



Report to: Development Services Committee

Report Date: March 18, 2025

SUBJECT: RECOMMENDATION REPORT
Neamsby Investments Inc., Applications for Official Plan and Zoning By-law Amendments to permit three apartment buildings, townhouses, a public park and preservation of an existing Heritage Dwelling at 5933 14th Avenue (Blocks 270 and 271, Plan 65M4686) (Ward 7)
File PLAN 24 198977

PREPARED BY: Stephen Corr, MCIP, RPP, Senior Planner East District, ext. 2532

REVIEWED BY: Stacia Muradali, MCIP, RPP, Manager, East District, ext. 2800
Stephen Lue, MCIP, RPP, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the March 18, 2025, report titled, “RECOMMENDATION REPORT, Neamsby Investments Inc., Applications for Official Plan and Zoning By-law Amendments to permit three apartment buildings, townhouses, a public park and preservation of an existing Heritage Dwelling at 5933 14th Avenue (Blocks 270 and 271, Plan 65M4686) (Ward 7), File PLAN 24 198977”, be received;
- 2) THAT the Official Plan Amendment application, submitted by Neamsby Investments Inc., be approved and the draft Official Plan Amendment, attached 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 Neamsby Investments Inc., be approved and the draft Zoning By-law Amendment, attached as Appendix ‘B’, be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 4) THAT servicing allocation for 819 units be assigned to the proposed development and the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed within three years from the date Council assigned servicing allocation;
- 5) THAT York Region be advised that servicing capacity for 819 units has been assigned;
- 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 Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications (the “Applications”) submitted by Neamsby Investments Inc. (the “Owner”) to permit a purpose-built rental residential development on the south side of 14th Avenue, west of Markham Road (Legally describe as Blocks 270 and 271, Plan 65M-4686) (the “Subject Lands”) (see Figures 1 and 2). The Subject Lands are comprised of two development blocks separated by Lepp Drive and are mostly undeveloped except for an existing detached dwelling on the east side, known as the George R. Cowie House (circa 1925) and designated

under Part IV of the *Ontario Heritage Act*. There is also a modular construction office for surrounding residential development on the Subject Lands.

The OPA and ZBA (Appendices 'A' and 'B', respectively) would permit residential development of the Subject Lands with the following (collectively referred to as the "Proposed Development"), as shown in Figures 3 to 5:

- three apartment buildings
- building heights of 8, 9 and 11-storeys
- 785 apartment units
- five blocks of two-storey townhouses (total of 34 townhouse units)
- a new 0.15 ha (0.37 ac) public park
- preservation of the detached Heritage Dwelling (to be used by a youth housing provider)

The proposed apartment buildings ('A', 'B' and 'C', shown on Figure 2) are oriented along the 14th Avenue Frontage and accessed by a private road. The townhouses, which provide an appropriate transition between the Subject Lands and the existing development to the south are located along the southern property line with each fronting the private road. A public park is proposed between apartment buildings 'A' and 'B' along 14th Avenue, and the Heritage Dwelling will remain on site in its current location. The Proposed Development has a Gross Floor Area ("GFA") of 64,703 m² resulting in a density of approximately 1.79 times the Subject Lands (Floor Space Index – "FSI"). All the units are proposed as purpose-built rental housing. Apartment Buildings 'A' and 'B' and the townhouses will be maintained by the Owner and are proposed to be rented at market-rate. Apartment Building 'C' is proposed to be conveyed (requiring a future severance) to an affordable housing provider, Markham Interchurch Committee for Affordable Housing ("MICAHA").

The OPA seeks permission to redesignate the Subject Lands from 'Service Employment' to a 'Residential High Rise' designation to permit the proposed apartment buildings, townhouses, public park and existing detached heritage dwelling. This will align the City's Official Plan to the York Region Official Plan, 2022, which designates the Subject Lands as 'Community Area', which permits commercial, institutional and residential uses. The ZBA seeks to rezone the Subject Lands from Business Corridor Exception 590 and 591 zones to a Residential High Rise One zone in By-law 2024-19, as amended, to permit the Proposed Development, including site specific standards, including setbacks, building heights, and parking requirements. It also permits daycare, convenience retail, and personal service uses within the ground floor of the apartment buildings.

