

SUBJECT:	RECOMMENDATION REPORT 1820266 Ontario Inc. (Times Group Inc.) 4002/4022 Highway 7 (north-east corner of Highway 7 and Village Parkway) Applications for Official Plan and zoning by-law amendments to permit a townhouse development File Nos.: OP/ZA 14 117506
PREPARED BY:	Scott Heaslip, M.C.I.P., R.P.P., Senior Project Coordinator, Central District, ext. 3140
<b>REVIEWED BY:</b>	Richard Kendall, M.C.I.P., R.P.P., Manager, Central District, ext. 6588

#### **RECOMMENDATION:**

- That the staff report dated May 19, 2015, titled "RECOMMENDATION REPORT, 1820266 Ontario Inc. (Times Group Inc.), 4002/4022 Highway 7 (north-east corner of Highway 7 and Village Parkway), Applications for Official Plan and zoning by-law amendments to permit a townhouse development," be received.
- 2) That the applications be denied.
- 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 update Committee on applications to amend the City's Official Plan and zoning by-laws to permit a 55 unit townhouse development in place of the currently permitted 405 unit apartment/townhouse development at the north-east corner of Highway 7 and Village Parkway, and to recommend that the applications be denied.

#### **BACKGROUND:**

#### Subject Property and Area Context (Figures 1 - 3)

The Times Group Inc. owns a 4.44 hectare (11 acre) property at the north-east corner of Highway 7 and Village Parkway. The subject lands of this report are the south (approx.) quarter of the property, having an area of 1.2 hectares or 2.9 acres.

To the east is a commercial building (Canada Computers) and a vacant 1-storey office building (formerly the White Rose Nurseries head office) to the rear. To the south across Highway 7 is the Times Group's Uptown Square commercial development, anchored by a Whole Foods supermarket. To the west across Village Parkway are vacant lands which have been approved for development. To the north and north-east are homes fronting on Amberwood Court and Fitzgerald Avenue and backing onto the Times Group property.

#### **Official Plan and Zoning**

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)] and a corresponding zoning by-law amendment permitting the Times Group property to be developed as follows:

- South block (the subject lands of this report) a maximum of 12 townhouse units and apartment building(s), having a maximum height of eight storeys, accommodating a maximum of 393 apartment units.
- Centre block Up to 60 condominium townhouse units.
- North block single detached dwellings (these permissions pre-date the 2013 OMB decision)

The OMB approved amendment to the secondary plan provides as follows:

#### "5.2.9 <u>4002/4022 Highway 7 East</u>

The following provisions apply to the lands municipally known as 4002/4022 Highway 7 East. Should there be any conflict between these provisions and any other provisions in this Secondary Plan, the provisions of this section shall prevail for the subject lands:

- (a) That portion of the subject lands that is designated "Urban Residential High Density 1 (Special Exception \*3)" may be used for <u>a maximum of 12</u> townhouse dwelling units, (underline added) and a maximum of 393 apartment dwelling dwellings in building(s) having a maximum height of eight storeys and a maximum floor space index of 3.5 (excluding any floor space for up to 12 townhouse dwelling units).
- (b) That portion of the subject lands that is designated "Urban Residential Medium Density 1 (Area 2)" may be used for a maximum of 60 townhouse units.
- (c) Apartment development shall be subject to the following specific design guidelines ......"

At the same hearing the OMB granted similar approvals for the Lee and Peak Gardens properties on the west side of Village Parkway.

The concept site plan submitted by Times and Lee in support of their OMB appeals is attached as Figure 4.

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These approvals implemented settlements between Times Group, Lee Developments, Peak Gardens 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 recently adopted 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). The Official Plan 2014 includes a site specific policy incorporating the approvals granted by the OMB in 2013.

#### Proposal

In August, 2014, the Times Group applied to amend the City's Official Plan and zoning by-laws to permit the subject lands to be developed exclusively with three storey townhouses. The concept plan submitted with the applications (Figure 5) showed a total of 55 condominium townhouses, similar to the townhouses proposed for the centre block. The proposed unit count (55 units) is approximately 24% of the currently permitted unit count (405 units).

The proposed development requires amendments to the "in force" Official Plan (Revised 1987) and the Official Plan 2014 (not yet in force) to increase the maximum permitted number of townhouses from 12 to 55 (or 56), and a corresponding Zoning By-law amendment.

#### **CHRONOLOGY:**

# Preliminary staff report expressed significant concerns with request to "down zone" subject lands

On November 18, 2014, Development Services Committee considered a preliminary report (Appendix 'A') on the applications. The report expressed a number of concerns with the proposal to replace an approved 405 unit apartment/townhouse development with a 55 unit townhouse development, including:

- The proposed townhouse development is 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 and Peak Gardens on the north side of Highway 7, implement the City's development objectives.
- The currently permitted mid-rise (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 is currently 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, the introduction of off-road bicycle lanes, and the urbanization of the boulevards with wide sidewalks and planters. York Region staff advise that in addition to regular YRT buses, VIVA will be running on this section of Highway 7.
- The currently permitted 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 is not supported by York Region. This is discussed in more detail below.
- Down zoning could set a precedent for down zonings in other areas of the City.

#### **Applications referred to Unionville Subcommittee**

A Public Meeting was held on January 20, 2015 to consider the applications. Committee referred the applications to the Unionville Subcommittee for further discussion. The minutes of the Public Meeting are attached as Appendix 'B'.

#### Unionville Subcommittee directed staff to work with applicant to resolve issues

The Unionville Subcommittee met on February 3 to discuss the requested approvals. After a wide ranging discussion, the subcommittee directed staff to work with the applicant to explore a potential compromise solution that would be more consistent with the City's and the Region's objectives along Highway 7, and report back to Council on February 10, 2015. The minutes of the subcommittee meeting are attached as Appendix 'C'.

#### Staff updated Council on February 10, 2015

The staff memo dated February 10, 2015 (Appendix 'D') advised that the applicant was prepared to meet with staff to discuss built form options that may be more supportive of the Region's and the City's objectives for Highway 7.

#### York Region Council has authorized Regional staff to oppose development proposals that seek to reduce approved densities within identified intensification areas.

On April 9, 2015, Regional Committee of the Whole considered a staff report 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.

The Regional Planning staff report is attached as Appendix 'E'. It should be noted that the subject application is referenced in the report.

It should also be noted that the Region is the approval authority for the subject Official Plan Amendment.

# Applicant has submitted a revised development concept with taller townhouses along Highway 7

On April 2, 2015, the applicant submitted revised scheme to staff (see Figures 6 and 7) which increases the height of the townhouses adjoining Highway 7 from 3 to 4 storeys and increases the unit count from 55 to 56. The plans incorporate a mansard roof with false dormer windows giving the appearance of a  $5^{th}$  storey. The applicant has advised staff that he is not willing to incorporate any higher density (ie. apartment) product into the development.

#### **COMMENT:**

While the applicant's revised development proposal represents an improvement to the built form relationship to Highway 7, it does not address the fundamental concern that the applicant's townhouse proposal is not in keeping with the City's development objectives for Highway 7 and is not supported by the policies of the York Region Official Plan.

For this reason, staff recommend that Council deny the subject applications.

It should be noted that approvals for the currently permitted 405 unit apartment/townhouse development were granted by the Ontario Municipal Board in August 2013, following a lengthy hearing. Given the significant expense incurred by the

applicant to defend these approvals, staff assume that the applicant felt that there was a market for apartment units at this location at that time. The Regional Planning report (Appendix 'D') includes the following comment on this issue:

Staff is of the opinion that these applications (for reduced densities) 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 at a lower density, the future residential intensification opportunity is lost.

