



Report to: Development Services Committee

Report Date: March 3, 2015

SUBJECT: Preliminary Report
Applications by King Square Ltd., for an Official Plan and Zoning By-law Amendment to permit an integrated mixed-use centre at 9390 Woodbine Avenue
File No.'s OP/ZA 14 129350 & OP 10 116596

PREPARED BY: Geoff Day MCIP, RPP, Ext. 3071
Senior Planner, West District

REVIEWED BY: David Miller, MCIP, RPP, Ext. 4960
Manager, West District

RECOMMENDATION:

- 1) That the report titled, "Preliminary Report - Applications by King Square Ltd., for an Official Plan and Zoning By-law Amendment to permit an integrated mixed-use centre at 9390 Woodbine Avenue File No.'s OP/ZA 14 129350& OP 10 116596", be received;

PURPOSE:

This report provides preliminary information on the applications by King Square Limited for Official Plan and Zoning By-law Amendments to permit a hotel, residential and commercial uses at 9390 Woodbine Avenue. This report contains general information in regards to applicable OP or other policies as well as other issues and the report should not be taken as Staff's opinion or recommendation on the application.

BACKGROUND:

Property and Area Context

These applications are in support of the King Square Phase 2 development proposal, located on a 2.38 ha (5.88 acre) site on the north side of Markland Street, west of Woodbine Avenue. (Figure 1). The Phase 2 lands are currently occupied by a sales pavilion associated with the 2.24 ha (5.53 acre) Phase 1 portion of the development. The total land area of Phases 1 and 2 combined is 4.62 ha (11.41 acres).

To the north is a storm water management pond and a low-density residential subdivision. To the east, across Woodbine Avenue, is Ashton Meadows Park. To the south and west are vacant lands, designated as Business Park and Business Corridor in the Woodbine North Secondary Plan and the Markham Official Plan. The former Markham Golf and Country Club (now vacant) is located in the valley lands to the southwest.

The Phase 1 development which fronts directly onto Woodbine Avenue, was Site Plan Endorsed in December 2011. Site Plan approval is subject to, amongst other things, the execution of a Site Plan Agreement. A conditional permit authorizing the construction of the foundations, the underground parking structure and site servicing has been issued for Phase 1. This permit expires on March 16, 2015.

Proposal

The applicant has applied to amend both the in force Official Plan (Revised 1987), and the Official Plan 2014 (not yet in force) as well as Zoning By-law 165-80, as amended. Approval of both Official Plan amendments and Zoning By-law would permit the development of the phase 2 lands for a mixed use development consisting of an 8,012m² (86,243ft²) - 148 suite hotel, 15,072m² (162,239ft²) of retail space and three apartment towers with a combined floor area of 49,864m² (536,749ft²) containing 535 residential units. A total of 1,200 parking spaces are provided, all below grade. It is anticipated that a formal site plan application will be submitted in the near future.

Phase II consists of:

| USE | STOREYS | FLOOR AREA | UNITS/SUITES | Density/FSI (floor space index) | UPHA (Units per hectare) |
|--------------------|------------|---|--|------------------------------------|-----------------------------|
| APARTMENTS | 17 | 16,656m ² (179,290ft ²) + 635m ² (6,835 ft ²) of retail uses | 160 | 0.55 res. 0.02 retail | 53 |
| | 20 | 18,058m ² (194,381ft ²) + 635m ² (6,835 ft ²) of retail uses | 193 | 0.6 res. 0.02 retail | 63.9 |
| | 25 | 15,150m ² (163,079ft ²) + 520m ² (5,597ft ²) of retail uses | 182 | 0.5 res. 0.02 retail | 60.3 |
| TOTAL | | 49,864m ² (536,749ft ²) apt. 1790m ² (19,268ft ²) retail | 535 apt. units | 1.65 res. 0.06 retail | 177.2 |
| HOTEL | 7 | 8,012m ² (86,243ft ²) | 148 | 0.27 | |
| RETAIL | 2 | 13,282m ² (142,971ft ²) | N/A | 0.44 | N/A |
| GRAND TOTAL | N/A | 72,948m² (785,231ft²) | 535 apt. units 148 hotel suites | 2.42 | 177.2 |

