



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:

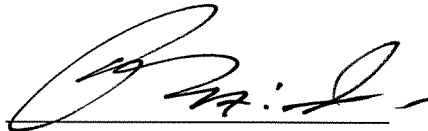
The proposed development is being evaluated in the context of the City's Strategic Priorities, including "Growth Management" and "Transportation and Transit."

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



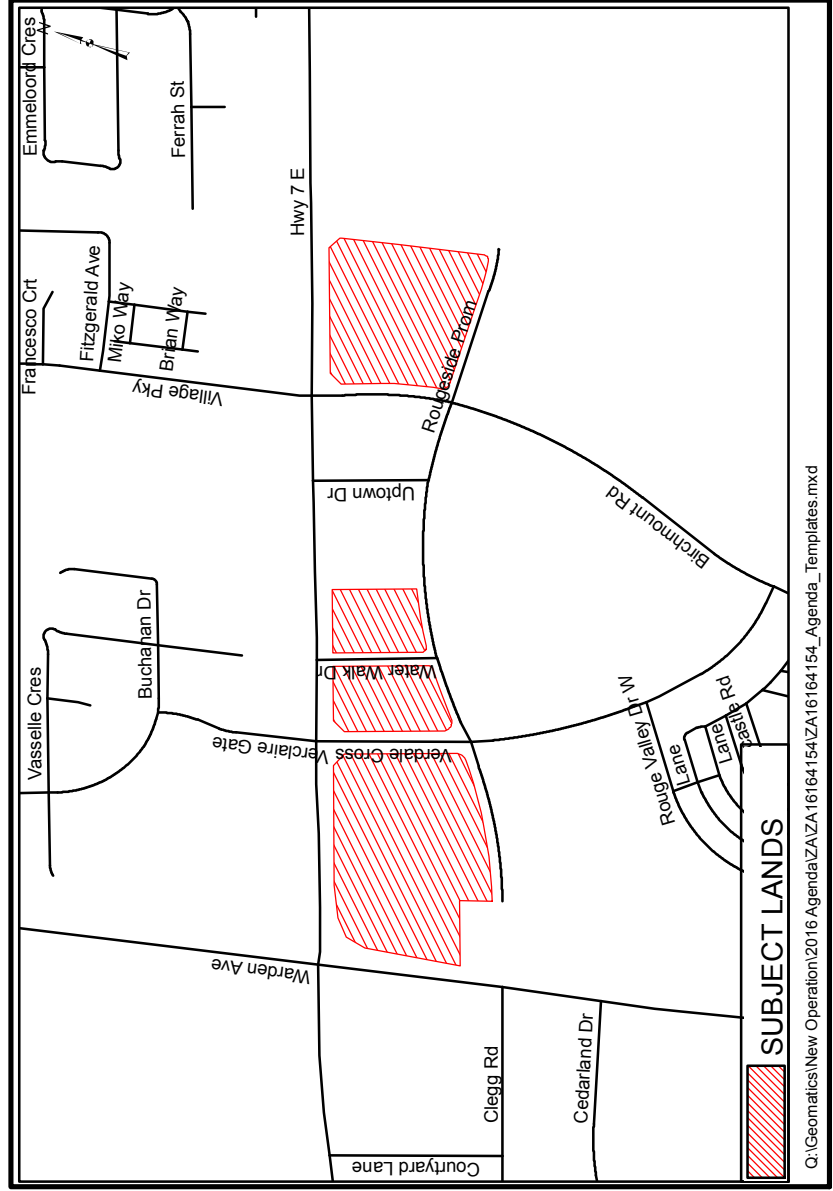
Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development Services

