



Report to: Development Services Committee

Report Date: September 11, 2012

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**SUBJECT:** RECOMMENDATION REPORT  
1839314 Ontario Limited  
9560 Highway 48  
Rezoning and site plan applications to permit a mixed use  
high density building.

File Nos: ZA 11 108999 & SC 12 114501

**PREPARED BY:** Stacia Muradali, Ext. 2008  
Senior Planner, East District

**REVIEWED BY:** Dave Miller, Ext. 4960  
Manager, East District

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**RECOMMENDATION:**

- 1) That the report dated September 11, 2012 and titled "RECOMMENDATION REPORT, 1839314 Ontario Limited, 9560 Highway 48, Rezoning and site plan applications to permit a mixed use high density building, File Nos: ZA 11 108999 & SC 12 114501", be received;
- 2) That the record of the Public Meeting held on June 21<sup>st</sup>, 2011, regarding the applications for approval of the implementing Zoning By-law be received;
- 3) That the application submitted by 1839314 Ontario Limited to amend Zoning By-law 304-87 and 177-96, as amended, to permit a mixed use high density building be approved and the draft by-laws attached as Appendix 'B' be finalized and enacted;
- 4) That the Site Plan Application (SC 12 114501) submitted by 1839314 Ontario Limited, to facilitate an 18-storey building with 220 apartment units and 2 guest suites and non-residential uses at grade, be endorsed in principle, subject to the conditions attached as Appendix 'A';
- 5) That Site Plan Approval be delegated to the Director of Planning and Urban Design or his designate, to be issued following execution of a site plan agreement. Site Plan Approval is issued only when the Director or his designate has signed the plan;
- 6) That conditional 2015 servicing allocation for 222 units (220 residential units and 2 guest suites) be granted, subject to written confirmation from the Trustee of the Wismer Commons Developers Group that servicing allocation is available from the 2015 sewer and water allocation previously assigned to Wismer Commons.

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- 7) That prior to the Director of Planning and Urban Design endorsing the site plan, the applicant shall submit to the City final confirmation of the 35% (78 units) servicing allocation credits from the Region of York under their “Sustainable Development Through LEED” policy;
  - 8) That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner.
  - 9) That the Owner provide the City with the required payment of 60% planning processing fees in accordance with the Town’s applicable Fee By-law;
  - 10) That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period;
  - 11) And 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 recommend approval of the rezoning and site plan applications submitted by 1839314 Ontario Limited for an 18-storey mixed use building consisting of 220 units with non-residential uses at grade at 9560 Highway 48.

**BACKGROUND:****Property and Area Context**

9560 Highway 48 (the “subject property”) is located on the west side of Highway 48, between Edward Jeffreys Avenue and Bur Oak Avenue in the Wismer Commons community (Figure 1). The subject land is comprised of approximately 2.5 hectares (6.2 acres). There is a woodlot, referred to as the Matrundola woodlot, on the westerly portion of the site. Low density residential development is located to the west of the woodlot. High density mixed use residential development and townhouses are proposed to the immediate north and south. There is a 20-storey building currently under construction to the south, at the north-west corner of Edward Jeffreys Avenue and Highway 48. To the east, across Highway 48, are industrial and commercial uses and the Mount Joy GO Station (Figure 3).

The current rezoning and site plan applications are to facilitate development of a high density block fronting onto Highway 48. In November 2011, Development Services Committee approved a draft plan of subdivision and rezoning for the remainder of the site to permit the townhouses as well as the conveyances of the public roads and woodlot.

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**An 18-storey mixed use building is proposed**

An 18-storey mixed use building with 220 residential apartment units plus two (2) guest suites is proposed for 9560 Highway 48. The proposed building will have a gross floor area of approximately 16,635 square metres (179,000 square feet). Approximately 638 square metres (6,871 square feet) of the gross floor area will be used for ground floor commercial and retail uses. The building will be stepped back from a 6-storey podium. Fifty-six (56) surface parking spaces for the commercial and retail uses as well as some residential visitors parking will be provided. There will also be three (3) levels of underground parking with 267 parking spaces. One (1) full movement access will be provided on Orca Drive, as well as one (1) right-out only access on Lane A to the north (Figure 4). Staff will be reviewing the parking areas and site plan to ensure that the proposed development is accessible to residents, visitors and patrons. The owner will be conveying lands for the public roads to the north, south and west of the subject property through the draft plan of subdivision.