The 17 and 20 storey residential buildings are connected by a 6 storey podium with retail at grade. The 25 storey residential building is connected to the 7 storey hotel, with retail at grade. The 2 storey retail building is 'stand alone'. Indoor and outdoor private amenity spaces are also contemplated (See Figure 2). Discussions with the applicant to date indicate that their intent is to provide for a height transition from Markland Street to the low rise residences to the north within a 2:1 angular plane (i.e. 1 metre of height for every 2 metres of distance from the southern boundary of the low rise residences to the north). The appropriateness of the proposed building heights in an area context is an issue to be addressed. The current zoning of the property allows hotels and office towers to a maximum height of 36 metres (+/- 9 storeys), which is substantially less than those proposed. As these lands are located within close proximity to the Buttonville Airport, the proposed development is also subject to the Buttonville Airport Zoning Regulations. In this regard, the applicant will be required to retain a qualified Land Surveyor to determine whether the development complies with the Buttonville Airport Zoning Regulations. Transport Canada has been circulated on this application.

Markham Official Plan and Zoning By-law

The in-force Official Plan (Revised 1987), as amended, designates the subject lands 'Business Corridor Area'. The recently approved Markham Official Plan 2014 (not yet in force), designates the subject lands 'Commercial', neither provides for residential uses. Map 3 – Land Use identifies the Phase 2 lands as the subject of a "Deferral Area" policy 9.4.7.c) (see Figure 3). This application was one of a number of employment land conversion applications considered by Markham Council prior to the adoption of the new Official Plan. In accordance with Council direction, the 'Commercial' designation was deferred; pending Council approval of an official plan amendment application. Also, a site specific policy was included, which provides for non-commercial uses to be considered for the Phase 2 lands subject to conformity with the Growth Plan, and all other policies of the Markham Official Plan 2014, including specific prescribed criteria as follows:

- Compatibility to adjacent land use;
- Achieving an increase in the number of jobs that would otherwise be provided under the 'Employment Lands' designation on the site, or at the minimum, no net reduction in jobs on the site;
- Proximity to transit;
- Provision of lands for a VIVA terminal;
- Achieving better public amenities, including but not limited to public art, Section 37 community benefits, and publically accessible private amenity spaces; and,
- Where the location is appropriate, provide for affordable or seniors housing.

The lands are presently zoned M.C. (170%)(H) by By-law 165-80, as amended. The proposed uses are not permitted under the current zoning designation.

Approval of the proposal as submitted, will require amendments to the City of Markham's Official Plan (Revised 1987), Markham's New Official Plan 2014 (not yet in force) and By-law 165-80, as amended.

The land use designation under the Markham Official Plan 2014 (not yet in force) that the applicant is seeking is under the 'Mixed Use High Rise designation. This designation provides for heights ranging from 3 to 15 storeys and densities of up to 3.0 FSI.

Region of York Municipal Comprehensive Review (RMCR)

In approving the 2014 Official Plan, the Region of York further modified the site specific policy to indicate that the deferral could not be released on its own merit, but must be assessed in conjunction with all of the other employment land deferrals in the Plan. The modified policy also indicates that the collective consideration of these deferral requests requires further study by the Region including the substantial completion of the forecasting and land budget component of the next Regional Municipal Comprehensive Review (RMCR) by April 2015. York Region staff have indicated a preference for having Markham Council decisions on as many employment conversion applications as possible, as input into the forecasting and land budget component of the RMCR.

Staff previously recommended denial of a number of Official Plan amendment applications for the conversion of employment lands

On May 21, 2013, in a report titled "Draft Official Plan 2012 – Employment Conversion and Redesignation Applications", Staff recommended that the Development Services Commission deny several applications to convert employment land uses to non-employment land uses. The Owner's Official Plan Amendment application OP 10 116596 was one of the identified applications recommended for denial.

The reasons for recommending denial of the employment conversion applications cited in the May 21, 2013 report included, among other things, the following:

1. The need for the removal of employment lands has not been adequately justified.
2. Staff were not satisfied that the employment targets will be met by the proposed developments.
3. Staff were not satisfied that the employment conversions will not affect the viability of the employment areas.
4. Staff were of the opinion that all of the employment lands are required over the long term to maintain and grow a strong and vibrant economy. It was also staff's opinion that all of the employment lands are needed to achieve Markham's employment targets.

