

Report to: Development Services Committee Report Date: September 22, 2015

SUBJECT: PRELIMINARY REPORT

Scardred 7 Company Limited

3940 Highway 7 (north side, west of Village Parkway) Applications for Official Plan and zoning by-law amendments to permit a townhouse development

File Nos.: OP/ZA 15 128977

PREPARED BY: Scott Heaslip, Senior Project Coordinator

Central District, ext. 3140

REVIEWED BY: Richard Kendall, M.C.I.P., R.P.P., Manager,

Central District, ext. 6588

RECOMMENDATION:

That the staff report dated September 22, 2015, titled "PRELIMINARY REPORT, Scardred 7 Company Limited, 3940 Highway 7 (north side, west of Village Parkway), Applications for Official Plan and zoning by-law amendments to permit a townhouse development," be received.

- 2) That a public meeting be held to consider the applications.
- 3) 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 applications to amend the City's Official Plan and zoning by-laws to permit a proposed townhouse development, and to seek authorization to hold a statutory 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 applications, and should not be taken as Staff's opinion or recommendation on the applications.

BACKGROUND:

Subject Property and Area Context (Figures 1 and 3)

Scardred 7 Company Limited owns a 2 hectare (4.9 acre) property on the north side of Highway 7, west of Village Parkway. The property was previously occupied by a 1½ storey brick dwelling, which was recently demolished. The subject applications apply to the southerly portion of the property, having an area of 0.6 hectares or 1.5 acres.

Surrounding uses to the Scardred 7 Company property are:

- To the east, vacant lands owned by the Wyview Group which have been cleared in preparation for development consisting of an 8-storey apartment building and 72 townhouses.
- To the north, homes fronting on Landmark Court and backing onto the Scardred 7 Company property.
- To the west, a property which is occupied by two older bungalows which are being used for office uses and a vacant warehouse building, formerly occupied by J B and D Company, a distributor of lawn care and farming products. This property is subject to applications for Official Plan and zoning by-law amendment and draft plan of subdivision to permit a higher density residential development.
- To the south across Highway 7, a newly constructed condominium apartment development within the Times Group's Uptown Markham development.

The subject lands currently have permission for a 228 unit apartment/townhouse development

In August, 2013, the Ontario Municipal Board (OMB) approved a site specific amendment to Secondary Plan PD1-15 [Amendment No. 15 to the "in force" Official Plan (Revised 1987)], a corresponding zoning by-law amendment, and conditions of draft plan of subdivision permitting the Scardred 7 property to be developed as follows:

- South block (the subject lands) a maximum of 228 dwellings units, of which a maximum of 19 may be townhouse units (bolding added) and the remainder apartment units in a building having a maximum height of eight storeys.
- Centre block Up to 36 townhouse units.
- North block single detached dwellings (these permissions pre-date the 2013 OMB decision). The conditions of draft approval require this block to be set aside for acquisition by the Public School Board.

At the same hearing the OMB granted similar approvals for the Lee Developments (now Wyview Group) property between the subject property and Village Parkway and the Times Group property on the east side of Village Parkway. These approvals implemented settlements between Times Group, Lee Developments, Peak Gardens (now Scardred 7 Company Limited) and the City. The minutes of settlement between the Owners and the City address the content of the Official Plan and zoning by-law amendments, the Section 37 payments, servicing allocation, cost sharing, and arrangements for the reconstruction of Village Parkway.

The subject lands are designated "Mixed Use Mid Rise" in the Markham Official Plan 2014 (not yet in force). This designation permits a range of residential building types with heights ranging from 3-8 storeys and a maximum overall density of up to 2.0 FSI (floor space index). While the development proposed by the applicant conforms with these general policies, the Official Plan 2014 includes a site specific policy incorporating the approvals granted by the OMB in 2013, which are currently in effect. The development proposed by the applicant does not conform with the site specific policy, which supersedes the general policies of the Official Plan.

and no apartment units

The applicant is now proposing to develop the subject lands with 47 townhouse units

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The applicant has applied to amend the City's Official Plan and zoning by-laws to permit the south block to be developed exclusively with townhouses, whereas the Official Plan and zoning by-law amendments approved by the OMB permit an apartment/townhouse development including a maximum of 19 townhouse dwelling units.