The Proposed Development makes efficient use of land identified provincially, regionally, and locally for intensification. It would broaden the mix of housing options in the community by introducing apartment units with opportunities for rental housing, with some being provided as affordable or attainable housing. The Subject Lands are in proximity to local community amenities including: the Aaniin Community Centre and Park, commercial and service uses, employment uses to the north, local area schools and public transit that includes TTC service along Markham Road to the Warden Subway Station. For these reasons, Staff opine that the proposed OPA and ZBA are appropriate and represent good planning.

PURPOSE:

This report recommends approval of the Applications to permit the Proposed Development on the Subject Lands (see Figures 1 to 2).

Process to Date:

- December 13, 2024: Staff deemed the Applications complete - the 120-day period set out in the *Planning Act* before the Owner can appeal the Applications to Ontario Land Tribunal (the “OLT”) for a non-decision ends on April 12, 2025
- December 13, 2024: Staff also deemed incomplete the related Site Plan for Apartment Buildings ‘A’ and ‘B’ and the townhouses, pending a decision on the OPA and ZBA Applications
- February 4, 2025: the Development Services Committee (“DSC”) received the Public Meeting Information Report and held the statutory Public Meeting.
- February 25, 2025: Local Ward 7 Councillor hosted a Community Information Meeting with four residents representing the broader community.

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

- a) Adoption of the site-specific OPA and enactment of the site-specific ZBA at a future Council meeting
- b) Deeming the Site Plan Application complete and continuing the detailed technical review of the Proposed Development (except Apartment Building ‘C’ and the Heritage Dwelling) to Site Plan Approval
- c) The Owner, prior to the issuance of a Building Permit, will be required to enter into various agreements with the City including, but not limited to, Municipal Servicing, Affordable Housing, and Transportation Demand Management and parkland conveyance
- d) Submission of a Major Heritage Permit for any proposed works to the Heritage Dwelling.

BACKGROUND:**Subject Lands and Area Context**

The 3.76 ha (9.3 ac) Subject Lands comprise of two development blocks separated by Lepp Drive and are mostly undeveloped except for an existing detached dwelling on the east side, known as the George R. Cowie House (circa 1925) and designated under Part IV of the *Ontario Heritage Act*. A modular construction office for surrounding residential development currently occupies the Subject Lands. Surrounding land uses are shown in figure 2.

The Applications facilitate the Proposed Development (see Figures 3 to 5) and consist of 785 residential apartment units, 34 townhouse units, a 0.15 ha public park and retention of the Heritage Dwelling

The Proposed Development has a total GFA of approximately 64,703 m² resulting in a proposed density of approximately 1.79 times the Subject Lands (Floor Space Index – “FSI”). All the units are proposed to be purpose-built rental housing. Apartment Buildings ‘A’ and ‘B’ and the townhouses will be maintained by the Owner and are proposed to be rented at a market-rate rental. The Owner proposes Apartment Building ‘C’ to be conveyed (requiring a future severance) to an affordable housing provider, Markham Interchurch Committee for Affordable Housing (“MICAH”).

Access to the Proposed Development is via a private east/west road connecting Vanni Avenue on the west and Lepp Drive, which bisects the two development blocks on the Subject Lands. Parking for the proposed apartment buildings is provided as both surface and underground parking (one level for Buildings 'A' and 'B', two levels for Building 'C'). The townhouses front the private road with provisions for two parking spaces on private driveways (no private garages) for each unit.

The Proposed Development is consistent with the Provincial Planning Statement, 2024 (the "2024 PPS")

The 2024 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 a full range of housing options including affordable and equitable housing needs, and with an emphasis on efficient development and land use patterns, and wise use and management of resources. As well as building complete communities that optimize existing and new infrastructure to support growth, with a mix of land uses and housing options, having convenient access to a range of transportation options, and fostering an attractive and vibrant built form and public realm. The Subject Lands are designated for development in the Official Plan.