Applications and process to date

1. An amendment to the Official Plan (Revised 1987) was filed in May of 2010. The application was deemed incomplete as the applicant had not provided a satisfactory planning justification report for the proposed conversion to residential. On May 6, 2013, the applicant subsequently provided a detailed planning justification report, prepared by Bousfields Inc., in accordance with the requirements of the Growth Plan in advance of the May 2013 Staff report.
2. The applications identified in the May 2013 staff report were referred to a Development Services Subcommittee for further consideration and recommendation regarding the appropriateness for allowing the lands to be considered for conversion, and for continuing to process the applications. The Development Services Sub-Committee held a number of

meetings between July and October 2013 to consider the applications for employment land conversions.

On October 1, 2013, staff reported on the "Recommendations from Development Services Subcommittee on Applications for Conversion or Redesignation of Employment Lands." The Subcommittee's recommendations on the Official Plan Amendment application submitted by King Square Ltd were as follows:

1. That staff be directed to continue to process the employment land conversion application by King Square Ltd and that the employment land designation be deferred in the new Official Plan; and,
2. That staff be directed to work with the applicant to increase the number of jobs by 200.

The Subcommittee also recommended the following criteria to be considered by Development Services Committee and Council in reviewing all applications for employment conversion identified for deferral in the new Official Plan:

- a. Compatibility to adjacent land use;
 - b. Achieving an increase in the number of jobs that would otherwise be provided under the "Employment Lands" designation on the subject land, or at minimum, no net reduction in jobs on the site;
 - c. Proximity to transit;
 - d. Provision of lands for a VIVA terminal;
 - e. Achieving better public amenities, including but not limited to public art, Section 37 community benefits and publicly accessible private amenity spaces; and
 - f. Where the location is appropriate, provide for affordable or seniors housing.
3. A formal pre-consultation meeting was held on September 17, 2014. At the meeting, a checklist outlining the required applications, reports, studies and plans was given to the applicant.
 4. Given Regional Staff's target for municipalities to complete the review of conversion applications to provide input into the forecasting and land budget component of the RMCR, a memorandum was sent to the December 9, 2014 Development Services Committee meeting (Attached as Appendix 'A'). The memorandum sought authorization to call a statutory Public Meeting after the applicant had submitted the required reports and studies to deem the applications 'complete'.
 5. On December 17, 2014, additional applications for rezoning of the subject lands and an amendment to Markham's Official Plan 2014 (not yet in force) were submitted seeking approval for the proposed phase II development which included residential uses not permitted in the current zoning By-law or 2014 Official Plan (not yet in force). On January 15, 2015, these applications were deemed 'complete'.

OPTIONS/ DISCUSSION:

The following is a brief summary of matters raised to date. Other matters may be identified through the detailed review of the proposal.

1. As the applications were deemed complete on January 15, 2015, they have only recently been circulated to internal departments and external agencies. No formal comments have been received as of the date this report was written. Through the pre-consultation process,

Staff have advised the applicant that potential impacts on the residential uses to the north needs to be identified. This includes, but is not limited to, the following:

- a. Building heights and built form compatibility
 - b. Review of shadowing effects;
 - c. The buildings relationship to the street; and,
 - d. Compliance with the Buttonville Airport Zoning Regulations;
2. Staff have received Site Servicing and Transportation studies which are presently under review. Key matters to be addressed in this review include staging and timing of the phase 2 application and coordination with the provision of the new servicing and transportation infrastructure to support each sub-phase of the development.
 3. The introduction of residential uses onto these employment lands results in a net loss of potential employment use floor space which remains a concern to Staff. However, as identified by the Subcommittee's recommendation, staff will work with the applicant to confirm that an increase in the number of jobs by 200 is achieved over the 190 job identified in Bousfields 2013 planning rationale.
 4. The proposed development shall incorporate sustainable design measures with the consideration of, but not limited to, the following:
 - green or white roofs;
 - planting to provide shade;
 - the use of light-coloured paving materials with a high level of solar reflectance to reduce the urban heat-island effect;
 - bioswales;
 - rain gardens;
 - permeable paving;
 - rainwater harvesting; and,
 - Bird friendly concepts of outdoor lighting and glazing systems

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The applications are being evaluated to determine conformity with the City's strategic priorities including growth management.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various City departments and external agencies for their review and comment.