The site plan submitted with the applications (Figure 4) shows a total of 47 condominium townhouses. The 8 units facing onto Highway 7 are proposed to be 4- storeys high (Figure 5). The remaining 39 units are proposed to be 3-storeys high (Figure 6), consistent with the townhouses proposed for the centre block.

The proposed development would require amendments to the "in force" Official Plan (Revised 1987), the Official Plan 2014 (not yet in force) and Zoning By-law 118-79.

The Legal Services Department is currently processing a subdivision agreement pursuant to the OMB approved conditions of draft approval. The applicant has applied for site plan approval for the 36 townhouses in their centre block.

The Wyview Group has site plan endorsement from Development Services Committee for an 8-storey apartment building and 12 townhouses on their south block, which is immediately east of the subject lands, in accordance with the 2013 OMB approvals. Wyview is actively marketing the apartment component of this development. Staff have been advised that they have achieved a substantial number of sales.

COMMENT:

Staff have conducted a preliminary review of the applications and have the following comments:

The requested Official Plan and zoning by-law amendments are similar to the amendments recently approved by Markham Council for the Times Group lands at the north-east corner of Highway 7 and Village Parkway

On June 23, 2015, Council approved Official Plan and zoning by-law amendments to permit the south block of the Times Group Inc. property at the north-east corner of Highway 7 and Village Parkway to be developed with 56 unit townhouse units in place of the 393 apartment units and 12 townhouse units approved by the OMB in 2013.

As a condition of approval, Council required the Times Group to enter into an agreement with the City to guarantee the transfer of the unused density to the lands owned by the Times Group on the south side of Highway 7. Council directed that the implementing by-laws not be signed until this agreement has been executed. The Legal Services Department is currently processing this agreement. The Official Plan Amendment will be forwarded to York Region for decision once the agreement has been executed by the Times Group and the City. The opportunity to transfer the unused density to another site owned by the applicant does not appear to apply to the subject applications.

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Planning staff had significant concerns with the Times Group applications Staff's concerns included:

- The proposed townhouse development was not consistent with the development objectives established for this section of Highway 7 through the City-led Highway 7 Precinct Plan Study, as follows:
 - To transform Highway 7 from an "inter-regional highway" to a "mid-rise urban boulevard."
 - To ensure an appropriate interface with the established residential community to the north.
- All of the subsequent development approvals in this area, including Times Uptown Markham and Sheridan Nurseries on the south side of Highway 7, and Times, Lee (now Wyview) and Peak Gardens on the north side of Highway 7, implement the City's development objectives.
- An 8-storey apartment building would contribute to the desired character of Highway 7 as a "mid-rise urban boulevard," whereas the proposed townhouses would be out of character with the other existing or approved developments in the vicinity, and would detract from the desired character of Highway 7, especially at this significant intersection.
- York Region was finalizing plans for the reconstruction of this section of Highway 7, including widening to 6 lanes, designation of the curb lanes for HOV (high occupancy vehicles) and transit (including VIVA), the introduction of offroad bicycle lanes, and the urbanization of the boulevards with wide sidewalks and planters. (Work recently commenced on the reconstruction of this section of Highway 7.)
- An apartment development would be much more supportive of the Regions' and the City's TOD (transit oriented development) objectives than the proposed townhouse development.
- Down zoning to townhouses was not supported by York Region see below.
- Down zoning could set a precedent for down zonings in other areas of the City.

York Region had significant concerns with the Times Group applications

On April 9, 2015, Regional Committee of the Whole considered a staff report (attached as Appendix 'A') analyzing the potential implications of reduced development densities in intensification areas, as identified in the Regional Official Plan and local Official Plans. Specific concerns were identified in the report as follows:

- Appropriate development densities are required to support city building objectives of Regional centres and corridors and the urban structure articulated in the YROP-2010.
- Higher density development is required to realize the benefits of investment in rapid transit and other infrastructure.
- Higher density development built form is consistent with transit oriented development guidelines.
- Reduced development densities challenge the Region's ability to meet required intensification targets.

