



Report to: Development Services Committee

Report Date: December 5, 2017

SUBJECT: SECOND SUPPLEMENTARY REPORT
1771107 Ontario Inc. (Times Group Inc.)
South side of Highway 7, east of Warden Avenue
Application for zoning by-law amendment to permit an
increase in the maximum permitted number of dwelling units
and maximum permitted building height in the Times Group's
Uptown Markham development. Ward 3

File No. ZA 16 164154

PREPARED BY: Scott Heaslip, Senior Project Coordinator,
Central District, ext. 3140

REVIEWED BY: Richard Kendall, Manager,
Central District, ext. 6588

RECOMMENDATION:

That the staff report dated December 5, 2017 titled "SECOND SUPPLEMENTARY REPORT, 1771107 Ontario Inc. (Times Group Inc.), South side of Highway 7, east of Warden Avenue, Application for zoning by-law amendment to permit an increase in the maximum permitted number of dwelling units and maximum permitted building height in the Times Group's Uptown Markham development, Ward 3, File No. ZA 16 164154;" be received.

EXECUTIVE SUMMARY:

The Times Group has applied to amend the Markham Centre Zoning By-law (By-law 2004-196) to permit an increase in the overall residential unit count in the Uptown Markham development from 4500 to 6100, an increase of 1600 units, and corresponding increases in building heights. The concept plan submitted with the application is attached as Figure 5. The current, revised concept plan, which is the subject of this report, is attached as Figure 6.

A public meeting is scheduled for December 5 to consider the subject application.

The preliminary staff report on the subject application identified a number of matters requiring further discussion with the applicant, including parkland, built form relationship to adjacent developments, traffic impact, and the concerns of area residents.

Staff have been working with the applicant to address the issues identified in the preliminary staff report.

This report identifies a number of issues that need to be addressed before staff will be in a position to report back to Development Services Committee with our recommendation of the subject application.

PURPOSE:

A public meeting is scheduled for December 5 to consider the subject application by the Times Group Inc. to increase in the maximum permitted number of dwelling units and maximum permitted building heights in the Uptown Markham development, located on the south side of Highway 7, east of Warden Avenue.

The purpose of this report is to update Committee on the status of staff's technical review and discussions with the applicant on the subject application in advance of the public meeting.

BACKGROUND:**Subject Property and Area Context (Figures 1 - 3)**

The Times Group's Uptown Markham Development is located on the south side of Highway 7 between Warden Avenue and Sheridan Nurseries.

The subject application applies to the undeveloped (westerly) portion of Uptown Markham, as shown on Figure 3.

The lands surrounding the subject lands are occupied by the following uses:

- To the north across Highway 7 are the Markham Town Square Shopping Centre (anchored by a No Frills Supermarket) and the Ellington Park condominium.
- To the east is the Riverside condominium.
- To the south across Rouge side Promenade are a vacant public elementary school site, public park blocks, and the valley of the Rouge River.
- To the south-west is a vacant property owned by Aryeh Construction Limited (The Conservatory Group).
- To the west across Warden Avenue is the Hilton Hotel.

It should be noted that the application originally included the following additional lands:

- the lands occupied by the Uptown Market commercial development (anchored by a Whole Foods supermarket), in anticipation of the future redevelopment of this block. The applicant recently advised staff that they are now proposing to locate the additional residential units exclusively in the westerly portion of the development.
- the development block at the south-east corner of Highway 7 and Water Walk Drive (one block east of Verdale Crossing). On May 29, 2017, Council approved a site-specific zoning by-law amendment permitting an increase in the height of the tower element of this development, known as the "Riverside Condominium." Construction of this development is structurally complete.

Official Plan and Zoning

The majority of the subject lands is designated “Mixed Use High Rise” in the City’s 2014 Official Plan (as partially approved by the Ontario Municipal Board on Oct 30, 2015, May 26, 2016, Mar 10, 2017 and Apr 21, 2017) (“2014 Official Plan”). The policy direction for lands in the “Mixed Use High Rise” designation is for a mix of residential, retail, restaurant and service uses in multi-storey street related buildings ranging up to 15 storeys unless otherwise specified in a secondary plan or site specific policy. The Highway 7 frontage from approximately mid way between Warden Avenue and Birchmount Road and the east boundary of the Times Group property is designated “Mixed Use Mid Rise.” This designation restricts building heights to 8 storeys, unless otherwise specified in a secondary plan or site specific policy. The subject lands are also identified as being within a “Regional Centre” (Markham Centre).

