



Report to: Development Services Committee

Report Date: May 23, 2017

SUBJECT: UPDATE 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 May 23, 2017, titled "UPDATE 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:

Not applicable.

ORIGIN:

On May 8, 2017, Development Services Committee directed staff to update Committee on the application on May 23, 2017, as follows:

"16. NEW BUSINESS

*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 (10.5)*

*Further to a Public Meeting held on May 2, 2017, the Committee requested an
update on the applications by 1771107 Ontario Inc. (Times Group Inc.) with
respect to Buttonville Airport and Transport Canada height restrictions.*

Discussions included the timeframe for the extension of Rougeside Promenade to Warden. Staff were directed to provide notice to the public, as appropriate.

Don Givens of Malone Given Parsons Ltd., provided a verbal update and will try to provide a written update from the federal government.

*Moved by: Regional Councillor Nirmala Armstrong
Seconded by: Councillor Don Hamilton*

That staff provide an update on the applications by 1771107 Ontario Inc. (Times Group Inc.) File No. ZA 16 164154 at the Development Services Committee meeting on May 23, 2017. “

STATUS:

In 2016, the Times Group 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 (hereafter referred to as the “overall application”).

On December 5, 2016, Development Services Committee considered a preliminary staff report on the overall application. The report identified a number of issues requiring further discussion with the applicant. Staff have made progress with the applicant towards resolving the outstanding issues and anticipate that a public meeting can be scheduled in the fall of 2017 to consider the overall application.

In the interim the applicant is currently constructing a 516 unit condominium apartment development (the Riverside Condominium) at the south-east corner of Highway 7 and Water Walk Drive (one block east of Verdale Crossing). The applicant wishes to increase the residential unit count of this development from 516 to 613 (97 units) and increase the height of the tower element from 18 to 28 storeys. In order for construction to continue up to 28 storeys without interruption, the applicant is requesting the City to process a site-specific zoning by-law amendment for this portion of the development in advance of consideration of the overall application.

On April 24, 2017, staff updated Development Services Committee on the status of discussions with the applicant on the overall application and on the applicant’s request for site-specific zoning by-law amendment for the Riverside Condominium (report attached as Appendix ‘A’).

On May 2, 2017, Development Services Committee held a public meeting to consider the requested site specific zoning by-law amendment for the Riverside Condominium. A number of written submissions were received from area residents expressing concerns with the requested by-law amendment. Six residents also spoke at the meeting. Committee referred the site specific zoning by-law amendment for the Riverside

Condominium back to staff for a report and recommendation. The resident concerns are discussed in detail below.

On May 8, 2017, Development Services Committee directed staff to update Committee on the applications on May 23, 2017.

DISCUSSION:

Issues identified in the preliminary staff report

As noted in the April 24, 2017 staff report the applicant has submitted a revised concept plan (Figures 6 and 7 to the April 24, 2017 report, attached as Appendix 'A') which reconfigures the park block in the westerly portion of the Times Group lands to increase the area of the park from 0.79 ha (1.9 acres) to 1.42 ha (3.5 acres). The building program has been reorganized around the reconfigured park. The height of certain of the tower elements has increased, including one tower at a proposed 'landmark' location at the north-east corner of Rougeside Promenade and Verdale Crossing which is shown at 42 storeys. No increase is proposed to the 8-storey building height along Highway 7 in the vicinity of the Ellington Park Condominium located at the north-east corner of Highway 7 and Verclaire Gate/Verdale Crossing.

It should be noted that the requested 28 storey height of the tower component of the Riverside Condominium is shown on the revised concept plan outlined above.

Staff are continuing to work with the applicant to refine the plan and to address technical issues with the overall application. The updated layout and building program will ultimately be reflected in an updated precinct plan for consideration by Council. This update is under way.

Markham Transportation Planning staff have requested a revised transportation study update for the overall application. The revised study will review the City's internal road network and will provide guidance in determining the timing/phasing of new road infrastructure improvements within Markham Centre. Markham and York Region transportation staff will review the updated study when it is submitted. Staff will report back to Development Services Committee to schedule a public meeting for the overall application after the updated traffic impact study has been reviewed by City and York Region staff and other technical matters have been addressed.

Residents concerns

A number of written submissions were received from area residents prior to the May 2, 2017 public meeting to consider the requested site specific zoning by-law amendment for additional height for the Riverside Condominium. Six residents also spoke at the public meeting. The resident concerns fall under the following general categories:

Visual Impact of taller buildings: Residents expressed concern that a taller building would be inconsistent with their image of the Unionville community and would set a precedent for other taller buildings in the vicinity.

Staff comments: The Times Uptown Markham development is located within Markham Centre, which has been identified as an “Urban Growth Centre” by the Provincial government and as a “Regional Centre” by York Region and the City of Markham. Markham’s 2014 Official Plan refers to Markham Centre as Markham’s “downtown,” which will be developed with the highest concentration and the greatest mix and intensity of uses and activities in Markham. Development in Markham Centre will primarily take the form of taller “high rise” type buildings. It should be noted that the Provincial government recently increased the overall intensification targets for municipalities such as Markham, likely resulting in taller buildings in the Regional Centres such as Markham Centre.

Impact on existing condominiums in the vicinity: Specific concerns include shadow, privacy and impact on property values.

Staff comments: The nearest existing residential developments are the Riverwalk Condominium to the east across a 54 metre (177 foot) wide public park block, and the Ellington Park Condominium to the north-west across Highway 7. The applicant has submitted shadow impact studies (Appendix ‘B’) demonstrating that there will be only a minor increase in the shadow impact on the Riverwalk Condominium and no shadow impact on the Ellington Park Condominium. Identified resident concerns related to property value are that an increase in the supply of units will decrease the value of existing units, and would allow the subject building to be taller than theirs. Neither is a land use planning issue.

Traffic Impact: Residents expressed concern that traffic is already unacceptably heavy along this section of Highway 7 and that the additional development will add to the congestion.

Staff comments: The by-law currently includes permissions within the larger block for a total of 1300 units (see Figure 6 to Appendix ‘A’), of which 516 units (the Riverside Condominium, as currently approved) have been used. There is zoning permission for the additional 97 units the Times Group is proposing to add to the Riverside Condominium. Consequently, the requested site-specific zoning by-law amendment for the Riverside Condominium would only need to address the increase in height permissions of the by-law for the additional 10 storeys.

Council in 2015 also approved a transfer of density of 350 units from the Times development on the north side of Highway 7 to the subject land holdings by Times on the south side of Highway 7.

As noted above, the applicant will be submitting an updated traffic impact study, which will be reviewed by City of Markham and York Region staff before staff report back to Development Services Committee to schedule a public meeting for the overall application (additional 1600 units).

Engineering staff have not expressed concerns with the traffic impact of the requested site specific zoning by-law amendment for the Riverside Condominium given the small number of additional units (97) being proposed and that these additional units are currently permitted by the zoning by-law.

Impact on parks, school and other public services: Residents expressed concern regarding the impact on parks, schools and other public services.

Staff comments: There is a 0.62 hectare (1.5 acre) park (not yet developed) immediately east of the Riverside Condominium as well as the valley of the Rouge River and extensive associated parkland immediately to the south of Rouge Side Promenade. As noted above staff have been working with the applicant to reconfigure the future park in the westerly portion of the Times Group lands to increase the area of the park. A site for a future elementary school is located on the south side of Rouge Side Promenade one block west of the Riverside Condominium.

The applicant advises that they are seeking approval from Transport Canada to increase the height of the Riverside Condominium to 28 storeys

The zoning order for the Buttonville Airport permits the currently approved 18 storeys. The applicant has advised staff that they are in the process of obtaining correspondence from Transport Canada approving a “variance” to the height limits. As of the date this report was finalized, staff have not received this correspondence.

Timing of Rouge Side Promenade extension to Warden Avenue

On May 8, Development Services Committee enquired regarding the timeframe for the extension of Rouge Side Promenade to Warden Avenue. Rouge Side Promenade aligns with Clegg Road west of Warden Avenue.

Rouge Side Promenade is constructed to Verdale Crossing. Construction of the remaining section within the Times Group property is secured in the subdivision agreement. The final section to Warden Avenue is across lands owned by Aryeh Construction Limited (The Conservatory Group). Aryeh has draft plan of subdivision approval, but has not proceeded to register the plan and construct the infrastructure, including the road. Staff have enquired with Aryeh and have been advised that they have no current schedule for registration and construction of the road.

Verdale Crossing has been constructed from Highway 7 to Rouge Side Promenade. The City is currently constructing the Verdale Crossing bridge across the Rouge River. This bridge, which is scheduled to be opened before the end of the year, will connect to the existing section of Verdale Crossing south of the river, providing an additional road connection between Uptown Markham and the area to the south.

CONCLUSION:

Staff are currently engaged with the Times Group on discussions related to comprehensive amendments to their Precinct Plan (the overall application) to address the

requested increase in unit count. This request results in increased building heights and generates additional parkland obligations. Part of this comprehensive review includes understanding the built form and transportation implications on the subject lands and broader community; as well as addressing potential parkland and community requirements and opportunities. Additional transportation analysis is underway which will further inform these discussions and could potentially influence the evolving Precinct Plan. As such, staff will not be in a position to report on the overall application until Fall, 2017.

It is recognized that the applicant is in the process of addressing the issue of the applicable airport regulation limitations through a site specific "variance" and that the current application does not exceed current zoning permissions for unit count. However, the mechanism established in the Markham Centre Secondary Plan for Council to consider changes to the height regime beyond the general heights articulated in the Secondary Plan is through the review and adoption of a Precinct Plan. Accordingly, staff recommend that Council deal with the current and overall application in a comprehensive and cohesive manner, and are concerned with consideration of the subject application outside of the Precinct Plan and Secondary Plan framework.

Development Services Committee and Council should provide direction in regard to the applicant's request to adopt the height increase for this specific building at this time.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

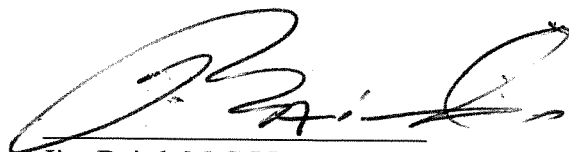
Growth Management – intensification along a transit corridor, consistent with the Region's transit objectives.

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



Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development Services

ATTACHMENTS:

Appendix 'A' - Staff report dated April 24, 2017

Appendix 'B' – Shadow Impact Studies

Agent: Lincoln Lo

Malone Given Parsons

140 Renfrew Drive, Unit 201

Markham, Ontario

L3R 6B3

Tel: (905) 513-0170

Email: llo@mgp.ca

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

Report to: Development Services Committee

Report Date: April 24, 2017

SUBJECT: 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 April 24, 2017, titled "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, File No. ZA 16 164154;" be received.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

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 report back at least one week prior to the public meeting on the status of the discussions.

Staff are working with the applicant to address the outstanding issues and anticipate that a public meeting can be scheduled in the fall to consider the overall application. Staff will update Development Services Committee in advance of the public meeting.