**Official Plan and Zoning**

The subject site is designated "Major Commercial Area" in both the Town's Official Plan and the Wismer Commons Secondary Plan (the "Secondary Plan"). The Secondary Plan provides for medium and high density mixed use development in this location. The proposed development conforms to both the Official Plan and Secondary Plan. The area containing the existing Matrundola woodlot is designated "Environmental Protection Area" in the Official Plan and "Open Space-Environmentally Significant Area" in the Secondary Plan. The woodlot, which is located west of the proposed development will be conveyed to the City through the draft plan of subdivision process. The draft plan was approved by the City in November 2011. This proposal is not anticipated to adversely impact the woodlot. The Secondary Plan provides for the Floor Space Index (FSI) of buildings to generally not exceed 1.75.

The site is currently zoned "Agriculture One (A1)" (Figure 2). The site will need to be rezoned to appropriately reflect the proposed development. A draft site-specific by-law which is attached to this report (Appendix 'B') which will permit the proposed uses and implements development standards consistent with the development proposed by the site plan.

**Community Information Meeting and Statutory Public Meeting held**

A community information meeting was held on June 8, 2011. Approximately four (4) residents attended the meeting and asked questions primarily related to traffic in the area. The statutory public meeting was held on June 21, 2011. There were no comments from the public and Development Services Committee did not express any concerns at that meeting.

**OPTIONS/ DISCUSSION:****The proposed development is generally consistent with the City's emerging vision for the Highway 48 Corridor**

The subject land is located within what is referred to as the Highway 48 Corridor which includes those lands on the east and west sides of Highway 48 and extends from 16<sup>th</sup>

Avenue to Major Mackenzie Drive. In 2005 Committee endorsed the Highway 48 Urban Design Study which provides development guidelines for the lands located within the Highway 48 Corridor. In October 2008, a more recent staff concept for the lands on the west side of Highway 48 between Edward Jeffreys Avenue and Bur Oak Avenue was presented to Committee. The concept included the introduction of a north-south public street on Bur Oak Avenue with an east-west connection to Highway 48 (Battista Perri Drive), community parkland including the Matrondola woodlot, high density mixed use development fronting onto Highway 48, and centrally located townhouse development. The emerging vision for the Highway 48 Corridor is to provide active, pedestrian friendly and well defined streets with buildings incorporating both vertical and horizontal mix of uses while providing for intensification opportunities. The proposed development is in keeping with the Town's emerging vision for the Highway 48 Corridor.

**The City's Growth Management Strategy anticipates intensification in the Highway 48 Corridor**

The City of Markham has been undertaking an extensive and detailed review including public consultation, to devise a growth strategy for the City in response to Provincial legislation, specifically the Provincial Growth Plan, and the new Region of York Official Plan which both require sustainable residential and employment intensification within current settlement areas. The City's strategy identifies the Highway 48 Corridor as a residential intensification area. The largest proportion of intensification will be directed to Regional Centres and Key Development Areas while Major Corridors like the Highway 48 Corridor is anticipated to absorb approximately 14% of future growth. Under-utilized land and improvements to the road network within and around the Highway 48 Corridor enhance intensification opportunities in the Highway 48 Corridor at strategic locations, the subject site being one of them.

**The Zoning amendment is appropriate**

Rezoning the lands from "Agriculture One (A1)" to a "Major Commercial Zone (MJC)" is appropriate. The proposed zoning will result in the built form and land use which is more in keeping with the desired planned function of the Official Plan and emerging vision for the Highway 48 Corridor. Site-specific building setbacks, landscaped open space, building height, and size of the proposed building will be captured in the site-specific zoning amendment. The proposed development will be complementary to the surrounding community and is reflective of recent development in the area.

**The site plan and building elevations are considered acceptable subject to some refinements**

Staff are generally satisfied with the site layout and building elevations subject to refinements to address staff comments. The building is oriented along Highway 48 to provide for grade related commercial and retail opportunities, with one row of parking along Highway 48. The accesses have been restricted to a full movement access on Orca Drive and a right-out only access on Lane 'A'. Amenities will be provided within the proposed building.