The 2014 Official Plan provides that until approval of an updated secondary plan for Markham Centre pursuant to the policies of the new Official Plan, the policies of OPA 21 (the current Markham Centre secondary Plan) continue to apply.

The subject lands are designated “Community Amenity Area – Major Urban Place” in the Markham Centre Secondary Plan (Amendment No. 21 to the 1987 Official Plan). The policy direction for lands in the “Major Urban Place” designation is for development with a high concentration and intensity of residential, commercial, employment and supporting uses. The secondary plan provides that the street and block pattern, detailed distribution of land uses (including parkland, if required) types, heights and locations of buildings, views and focal points, street and landscape components, infrastructure requirements, etc. are confirmed through Precinct Plan studies, which are approved by Council prior to development occurring. The currently approved Precinct Plan for the Times Uptown Markham development is attached as Figure 4.

In 2010, the Ontario Municipal Board (OMB) approved a site specific zoning by-law amendment and draft plan of subdivision permitting what is now known as Times Uptown Markham to be developed with a series of development blocks accommodating a mix of residential, commercial, institutional and open space uses, including a **maximum of 4500 residential units in buildings ranging in height up to 20 storeys**, a 1.42 ha (3.5 acre) school block; park, buffer and valleyland blocks totaling 7.48 ha (18.5 acres); and valley land blocks totaling 8.11 hectares (20 acres).

REQUESTED APPROVALS

The Times Group has applied to amend the Markham Centre Zoning By-law (By-law 2004-196) to permit an increase in the overall residential unit count in the Uptown Markham development from 4500 to 6100, an increase of 1600 units, and corresponding increases in building heights. The concept plan submitted with the application is attached as Figure 5. The current, revised concept plan, which is the subject of this report, is attached as Figure 6.

The requested additional residential units include 350 units the applicant agreed to transfer from their property at the north-east corner of Highway 7 and Village Parkway as a condition of the “down zoning” of the south portion of that property from a mix of apartments and townhouses to townhouses only.

STATUS:

On December 5, 2016, Development Services Committee considered a preliminary staff report on the subject application. Committee authorized staff to schedule a public meeting following further discussions with the applicant to address the issues outlined in the staff report, and to report back prior to the public meeting on the status of the discussions.

On April 24, 2017, Development Services Committee considered a supplementary staff report on the subject application. This report updated Committee on the status of staff’s technical review and discussions with the applicant regarding the overall application, as well as a request from the applicant for a site specific zoning by-law amendment in advance of the processing of the overall application to facilitate an increase in the height of the tower element of the Riverside Condominium, east of Water Walk Drive, which was under construction, from 18 to 28 storeys.

On May 29, 2017, Council approved the requested zoning by-law amendment permitting the increase in the height of the tower element of the Riverside Condominium.

On July 26, 2017, the Committee of Adjustment approved an increase in the height of the tower element of the Riverside Condominium from 28 to 29 storeys to address an oversight on the plans, which failed to identify the second level of the two-storey penthouse units as a separate storey.

OPTIONS/ DISCUSSION:**Staff have been working with the applicant address the issues identified in the preliminary staff report**

The preliminary staff report on the subject application identified a number of matters requiring further discussion with the applicant, including parkland, built form relationship to adjacent developments, traffic impact, and the concerns of area residents.

The most recent concept plans submitted to the City for the westerly portion of the development is attached as Figure 6. The main elements of this plan are:

- A reconfigured public road in the western most block. On the approved precinct plan (Figure 4) this road runs north-south between Highway 7 and Rougeside Promenade. On the current plan this road runs west from Verdale Crossing and then turns south to intersect with Rougeside Promenade at a location much closer to Warden Avenue than the road on the approved precinct plan.
- A larger public park. This park is proposed to be entirely “strata park” (public park with private parking garage beneath).