- The cumulative effect of reduced development densities undermines the Region's urban structure.
- Financial implications of reduced development densities (eg. reduced development charges).

On April 23, 2015, Regional Council passed the following resolution:

- 1. Council reiterate its support for high density development in intensification areas, as identified in the Regional Official Plan and local Official Plans.
- 2. Regional staff be authorized to appear before the Ontario Municipal Board in support of the Region's position, as required, for all development proposals that seek to reduce approved densities within intensification areas, and that staff inform Regional Council of any and all Ontario Municipal Board proceedings related to this direction.
- 3. This report be circulated by the Regional Clerk to all local municipalities.

Conclusions

Staff have the same fundamental concerns with the subject applications that we had with the Times Group applications.

The York Region Planning Department report (Appendix 'A') provides a comprehensive summary of the potentially serious negative implications of allowing reduced development densities along our transit corridors.

A formal public meeting needs to be held before Council makes a decision on the applications.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The requested down zoning would conflict with 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.

Acting 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 – Proposed Site Plan

Figure 5 – Elevations – townhouse units not facing onto Highway 7

Figure 6 – Elevations – townhouse units facing onto Highway 7

Appendix 'A' - York Region staff report dated March 26, 2015

Agent:

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File path: Amanda\File 15 128977\Documents\Recommendation Report

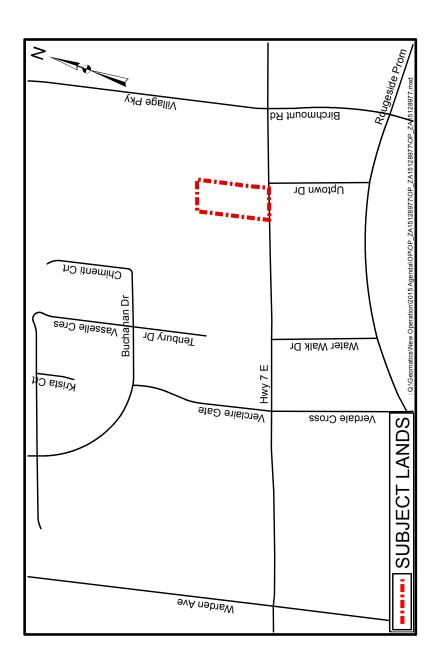
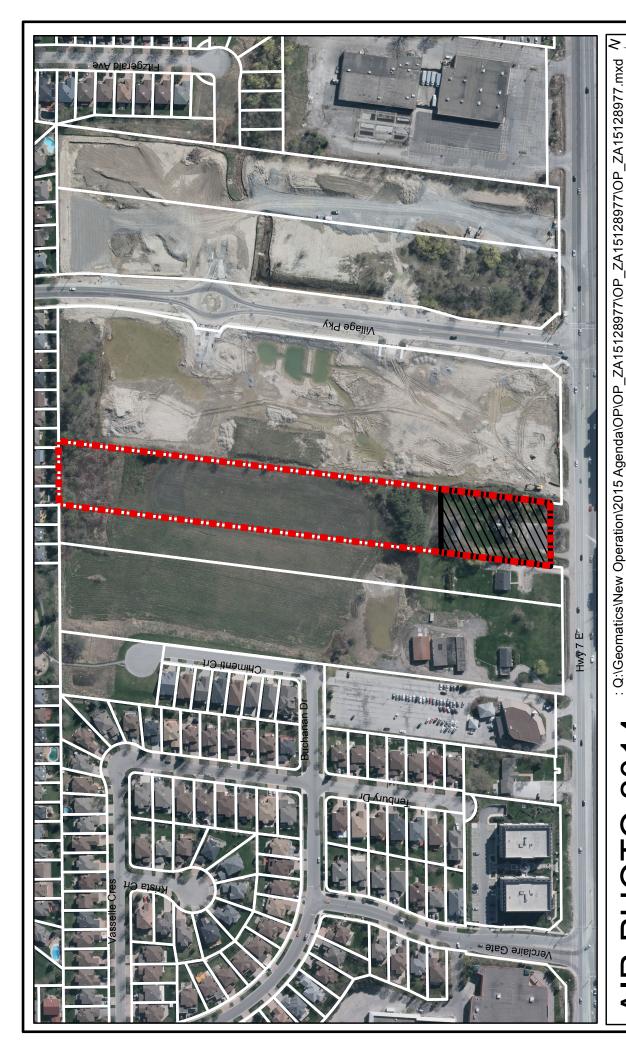