In the interim the applicant is currently constructing a 516 unit condominium apartment development (the Riverside condominium) at the south-east corner of Highway 7 and Water Walk Drive (one block east of Verdale Crossing). The approved plans for this development comprise 8 and 18 storey residential buildings in accordance with the

current zoning. The applicant wishes to increase the residential unit count of this development from 516 to 613 and increase the height of the tower element from 18 to 28 storeys in accordance with the plans submitted with the overall application. In order for construction to continue up to 28 storeys without interruption, the applicant is requesting the City to process a site-specific zoning by-law amendment for this portion of the development in advance of consideration of the overall application. A public meeting has been scheduled for May 2, 2017 to consider this requested amendment.

The purpose of this report is to update Committee on the status of staff's technical review and discussions with the applicant regarding the overall application and the applicant's request for the site-specific zoning by-law amendment for the Riverside Condominium.

BACKGROUND:

Subject Property and Area Context (Figures 1 - 3)

The subject lands are within the Times Group's Uptown Markham Development on the south side of Highway 7 between Warden Avenue and Sheridan Nurseries, east of Birchmount Road.

The overall application applies to the following lands:

- the undeveloped (westerly) portion of Uptown Markham.
- the development block at the south-east corner of Highway 7 and Water Walk Drive (one block east of Verdale Crossing) which is currently being developed with a 516 unit condominium apartment development (the Riverside Condominium) comprising 8 and 18 storey residential buildings.
- the lands currently occupied by the Uptown Market commercial development (anchored by a Whole Foods supermarket).

The properties occupied by the recently constructed "River Park" and "Riverwalk" condominium are not included in the application.

To the east is Sheridan Nurseries. To the north across Highway 7 are commercial and residential developments and vacant lands. To the south-west is a vacant property owned by Aryeh Construction Limited (The Conservatory Group) and the Hilton Hotel across Warden Avenue. To the south is the valley of the Rouge River.

Official Plan and Zoning

The subject lands are designated "Commercial" in the City's "in-force" Official Plan (Revised 1987), as amended.

The subject lands, including the Riverside Condominium project under construction, 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.

In 2010, the Ontario Municipal Board (OMB) approved a site specific zoning by-law amendment, Precinct Plan (see Figure 4) and draft plan of subdivision permitting what is now known as Times Uptown Markham to be developed as follows:

- park, buffer and Greenland blocks totaling 7.48 ha (18.5 acres)
- valley land blocks totaling 8.11 hectares (20 acres)
- a 1.42 ha (3.5 acre) school block
- roads totaling 5.3 hectares (13 acres)
- a series of development blocks totaling 12.74 hectares (31.5 acres) accommodating a mix of commercial and residential uses. The by-law permits a **maximum of 4500 residential units in buildings ranging in height up to 20 storeys.**

The majority of the subject lands, including the Riverside Condominium, is designated “Mixed Use High Rise” in the City’s Official Plan 2014 (as partially approved by the Ontario Municipal Board on October 30th, 2015 and May 26, 2016). 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 an “Regional Centre” (Markham Centre). The 2014 Official Plan provides that until approval of an updated secondary plan pursuant to the policies of the new Official Plan, the policies of OPA 21 (the Markham Centre Secondary Plan) continue to apply.

REQUESTED APPROVALS

Overall application for zoning by-law amendment

The Times Group 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.

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.

Interim zoning by-law amendment for the Riverside Condominium

The applicant is currently constructing a 516 unit condominium apartment development (the Riverside condominium) at the south-east corner of Highway 7 and Water Walk Drive (one block east of Verdale Crossing). The approved plans for this development comprise 8 and 18 storey residential buildings in accordance with the approved zoning. The applicant wishes to increase the residential unit count from 516 to 613 and the height of the tower element from 18 to 28 storeys, consistent with the plans submitted with the overall application. In order for construction to continue up to 28 storeys without interruption, the applicant has requested staff to process a site specific zoning by-law amendment for this property in advance of consideration of the overall application. A public meeting has been scheduled for May 2, 2017 to consider this requested amendment.

The applicant will also be applying for site plan approval for the proposed additional floors. Site plan approval for the revisions to approved developments is delegated to staff.

OPTIONS/ DISCUSSION:**Preliminary report identified a number of matters requiring further discussion with the applicant**

On December 5, 2016, Development Services Committee considered a preliminary staff report (attached as Appendix "A") on the subject applications. The report advised that staff are in discussion with the applicant regarding a number of matters, including parkland, built form, the relationship to adjacent developments, traffic impact, wind and shadow impact, and the concerns of area residents.

Committee directed staff to meet with the applicant prior to the public meeting

Committee authorized staff to schedule a public meeting following further discussions with the applicant to address the issues outlined in the preliminary staff report, and to report back to Committee at least one week prior to the public meeting on the status of the discussions.

Staff are working with the applicant to address the issues identified in the preliminary staff report

Following discussions with staff, the applicant submitted a revised concept plan (Figures 6 and 7). The park block in the westerly portion of the Times Group lands has been reconfigured to increase the area of the park from 0.79 ha (1.9 acres) to 1.42 ha (3.5 acres). The building program has been reorganized around the reconfigured park. The height of certain of the tower elements has increased, including one tower at a landmark location at the north-east corner of Rougeside Promenade and Verdale Crossing which is shown at 42 storeys. It should be noted that no increase in building heights is proposed along Highway 7 in the vicinity of the Ellington Park condominium located at the north-east corner of Verclaire Gate/Verdale Crossing.

Planning, Engineering and Design staff are continuing to work with the applicant to refine the plan and address outstanding technical issues.

The City's Engineering Department has reviewed the traffic impact study submitted by the applicant for the full development (additional 1600 units) and has directed the applicant's transportation consultant to submit an updated traffic impact study. City and York Region transportation staff will review the updated study when it is submitted.

Staff are working with the applicant to address the outstanding issues and anticipate that a public meeting can be scheduled in the fall to consider the overall application. Staff will update to Development Services Committee in advance of the public meeting.

Staff support processing a site-specific zoning by-law amendment for the Riverside Condominium:

The requested additional building height is consistent with the overall built form program under discussion with the applicant. Engineering staff are not concerned with the traffic impact of this component of the project given the small number of additional units (97) being requested. A public meeting has been scheduled for May 2, 2017 to consider this amendment. If approved, the additional building height will be reflected in the updated precinct plan for the overall application. Council will also need to assign servicing allocation for the additional units.

It should be noted that 28 storeys exceeds the maximum height permitted by the Zoning Order for the Buttonville Airport. The applicant advises that they are in discussion with the operator of the Buttonville Airport and Transport Canada to obtain a site specific "variance" to the height limit. Staff will not finalize site plan approval and a Building Permit cannot be issued for the additional storeys unless and until this "variance" is approved.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

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



Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development Services

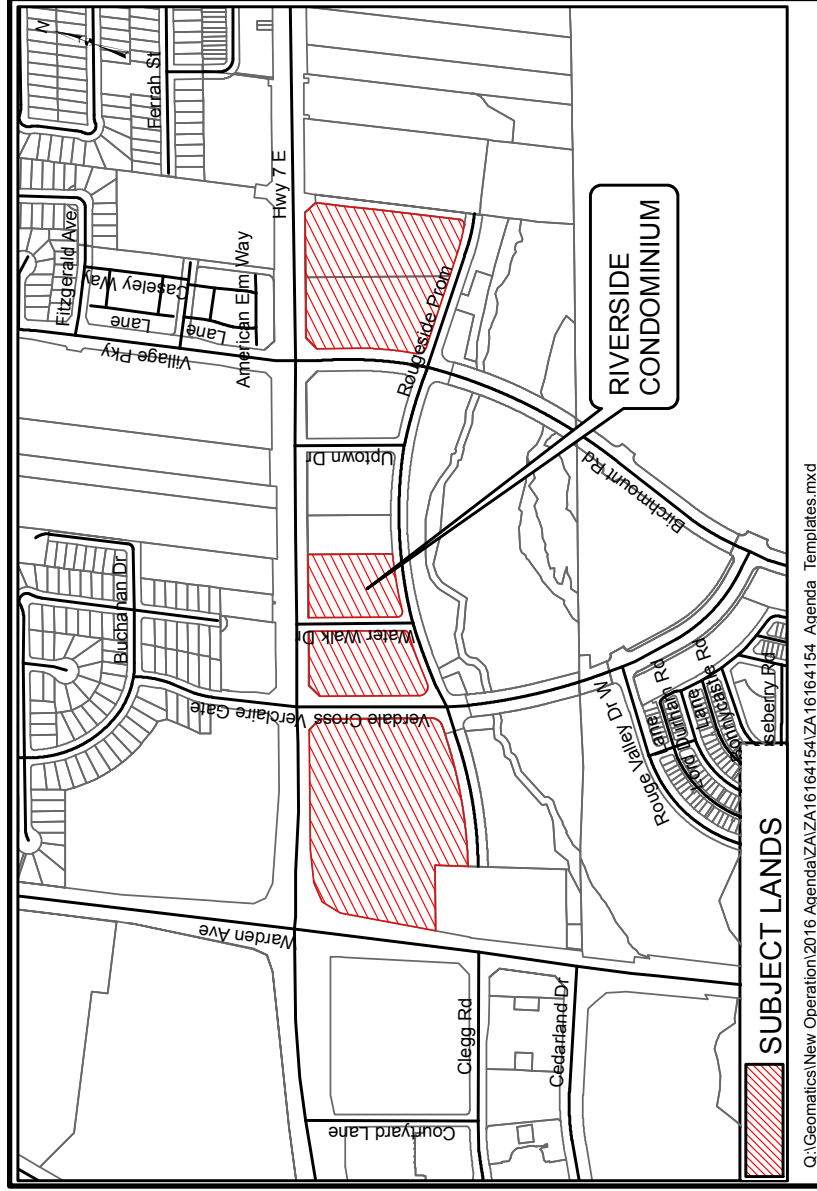
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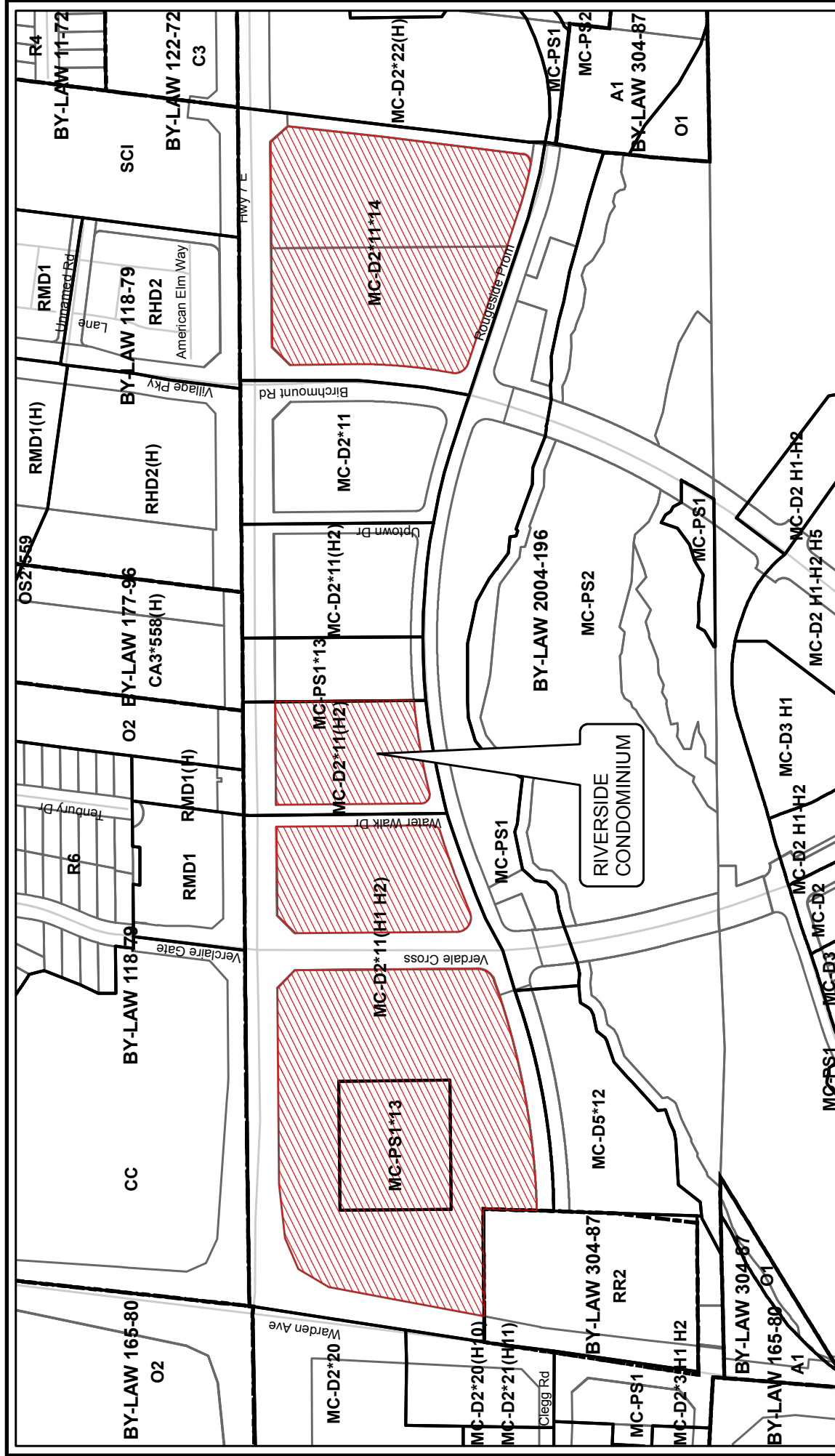
- Figure 1 – Property Location Map
- Figure 2 – Area Context / Zoning
- Figure 3 – Air Photo
- Figure 4 - Approved Precinct Plan
- Figure 5 - Concept plan submitted with application
- Figure 6 - Revised Concept Plan
- Figure 7 – Revised Concept Plan - Perspective