- Increased building heights ranging between 16 and 45 storeys (the distribution of building heights and unit counts is indicated on Figure 6)
- A place of worship site fronting on Highway 7, east of Warden Avenue.
- A reconfigured office building site at the south-east corner of Highway 7 and Warden Avenue.
- Additional driveway connections to Highway 7 and Warden Avenue.

This plan responds to the issues outlined in the preliminary staff report as follows:

- The reconfigured public road increases the public street frontage of the park. On the approved precinct plan (Figure 4) the park had public street frontage on one side only. The park now has public street frontage on three sides.
- The area of the park has increased from 0.79 ha (1.9 acres) on the approved precinct plan to 1.31 ha (3.2 acres). The increased area and revised configuration have the potential to provide additional programming opportunities for this park. However, the programming opportunities would be compromised by it being a “strata park.”
- The built form program is deployed around the reconfigured and enlarged park. Some of the tower elements have increased in height, with the taller tower elements, 35-45 storeys, being located in the south portion of the subject lands along Rougeside Promenade. No increase in building heights is proposed along Highway 7 in the immediate vicinity of the Ellington Park condominium.
- The podium elements along Rougeside Promenade have been lowered to 3-storeys to provide a more pedestrian friendly built form along this street.
- The Times Group has committed to incorporate commercial uses in the ground floor level of the building at the south-east corner of Highway 7 and Verdale Crossing and has indicated that they are willing to consider incorporating a commercial component in the building at the south-west corner.
- The proposed place of worship site implements the “Place of Worship” agreement dated November 19, 2010, between the Times Group and the City. This agreement obliges the Times Group to provide one place of worship site within the Uptown Markham development pursuant to City’s policy regarding the reservation of sites for places of worship.

MATTERS TO BE RESOLVED:

A number of matters need to be addressed before staff can report to Development Services with a recommendation on the subject application, including:

- Staff, through the 2018 budget process, have secured funds to initiate a comprehensive review and update to the Markham Centre Secondary Plan (OPA 21). This amendment is intended to include an Urban Design component consisting of built form, public realm and open space analysis; a community service needs assessment; and, a transportation update resulting from the revised transit alignments and street and block fabric which will be established through the on-going Metrolinx-led Markham Centre Mobility Hub Study. This study will provide greater direction with respect to the location, height regime, community

needs and density distribution in Markham Centre. The discussions regarding the significant height and density increases currently being proposed within the approved Times precinct plan should, more appropriately, be considered in context of the comprehensive secondary plan amendment.

- The revised new public road intersects with Rougeside Promenade directly opposite a public elementary school block and immediately east of the approved location of the driveway into a proposed condominium apartment development by Aryeh Construction Ltd (The Conservatory Group). This intersection is too close to the approved location of the Aryeh driveway to allow safe turning movements at the intersection and driveway. To address this issue, the applicant's concept plan shows the Aryeh driveway being relocated east onto a portion of the school block to align directly with the intersection (see Figure 6). This solution would require the public school board to agree to allow a portion of the school block to be conveyed to Aryeh, potentially impacting on the programming of the school site, and would require Aryeh to agree to incorporate the additional land into their development and change the configuration of their driveway. Planning staff are meeting with the school board to discuss this matter. The applicant advises that they are contacting Aryeh to discuss this matter.
- On November 9, 2017, the applicant submitted an updated Traffic Impact Study, which is under review by Markham and York Region transportation staff. From a preliminary review, Markham transportation staff are suggesting that the revised new public road/ Rougeside Promenade intersection will likely need to be signalized in the future. It should be noted that the intersection of this road with Verdale Crossing would be restricted to right-turn-in/right-turn-out movements only because of its proximity to Highway 7, increasing the importance of the intersection of this road and Rougeside Promenade. City and York Region transportation staff will need to confirm that there is adequate distance between the revised new public road/Rougeside Promenade and Rougeside Promenade/Warden Avenue intersections to permit signalization of the revised new public road/Rougeside Promenade intersection.
In the event the school board and/or Aryeh do not agree to the required changes to their plans, or that the location of the revised new public road is not technically acceptable, the revised new public road would need to be relocated further east, requiring a significant redesign of the west block, including the proposed park.
- While the proposed private driveways onto Highway 7 and Warden Avenue would provide additional vehicular access to the arterial road network to service the additional development, York Region needs to confirm that they will permit these driveways.
- The applicant is proposing to increase the area of strata park (public park with private parking garage beneath) from 0.79 ha (the area of the park block on the approved precinct plan) to 1.31 ha. The City is currently conducting a review of strata parks. City staff have advised the applicant that staff cannot commit to permitting an increased area of strata park at this time, or to the specific conditions of approval the City may apply to strata park approvals. Staff have advised the applicant to maintain the size of the strata park as currently approved

(0.79 ha) and dedicate the remaining parkland (0.52 ha) as a “terra firma” park (with no underground parking garage).