RECOMMENDED BY:

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



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

APPLICANT CONTACT INFORMATION:

Figure 1: Location Map

Figure 2: Conceptual Site Plan

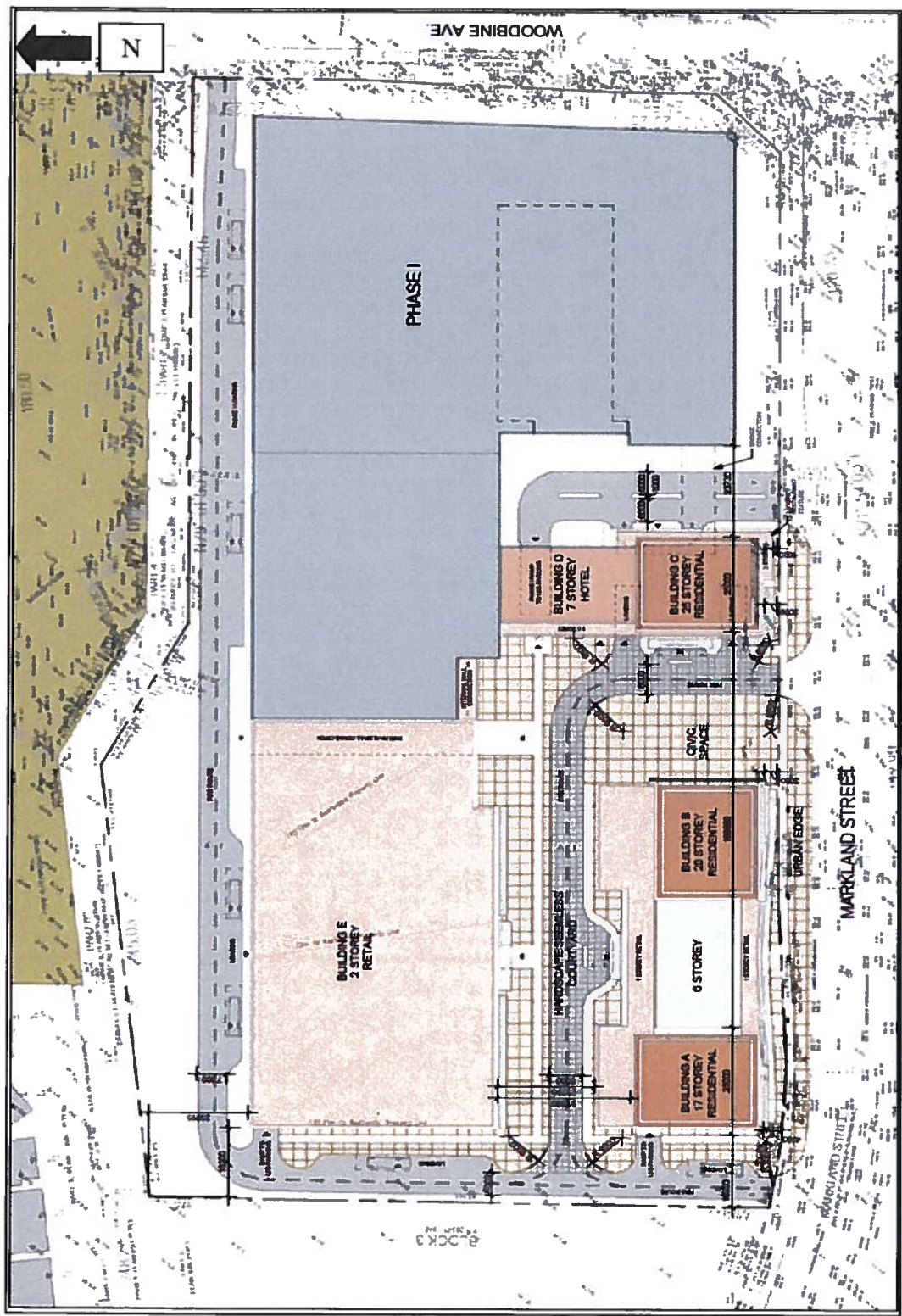
Figure 3: Figure 9.4.7 of Markham Official Plan 2014 (not yet in force)