It should also be noted that Scardred 7 Company Limited (formerly Peak Gardens), the owner of 4151 Highway 7 (north side of Highway 7, two properties west of Village Parkway) recently submitted applications to amend the City's Official Plan and zoning by-laws seeking a similar reduction in density. Approval of the subject applications would set a precedent for the approval of this other application, and of any future applications by other landowners seeking reduced densities along transit corridors. The potential cumulative impact of reduced densities along transit corridors is of significant policy concern, as there is the potential to undermine the City's and the Region's transit oriented development objectives and overall development objectives.

Wyview, the current owner of the Lee property on the west side of Village Parkway, directly opposite the Times property, has applied for site plan approval for an 8-storey apartment building at the north-west corner of Highway 7 and Village Parkway in accordance with the approvals granted by the OMB in 2013.

#### 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.

Biju Karumanchery, M.C.I.P., R.P.P. Acting Director, Planning and Urban Design

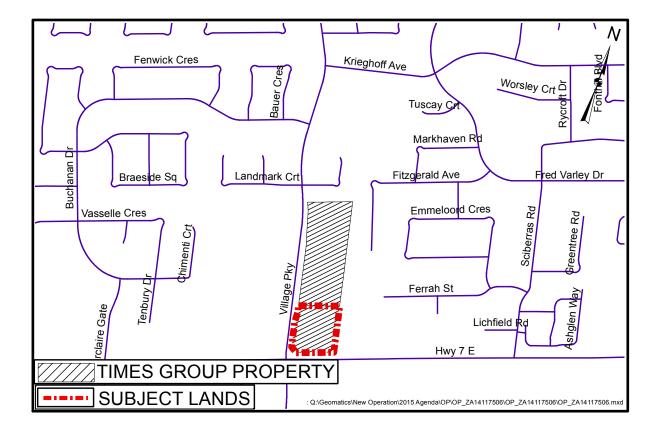
Jim Baird, M.C.I.P., R.P.P. Commissioner, Development Services

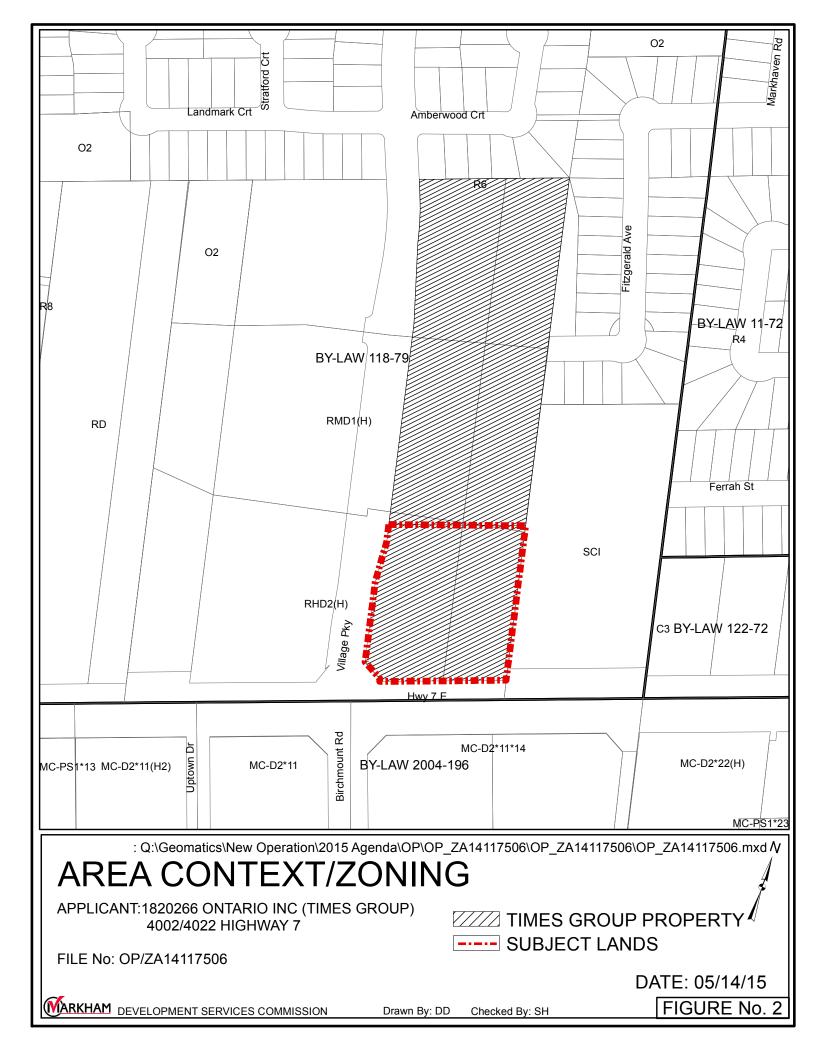
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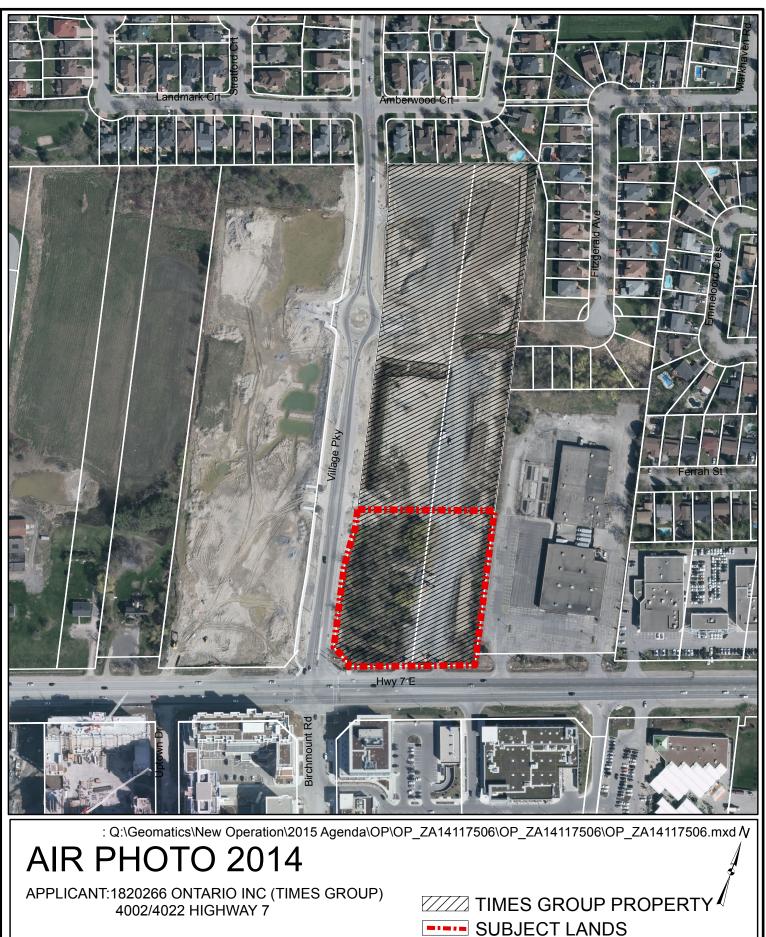
- Figure 1 Property Location Map
- Figure 2 Area Context / Zoning
- Figure 3 Air Photo
- Figure 4 Concept plan submitted by the Times Group and Lee Developments in 2013 support of their OMB appeals.
- Figure 5 Site plan submitted with applications
- Figure 6 Current site plan
- Figure 7 Artist's rendering of 4-storey townhouses
- Appendix 'A' Preliminary staff report
- Appendix 'B' Minutes of Public Meeting
- Appendix 'C' Minutes of Unionville Subcommittee meeting
- Appendix 'D' Staff update memo
- Appendix 'E' Regional Planning staff report
- Agent: Lincoln Lo