From a preliminary review, staff have identified the following specific concerns with the strata park proposed by the applicant:

- Entrance ramps and ventilation shafts may be required to be located within the park block to service the parking garage beneath, compromising the programming opportunities and visual quality of the park.
- Some of the parking beneath the park would be located across a public road from the development it is serving. This would require an underground connection through the public road right-of-way to connect the parking garage and the development it serves.
- The majority of the proposed strata park would serve the office building in the north-west corner of the lands. It is likely that it will be a number of years before the office building is constructed. The park cannot be developed until after the parking garage beneath has been constructed, leaving the surrounding community without a public park for an undetermined period of time.
- The frontages of the development blocks facing the park block are dominated by surface parking, drop off and service functions. Consideration needs to be given to consolidating and/or relocating these functions to less visible locations to provide a more attractive, pedestrian oriented built form around, and to, the park.
- There is a park block at the north-east corner of Rougeside Promenade and Warden Avenue within the Aryeh plan of subdivision (see Figure 6). This park block will be conveyed to the City upon registration of the Aryeh subdivision. Staff and the applicant have discussed a potential opportunity to enhance parkland programming opportunities by swapping the Aryeh park block for an equivalent area of land at the north-west corner of Rougeside Promenade and Verdale Crossing. This would consolidate the parkland in this vicinity into one larger park, which would potentially be large enough to also accommodate a community facility (building). This area would need to be unencumbered by strata park (public park with private parking garage beneath). The applicant recently advised that they are no longer willing to hold back development of the lands at the north-west corner of Rougeside Promenade and Verdale Crossing to a latter phase to protect for this opportunity.
- Some of the tower elements are significantly closer to each other than the minimum 34 metre separation mandated by the current zoning of the subject lands.
- The Zoning Order for the Buttonville Airport permits buildings on the subject lands to have a maximum height of 238 metres above sea level. This permits a maximum of 16-18 storeys. The applicant received a “variance” from the zoning order to permit the tower element of the Riverside Condominium, which is currently under construction immediately east of the subject lands, to go up to 29 storeys. The applicant is proposing several buildings which are substantially taller than permitted by the Zoning Order, the tallest being 45 storeys. Any zoning regulations permitting building heights in excess of the maximum height permitted by the airport zoning order would need to be subject to a holding

provision to ensure that taller buildings are not constructed without Transport Canada approval of the additional height.

- Once the built form program is finalized, wind and shadow impact will need to be submitted and confirmed to be acceptable before any development scenario is approved.
- The extension of Rougeside Promenade to Warden Avenue is outside of the Times Group's ownership and control.

CONCLUSION

As outlined above, staff have identified a number of issues that need to be addressed before staff will be in a position to report back to Development Services Committee with our recommendation of the subject application. Staff are exploring potential opportunities to address some of these issues through a reconfiguration of the westerly portion of the development (the area between Verdale Crossing and Warden Avenue).

ALIGNMENT WITH STRATEGIC PRIORITIES:

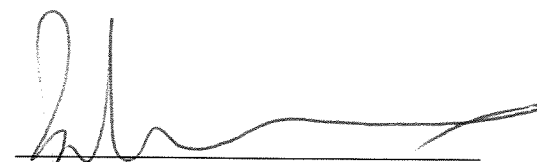
The proposed zoning by-law amendment would support a number of the City's Strategic Priorities, including:

Growth Management – intensification along a transit corridor, consistent with the Region's transit objectives.

BUSINESS UNITS CONSULTED AND AFFECTED:

The proposed development has been circulated to internal City departments and external agencies for review and comment.