Appendix 'A' – Staff report dated December 5, 2016

Agent: Lincoln Lo
Malone Given Parsons
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Markham, Ontario
L3R 6B3
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Email: llo@mgp.ca

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AREA CONTEXT / ZONING

APPLICANT: 1771107 ONTARIO INC.

FILE No. ZA 16164154

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ARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SH

DATE: 17/11/2016



AIR PHOTO

APPLICANT: 1771107 ONTARIO INC.

FILE No. ZA 16164154

 SUBJECT LANDS

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CONCEPT PLAN

PRECINCT PLAN 3.1.2

MARKHAM UPTOWN
PROPOSED RESIDENTIAL / COMMERCIAL DEVELOPMENT
MARKHAM, ONTARIO

KIRKOR | architects
2300 Bayview Ave. Suite 100, Markham, ON L3R 9V7
Tel: (905) 479-1111
Fax: (905) 479-1112
www.kirkor.com
Date: Jan 13, 2017
Scale: 1:1000

APPROVED PRECINCT PLAN (2010)

APPLICANT: 1771107 ONTARIO INC.
FILE NO. ZA 16164154

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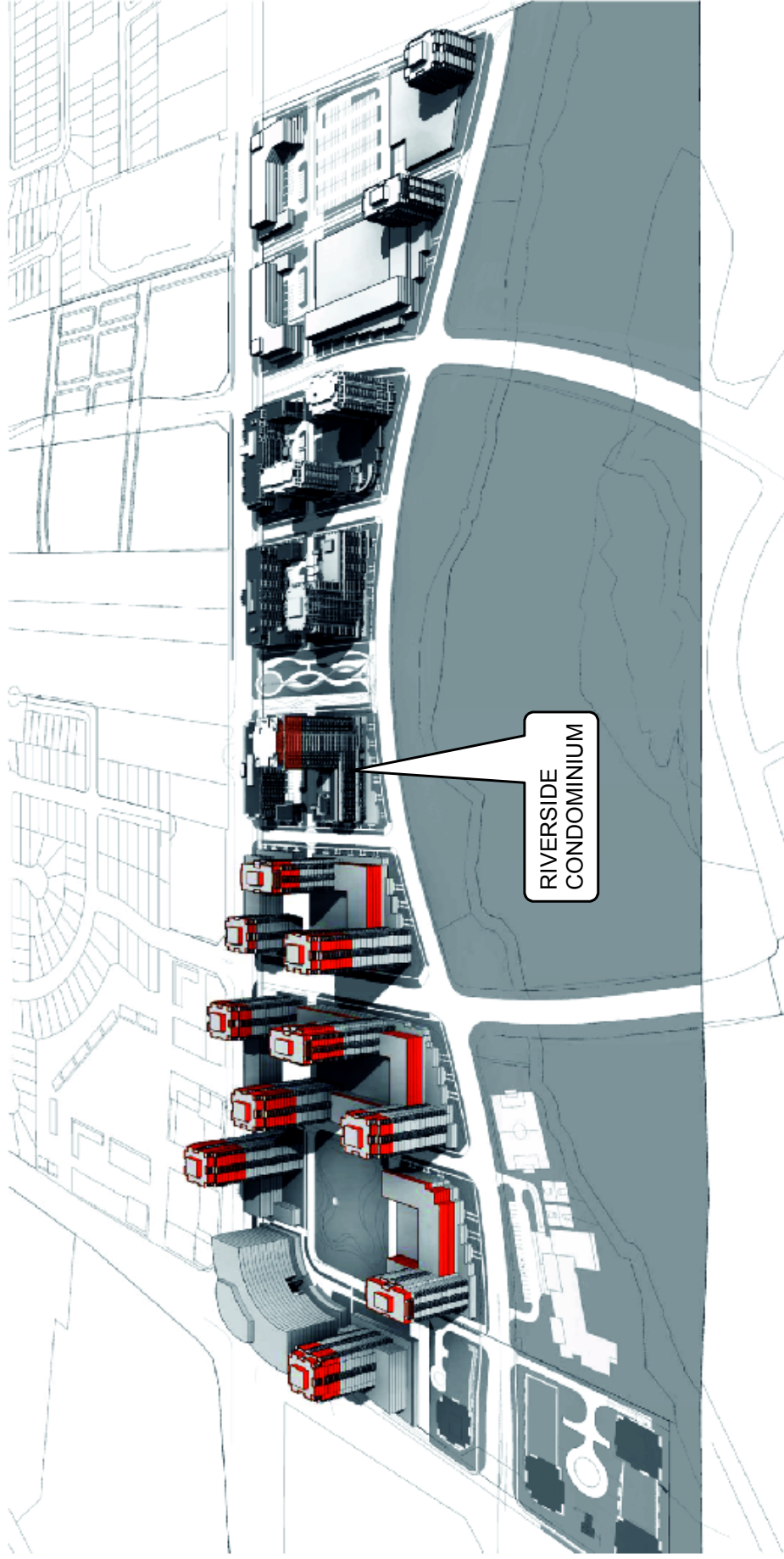
MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SH

DATE: 07/04/2017

FIGURE No. 4



■ - PROPOSED ADDITIONAL BUILDING AREA



CONCEPT PLAN SUBMITTED WITH APPLICATION

APPLICANT: 1771107 ONTARIO INC.