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

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) ("Bill 185") received Royal Assent, which includes amendments to the *Planning Act*. Consequently, through Bill 185, York Region became a Region without planning responsibilities effective July 1, 2024. Pursuant to subsection 70.13(2) of the *Planning Act*, 2022 ROP is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The 2022 ROP designates the Subject Lands 'Urban Area' on Map 1 - Regional Structure and 'Community Area' on Map 1A – Land Use Designations, which permits a wide range of land uses including residential, commercial, employment, and institutional. 'Community Area' designated lands are areas where many residents, personal services, retail, arts, culture, recreational facilities, and human-services needs would be located. The Owner proposes residential uses that are permitted in the 'Community Area' designation and are considered compatible with the surrounding area.

The Owner proposes to amend the 2014 Official Plan ("2014 OP") to permit the Proposed Development

The 2014 OP designates the Subject Lands 'Service Employment', which permits offices, medical clinics, financial institutions, light industrial (warehouse, manufacturing, processing), retail (subject to GFA criteria), hotels, restaurants, banquet halls, trade and convention centres, community college or university and motor vehicle sale and rentals. Approval of the draft OPA (Appendix 'A') would redesignate the Subject Lands to a 'Residential High-Rise' designation, to permit the proposed apartment buildings, townhouses and maintain permissions for the Heritage Dwelling. This amendment would effectively bring the 2014 OP into conformity with the 2022 ROP for the Subject Lands by permitting residential development.

The Owner Proposes to Amend Zoning By-laws 177-96 and 2024-19 to permit the Proposed Development with site-specific development standards

The Subject Lands are currently zoned 'Business Corridor Exception 590 and 591 (BC*590 and BC*591)' under By-law 177-96, as amended, which permits a range of commercial, light industrial and service uses consistent with the current 2014 OP designation. The proposed ZBA (Appendix 'B') would rezone the Subject Lands to a 'Residential High Rise One (Res-HR1) Exception Zone to permit the Proposed Development, including implementing site-specific development standards related to building setbacks, density, parking, and heights to reflect built form and typologies.

DISCUSSION:

This section identifies how matters raised through the review process, including those at the February 4, 2025, statutory Public Meeting and February 25, 2025, Community Meeting, have been resolved or considered, which included 21 written submissions and 30 deputations, both in objection and support of the Proposed Development. Concerns raised were based on the following themes:

- a) Commercial, business and Employment uses on the Subject Lands should be maintained
The purpose of the Applications is to redesignate and rezone the Subject Lands in the 2014 OP and Zoning By-laws 177-96 and 2024-19, to permit the proposed residential uses. The effect of this would be to bring the Subject Lands into conformity with the ROP. Consequently, the Applications are not considered an Employment Conversion. In contrast, Staff note that lands on the north side of 14th Avenue remain designated as 'Employment' in the ROP and in the 2014 OP, which protects potential future employment opportunities, and the existing employment uses in the area. The lands immediately to the north are developed with existing light industrial and employment use and lands to the east are developed with existing commercial uses to serve the surrounding community. The Owner is also agreeable that the implementing ZBA (Appendix 'B') permit daycares, convenience retail and personal service uses on the ground floor of the apartment buildings, which was requested as a consideration at the February 25, 2025, Community Information Meeting. Staff opine that the OPA and ZBA permit residential use on the Subject Lands, align with the ROP and are appropriate.
- b) Incompatible with the Surrounding Community Character
Surrounding land uses (see Figure 2) include residential low-rise homes (single detached and townhouses) are located to the south of the Subject Lands. The Owner proposes townhouses on the south side of Subject Lands to abut the existing townhouses, which provides an appropriate separation and transition to the proposed apartment buildings along the 14th Avenue frontage. With the apartment buildings located along the north side of the Subject Lands there will be no shadow impact on existing homes on the south. Staff opine that the building orientation has been sensitively designed to minimize impact on and are compatible with surrounding residential development, without affecting the community character.
- c) Community Amenities and Services are Inadequate
The York Region District School Board reviewed the Applications and confirmed that the existing area schools can accommodate the Proposed Development with some being under capacity. Other School boards (York Catholic School Board, French Public and Catholic Boards) were also circulated and provided no comments or concerns with the Applications. Existing schools, both at elementary and high school levels, are within walking distance of the Subject Lands. The Aaniin Community Centre and park are located immediately to the west of

the Subject Lands. A new 0.15 ha (0.37 ac) public park is proposed to be conveyed to the City and would provide additional parkland to serve both the Proposed Development and broader community, with employment land uses to the north. Staff opine that the community amenities and services are adequate to accommodate the Proposed Development.