Ron Blake, M.C.I.P., R.P.P.
Senior Development Manager

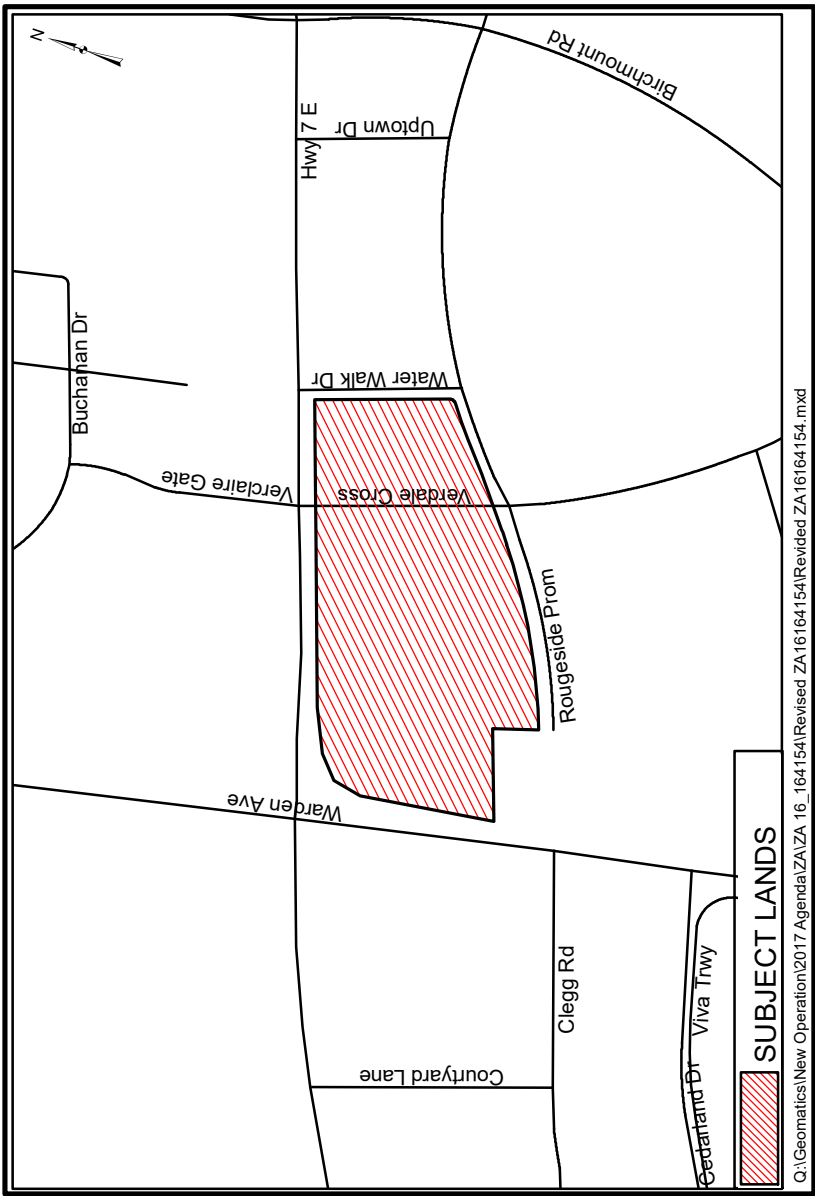
Brian Lee, P. Eng
Acting Commissioner,
Development Services