FILE No. ZA 16164154

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SH

DATE: 18/11/2016

FIGURE No. 5

ZONE 4

BLOCK 7 & 8
BYLAW: 500 UNITS
PROPOSED: 500 UNITS
BUILT: UPTOWN MARKET
*ADDITIONAL DENSITY EST. 2042

ZONE 1

BLOCK 5 & 6
BYLAW: 1150 UNITS
PROPOSED: 1114 UNITS
BLOCK 5: 506 UNITS
BLOCK 6: 608 UNITS

ZONE 2

BLOCK 3 & 4
BYLAW: 1300 UNITS
PROPOSED: 1713 UNITS
BLOCK 3: 1100 UNITS
BLOCK 4: 613 UNITS

ZONE 3

BLOCK 1 & 2
BYLAW: 2400 UNITS
PROPOSED: 2773 UNITS
BLOCK 1: 1193 UNITS
BLOCK 2: 890 UNITS
BLOCK 3: 1100 UNITS

PROPOSED BLOCK 3 WITH
NEW ALTERNATIVE FUTURE
DEVELOPMENT

ZONE 1 = 1114 UNITS
ZONE 2 = 1713 UNITS
ZONE 3 = 2773 UNITS
ZONE 4 = 500 UNITS
TOTAL = 6100 UNITS

PUBLIC PARKS: 519,861 ft²
ARYEH PARK: 42,754 ft²

TOTAL PARK SPACE: 562,615 ft²

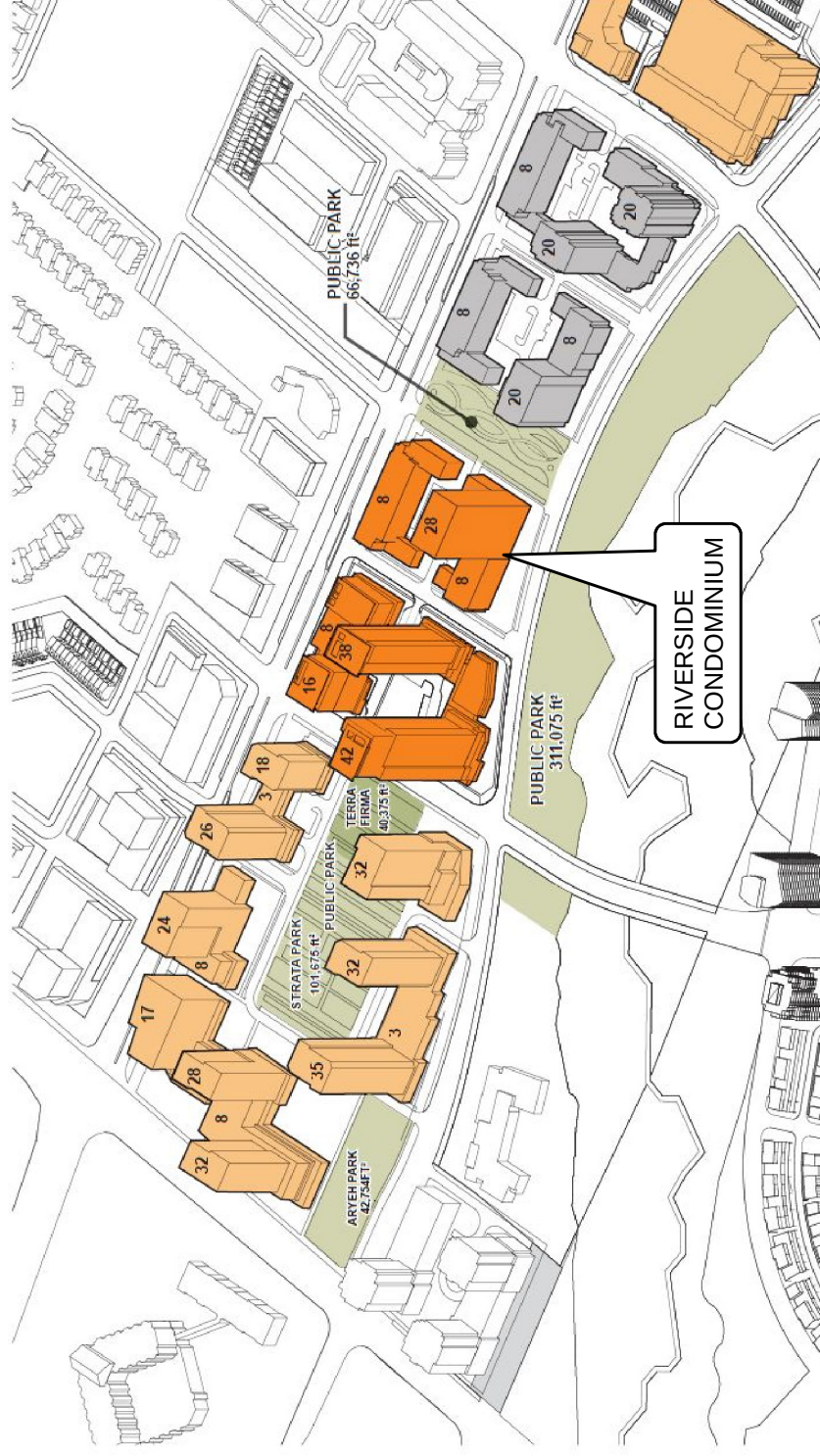
CONSTRUCTED
U/CONSTRUCTION
PROPOSED
FUTURE



DRAFT CONCEPT PLAN (MARCH 2017)

APPLICANT: 1771107 ONTARIO INC.
FILE NO. ZA 16164154

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**PROPOSED BLOCK 3 WITH
NEW ALTERNATIVE FUTURE
DEVELOPMENT**

ZONE 1 = 1114 UNITS
ZONE 2 = 1713 UNITS
ZONE 3 = 2773 UNITS
ZONE 4 = 500 UNITS
TOTAL = 6100 UNITS

PUBLIC PARKS: 519,861 ft²
ARYEH PARK: 42,754 ft²

TOTAL PARK SPACE: 562,615 ft²

CONSTRUCTED
U/CONSTRUCTION
PROPOSED
FUTURE

DRAFT CONCEPT PLAN (MARCH 2017) - PERSPECTIVE

APPLICANT: 1771107 ONTARIO INC.

FILE NO. ZA 16164154

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Report to: Development Services Committee

Report Date: December 5, 2016

SUBJECT: PRELIMINARY 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.

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:

- 1) That the staff report dated December 5, 2016, titled "PRELIMINARY REPORT, 1771107 Ontario Inc. (Times Group Inc.), South side of Highway 7, east of Warden Avenue, 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, File No. ZA 16 164154;" be received;
- 2) That staff be authorized to schedule a public meeting following further discussions with the applicant regarding the issues outlined in the staff report;
- 3) That staff report to Development Services Committee on the status of the discussions with the applicant at least one week prior to the Public Meeting;
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to provide preliminary information on an application to amend the City's zoning by-laws and to seek authorization to hold a statutory Public Meeting. Staff are in discussion with the applicant on several matters and will be reporting back to Development Services Committee on the outcome of the discussions at least one week prior to the public meeting.

This report contains general information regarding applicable Official Plan and other policies as well as any issues/concerns identified during staff's preliminary review of the application, and should not be taken as Staff's opinion or recommendation on the application.

BACKGROUND:

Subject Property and Area Context (Figures 1 - 3)

The subject lands of this report are the undeveloped (westerly) portion of the Uptown Markham development as well as the lands currently occupied by the Uptown Market commercial development (anchored by the Whole Foods supermarket). The zoning of the Uptown Market property includes residential use permissions in anticipation that this property will be redeveloped in the future.

To the east is Sheridan Nurseries. To the north across Highway 7 are commercial and residential developments and vacant lands. To the south-west is a vacant property owned by Aryeh Construction Limited (The Conservatory Group) and the Hilton Hotel across Warden Avenue. To the south is the valley of the Rouge River.

Existing approvals

In 2010, the Ontario Municipal Board (OMB) approved a site specific zoning by-law amendment permitting what is now Times Uptown Markham to be developed as follows:

- park, buffer and Greenland blocks totaling 7.48 ha (18.5 acres)
- valley land blocks totaling 8.11 hectares (20 acres)
- a 1.42 ha (3.5 acre) school block
- roads totaling 5.3 hectares (10.9 acres)
- a series of development blocks totaling 12.74 hectares (31.5 acres) accommodating a mix of commercial and residential uses The by-law permits a **maximum of 4500 residential units in buildings ranging in height up to 20 storeys.**

Applicant is proposing to increase the maximum number of dwelling units to 6100 and the maximum building height to 32 storeys

The Times Group has applied to amend the Markham Centre Zoning By-law (By-law 2004-196) to permit the requested increase in residential unit count and building height. The requested 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 that property from a mix of apartments and townhouses to townhouses only.

A concept plan illustrating how the applicant proposes to deploy the additional density and built form is attached as Figure 4. It should be noted that the applicant is requesting an additional 79 residential units (from 421 to 500) for the property currently occupied by the Uptown Market, but no increase in building height permissions for this property.

OPTIONS/ DISCUSSION:

Staff are in discussion with the applicant regarding a number of matters including:

Parkland: The requested residential units, if approved by Council, would generate additional parkland dedication requirements. In high density communities such as Markham Centre, parkland dedication is satisfied through a combination of land dedication and the payment of “cash-in-lieu” of land dedication. Staff are in discussion with the applicant to identify opportunities to provide additional physical parkland within the development to accommodate the recreational needs of the additional residents. This would impact on the development program, potentially requiring taller buildings than currently being proposed to accommodate the requested number of residential units, or a reduction in the number of units and buildings, or a combination of both.

The applicant has indicated to staff that they would like any additional parkland to take the form of “strata park” with private underground parking garages serving the adjoining developments located beneath the parkland. Strata parks constructed to date, including those at the Times Majestic Court and Liberty World on Yonge developments, have provided beneficial park sites in high density areas, but have also presented legal and operational challenges to the City. Staff will be investigating strata parks as a component of the Parks and Open Space Study, which is being initiated, and will be reporting back to Council through the course of this study to recommend whether the City should continue to accept strata parks, and if so, under what conditions.

Built form: The concept plan submitted with the application (Figure 4) shows additional floors being added to the built form program approved by the Ontario Municipal Board in 2010.

As noted earlier, staff are discussing alternative built form scenarios with the applicant to incorporate additional parkland into the development to accommodate the recreational needs of the additional residents, if approved by Council.

In Markham Centre, street, block and lot pattern, driveway locations, height and location of buildings, views and focal points, and street and landscape components are addressed in “precinct plans.” Precinct plans, which apply to smaller geographic areas within Markham Centre, are prepared by the landowners for approval by Council. They guide subsequent zoning, subdivision and site plan approvals. Council approved a precinct plan for the Uptown Markham development in 2010. The applicant has submitted an updated precinct plan corresponding to the concept plan submitted with the subject rezoning application. The applicant will be required to finalize an updated precinct plan for presentation to, and approval by, Council prior to the approval of the requested zoning by-law amendment.

Wind and shadow impact will also need to be analyzed and confirmed to be acceptable before any development scenario is approved.

Viability of street-oriented non-residential uses

The by-law currently requires the ground floor level frontage of all buildings along Verdale Crossing to be entirely occupied by non-residential uses, including commercial uses. The applicant is expressing concern that commercial uses may not be viable in this location. The character and function of this street is part of staff's discussion with the applicant.

Relationship to the adjacent development: The adjoining property to the south-west, including the remaining section of Rougeside Promenade to Warden Avenue, is owned by Aryeh Construction (The Conservatory Group). The portion of this property south of future Rougeside Promenade currently has approval for two 19-storey apartment buildings accommodating 524 apartment units and two small park blocks. The portion north of future Rougeside Promenade is to be conveyed to the City for parkland. Staff are exploring opportunities with the two landowners to coordinate the plans for their respective developments.

Traffic impact: The applicant recently submitted an updated traffic impact study addressing staff comments on the study submitted with the application. Transportation staff are currently reviewing the updated report.

Area residents have expressed concerns: In response to the notification of complete application, staff received a letter (Appendix 'A') from the board of directors of the Ellington Park condominium at the north-east corner of Highway 7 and Verclaire Gate, and email (Appendix 'B') from the board of directors of the Riverwalk condominium, which is within Times Uptown Markham. Both express concern regarding the requested increase in density and building height. Staff are taking the resident concerns into account in our discussions with the applicant. There will be additional opportunities for public input at the Public Meeting.

Section 37 contribution will be required: In 2010 the Times Group entered into a Section 37 agreement with the City for the currently permitted 4500 residential units. The requested additional 1600 units would generate a requirement for an additional Section 37 contribution. In accordance with established City practice, the zoning by-law amendment would require execution of a Section 37 Agreement between the City and the Owner for the additional 1600 units prior to the removal of a holding provision from the zoning.

Conclusions

Staff have been working with the Times Group and their consulting team to address the issues outlined above. Staff are recommending that Committee authorize staff to schedule a public meeting to consider the requested zoning by-law amendment following further discussions with the applicant to address the issues outlined in the staff report. Staff will report to Development Services Committee on the status of the discussions with the applicant at least one week prior to the Public Meeting.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

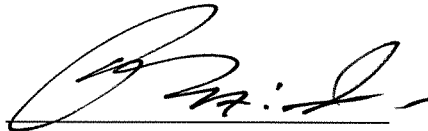
The proposed development is being evaluated in the context of the City's Strategic Priorities, including "Growth Management" and "Transportation and Transit."

