets out goals to include increasing the supply of affordable rental housing options and expanding the supply of purpose-built rental market units in Markham. The Housing Strategy also identifies actions that support affordable housing projects, including developing an inclusionary zoning by-law for MTSA areas and reducing residential parking requirements near transit. The Owner proposes five affordable housing units to remain in the Owner's ownership and made available at York Region's affordable housing rate for a minimum of 20 years.

DISCUSSION:

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

a) Transportation and Traffic Concerns

Broader traffic impacts throughout the area have been assessed through the Secondary Plan study. The Owner has submitted a Transportation Impact Assessment in support of the Applications, which have not been accepted by Transportation Staff. As such, Staff recommend a Holding Provision in the ZBA to ensure these matters are adequately

addressed with revised traffic analysis to the satisfaction of Transportation Staff prior to a future Site Plan Control application.

b) Height and Massing Impacts

The DSC and the public raised concerns over the proposed height of 45-storeys at the time of the May 23, 2023, statutory Public Meeting. The Owner reduced the overall height to 42-storeys and a density of 7.5 FSI. The Subject Lands are designated as an intensification corridor in the 2014 Official Plan and are within the “Central Precinct” with a “GO Station Mixed Use Node”, emphasizing the need for higher-density developments to support transit, community services, and the creation of complete communities. The proximity to the Mount Joy GO Station aligns with transit-oriented development principles, which promotes intensification within a transit node.

The “Central Precinct” is envisioned as the primary node for high-density and mixed-use developments within the Secondary Plan area with the objective to have the tallest buildings and primary height peaks directed to lands within close proximity to the GO station (i.e., 45-storeys on the Mount Joy GO Station lands) and to transition downward to secondary heights along Markham Road between Major Mackenzie Drive and Edward Jeffreys Avenue. The Proposed Development aligns with the objectives of the Central Precinct by fostering a compact and pedestrian-friendly built form while accommodating increased height and density in a strategic location. The Proposed Development is not anticipated to impact on the surrounding area as there are no existing residential neighbourhoods within the immediate vicinity. Staff note that any applications in the North or South Precincts must be evaluated based on their unique merit, context, land use, and built form considerations.

Sun and Shadow studies were submitted in support of the Applications that demonstrate minor shadow impacts during the months of March and September from the west to the east, which overlap with existing shadows cast by the adjacent existing commercial buildings. Additional shadow studies will be required and evaluated at the future Site Plan application stage to ensure that any shadow impacts to abutting properties are mitigated.

c) Inclusion of increased Non-Residential Uses

During the statutory Public Meeting, the DSC expressed concerns that the number of non-residential uses proposed within the Proposed Development is insufficient for a mixed-use development especially given area context of these lands. The DSC also emphasized the need for increased retail/commercial opportunities within the first and second floor of the building to support the surrounding area by making it a destination, given its proximity to the GO station. The Owner is currently proposing 398 m² (4,284.04 ft²) only on the ground floor. No non-residential space is being provided on the second floor.

d) Provision of Affordable Housing

As noted above, Council approved ‘Housing Choices: Markham’s Affordable and Rental Housing Strategy’. In response, the Owner proposes five affordable housing units to remain in the Owner’s ownership and made available at York Region’s affordable housing rate for a minimum of 20 years.

e) TRCA Approval

As mentioned above, the Owner must address spill mitigation comments to the satisfaction of the TRCA prior to Site Plan Endorsement.

Future Site Plan Application to address the following matters:

- a) Parkland Obligations: Cash-in-lieu of Parkland will be required for the Proposed Development. The rate will be calculated prior to the issuance of any building permits.
- b) 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.
- c) Age-Friendly Features: Staff will seek age-friendly features for building, site, and unit design to meet the needs of a variety of residents for all ages overtime will be reviewed through the Site Plan Application.
- d) Sustainability Measures: The Proposed Development is required to achieve a minimum Bronze performance level with the City's Sustainability Metrics program as part of the future Site Plan Application.

CONCLUSION:

The proposed amendments to the Official Plan and Zoning By-law attached as Appendices 'A' and 'B' conform the planning policy context and can be approved. subject to the review of the Owner's resubmission material to confirm conformity to the criteria in Section 8.7.2 of the Secondary Plan. Staff note that, if accepted, the With Prejudice Settlement Offer would resolve the Applicant's appeal of the Markham Road-Mount Joy Secondary Plan (OPA 53), enabling the development applications to proceed.

To ensure that all outstanding matters are adequately addressed, Staff recommend the inclusion of a Holding Provision in the Zoning By-law along with associated conditions related to transportation, servicing, and TRCA matters being satisfactorily addressed. The amending proposed OPA and ZBA attached Appendices 'A' and 'B' are to be finalized pending technical matters being addressed and brought forward to Council for future enactment.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application aligns 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. City and external agencies requirements are reflected in the implementing draft OPA and ZBA (see

Appendices 'A' and 'B'). The Legal Services Department has also been consulted in the preparation of this report.

RECOMMENDED BY:

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 (2020)

Figure 4: Conceptual Site Plan

Figure 5: Conceptual Rendering

Appendix 'A': Draft Official Plan Amendment

Appendix 'B': Draft Zoning By-law Amendment

Appendix 'C': TRCA comment letter dated June 6, 2023

Appendix "D": With Prejudice Settlement Offer dated January 31, 2025

APPLICANT:

Meadow Park Investments (BT) Inc. (c/o Joran Weiner)
1681 Langstaff Road, Vaughan ON, L4K 5T3