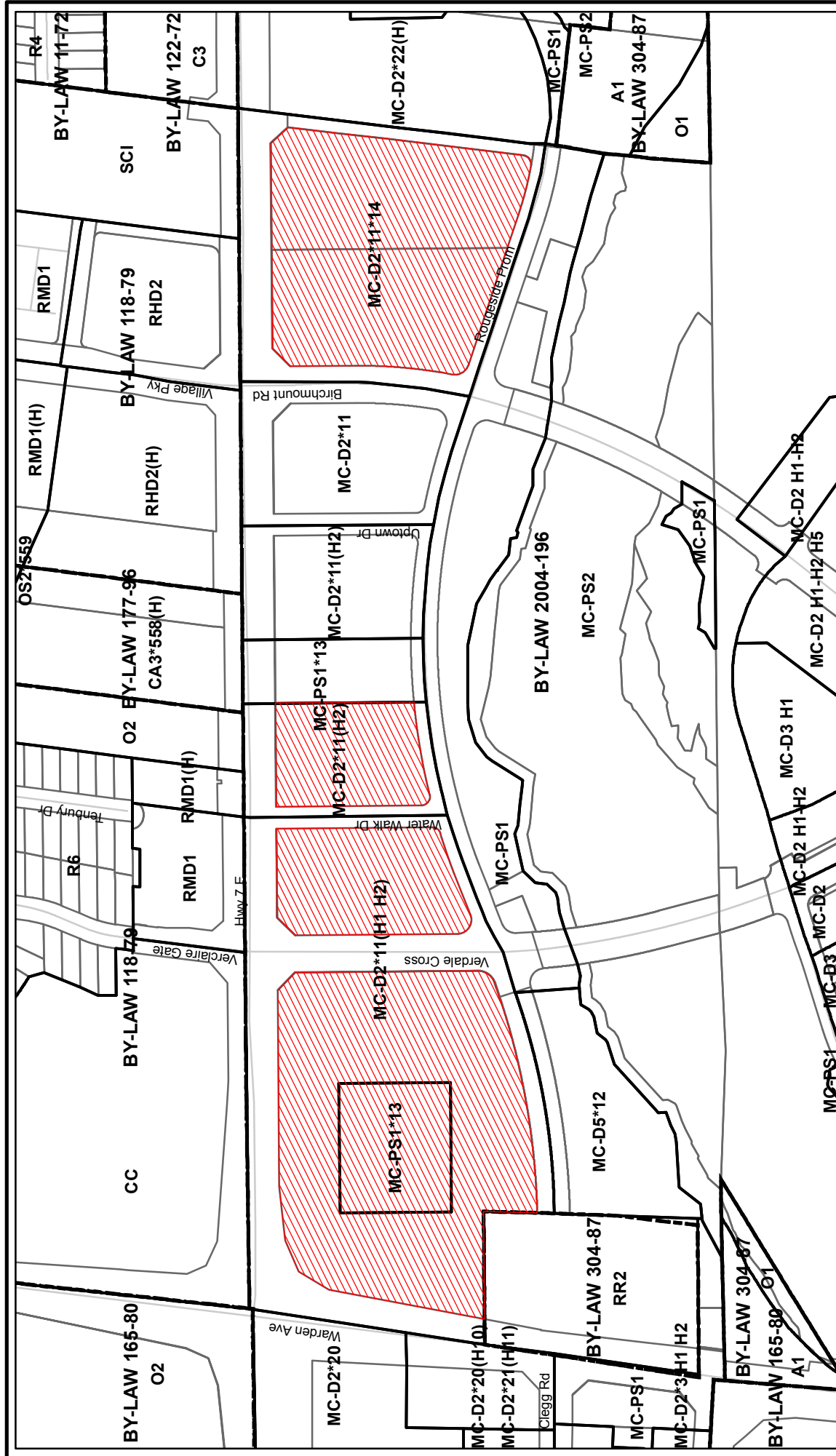
ATTACHMENTS:

- 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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DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SH

DATE: 17/11/2016


FIGURE No. 2



AIR PHOTO

APPLICANT: 1771107 ONTARIO INC.