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



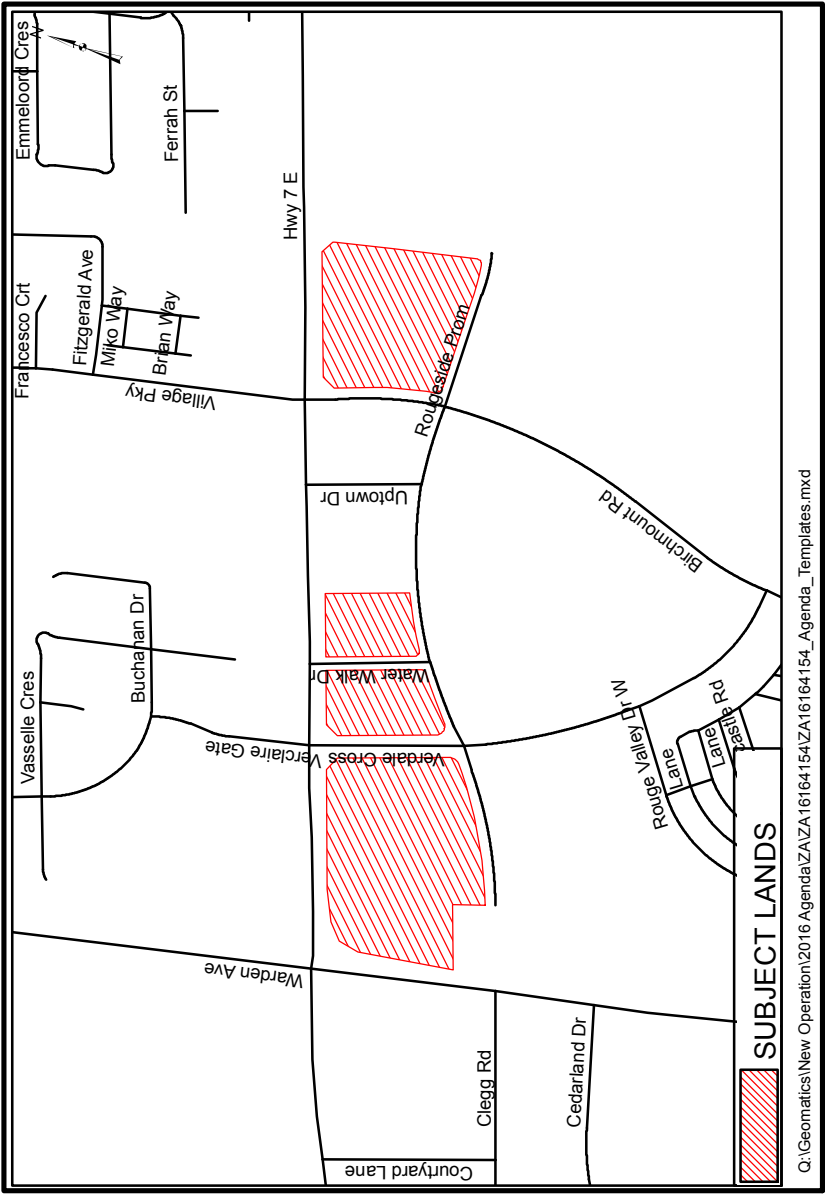
Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development Services

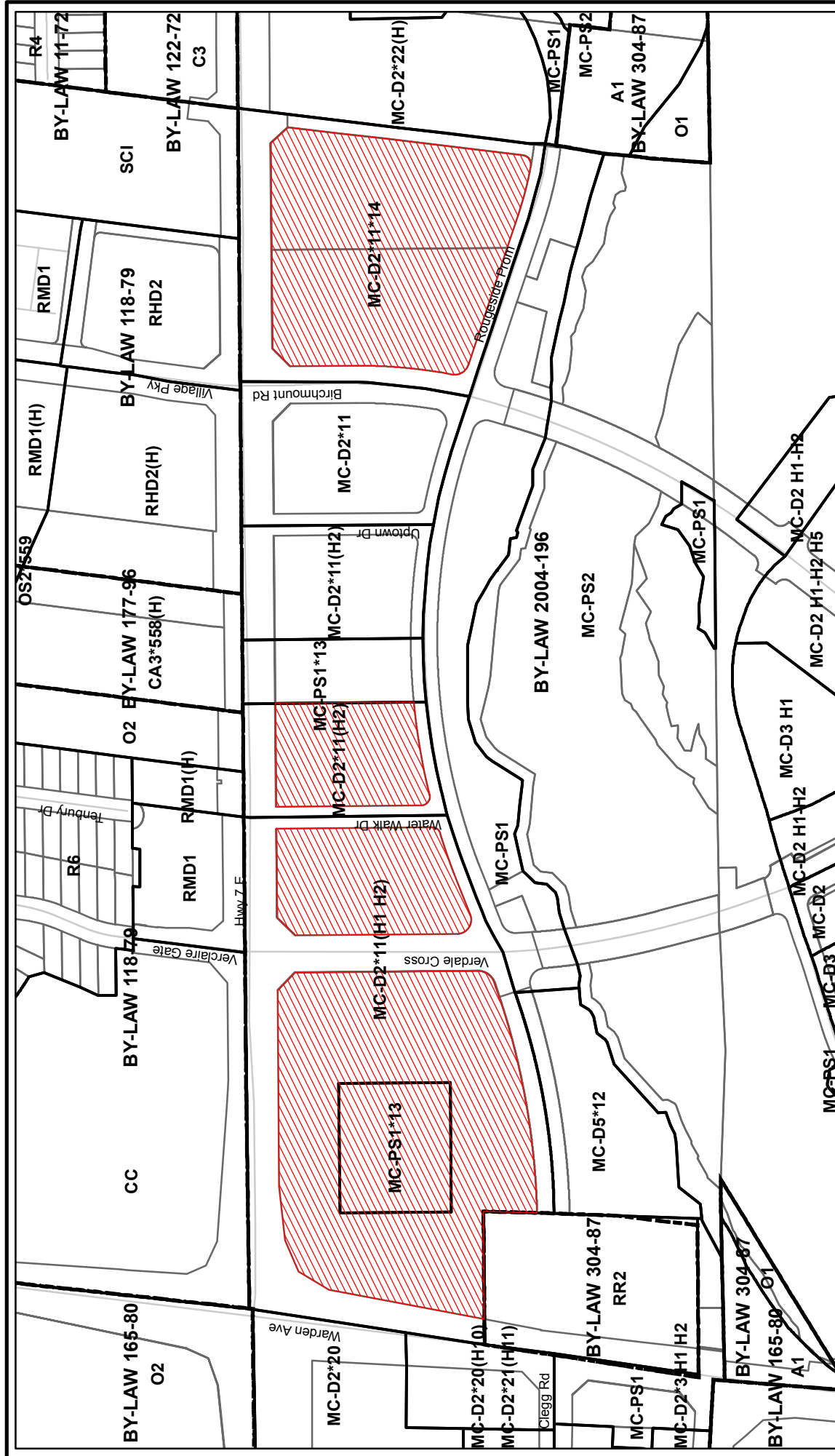
ATTACHMENTS:

- Figure 1 – Property Location Map
- Figure 2 – Area Context / Zoning
- Figure 3 – Air Photo
- Figure 4 – Concept plan submitted with application

- Appendix 'A' – letter from Ellington Park condominium
- Appendix 'B' – email from Riverwalk Condominium

Agent: Lincoln Lo
Malone Given Parsons
140 Renfrew Drive, Unit 201
Markham, Ontario
L3R 6B3
Tel: (905) 513-0170
Email: llo@mgp.ca





AREA CONTEXT / ZONING

APPLICANT: 1771107 ONTARIO INC.

FILE No. ZA 16164154

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SH

DATE: 17/11/2016

FIGURE No. 2

 SUBJECT LANDS



AIR PHOTO

APPLICANT: 1771107 ONTARIO INC.

FILE No. ZA 16164154

 SUBJECT LANDS

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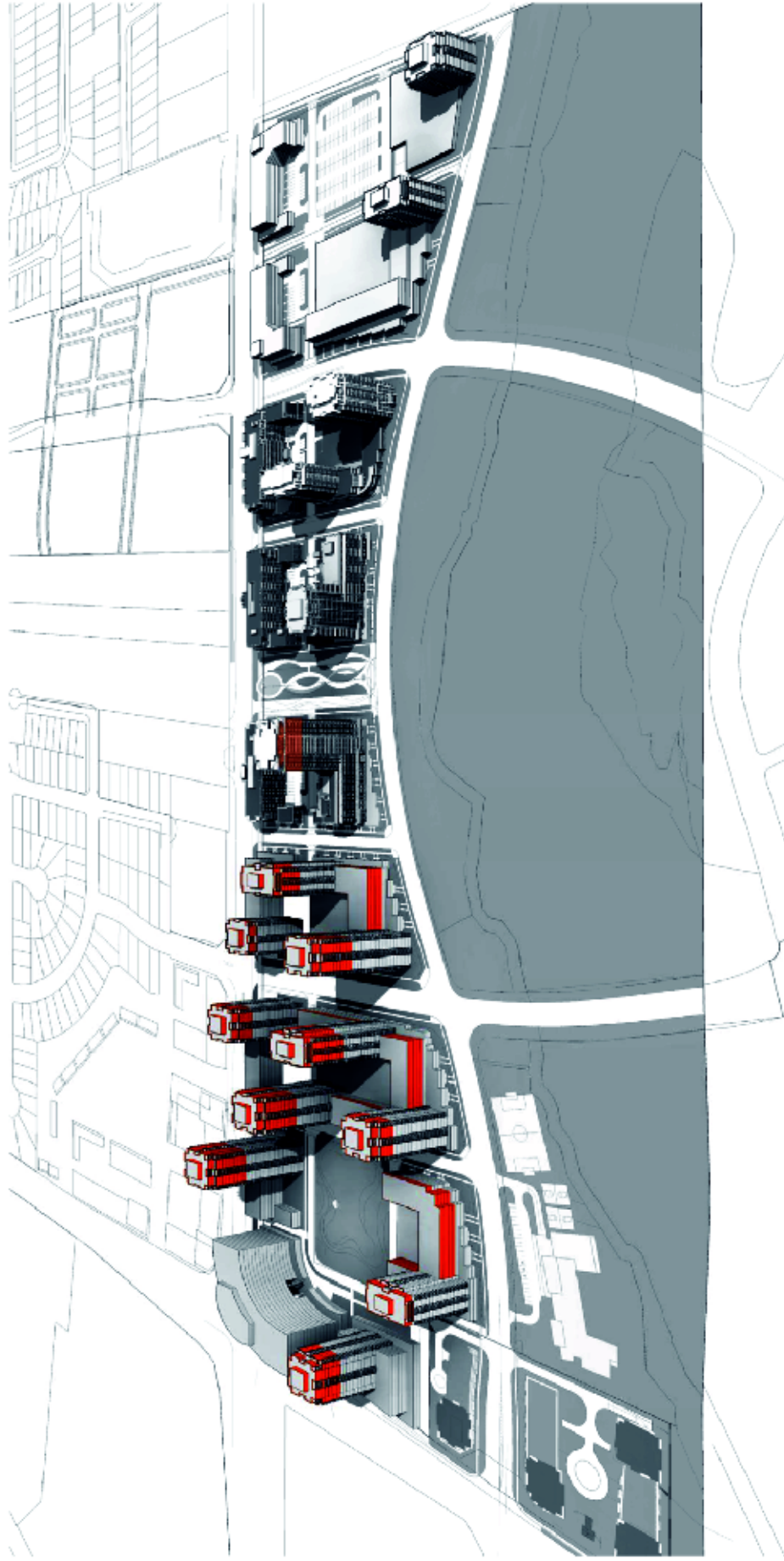
 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SH

DATE: 17/11/2016

FIGURE No. 3



■ - PROPOSED ADDITIONAL BUILDING AREA



CONCEPT PLAN SUBMITTED WITH APPLICATION

APPLICANT: 1771107 ONTARIO INC.