d) Transportation Infrastructure, Parking and Public Transportation Concerns

In support of the Applications, the Owner submitted a Transportation Impact Study ("TIS"), including a parking justification analysis. At the statutory Public Meeting, one resident presented concerns with the findings of the TIS to the DSC related to the study area along 14th Avenue, traffic volume surveying times, trip generation, and vehicle ownership rates compared to proposed parking rates. York Region has authority over 14th Avenue, which is a Regional arterial Road. In reviewing the Applications, York Region provided no transportation related comments or concerns requiring any network improvements. City Transportation Planning staff have provided technical comments on the Applications requiring the following:

- Modification to the signage and pavement parking plans for Lepp Drive and Vanni Avenue
- Completing municipal sidewalks around the Subject Lands, as per the registered plan of subdivision
- Complying with bicycle and accessible parking standards within the Proposed Development, required by Zoning By-law 2024-19, as amended
- Clarification on the trip generation analysis for background developments

These technical comments can be addressed through an addendum to the TIS, to be provided prior to the issuance of Site Plan Approval should the OPA and ZBA be approved. With respect to proposed parking rates, the Owner proposes 0.88 spaces/unit for Apartment Buildings 'A' and 'B', 0.85 spaces/unit for Apartment Building 'C', two spaces/unit for each townhouse dwelling, and an additional 0.15 spaces for all units for visitors parking. This equates to requiring 879 parking spaces to accommodate the 819 proposed units. Staff opine that the proposed parking rates are appropriate, and the Owner will be required to implement Transportation Demand Management (TDM) initiatives through the Site Plan Approvals, to the satisfaction of the Director of Engineering or designate.

There were also several deputations stating that existing public transportation is inadequate to support the Proposed Development. Staff agree that there could be improvements made to enhance the area's public transportation service. However, Staff do not agree that this should limit intensification for the Subject Lands. Staff note that the following bus services are currently available:

- East/West YRT bus service along 14th Avenue: Monday to Friday between 6 am to 9 pm
- North/South TTC bus service along Markham Road: all week service to Warden Avenue Subway Station
- Rush hour service (morning/evening peak) to Finch Subway Station via Hwy 407 at the Markham Road and 14th Avenue stop.

e) Stormwater Management Concerns

A Functional Servicing Report ("FSR") and Stormwater Management Plan ("SWMP") were submitted in support of the Applications. No significant comments have been made by City or York Region Engineering staff. The FSR and SWMP will be required to be accepted through

the Municipal Servicing Agreement at the Site Plan Approval stage. Stormwater will be required to be retained on the Subject Lands as a requirement of approval, without impacting abutting properties.

f) Sustainability Metrics Concerns

In May 2022, Markham Council endorsed the Sustainability Metrics tool to evaluate the sustainability performance of new developments. This is a tool to evaluate through Draft Plans of Subdivision and Site Plan Applications, as opposed to obtaining Official Plan or Zoning Approvals and is voluntary. Since a Site Plan Application has been filed for most of the development (except Apartment 'C' and the Heritage Dwelling), a metrics tool has been submitted as part of that complete application, demonstrating that the Proposed Development meets the minimum suggested threshold of bronze level. While the final metrics tool will be accepted prior to Site Plan Approvals, Staff have not identified concern with the metrics at the OPA and ZBA stage.

g) Clarification on Use of the Heritage Dwelling

Residents sought clarification on the proposed use of the Heritage Dwelling. The implementing OPA and ZBA (Appendices 'A' and 'B') would continue to permit the detached dwelling on the Subject Lands, which could be used as a private residence, including housing permitted within detached dwellings in the 2014 OP and Zoning By-law 2024-19. Discussions with the Owner have indicated potential leasing this as a rental home, or for a youth housing provider, which is still to be determined.