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

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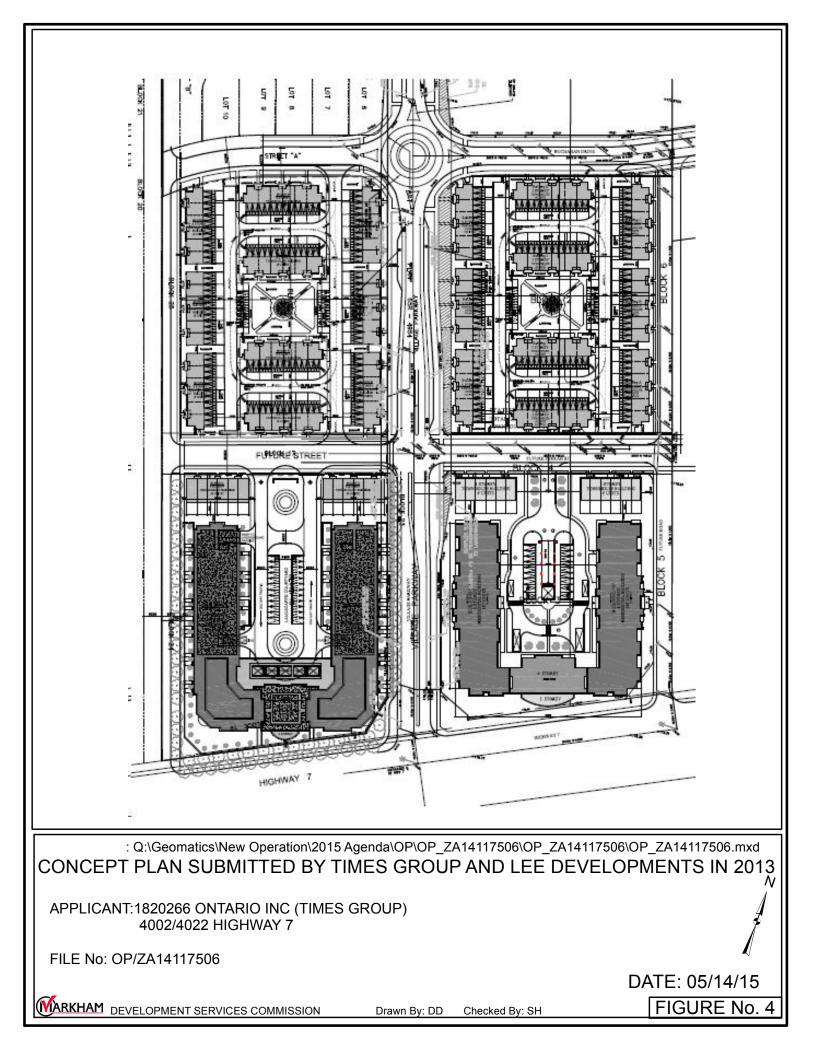


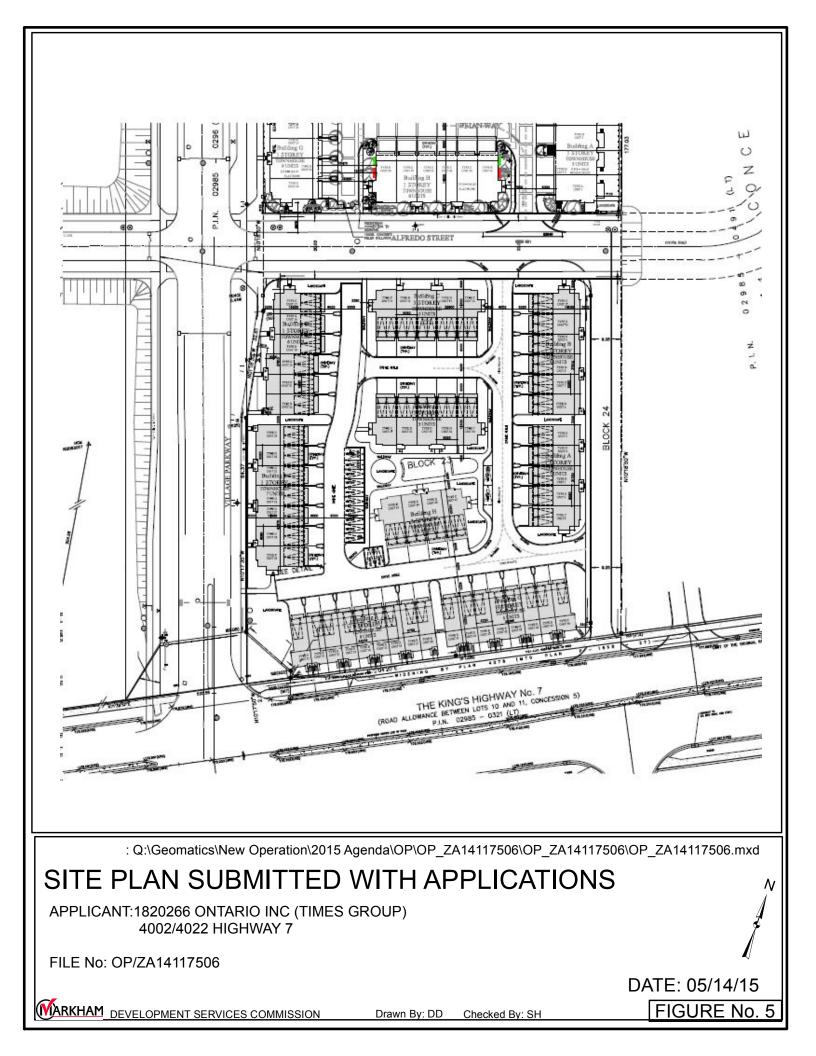
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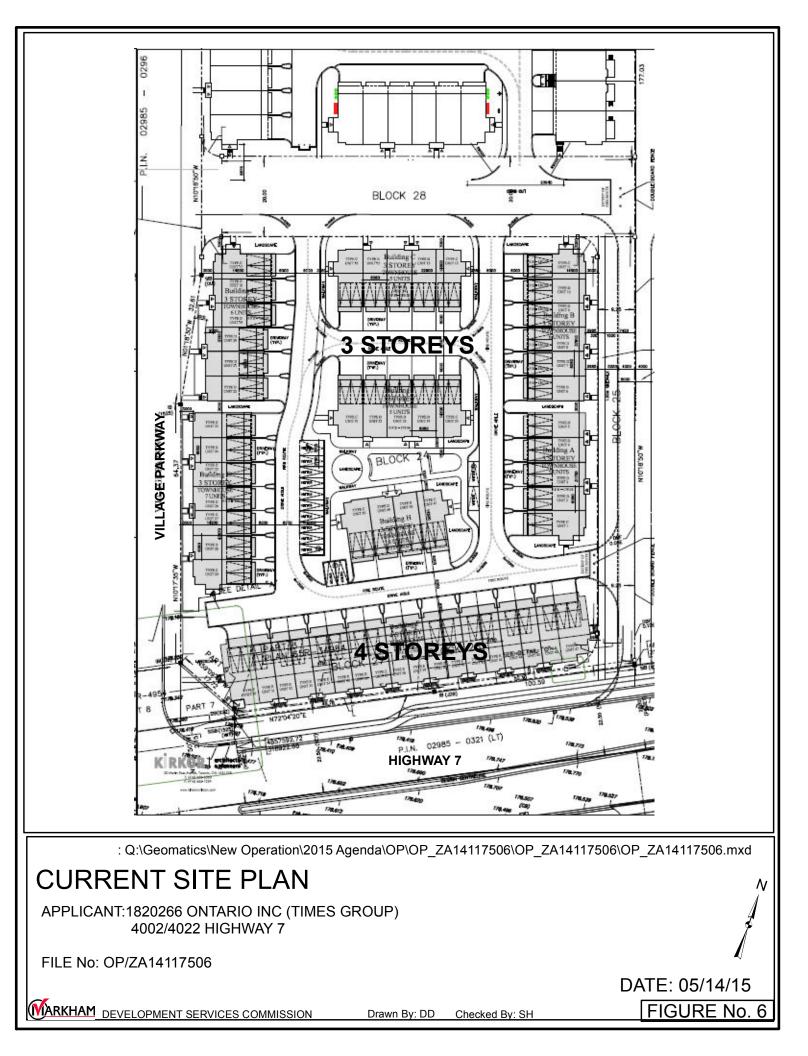
MARKHAM DEVELOPMENT SERVICES COMMISSION