FIGURE No. 2

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Drawn By:DD



AIR PHOTO 2014

APPLICANT: SCARDRED 7 COMPANY 3940 HIGHWAY 7

FILE No:OP/ZA15128977

(MARKHAM DEVELOPMENT SERVICES COMMISSION

Checked By:SH

SCARDRED 7 COMPANY PROPERTY

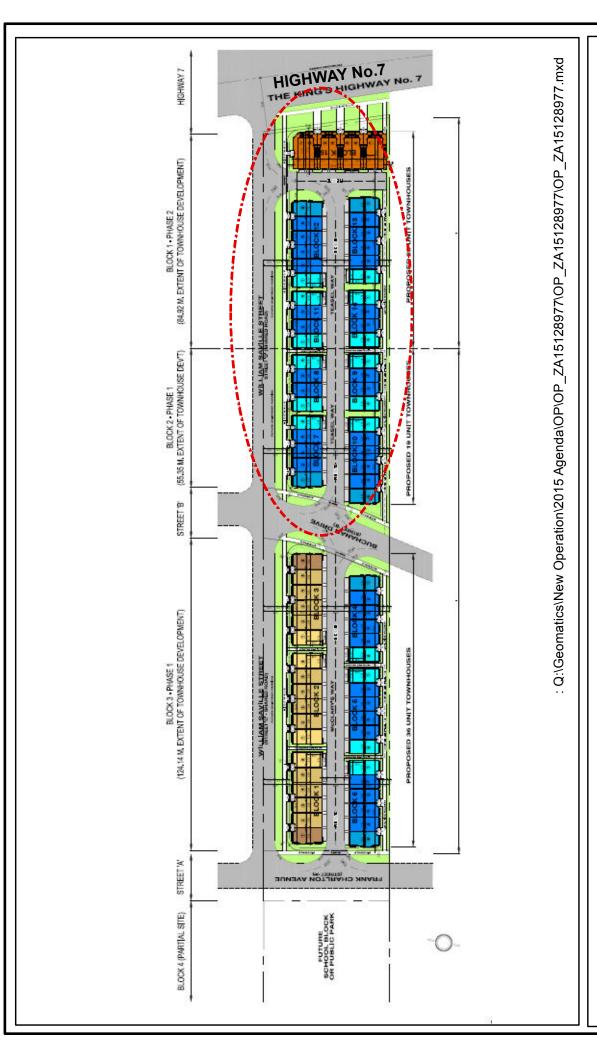
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SUBJECT LANDS

FIGURE No.

DATE:08/11/15

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PROPOSED SITE PLAN

APPLICANT: SCARDRED 7 COMPANY 3940 HIGHWAY 7

FILE No: OP/ZA15128977



ELEVATIONS-TOWNHOUSE UNITS NOT FACING ONTO HIGHWAY 7

APPLICANT: SCARDRED 7 COMPANY 3940 HIGHWAY 7

FILE No: OP/ZA15128977



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FIGURE No. 5

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FRONT VIEW

: Q:\Geomatics\New Operation\2015 Agenda\OP\OP_ZA15128977\OP_ZA15128977\OP_ZA15128977.mxd ELEVATIONS-TOWNHOUSE UNITS FACING ONTO HIGHWAY 7