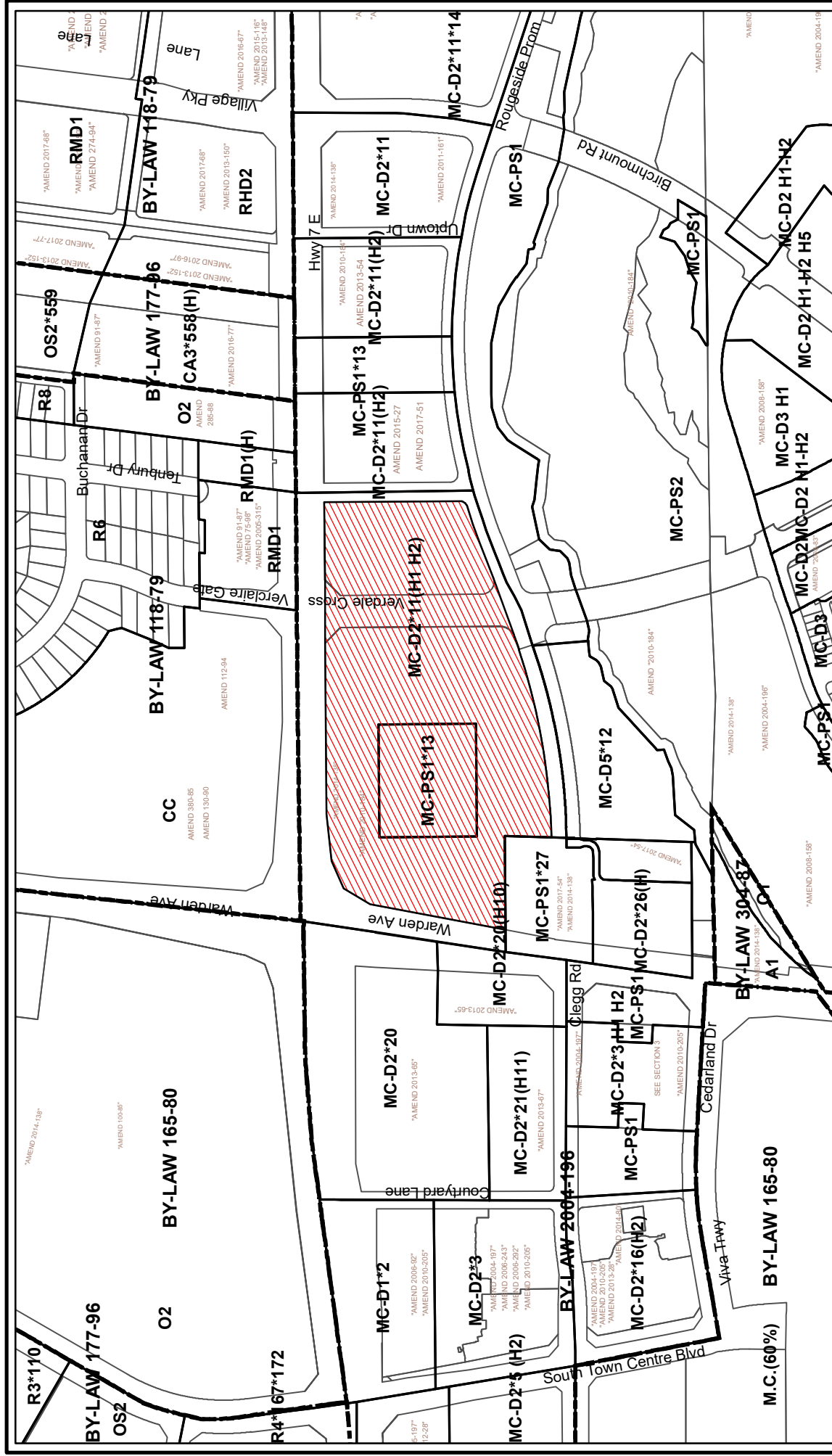
ATTACHMENTS:

- Figure 1 – Property Location Map
- Figure 2 – Area Context / Zoning
- Figure 3 – Air Photo
- Figure 4 - Approved Precinct Plan
- Figure 5 - Concept plan submitted with application
- Figure 6 - Current Concept Plan

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File path: Amanda\File 16 164154\Documents\Recommendation Report





AREA CONTEXT / ZONING

APPLICANT: 1771107 ONTARIO INC. (Times Group Inc.)

SOUTH SIDE OF HIGHWAY 7 EAST OF WARDEN AVENUE

FILE No. ZA. 16164154 (SH)

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NIARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

DATE: 16/11/2017

FIGURE No.2



AIR PHOTO (2016)

APPLICANT: 1771107 ONTARIO INC. (Times Group Inc.)
SOUTH SIDE OF HIGHWAY 7, EAST OF WARDEN AVENUE

FILE No. ZA. 16164154 (SH)