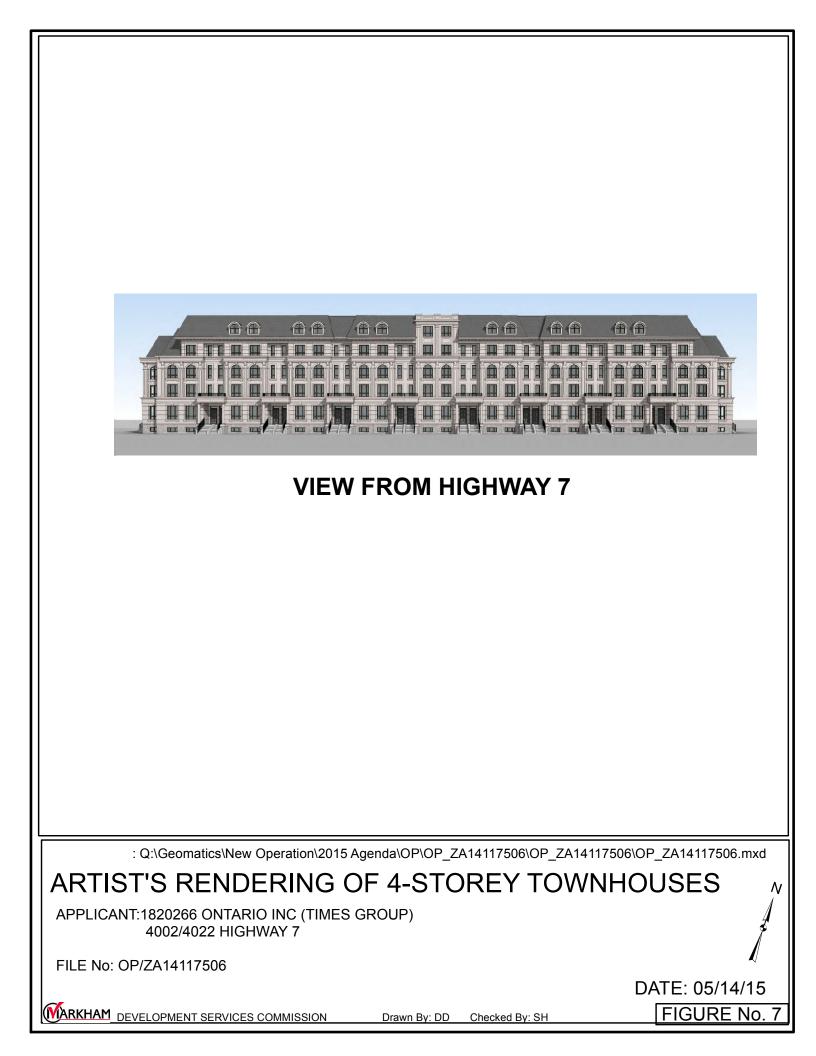
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APPENDIX 'A'



Report Date: November 18, 2014

SUBJECT:	PRELIMINARY REPORT 1820266 Ontario Inc. (Times Group Inc.) 4002/4022 Highway 7 (north-east corner of Highway 7 and Village Parkway) Applications for Official Plan and zoning by-law amendments to permit a townhouse development File Nos.: OP/ZA 14 117506
PREPARED BY:	Scott Heaslip, Senior Project Coordinator, Central District, ext. 3140
<b>REVIEWED BY:</b>	Richard Kendall, Manager, Central District, ext. 6588

#### **RECOMMENDATION:**

- That the staff report dated November 18, 2014, titled "PRELIMINARY REPORT, 1820266 Ontario Inc. (Times Group Inc.), 4002/4022 Highway 7 (north-east corner of Highway 7 and 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.



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#### BACKGROUND:

#### Subject Property and Area Context (Figures 1 - 3)

The Times Group Inc. owns a 4.44 hectare (11 acre) property at the north-east corner of Highway 7 and Village Parkway. The subject lands of this report are the south (approx.) quarter of the property, having an area of 1.2 hectares or 2.9 acres.

To the east is a commercial building (Canada Computers) and a vacant 1-storey office building (formerly the White Rose Nurseries head office) to the rear. To the south across Highway 7 is the Times Group's Uptown Square commercial development, anchored by a Whole Foods supermarket. To the west across Village Parkway are vacant lands which have been approved for development. To the north and north-east are homes fronting on Amberwood Court and Fitzgerald Avenue and backing onto the Times Group property.

#### **Existing approvals**

In August, 2013, the Ontario Municipal Board (OMB) approved site specific Official Plan and zoning by-law amendments permitting the Times Group property to be developed as follows:

- South block (the subject lands of this report) apartment building(s), having a maximum height of eight storeys, accommodating a maximum of 393 apartment units and a maximum of 12 townhouse units.
- Centre block Up to 60 condominium townhouse units.
- North block single detached dwellings.

A the same hearing the OMB granted similar approvals for the Lee and Peak Gardens properties on the west side of Village Parkway.

These approvals implemented settlements between Times Group, Lee Developments, Peak Gardens 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 Times Group property also has draft plan of subdivision approval dating from an earlier OMB decision in 1994. Staff are currently finalizing the required subdivision agreement.

In January 2014, Development Services Committee endorsed site plan approval for the centre (townhouse) and south (apartment/townhouse) blocks. Staff are currently processing the site plan agreement for the centre block.

#### Applicant is now proposing to develop the south block with townhouses only

The Times Group has applied to amend the City's Official Plan and zoning by-laws to permit the south block to be developed exclusively with three storey townhouses. The concept plan submitted with the applications (Figure 5) shows a total of 55 condominium townhouses, similar to the townhouses proposed for the centre block. The proposed unit count (55 units) is approximately 24% of the currently permitted unit count (405 units).



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The requested approvals 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, as amended.

#### **OPTIONS/ DISCUSSION:**

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

# The proposed townhouse development is not consistent with the City's development objectives for Highway 7

In 2009 the City established development objectives 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 and Peak Gardens on the north side of Highway 7, implement the City's development objectives, as follows:

- The approved built form program of the Times Uptown Markham and Sheridan Nurseries developments on the south side of Highway 7 consists of mid rise (6-8 storey) buildings fronting on Highway 7, transitioning up to taller (20-25 storey) buildings to the south overlooking the Rouge River valleylands.
- The approved built form program of the Times, Lee and Peak Gardens developments on the north side of Highway 7 consists of 8-storey apartment buildings fronting on Highway 7, transitioning down to townhouses and then to single detached dwellings or a school or park.