APPLICANT: SCARDRED 7 COMPANY 3940 HIGHWAY 7

FILE No: OP/ZA15128977



Clause 9 in Report No. 7 of Committee of the Whole was adopted by the Council of The Regional Municipality of York at its meeting held on April 23, 2015 with the following amendment to Recommendation 2:

2. Regional staff be authorized to appear before the Ontario Municipal Board in support of the Region's position, as required, for all development proposals that seek to reduce approved densities within intensification areas, and that staff inform Regional Council of any and all Ontario Municipal Board proceedings related to this direction.

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Supporting High Density Development within Identified Intensification Areas

Committee of the Whole recommends adoption of the following recommendations contained in the report dated March 26, 2015 from the Commissioner of Corporate Services and Chief Planner:

1. Recommendations

It is recommended that:

- 1. Council reiterate its support for high density development in intensification areas, as identified in the Regional Official Plan and local Official Plans.
- Regional staff be authorized to appear before the Ontario Municipal Board in support of the Region's position, as required, for all development proposals that seek to reduce approved densities within intensification areas.
- 3. This report be circulated by the Regional Clerk to all local municipalities.

2. Purpose

This report provides Council with an analysis of potential implications associated with changes to approved development densities within identified intensification areas. This report highlights Council's city building objectives and policy direction for intensification, including the approved intensification matrix framework which identifies where to best locate higher density development in York Region.

3. Background

The Region's urban structure vision for a system of compact, mixed-use and transit-oriented Centres and Corridors is detailed in the Regional Official Plan

York Region's vision for city building includes a system of high density, mixed-use centres and corridors where people can live, work and play. This approach combines significant investment in rapid transit with a policy and land use planning regime that together will help create compact, sustainable and people-oriented communities. The *York Regional Official Plan, 2010 (YROP-2010)* contains policy direction and guidance to support Regional Centres and Corridors, and key development areas along Regional Corridors, as the primary locations for intensification and the greatest densities and mix of uses in the Region.

In support of the Region's vision for city-building, specific policies in the *YROP-2010* expressly prohibit the approval of local official plan amendments and zoning by-law amendments that would have the effect of reducing development densities in areas previously approved for medium or high density development.

To prohibit the approval of local municipal official plan and zoning by-law amendments that would have the effect of reducing the density of a site in areas that have been approved for medium- or high-density development, unless the need is determined through a municipal comprehensive review. —YROP-2010, Policy 3.5.23

This policy approach represents good planning by ensuring that any proposed reductions in density are considered collectively at the time of a municipal comprehensive review. This approach places emphasis on the need to conduct a thorough consideration of the municipal-wide implications that reductions in density may have on meeting mandatory required intensification targets and maximizing on infrastructure investments. While this policy applies to all areas of the Region, most designated medium and high density areas are captured within the Region's Intensification Matrix Framework (see Figure 1). This framework establishes a hierarchy of preferred locations for intensification and high-density development in York Region. Under this framework the greatest densities and mix of uses, including residential and employment uses, are to be directed to the Region's Centres and Corridors, followed by Go Transit Train stations, subway stations and local centres and local corridors. All areas in the hierarchy are needed to achieve the intensification targets of the *YROP-2010*.

Figure 1
Intensification Matrix Framework
(YROP-2010, Section 5.3)



The YROP-2010 and the Provincial Growth Plan mandate intensification

The Places to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) sets out goals and objectives to support growth and intensification by identifying a series of Urban Growth Centres. In addition, the Provincial Growth Plan requires municipalities to plan to meet or exceed minimum intensification and density targets, and provides a policy context for infrastructure to support growth, sustainable development, and complete communities. York Region's vision for city-building is aligned with the Growth Plan and ensures appropriate development densities are incorporated into our land use planning system to achieve the minimum intensification and density targets set by the Province.