 SUBJECT LANDS

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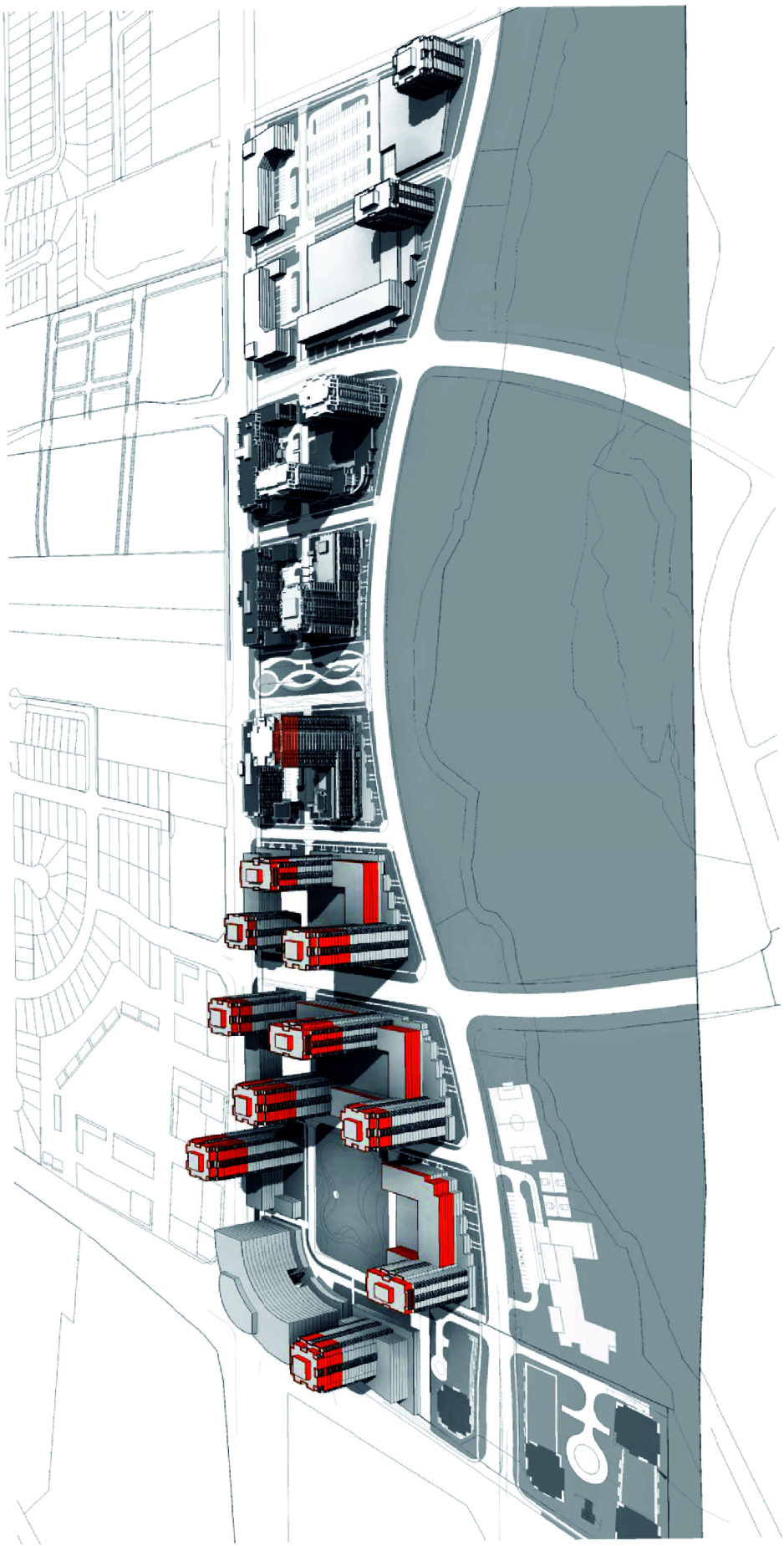