The currently permitted mid-rise (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 is currently 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, the introduction of off-road bicycle lanes, and the urbanization of the boulevards with wide sidewalks and planters. York Region staff advise that in addition to regular YRT buses, VIVA will be running on this section of Highway 7.

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The currently permitted 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 is not supported by the policies of the York Region Official Plan

The York Region Official Plan includes the following policy (which is under appeal):

3.5(23) "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."

The applicant has submitted a Planning Rationale Report in support of the subject applications. This report is currently under review by York Region and Markham Planning staff.

### Down zoning could set a precedent for down zonings in other areas of the City

Staff have received enquiries from other landowners in the vicinity as well as other areas of the City regarding the potential to down zone sites currently zoned for higher density development to townhouses. Staff understand that this is in response to the current strong market demand for townhouses and relatively soft demand for condominium apartments. While staff acknowledge the commercial considerations of the landowners, we are concerned that the approval of the subject applications could set a precedent for the down zoning of other transit accessible properties along arterial road corridors. Once a property is developed at a lower, less transit supportive density, the opportunity to develop the property at a higher, more transit supportive density is lost.

#### Conclusions

Staff have concerns with the subject applications on the basis that the townhouse proposal is not in keeping with the City's growth management strategy of intensification and higher order development along major transit corridors. It would be appropriate to schedule a public meeting to consider the applications.

### 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."



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#### **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

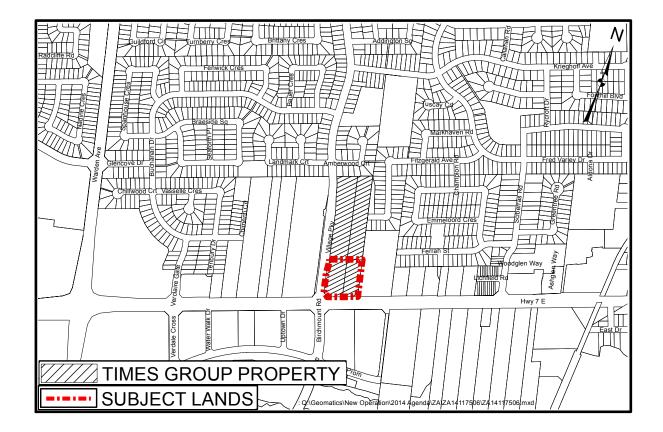
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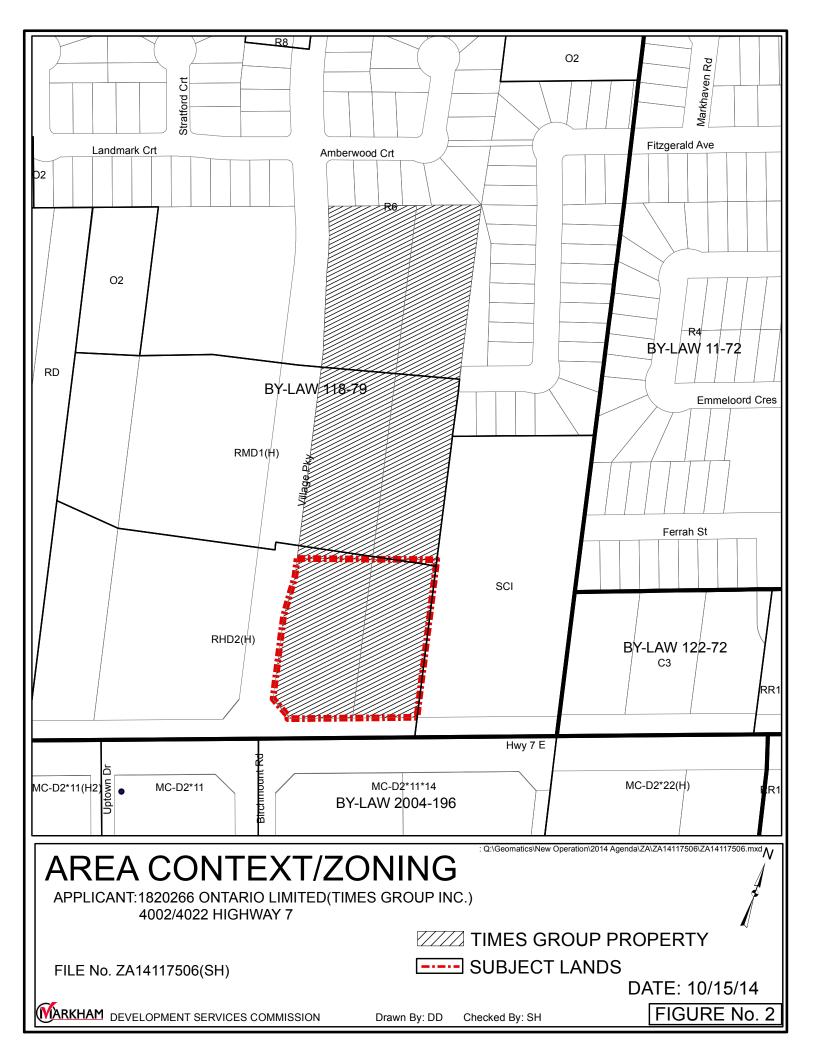
- Figure 1 Property Location Map
- Figure 2 Area Context / Zoning
- Figure 3 Air Photo
- Figure 4 Draft Plan of Subdivision
- Figure 5 Site Plan
- Figure 6 Endorsed Site Plan of Apartment Development