Recent proposals do not align with the Region's vision

Recently, Regional staff received a number of development proposals and preapplications that would have the effect of permitting development density reductions below levels that are envisioned in local official plans and secondary plans. Attachment 1 highlights the number and location of proposed applications seeking to reduce densities.

Staff is of the opinion that these applications are an immediate reaction to what is likely a short-term market condition that does not address the long term vision for these areas. Once a development is built a lower density, the future residential

intensification opportunity is lost. The longer-term implications of the loss of density and the planning and public policy rationale for continuing to support high and medium density development in identified intensification areas are the focus of the following sections of this report.

4. Analysis and Options

Appropriate development densities are required to support city building objectives of Regional centres and corridors and the urban structure articulated in the *YROP-2010*

Regional centres and corridors have been an integral component of York Region's urban structure since the first Regional Official Plan was adopted in 1994. Regional centres and corridors form the two highest rungs within the intensification matrix framework and are planned for the highest and greatest intensity of residential and employment uses in York Region. The Region's centres and corridors are complete urban communities where people can choose to live, work and play. This vision for the Regional centres and corridors requires appropriate corresponding levels of development densities and a mix of uses that contribute to creating socially inclusive, environmentally sustainable and economically vibrant communities. Density lost on a specific site cannot be regained on that site.

Higher density development is required to realize the benefits of investment in rapid transit and other infrastructure

Close to \$1.8 billion has been invested by the Province in 35 km of Viva Bus Rapid Transit (BRT) in York Region. York Region Rapid Transit Corporation (YRRTC) is responsible for the planning, design and construction of the full vivaNext rapid transit network. An additional \$1.4 billion, of which York Region is contributing over \$400 million, has been secured for other rapid transit infrastructure projects, including transit terminals and the Toronto York Spadina Subway Extension project.

This significant investment in rapid transit infrastructure is supported by a policy and land use planning system, including an intensification matrix framework, which ensures that the greatest densities of people and jobs in York Region are within walking distance of reliable and efficient rapid transit services. The coordination of rapid transit infrastructure and the planning of high density, mixed use communities within the Region's intensification matrix framework are integral

to creating vibrant and successful communities where people can live, work and play. The implications of reducing densities in identified intensification areas include reduced ridership and increased per-capita capital and operating

spending to deliver and maintain the Region's rapid transit network. Reduced densities in identified intensification areas, underutilises the built water, wastewater and transportation infrastructure that were intended to service higher density. It also undermines the Regional urban structure and the importance the Region has placed on transit and travel demand management programs required in most new development proposals.

The planning and delivery of high and medium-density development within identified intensification areas ensures that investment in infrastructure and services, including rapid transit, are supported by appropriate corresponding levels of development density. Significant capital investments have and continue to be made in the Region's Centres and Corridors. It is therefore fiscally prudent to support high density development where it has been planned for in coordination with these investments.

Higher density development built form is consistent with transit oriented development guidelines

In addition to the YROP-2010, York Region's Transit Oriented Development Guidelines were adopted by Council in September 2006 in support of the ongoing implementation of the Region's Centres and Corridors program. These guidelines provide direction on, amongst other matters, appropriate land-uses, connectivity and the built form of developments. The Transit Oriented Development Guidelines describe a desired built form for development that makes efficient use of the site, is oriented to the street and is of a scale, design and height that are appropriate and compliments the urban vision within identified intensification areas. Generally, this desired built form cannot be achieved at lower densities. Higher density development can be achieved through a number of different built forms. Some sample densities and building forms are highlighted in Attachment 2. These samples show that higher density development can be achieved through thoughtful, well designed building forms that respect the character and values of the nearby community.

Reduced development densities challenge the Region's ability to meet required intensification targets

The YROP-2010 prescribes intensification targets for local municipalities and anticipates approximately 90,720 units to be absorbed through intensification Region-wide by 2031. This is consistent with the *Growth Plan* requirement to accommodate a minimum of 40% of all new development within the built boundary, and the intensification and growth targets that the Province expects municipalities to reach by 2031.