FILE No. ZA 16164154

 SUBJECT LANDS

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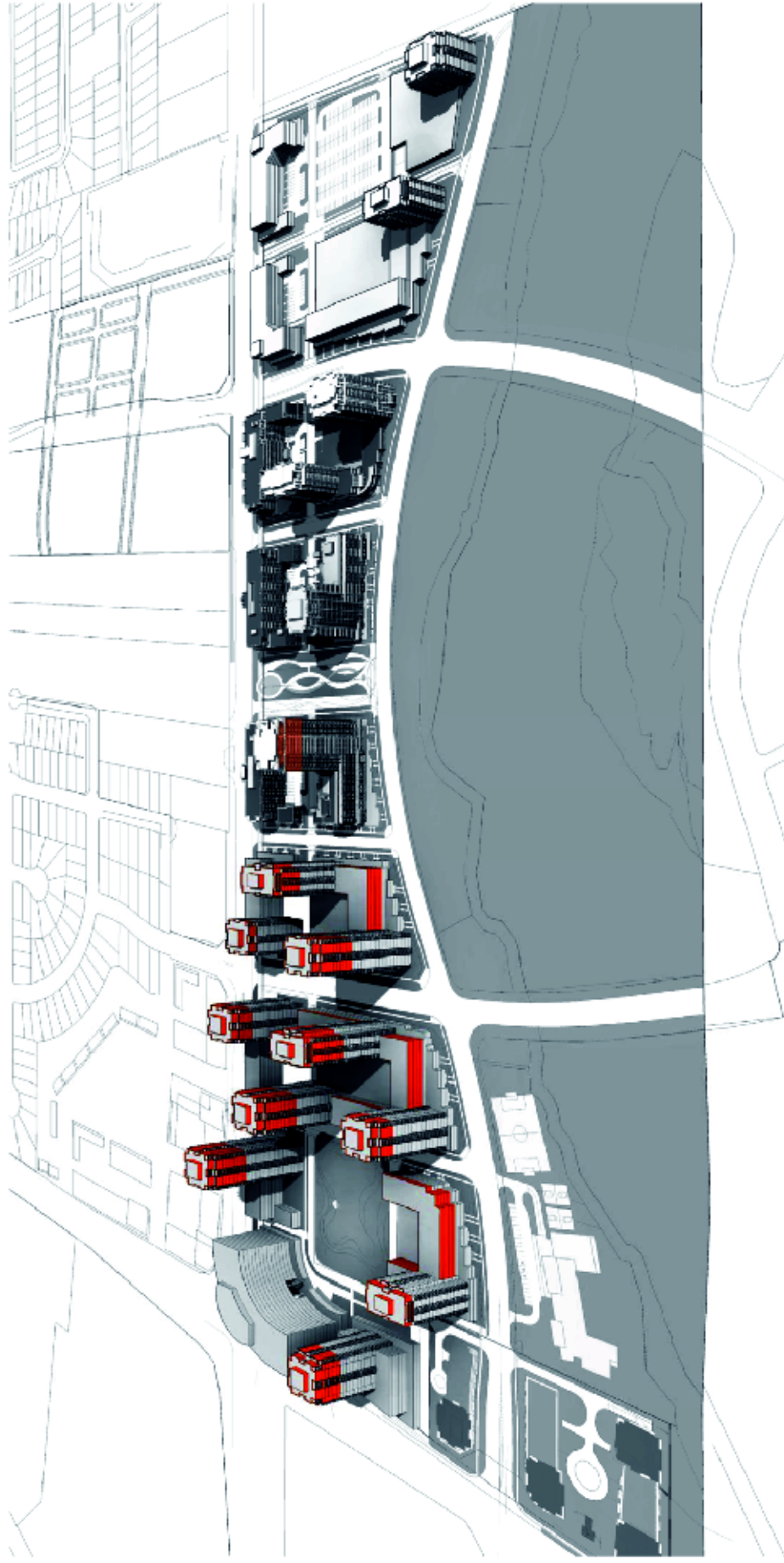
DATE: 17/11/2016

 DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SH

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

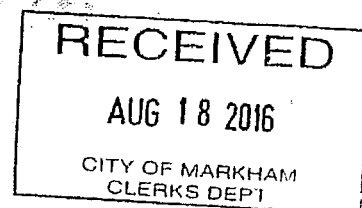
Checked By: SH

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