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

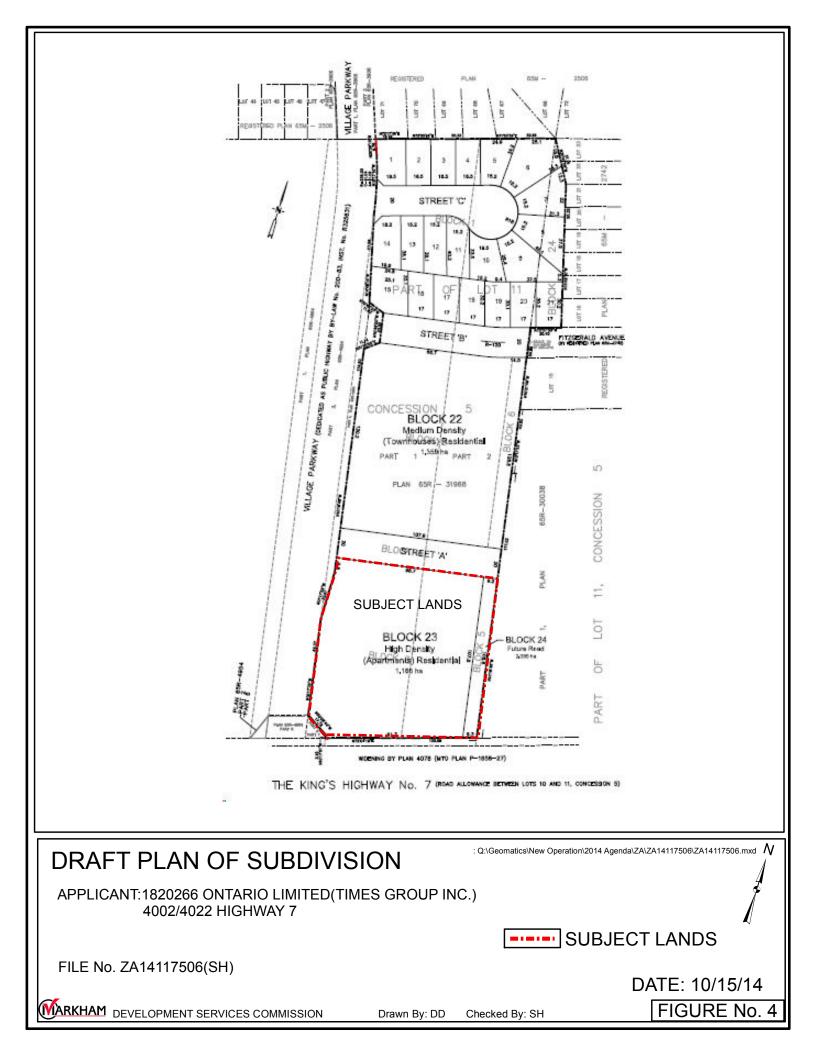
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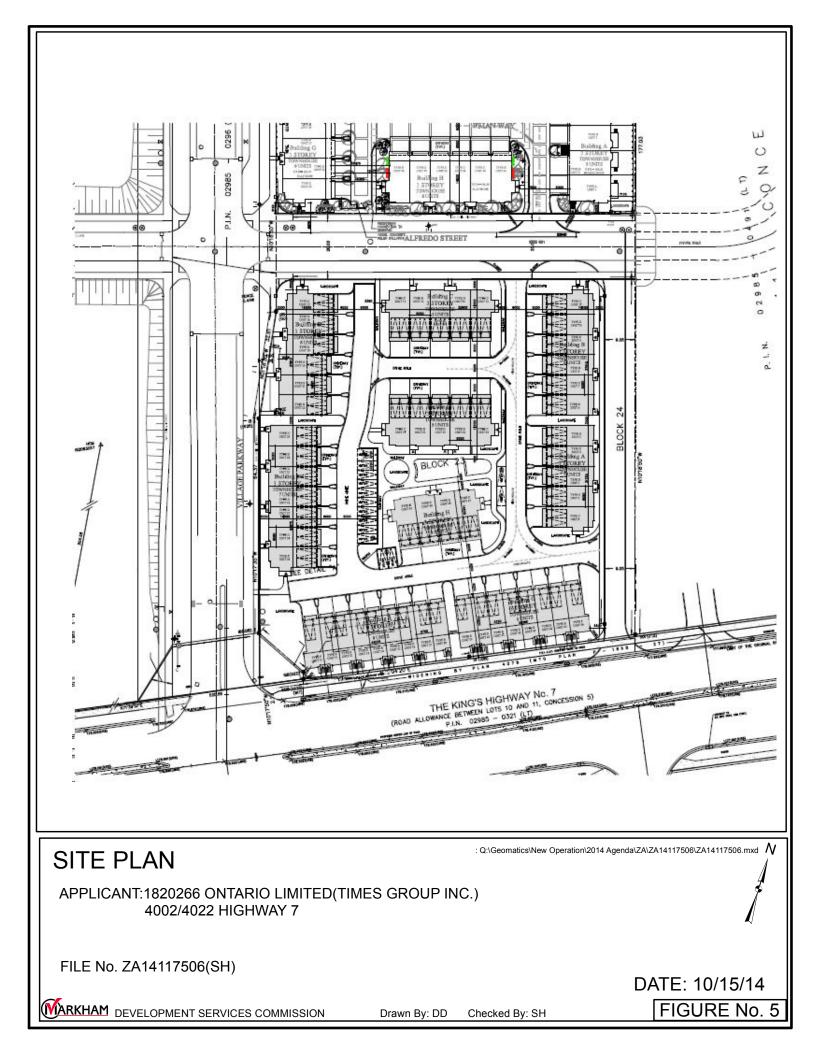


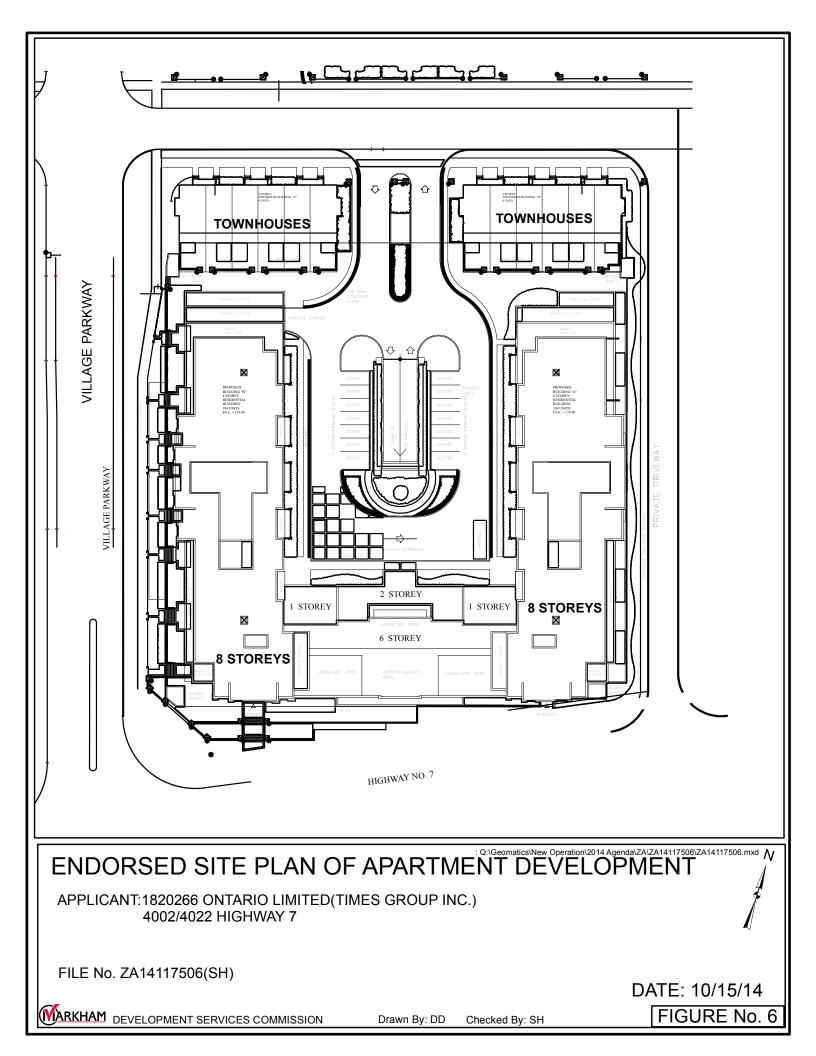














#### THE CORPORATION OF THE CITY OF MARKHAM

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APPENDIX 'B'

#### EXTRACT CONTAINING ITEM #0002 OF THE DEVELOPMENT SERVICES PUBLIC MEETING COMMITTEE OF MEETING NO. 2 (Jan 20, 2015)

#### 2. PRELIMINARY REPORT 1820266 ONTARIO INC. (TIMES GROUP INC.) 4002/4022 HIGHWAY 7 (NORTH-EAST CORNER OF HIGHWAY 7 AND VILLAGE PARKWAY) APPLICATIONS FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS TO PERMIT A TOWNHOUSE DEVELOPMENT FILE NOS.: OP/ZA 14 117506 (10.3, 10.5)

#### **Report**

The Public Meeting this date was to consider an application submitted by 1820266 Ontario Inc. (Times Group Inc.) for Official Plan and Zoning By-law Amendments to permit a townhouse development at 4002/4022 Highway 7 (north-east corner of Highway 7 and Village Parkway) (OP/ZA 14 117506).