FILE No. ZA 16164154

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

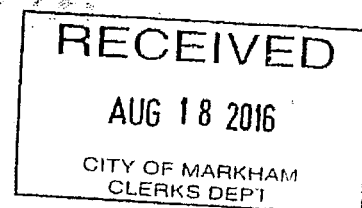
Checked By: SH

DATE: 18/11/2016

FIGURE No. 4



Ellington Park



August 10, 2016

Judy Carroll
Clerk's Department
101 Town Centre Blvd.
Markham, Ontario, L3R 9W3
Tel: 905-415-7549

Mayor Scarpitti and Members of Council,

We are writing on behalf of the residents of Ellington Park located at 1 Verclaire Gate, to express our opposition to density increase proposed by Times Development Group (ZA 16 164154) of approximately 1600 units which will result in building heights increasing from 20 to 32 storeys. We ask that the City consider Times application for a higher density as a greater impact in causing more serious traffic problems than it has originally been contemplated in the City's planning in terms of the community development design and road network currently being undertaken for all these development, currently built and will be built by Times including residential and upcoming commercial developments. This will only compound the current traffic congestion that already exists today. We fail to see how the community benefits from this high rise. We are happy for the new residents who move into these top notch buildings with their rooftop gardens and stunning views, but what does the rest of the community receive? At this point in time, prior to the public meeting, we ask that a massing drawing be evaluated and that the location of the taller buildings be located closer to the corner of Highway 7 and Warden and not at the intersection of Verclaire Gate and Highway 7.

The residents of Ellington Park have concerns about the traffic and safety of pedestrians in the area as a result of the increased number of units. They ask that a copy of the traffic study be provided to show that the increased number of units can be accommodated not only within the internal roads of the community but also on Highway 7 and Regional

Roads such as Warden Avenue and that the developer is not simply relying on the hopes that VIVA and the use of TDM measures will alleviate the problems resulting from an increased number of units.

At a recent meeting of the residents a question about fire safety was raised. The resident wanted to know whether Markham Fire is equipped to deal with buildings of this height. Could you please address this at Council and provide a response ?

Another question raised by numerous residents was the impact the height would have on the sunlight enjoyed by the property. The residents are well aware that someone cannot own a view and are not arguing that point. They are concerned with the shade impact of this increase in height of the buildings. Therefore, we are requesting that you ask staff about whether a shade study has been completed for the development and perhaps you could ask to see it or get the opinion of staff on the results of that study.

The residents of Ellington Park have concerns prior to the public meeting and would really appreciate some additional information prior to the meeting if that is possible.

Further we ask that the Clerks Department to ensure that we are contacted when any item for this matter is put on an agenda.

Sincerely,

Connection Properties Group

Agent For and on Behalf of the Board of Directors,
York Region Standard Condominium Corporation No. 1135

Cc: All Members of City of Markham Council

-----Original Message-----

From: John Poon [mailto:wasabi.buff@gmail.com]

Sent: August 17, 2016 10:36 PM

To: Carroll, Judy

Cc: Igli Tafilica; 'Rainbow So'

Subject: RE: Times Group Inc. - Notice of Complete Application

Judy,

Here's the "official" response from Riverwalk Condos (YRSCC 1303). Let me know if this is sufficient. The zoning bylaw amendment concerned is attached.

I've copied the following individuals:

Igli Tafilica - President, YRSCC 1303

Rainbow So - Property manager, acting on behalf of YRSCC 1303

Thanks,

John

James Baird

Commissioner of Development Services

Jim Jones

Chair, Development Services Committee

Times Group is proposing to increase the height the buildings at the "Uptown Markham" development from 20 to 32 floors. Times Group's submission is attached. The board of directors of Riverwalk condos (YRSCC 1303) passed a motion on June 23, 2016 to oppose the height increase in this zoning bylaw amendment.

Riverwalk condos is located within the Uptown Markham development (block 5). We believe this height increase will have the following impacts on our property:

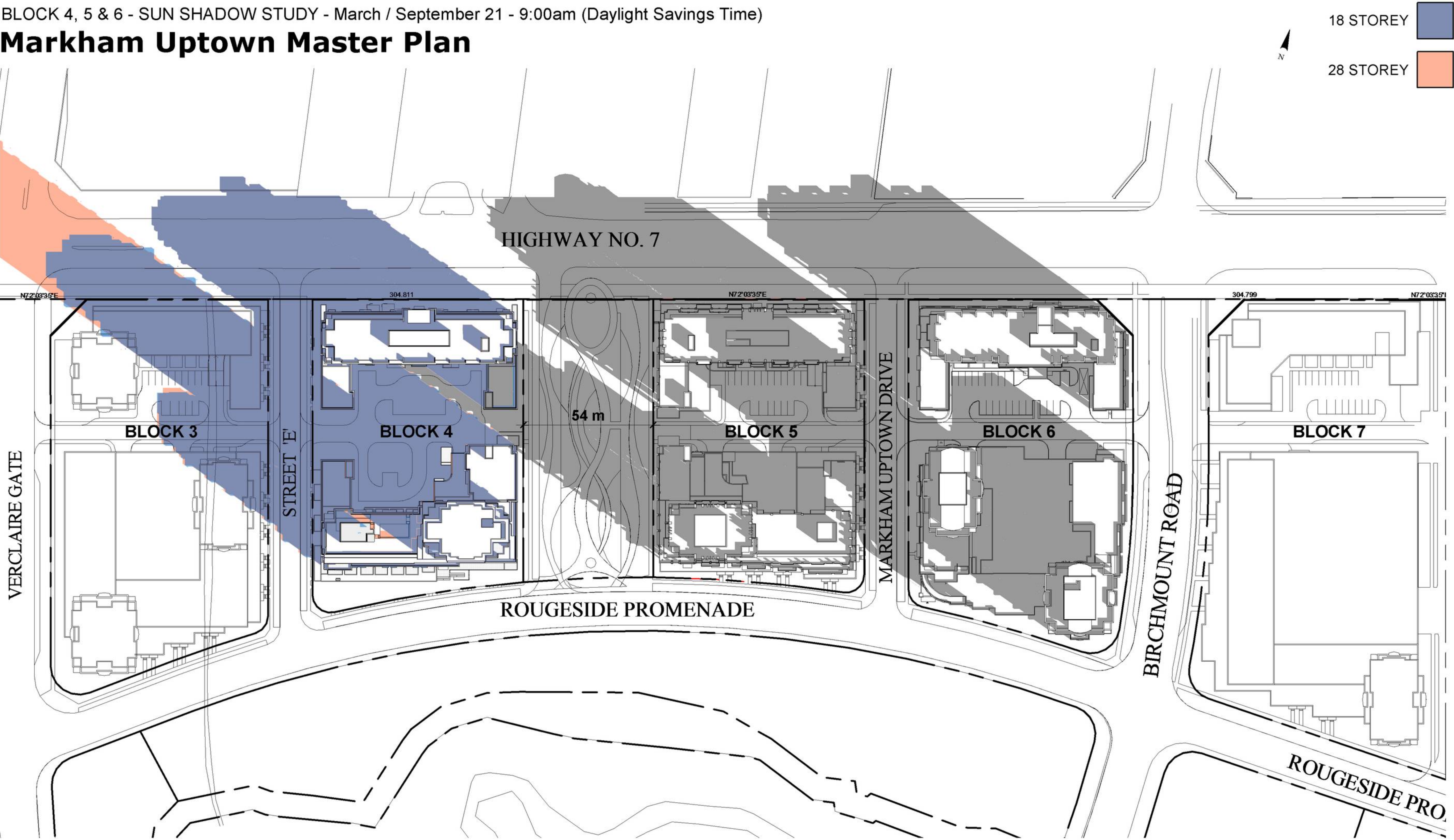
- The current bylaw allows 20 floors and the new bylaw allows 32 floors, this is 12 floors higher than the existing buildings on the site. The character of the neighbourhood will be changed.
- The Riverside condo under construction (block 4) will be part of this bylaw amendment. This building is located next to our building. The new building will cast shadows and block views from our building.
- This will impact our property values as taller buildings are more desirable.
- This will set a precedence for other builders to submit zoning bylaw amendments to build taller. This cannot be reversed.

Thank you for your attention and hope you will consider our condo owners/tenants in your decision making process. If you have any questions, please feel free to contact myself or our property manager.

John Poon

Vice President, YRSCC 1303

Markham Uptown Master Plan



BLOCK 4, 5 & 6 - SUN SHADOW STUDY - March / September 21 - 10:00am (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/01/17



KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - March / September 21 - 11:00am (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/01/17



KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - March / September 21 - 12:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/01/17



KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - March / September 21 - 1:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/01/17