Long Range Planning staff has prepared draft population and employment growth scenarios to 2041 as part of York Region's Municipal Comprehensive Review (MCR). These draft scenarios continue to place importance on apartment

units to contribute to intensification under both the 40% and 50% intensification scenarios and especially under the no urban expansion scenario.

The minimum development density requirements established in the *YROP-2010* ensure that intensification is appropriately accommodated. Reductions in planned development densities correspond to a lower level of apartment development that will adversely impact York Region's ability to meet our required intensification targets.

The cumulative effect of reduced development densities undermines the Region's urban structure

Accepting lower than planned development densities in identified intensification areas, as shown in Figure 1, puts pressure on other areas within or outside of the intensification matrix framework to make up for the loss of people and jobs. This potential off-loading of density to other areas within or outside of the matrix is not appropriate as it undermines the ongoing efforts of the Region and Local municipalities to appropriately manage growth, and effectively plan for intensification and infrastructure investment.

Regional Official Plan policy 3.5.23 has the effect of protecting the Region's intensification strategy from one-off development proposals seeking reduced development permissions, by requiring that reductions in density be considered collectively at the time of a municipal comprehensive review. The impact of approving any one such proposal may seem minor; however, the potential cumulative effect of these proposals could adversely impact our ability to meet our vision, strategic goals and objectives. In continuing to support higher density development in identified intensification areas, we encourage a development form that maintains the integrity of the Region's policy and land use planning system, urban structure and city building initiatives.

Regional staff will continue to be actively involved in all proposals that are contrary to the Region's policy direction on intensification

The implications associated with reduced development density affect both local and Regional interests. Accordingly, Regional staff will actively convey to applicants the importance of maintaining planned medium and high densities within identified intensification areas. Staff will also oppose development proposals that seek to reduce development densities in respect of Regional Council policy and will not permit the exemption of these applications from Regional approval. This may include, as necessary:

Attending pre-consultation meetings with development proponents and local planning staff

- Providing preliminary comments on applications
- Attending and speaking at public meetings and sub-committee meetings
- Actively participating in hearings before the Ontario Municipal Board in support of the Region's policies respecting intensification, as outlined in this report

Link to key Council-approved plans

The recommendations of this report and the continued support for the Region's intensification matrix framework are consistent with the 2015 to 2019 Strategic Plan. Ensuring that planned densities established through Regional and Local growth management initiatives are maintained supports, amongst others, the strategic objective of "encouraging growth along Regional Centres and Corridors".

Vision 2051 is a blueprint and vision for the future of York Region's communities. The recommendations of this report support the goal of creating liveable cities and complete communities. Creating a vibrant City-Region requires maintaining high and medium density development permissions within identified intensification areas to achieve better connections between where people live, work and play.

5. Financial Implications

Development charges are collected to pay for infrastructure to support growth, including intensification within the Region's Centres and Corridors

Development charges are one-time payments made by developers to the Region to fund the cost of essential growth-related infrastructure. The Region is making significant investments in the Regional Centers and Corridors.

Proposals to reduce unit counts and people per hectare could result in less development charges collections from specific development sites. For example, a residential building of 400 apartment units (assuming a 40 per cent to 60 per cent split between units of 650 square feet or less versus units of more than 650 square feet) would generate \$8.87 million in Regional development charges collections at today's rates. If that development application were amended, as an example, to a plan consisting of 60 townhouse units, approximately \$2.16 million in development charges would be collected. The net effect upon the Region would be a one-time loss of \$6.71 million in development charge collections.

Table 1 summarizes the one-time development charges collections and the approximate annual property tax revenue for a hypothetical one hectare site.