The Committee Clerk advised that 27 notices were mailed on December 29, 2014, and a Public Meeting sign was posted on December 22, 2014. No written submissions were received regarding this proposal.

Staff gave a presentation regarding the proposal, the location, surrounding uses and outstanding issues. The Committee discussed the potential east-west road extension at the north of the property; the building style most compatible for fronting on a major roadway; the cumulative impact of the reduced density on the Region's investment in the transit corridor; any Section 37 benefits could be lost if the development is downsized; market dictates; and providing higher density at an alternate location.

Lincoln Lo of Malone Given Parsons, representing the applicant, gave a presentation to provide further details and to discuss the reduced density. The Committee discussed the chronology of density approvals and the appropriate density to support transit.

Michelle Tidball spoke of the rezoning process with respect to developers by-passing public consultation by going directly to the Ontario Municipal Board, and the legal/staff costs incurred by the City is such cases. Ms. Tidball suggested the unit size should be liveable and stated her preference for the townhouse product.

Tom Zigomanis provided a review of the chronology of density approvals and disputes at the OMB over the past 23 years as well as more recent proposals, the challenge to the democratic process, and the impacts of intensification and construction on the residents. Mr. Zigomanis provided a written copy of his deputation.

Ken Wightman spoke in support of townhouses as they would be compatible with the existing single family dwellings to the north and would not generate as much traffic congestion as condos. Mr. Wightman discussed the uncompleted developments in the area and questioned the density build-out required by the Region.

http://ccbs.markham.ca/clerks/DocExtract.asp?Document=ds150120-0002.htm

Goran Mihajlovic spoke in support of the proposed townhouses due to potential traffic congestion and noted a problem with right-hand turn onto Village Parkway.

Donna Miasek spoke in support of the recent OMB approved density and discussed the importance of intensification along a transit corridor, affordability, and student housing. Ms. Miasek questioned the applicants' rationale for amending the approved development from condos to lower density townhouses.

David McBeth spoke in support of the townhouse proposal and the reduced density, due to traffic concerns. Mr. McBeth discussed the VIVA operations along Highway 7 and suggested comprehensive development among several area property owners.

Randy Thummel spoke in support of the lower density townhouse proposal.

Peter Miasek, representing the Unionville Ratepayers Association, spoke in opposition to the lower density townhouse proposal. Mr. Miasek reviewed the 2013 OMB decision that approved 393 condo units and referred to the persuasive arguments provided by the applicant, as well as the potential domino effect with other developments and lost Development Charges, Section 37, and other fees. He discussed the Regional Official Plan, Markham's Official Plan, and other legislation that supports the current density.

Karen Gullason, spoke in support of the lower density townhouses, and discussed the attempts by the applicant to increase the density since 1993 and the OMB process as a drain on the City's resources. Ms. Gullason had concerns for the incomplete neighbourhood, the unrealistic focus on transit, the potential traffic, and the intended use of Section 37 monies that would be generated by higher density. Ms. Gullason provided a written copy of her deputation.

The Committee discussed the timeframe for other area developments; measures to ensure the aesthetics and safety issues of vacant lands are addressed; the progress of a building owned by Times Group south of Highway 7; potential increased high-density to the north; traffic congestion; supporting transit; referral to the Unionville Sub-Committee. It was noted that the timeframe for Council to make a decision is running out. It was suggested that a Unionville Subcommittee meeting be held prior to a memo being presented to Council on February 10, 2015

Moved by: Deputy Mayor Jack Heath

Seconded by: Councillor Alex Chiu

1) That the deputations by Michelle Tidball, Tom Zigomanis, Ken Wightman, Goran Mihajlovic, Donna Miasek, David McBeth, Randy Thummel, Peter Miasek, representing the Unionville Ratepayers Association, and Karen Gullason, and the written submissions by Tom Zigomanis and Karen Gullason, regarding the applications by 1820266 Ontario Inc. (Times Group Inc.), be received; and,

2) That the staff report dated November 18, 2014 titled "PRELIMINARY REPORT, 1820266 Ontario Inc. (Times Group Inc.), 4002/4022 Highway 7 (north-east corner of Highway 7 and Village Parkway), Applications for Official Plan and zoning by-law amendments to permit a townhouse development, File Nos.: OP/ZA 14 117506" be received; and, 3) That the record of the Public Meeting held on January 20, 2015 with respect to the applications, be received; and,

4) That the applications be referred to the Unionville Sub-committee with a report to Council on February 10, 2015; and further,

5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

#### CARRIED

#### ADJOURNMENT

The Development Services Public Meeting adjourned at 11:18 PM.

Alternate formats for this document are available upon request.





#### MINUTES UNIONVILLE SUB-COMMITTEE February 3, 2015, 7:00 pm Council Chamber

#### **Committee Members**

Mayor Frank Scarpitti, Ex-Officio Regional Councillor Nirmala Armstrong Councillor Alan Ho Councillor Don Hamilton Councillor Amanda Collucci

#### <u>Staff</u>

Scott Heaslip, Senior Project Coordinator Biju Karumanchery, Acting Director of Planning and Urban Design Richard Kendall, Development Manager – Central District Kitty Bavington, Council/Committee Coordinator

#### <u>Absent</u>

Regional Councillor Jim Jones

#### Council Members

**Councillor Valerie Burke** 

The Unionville Sub-Committee convened at 7:13 pm with Councillor Don Hamilton in the Chair.

1. Disclosure of Interest – None Declared

#### 2. Unionville Sub-Committee Minutes – September 16, 2014

Moved by: Councillor Alan Ho Seconded by: Regional Councillor Nirmala Armstrong

That the minutes of the Unionville/Mobility Hub Sub-Committee meeting held on September 21, 2014, be adopted as amended.

CARRIED

 1820266 Ontario Inc. (Times Group Inc.) 4002/4022 Highway 7 (North-East Corner of Highway 7 and Village Parkway) Applications for Official Plan and Zoning By-Law Amendments to Permit a Townhouse Development File Nos.: OP/ZA 14 117506 (10.3, 10.5)

On January 20, 2015, the Development Services Committee referred this application to a meeting of the Unionville Sub-Committee.

Unionville Sub-Committee February 3, 2015 Page 2 of 3

Scott Heaslip, Senior Project Coordinator, provided an overview of the proposal, the location, street network, issues of concern identified by staff, and the previous and current OMB approvals.

Ira Kagan of Kagan Shastri and Lincoln Lo of Malone Given Parsons, representing the applicant, gave a presentation to provide details of the past and current proposals, and displayed renderings. Mr. Kagan discussed the principles of land use planning, suggesting that the current proposal complies with Official Plan policies, has a compatible density with surrounding developments, and represents good planning.

Discussions included transitioning density, supporting transit, down-zoning, Official Plan policies, possibly accommodating population growth on other properties owned by the applicant along Highway 7, avoiding urban sprawl into the white space, ensuring an affordable unit mix, and setting a precedent for similar lower-density rezoning applications.

Mr. Kagan suggested the applicant could commit to transferring the lost density to another development, but the Committee questioned how the commitment could be accomplished. Staff considered the pre-agreement for such a transfer to be impractical.