h) Concerns with Affordable and Rental Housing

Some residents were concerned with the provision of rental and affordable housing within the Proposed Development. There was a misconception that the entire development would be affordable or subsidized housing. This is incorrect. As noted, all the units will be purpose-built rental, with the majority to be provided at market-rate rent levels. Depending on funding, there may be some reduced rental rates for a portion of the total number of units still to be determined within Buildings A and B. MICAHA, a reputable non-profit affordable housing provider, will own and manage Building 'C', which will include units that are rented below market rate. The purpose of the Applications is to permit residential land uses and apartment and townhouse building typologies, regardless of tenure or rental housing rates. However, Staff support the proposed purpose-built rental and the inclusion of some affordable units as a means of providing alternative housing options which contribute to the development of a complete community, which aligns with City's [Affordable and Rental Housing Strategy](#).

Residents in support of the Proposed Development at the February 4, 2025, statutory Public Meeting spoke to the following themes:

- That there is a substantial need for rental and affordable housing across the GTA, including Markham
- Rental and affordable housing is not a burden and supports professionals and young people, and that the 'dream' of homeownership is disappearing
- There is no evidence that renters commit more crimes, which is a harmful stereotype
- That MICAHA as a housing provider has successfully accommodated housing for seniors and new immigrants within other developments in Markham

- That apartment buildings in proximity to low-rise communities is forward-thinking to provide alternative housing opportunities where multi-generations can live close to each other
- That rental housing is not on pace with demand, resulting in multi-year wait lists
- That rental and affordable housing strengthens communities, provides more stable housing choices within a community where a resident can live throughout different stages in their lives (compared to private unit-owned rentals), and offers choices for different generations to live within the same community
- Affordable rental housing is needed, as not everyone can afford market rents
- Though cities are moving away from car dependency, current public transit inadequacy is not justification to refuse this proposal, which will require advocacy for both rental and affordable housing combined with public transit improvements
- That high rise development is more ecologically sustainable than low-rise development
- That community facilities like the Aaniin Centre are planned for growth and shouldn't limit this Proposed Development

The submitted Site Plan Application, and future Site Plan Application for Apartment Building 'C' will address the following matters:

- a) Addressing outstanding technical review comments: The Owner will be required to respond to review comments on technical studies and plans including, but not limited to, the FSR, SWMP and TIS, including providing TDM initiatives to support reduced parking.
- b) Sustainability Metrics and Inclusion of Age-Friendly Features: As noted, the Owner will demonstrate their compliance with the City's sustainability metrics. Additionally, age-friendly measures will be reviewed and committed to in the future Site Plan.
- c) Securing Rental and Affordable Housing: The Proposed Development includes purpose-built rental housing, with some provisions for affordable housing, and the Owner will be required to enter to into an Affordable and Rental Housing Agreement to secure the provisions for these housing options for the long term.
- d) Design/aesthetic: The Owner will continue to work with the City on sustainability and safety matters related to design of the Proposed Development, and will include matters of wind impact mitigation, accessibility, bird friendly, site servicing, and storm water management.

CONCLUSION:

Staff opine that the Applications are appropriate and represent good planning. The Proposed Development would make efficient use of land identified provincially, regionally, and locally for intensification. It would also provide the needed purpose-built housing in various unit sizes, with the provision of some affordable housing that enhances the creation of a complete community. The built form, orientation, heights and mix of uses are appropriate for the Subject Lands and Staff recommend that the proposed amendments to the 2014 Official Plan and Zoning By-laws 177-96 and 2024-19, both as amended, be approved, with both implementing documents to be forwarded to Council for enactment.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application aligns with the City's strategic priorities of managing growth 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 their requirements will be reflected in the implementing Official Plan and Zoning By-law Amendments (Appendices 'A' and 'B').

RECOMMENDED BY:

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

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS AND APPENDICES:

Figure 1: Location Map
Figure 2: Aerial Photo
Figure 3: Conceptual Site Plan
Figure 4: Elevation Renderings Buildings A and B
Figure 5: Elevation Renderings Building C
Figure 6: Elevation Renderings Townhouses
Appendix 'A': Draft Official Plan Amendment
Appendix 'B': Draft Zoning By-law Amendment

OWNER:

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