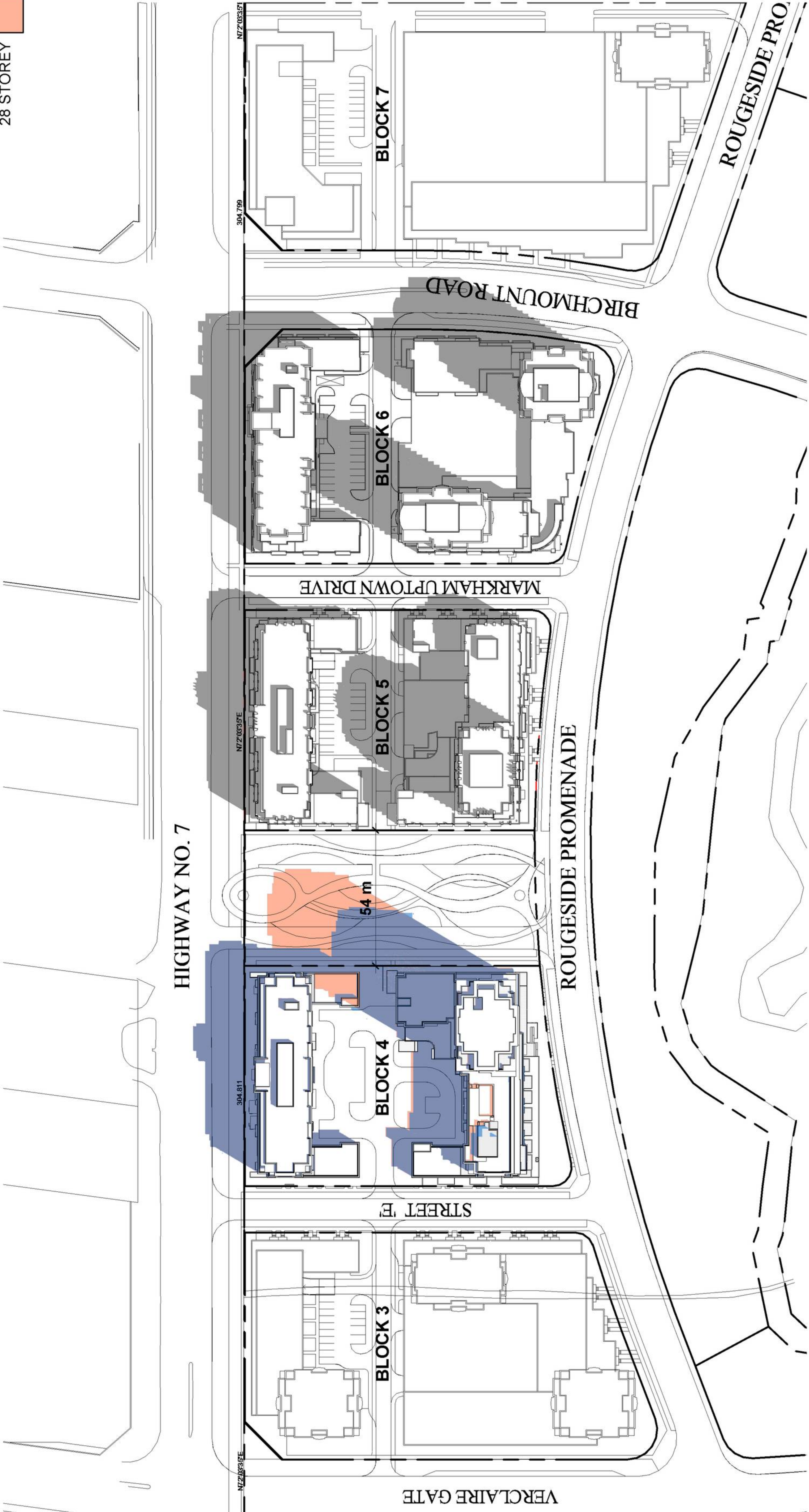
KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - March / September 21 - 2:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/01/17



KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - March / September 21 - 3:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/01/17



KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - March / September 21 - 4:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/01/17



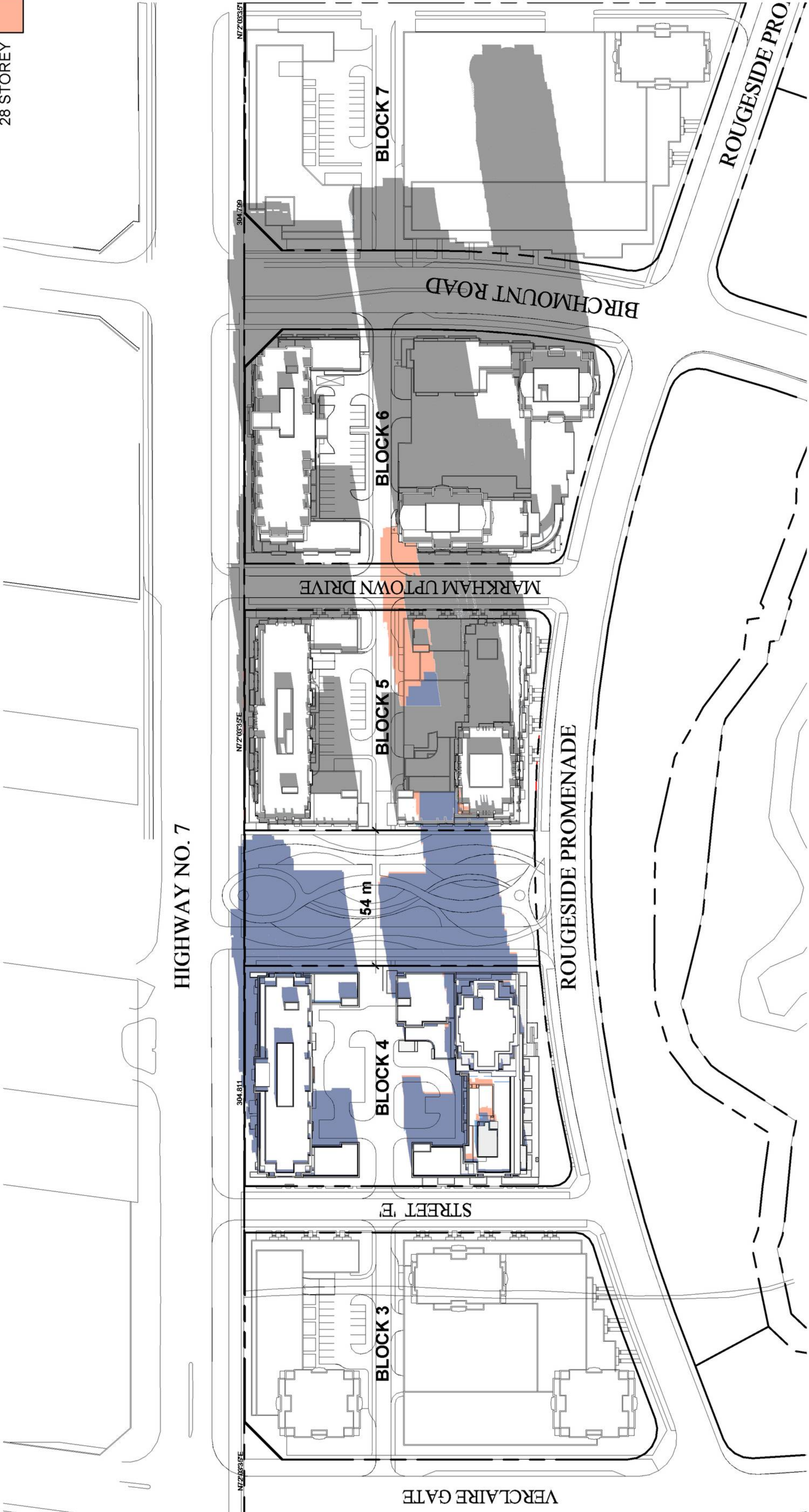
KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - March / September 21 - 5:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY

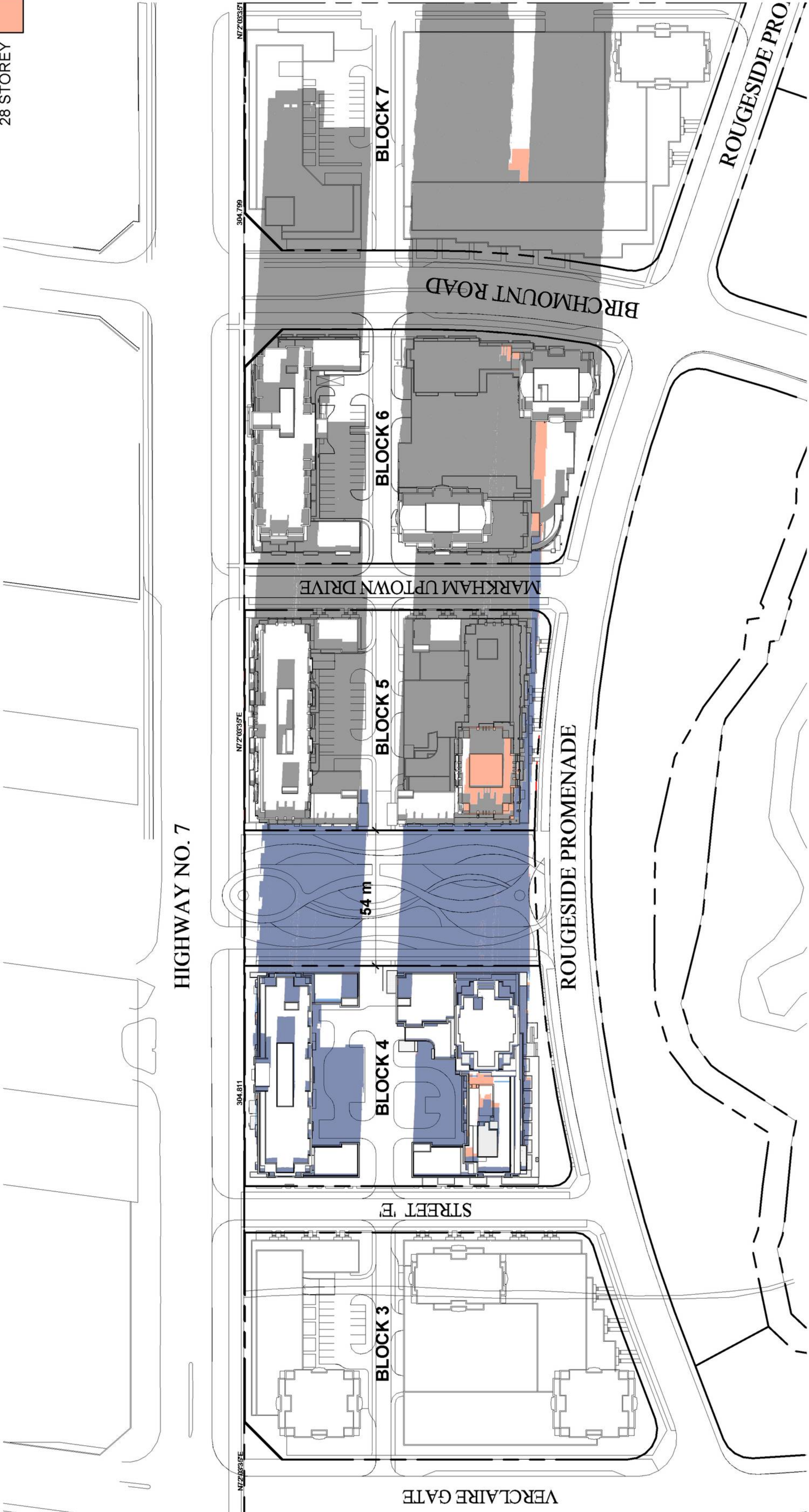


BLOCK 4, 5 & 6 - SUN SHADOW STUDY - March / September 21 - 6:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/01/17



KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - June 21 - 9:00am (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



BLOCK 4, 5 & 6 - SUN SHADOW STUDY - June 21 - 10:00am (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/02/17



KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - June 21 - 11:00am (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/02/17



KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - June 21 - 12:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/02/17