APPROVED PRECINCT PLAN

APPLICANT: 1771107 ONTARIO INC. (Times Group Inc.)
SOUTH SIDE OF HIGHWAY 7, EAST OF WARDEN AVENUE

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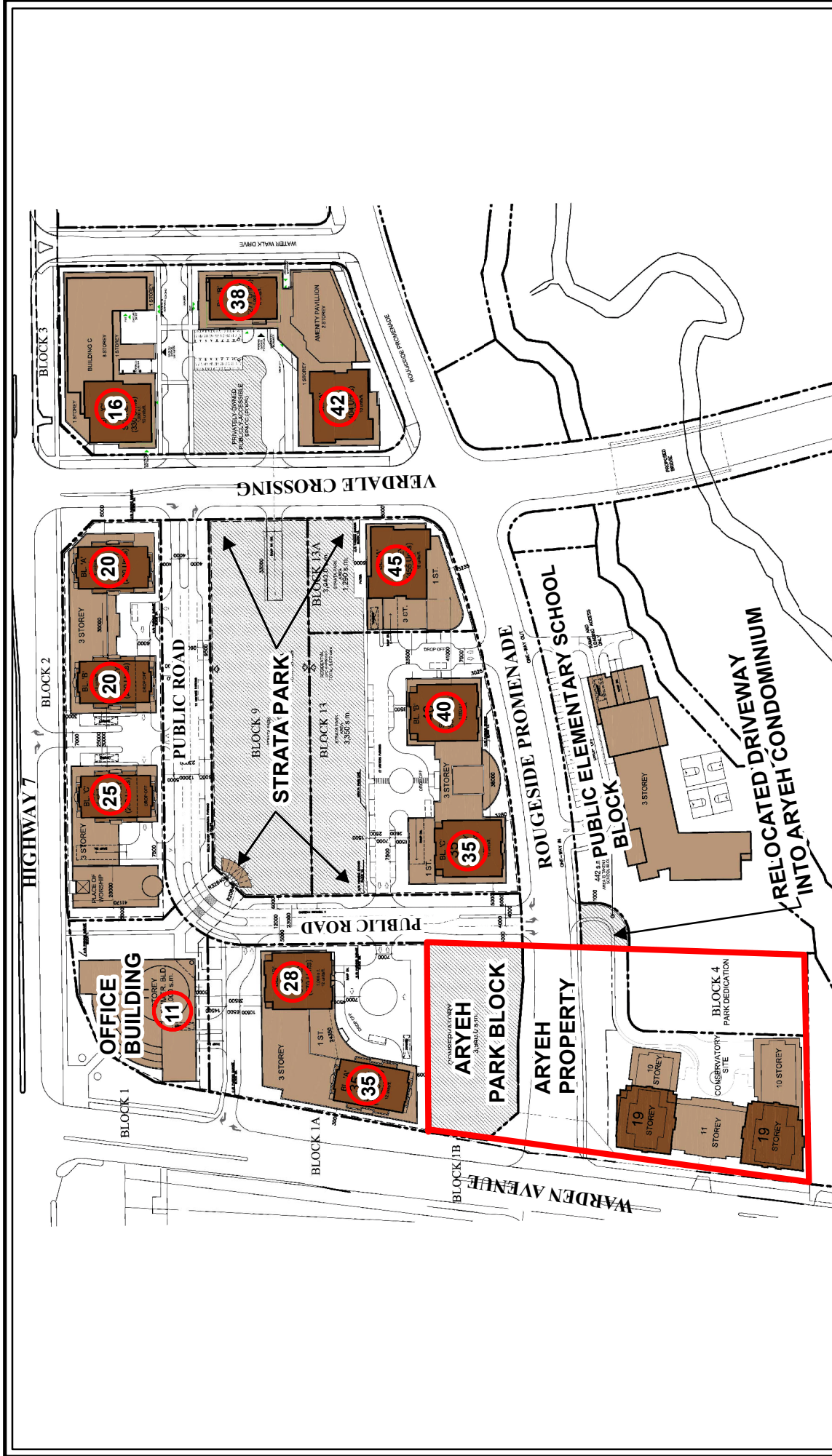
CONCEPT PLAN SUBMITTED WITH APPLICATION

APPLICANT: 1771107 ONTARIO INC. (Times Group Inc.)
SOUTH SIDE OF HIGHWAY 7, EAST OF WARDEN AVENUE

FILE No. ZA. 16164154 (SH)

■ PROPOSED ADDITIONAL BUILDING AREA

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CURRENT CONCEPT PLAN

APPLICANT: 1771107 ONTARIO INC. (Times Group Inc.)

SOUTH SIDE OF HIGHWAY 7, EAST OF WARDEN AVENUE

FILE No. ZA. 16164154 (SH)

20 - NUMBER OF STOREYS

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