Appendix 'A': December 9, 2014 Memorandum to and resolution from DSC

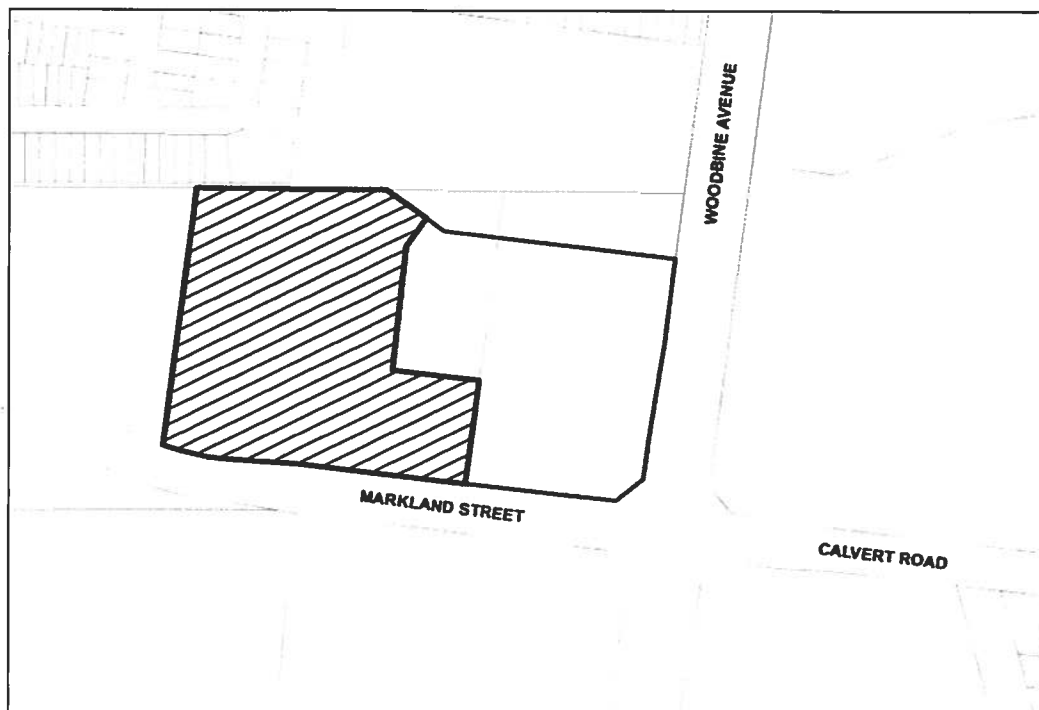
FIGURE 1: LOCATION MAP



FIGURE 2: CONCEPTUAL SITE PLAN



**FIGURE 3: FIGURE 9.4.7 OF MARKHAM OFFICIAL PLAN 2014
(NOT YET IN FORCE)**



APPENDIX 'A'

Copy of December 9, 2014 Memorandum to, and Resolution from, DSC



Memorandum to: Development Services Committee

Date: December 9, 2014

TO: Mayor and Members of Council

FROM: Ron Blake, MCIP, RPP
Acting Senior Development Manager
Planning and Urban Design
Jim Baird MCIP, RPP
Commissioner of Development Services

SUBJECT: Request to call a Public Meeting
King Square Limited (Phase 2)
Official Plan and Zoning By-law Amendment Applications to permit
a hotel, residential and commercial uses at 9390 Woodbine Avenue
File No.: PRE 14 129350
(Associated file No.'s: OP 10 116596 & ZA 10 116597)

PREPARED BY: Geoff Day MCIP, RPP, Ext. 3071
Senior Planner, West District

REVIEWED BY: David Miller, MCIP, RPP, Ext.4960
Manager, West District

RECOMMENDATION:

1. That the Staff memorandum entitled "Request to call a Public Meeting King Square Limited (Phase 2) Official Plan and Zoning By-law Amendment Applications to permit a hotel, residential and commercial uses at 9390 Woodbine Avenue File No.: PRE 14 129350" be received;
2. That authority to call a statutory Public Meeting, to consider pending applications by King Square Limited for Official Plan and Zoning By-law amendments to permit a hotel, residential and commercial uses at 9390 Woodbine Avenue, be delegated to the Director of Planning and Urban Design, or designate, once complete Official Plan and Zoning By-law Amendment applications have been submitted;

3. And that Staff be authorized and directed to do all things necessary to give effect to the above recommendation.

PURPOSE:

This memorandum requests that authority to call a statutory Public Meeting, to consider pending applications by King Square Limited for Official Plan and Zoning By-law Amendments to permit a hotel, residential and commercial uses at 9390 Woodbine Avenue, be delegated to the Director of Planning and Urban Design, or designate. Complete Official Plan and Zoning By-law Amendment applications in support of the proposal have not yet been submitted. The statutory Public Meeting date cannot be set until the complete applications have been submitted, to the satisfaction of the Director of Planning & Urban Design, or designate.