Table 1
Comparison of Development Scenarios and Financial Implications

	Apartments	Townhouses	Difference
Units ¹	400	60	340
Regional Development Charges (millions) ^{2,3}	\$8.87	\$2.16	\$6.71
Estimated Annual Property Tax Revenue (Regional Portion) ^{4,5,6}	\$512,000	\$88,000	\$424,000

Notes to table 1: (1) units represent the current centres and corridors average unit yield by unit type for a hypothetical 1 hectare site. (2) Assumes that 60 percent of apartment units are greater than 650 sq.ft. (3) Development charges represent a one-time cost. (4) Assumed 2 storey condominium townhouse. (5) Based on 2015 assessment value. (6) Tax revenue rounded to the nearest thousand

6. Local Municipal Impact

The recommendations of this report will further support our local municipalities in delivering on the policy directions, land-uses, growth management and intensification frameworks established in the Regional Official Plan, local municipal official plans and secondary plans. Regional staff will continue to work together with our local municipal partners to ensure that we work towards delivering on our established and collective vision for the future.

7. Conclusion

High and medium density development within identified intensification areas has been consistently supported through policy direction of Council. The *YROP-2010*, 2015 to 2019 Strategic Plan and Vision 2051 each support compact, mixed-use livable communities where people can live, work and play. The continued support of Regional Council and staff on this issue is required to ensure the success of Regional initiatives including the implementation of Centres and Corridors and Viva Bus Rapid Transit.

Regional staff will work with local municipal colleagues to actively enforce Council's approved policy direction and in respect of the Region's intensification matrix framework.

For more information on this report, please contact Josh Reis, Senior Planner, Centres, Corridors and Subways, Community Planning and Development Services, at ext.71515.

The Senior Management Group has reviewed this report.

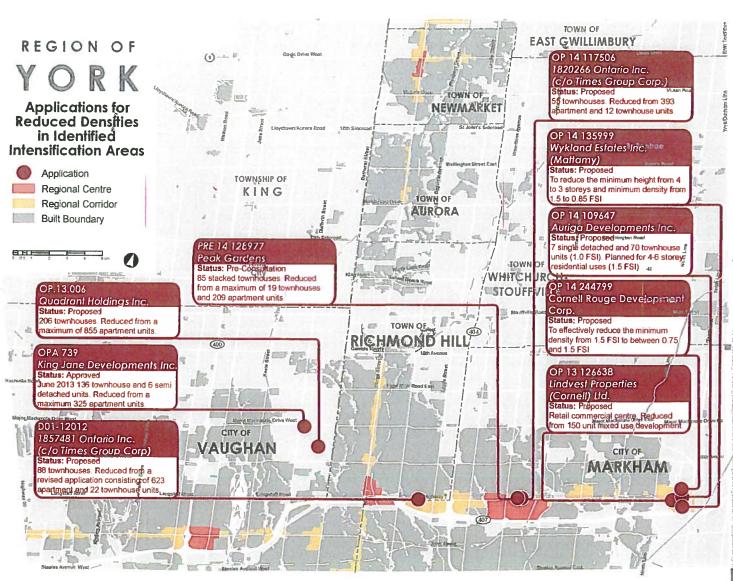
March 26, 2015

Attachments (2)

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Accessible formats or communication supports are available upon request



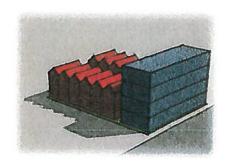


Attachment 2

Mixed



62 and 48 Suncrest Boulevard FSI:4.4

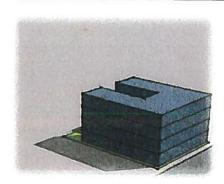


FSI: 2.5

Mid-Rise



Thornhill - Minto Watergarden Floor Space Index:2.0

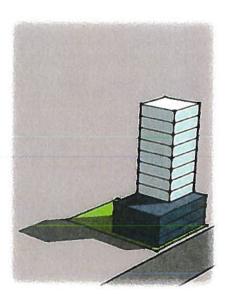


FSI: 2.5

Podium and Tower



World on Yonge Floor Space Index: 3.5



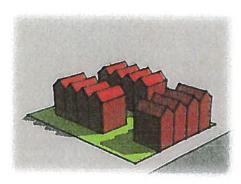
FSI: 2,5

Attachment 2



Townhouses

Village Park Towns, Markham FSI: 1.0



FSI: 1.0