Peter Miasek, Unionville Ratepayers Association, referred to his deputation at the Public Meeting on January 20, 2015, advising that a narrow majority of the Association does not support the reduced density. The suggestion to transfer some of the density to the south side of Highway 7 may have merit, pending staff's review of this option.

Michelle Tidball, a Unionville resident, discussed the lengthy and expensive OMB process. Ms. Tidball supports the new proposal for family-sized dwelling units; however, expressed concern about developers reacting to the marketplace, rather than ensuring sensible, sustainable planning occurs.

Dave McBeth spoke in support of the current townhouse proposal and suggested that the current Viva system is not efficient enough to encourage transit use.

The Committee discussed the next steps. Staff have been directed to report back to Council on February 10, 2015 on the outcome of the Sub-committee meeting. Due to the timeframe for the report to Council and for Council to make a decision, the applicant was requested to agree to additional time to allow for continued discussions. The Committee indicated that the City is willing to work with the applicant on a compromise that would include a reasonable density with a suitable streetscape interface.

Staff will provide an update Memo to Council on February 10 with respect to the status of discussions with the applicant. It was noted that there may be legal questions that could be addressed at Council as well.

Moved by: Regional Councillor Nirmala Armstrong Seconded by: Councillor Alan Ho

 That the presentation by Ira Kagan of Kagan Shastri and Lincoln Lo of Malone Given Parsons, representing the applicant, regarding applications by 1820266 Ontario Inc. (Times Group Inc.) for 4002/4022 Highway 7 be received; and, Unionville Sub-Committee February 3, 2015 Page 3 of 3

- That the deputations by Peter Miasek, Unionville Ratepayers Association, Michelle Tidball, and Dave McBeth, regarding applications by 1820266 Ontario Inc. (Times Group Inc.) for 4002/4022 Highway 7 be received; and,
- 3) That staff be directed to continue to work with the applicant to resolve issues; and further,
- 4) That staff be directed provide a memo to Council on February 10, 2015, with an update on the status of the application and discussions with the applicant.

CARRIED

#### Adjournment

The Unionville Sub-Committee adjourned at 9:15 pm.



MEMORANDUM				
DATE:	February 10, 2015			
то:	Mayor and Members of Council			
FROM:	Jim Baird, M.C.I.P., R.P.P., Commissioner of Development Services			
PREPARED BY:	Scott Heaslip, M.C.I.P., R.P.P., ext. 3140 Senior Project Coordinator, Central District			
REVIEWED BY:	Richard Kendall, M.C.I.P., R.P.P., ext. 6588 Manager, Central District			
RE:	1820266 Ontario Inc. (Times Group Inc.) 4002/4022 Highway 7 (north-east corner of Highway 7 and Village Parkway) Applications for Official Plan and zoning by-law amendments to permit a townhouse development File No. OP/ZA 14 117506			

#### **RECOMMENDATION:**

- That the staff memorandum dated February 10, 2015 regarding applications by 1820266 Ontario Inc. (Times Group Inc.) to permit a townhouse development at 4002/4022 Highway 7 (north-east corner of Highway 7 and Village Parkway), be received.
- 2. That staff be directed to continue to negotiate the built form along Highway 7 with the Times Group.
- 3. That staff report back to Development Services Committee as soon as possible on the outcome of the discussions with the applicant.

#### BACKGROUND

On August 6, 2014, the Times Group applied to amend the City's Official Plan and zoning bylaws to permit a townhouse development (54 townhouses) on the lands at the north-east corner of Highway 7 and Village Parkway in place of the currently permitted high density development (393 apartments and 12 townhouses). The applications were deemed complete on August 22, 2014. On November 18, 2014, the preliminary staff report on the applications was considered by Development Services Committee. The staff report expressed significant concerns with the requested approvals, from both a policy and built form perspective. Committee directed staff to schedule a statutory public meeting to consider the applications.

On January 5, 2015, York Region Planning staff submitted written comments also expressing significant concerns with the proposal.

The statutory Public Meeting was held on January 20, 2015, at which time Development Services Committee referred the applications to the Unionville Subcommittee for further discussion.

On February 3, 2015, the Unionville Subcommittee met to discuss the applications. The Subcommittee directed staff to work with the applicant to explore a potential compromise solution that would be more consistent with the City and Region's objectives along Highway 7, and provide a memo to Council on February 10, 2015 with an update on the status of the applications and discussions with the applicant.

#### COMMENT

The applicant has advised that he is prepared to meet with staff to discuss built form options that may be more supportive of the Region's and the City's objectives for Highway 7.

Staff recommend that Council direct staff to continue to negotiate the built form along Highway 7 with the Times Group, and report back to Development Services Committee as soon as possible on the outcome of the discussions. If the negotiations are productive, staff could report back to Development Services Committee as early as March 3.



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*.

# 9 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.
- 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.
- 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, mixeduse 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 peopleoriented 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*.



# 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.

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

Table 1Comparison of Development Scenarios and Financial Implications

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.

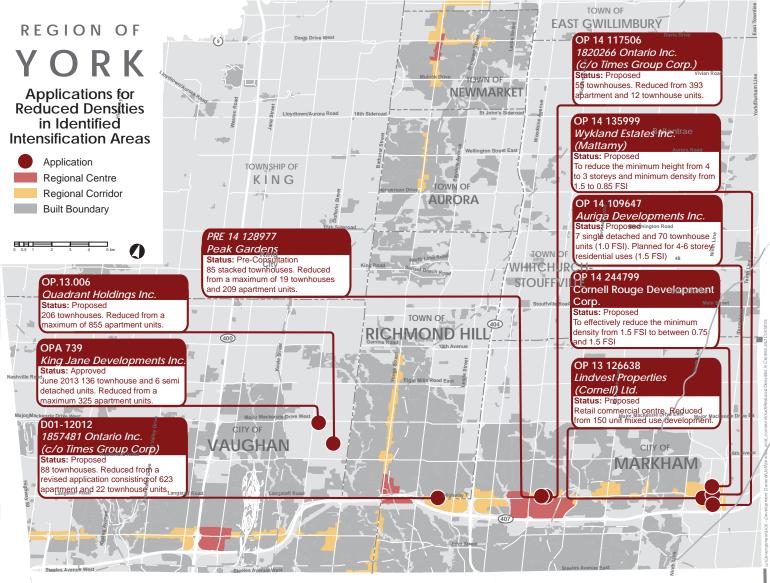
The Senior Management Group has reviewed this report.

March 26, 2015

Attachments (2)

#6056390

Accessible formats or communication supports are available upon request



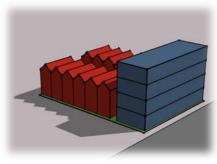
### Attachment 2



Mixed

**Mid-Rise** 

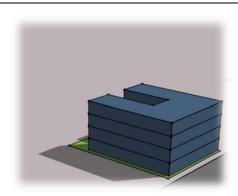
62 and 48 Suncrest Boulevard FSI:4.4



FSI: 2.5



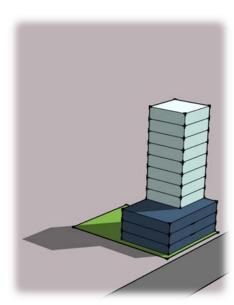
Thornhill - Minto Watergarden Floor Space Index:2.0



FSI: 2.5



World on Yonge Floor Space Index: 3.5





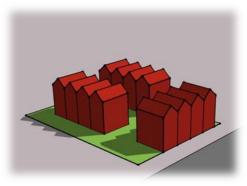
Podium and Tower

# Attachment 2



# Townhouses

Village Park Towns, Markham FSI: 1.0



FSI: 1.0