BACKGROUND:**Property and Area Context**

These applications are in support of Phase 2 of the King Square development, located on a 4.64 ha (11.46 acre) site in the northwest quadrant of the Woodbine Avenue/Markland Street intersection. Phase 1 consists of 8,950 m² (96,340 ft²) of office and convention centre uses and 22,950 m² (247,040 ft²) of small unit retail and restaurant uses (total gross floor area 31,900 m² (343,380 ft²)). Parking for Phase 1 will be provided in an underground structure with additional surface parking on the west side of the site where future Phase 2 is proposed.

Phase 2 of this development is approximately 3.02 ha (7.46 ac) in area. The Phase 2 lands are currently occupied by a sales pavilion associated with the Phase 1 portion of the development.

To the north is a storm water management pond and a low-density residential subdivision. To the east, across Woodbine Avenue, is Ashton Meadows Park. To the south and west are vacant lands, designated as Business Park and Business Corridor in the Woodbine North Secondary Plan and the Markham Official Plan. The former Markham Golf and Country Club (now vacant) is located in the valley lands to the southwest.

The Phase 1 development was Site Plan Endorsed in December 2011. Site Plan approval is subject to, among other things, the execution of a Site Plan Agreement. It is anticipated that this agreement will be executed shortly.

“Markham Official Plan and Region of York implications

The in-force Official Plan (Revised 1987), as amended, designates the subject lands ‘Business Corridor Area’. The recently approved Markham Official Plan 2014 (not yet in force), designates the subject lands ‘Commercial’, which does not provide for residential uses. Map 3 – Land Use identifies the Phase 2 lands as the subject of a “Deferral Area” policy 9.4.7.c) (see Figure 2). This application was one of a number of employment land conversion applications considered by Markham Council prior to the adoption of the new Official Plan. In accordance with Council direction, the ‘Commercial’ designation was deferred, pending Council approval of an official plan amendment application, and a site

specific policy included which provides for non-commercial uses to be considered for the Phase 2 lands subject to conformity with the Growth Plan, and all other policies of the Markham Official Plan 2014, including specific prescribed criteria.

In approving the 2014 OP, the Region of York further modified the site specific policy to indicate that the deferral could not be released on its own merit, but must be assessed in conjunction with all of the other employment land deferrals in the Plan. The modified policy also indicates that the collective consideration of these deferral requests requires further study by the Region including the substantial completion of the forecasting and land budget component of the next Regional Municipal Comprehensive Review (RMCR) by April 2015. York Region staff have indicated a preference for having Markham Council decisions on as many employment conversion applications as possible, as input into the forecasting and land budget component of the RMCR.”

A formal pre-consultation meeting was held on September 17, 2014. At the meeting, a checklist outlining the required applications, reports, studies and plans was given to the applicant. The applicant is presently working on fulfilling the City's, Region's and other external agencies' submission requirements and anticipate the filing of formal Official Plan and Zoning By-law Amendment applications by early December.

CONCLUSION:

Staff are recommending that authority to call the statutory Public Meeting be delegated to the Director of Planning and Urban Design, or designate, subject to the submission of complete Official Plan and Zoning By-law amendment applications so that a decision from Markham Council can be provided to the Region of York in advance of the completion of their April 2015 RMCR.

Development Services Committee Minutes

December 9, 2014, 9:00 AM to 12:00 NOON

Council Chamber

Meeting No. 1

14. **REQUEST TO CALL A PUBLIC MEETING
KING SQUARE LIMITED (PHASE 2)
OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
APPLICATIONS TO PERMIT A HOTEL
RESIDENTIAL AND COMMERCIAL USES
AT 9390 WOODBINE AVENUE
FILE NO.: PRE 14 129350
(ASSOCIATED FILE NO.'S: OP 10 116596 & ZA 10 116597)**

(10.3, 10.5)

Moved by: Councillor Alan Ho

Seconded by: Councillor Don Hamilton

- 1) That the Staff memorandum entitled "Request to call a Public Meeting King Square Limited (Phase 2) Official Plan and Zoning By-law Amendment Applications to permit a hotel, residential and commercial uses at 9390 Woodbine Avenue File No.: PRE 14 129350" be received; and,
- 2) That authority to call a statutory Public Meeting, to consider pending applications by King Square Limited for Official Plan and Zoning By-law amendments to permit a hotel, residential and commercial uses at 9390 Woodbine Avenue, be delegated to the Director of Planning and Urban Design, or designate, once complete Official Plan and Zoning By-law Amendment applications have been submitted; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to the above recommendation.

CARRIED