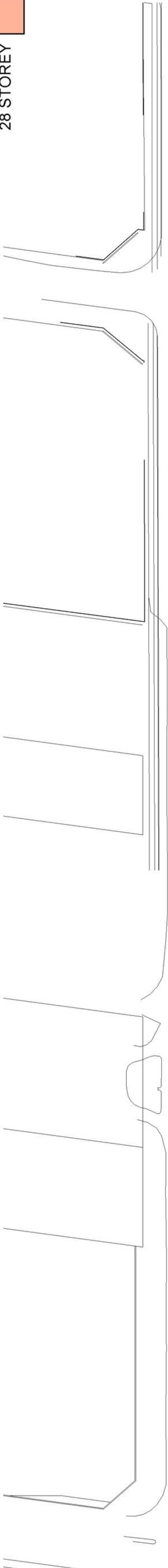
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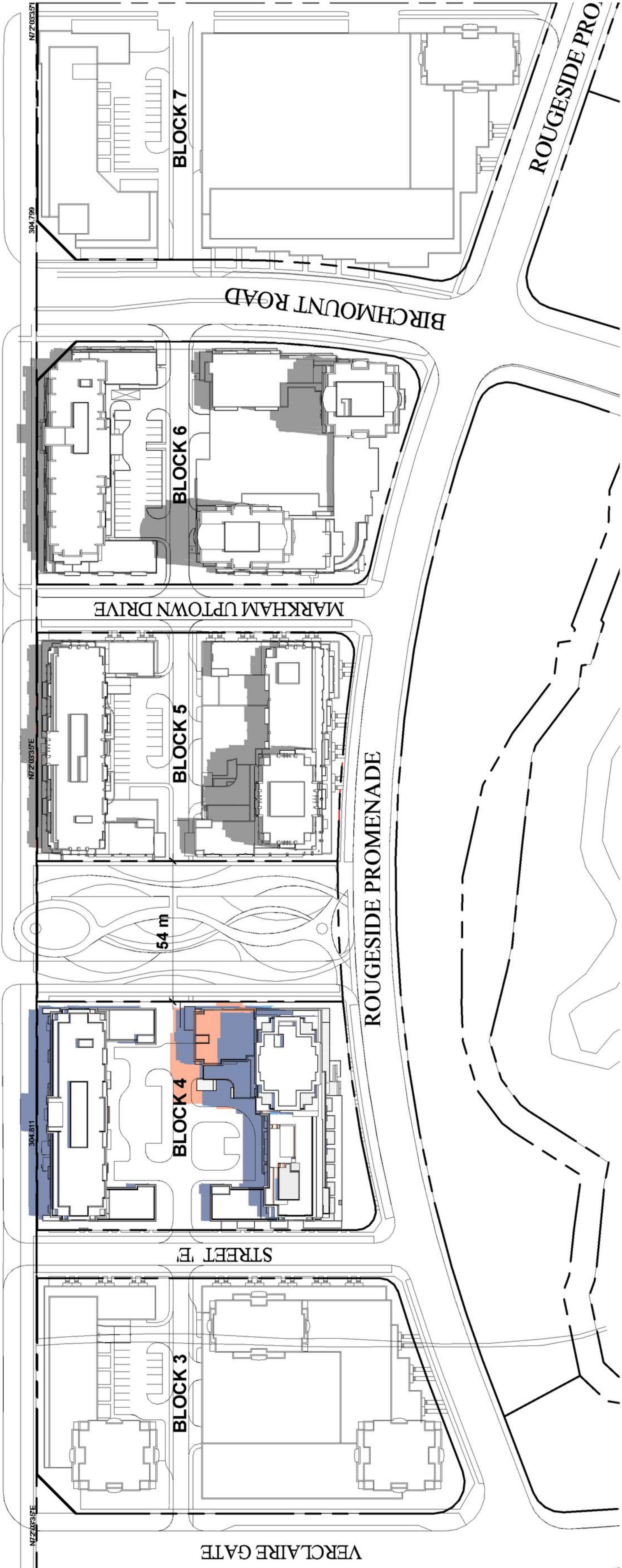
Markham Uptown Master Plan

18 STOREY

28 STOREY



HIGHWAY NO. 7



TIMES GROUP

15105

05/02/17



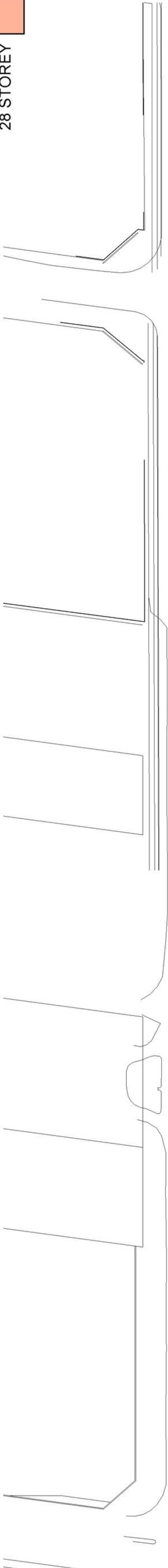
KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - June 21 - 2:00pm (Daylight Savings Time)

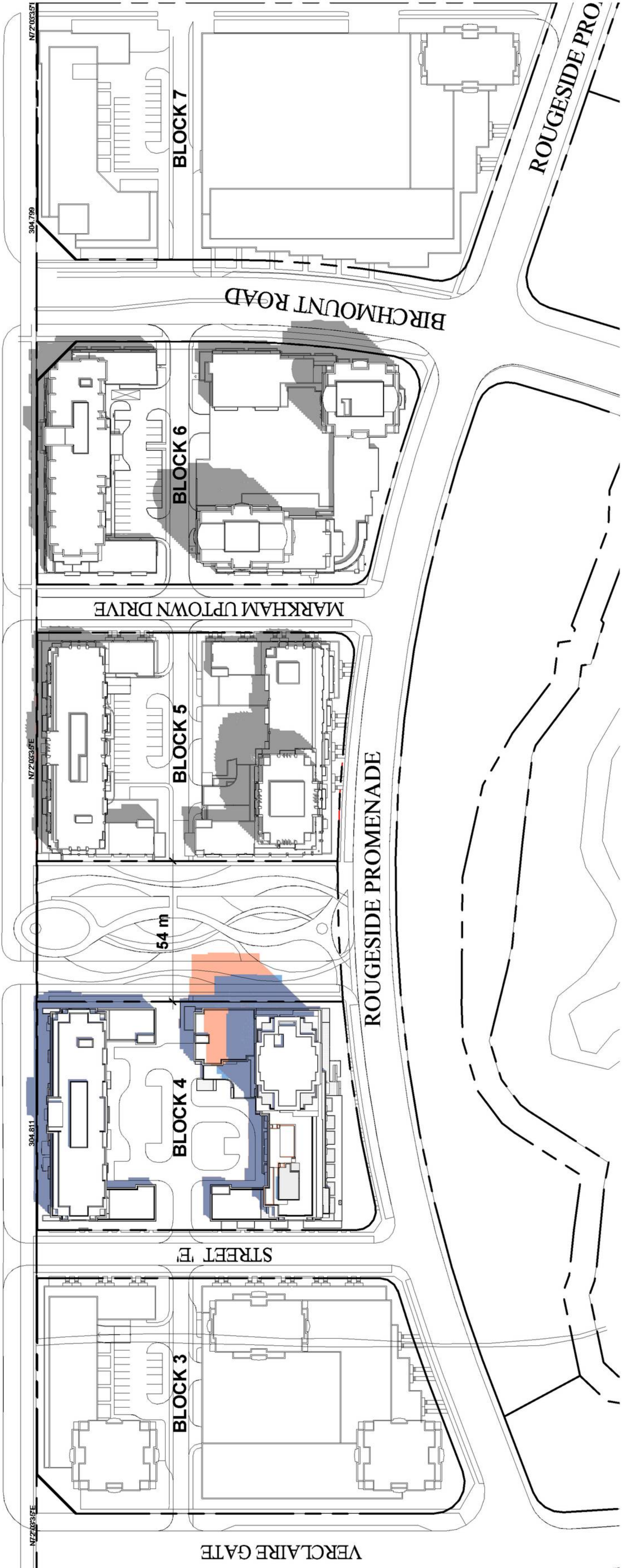
Markham Uptown Master Plan

18 STOREY

28 STOREY



HIGHWAY NO. 7



TIMES GROUP

15105

05/02/17



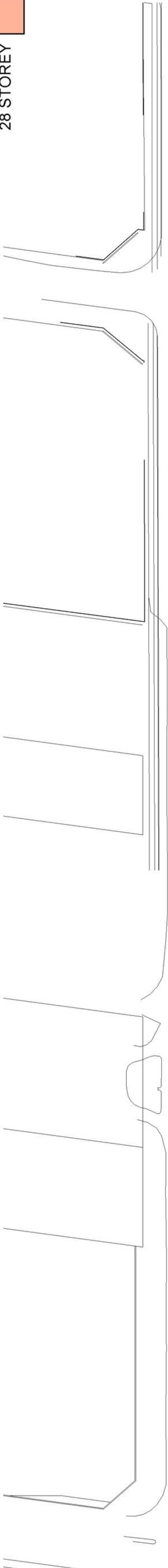
KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - June 21 - 3:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



HIGHWAY NO. 7



TIMES GROUP

15105

05/02/17



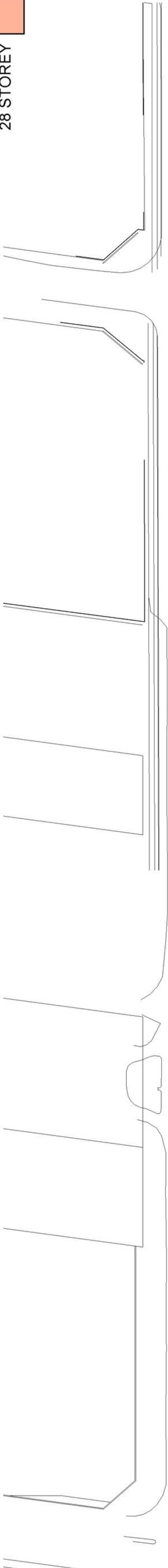
KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - June 21 - 4:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



HIGHWAY NO. 7



TIMES GROUP

15105

05/02/17



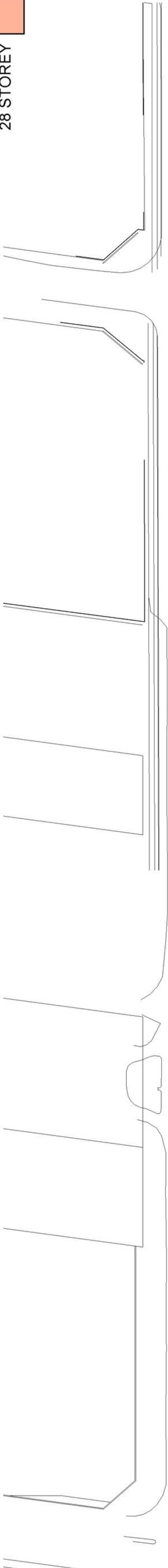
KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - June 21 - 5:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



HIGHWAY NO. 7



TIMES GROUP

15105

05/02/17



KIRKOR ARCHITECTS + PLANNERS

BLOCK 4, 5 & 6 - SUN SHADOW STUDY - June 21 - 6:00pm (Daylight Savings Time)

Markham Uptown Master Plan

18 STOREY

28 STOREY



TIMES GROUP

15105

05/02/17



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