A number of select innovative materials and systems together with traditional materials and systems will achieve a balance of technologies and materials that provide for a building which requires low maintenance. The exterior will be a combination of brick veneer and pre-cast control panels, cornices, pilasters, and medallions. A variety of colours and finishes will be incorporated with the finalized colour palette. The exterior pre-cast concrete colours include primarily light grey and taupe and the exterior brick veneer colours will be primarily regency brown and light buff. Permeable concrete unit pavers, composite aluminium exterior panels, glass spandrel panels, aluminium and glass guard rails, window wall glazing systems, double-glazed windows and pre-finished metal flashing are some of the additional materials which will be included.

### **Transportation Demand Management**

The applicant has submitted an External Traffic Impact Assessment Study, Internal Functional Traffic Design Study and a Transportation Demand Management Plan (TDM Plan) in support of the proposed development. All of the studies have been reviewed by Staff and are considered generally acceptable subject to revisions to the satisfaction of Staff prior to site plan endorsement (Appendix 'A').

The integration of TDM measures with new development as early as possible is critical in influencing behavioural change of the residents and users of the proposed development. It is recommended that the applicant enter into a TDM Agreement with the City, with provisions for all of the proposed TDM measures in the TDM Plan and financial securities for additional TDM measures for a period of 2 years, to demonstrate the applicant's commitment in fulfilling and implementing the proposed TDM measures (Appendix 'A').

Some of the TDM measures include:

1. Active transportation which includes the location of, and optimizing the use of bicycle spaces.
2. Car sharing program which requires the developer to work with a car share provider and offer an on-site car share vehicle as well as extend the subsidized car-share membership for all unit purchasers.
3. Free or Discounted Transit Passes to all unit purchasers.
4. Shared parking including preferred carpooling spots.
5. Decoupling/ Unbundled parking
6. Smart Commute options for the property developer/ manager collaborate with Smart Commute to help provide and promote sustainable transportation options for any development which includes a significant commercial component.
7. Monitoring of the effectiveness of the TDM measures including a commuter survey after 2 years of full occupancy.

The Owner will be submitting a Parking Management Plan to identify how the parking supply will be allocated among the various users (Appendix 'A').

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**Servicing Allocation, Sustainability and other measures**

Staff are requesting through this report, that the proposed development be assigned conditional 2015 servicing allocation for 220 residential apartment units and 2 guest suites. The Owner has committed to achieving LEED Silver for the proposed development. 35% of the 222 units (78 units) will receive servicing allocation through the Region of York LEED Benefit Program.

The proposed development will incorporate sustainable architecture by using a selection of construction materials and systems that prolong the life-cycle of the building. Another critical sustainability feature is the building envelope which will mitigate energy loss, control energy gain, reduce maintenance costs, control interior environments, enhance comfort and indoor air quality. Permeable soft landscaping and hardscape elements will allow water to drain through rather than over the surface mitigating storm water run-off and erosion or deterioration of surfaces. Indigenous plant materials will be used as landscaping to minimize watering and maintenance. Intensification of this site also optimizes infrastructure and public transit.

Bird friendly concepts of outdoor lighting and glazing systems will be incorporated and will reduce glare and the negative effects of light pollution on the environment.

**Metrolinx**

Given the proximity of the proposed development to the Mount Joy GO Station and rail line, the application was circulated to Metrolinx for their review and comment. The owner is required to include a warning clause in all development agreements, and offers to purchase and agreements of purchase and sale or lease acknowledging and agreeing that there may be alterations or expansions of the rail facilities in the future and Metrolinx will not be responsible for any complaints or claims arising from the use and/or operations of the right-of-way. Metrolinx will also require an environmental easement for operational emissions to be registered on title as well as review of a noise study. These matters will be addressed prior to site plan approval (Appendix 'A').

**Section 37 Agreement may be required**

Section 37 of the Planning Act is a planning tool that allows municipalities to grant an increase in density and height in return for additional services, facilities and other community benefits. It may be appropriate to consider a Section 37 contribution for the proposed development if it is determined that proposed height and density exceeds the current permission granted in the Secondary Plan. Any potential increase is subject to adherence to "good planning principles" and a reasonable relationship between the negotiated benefit and any approved increase in the permitted height and density permissions allowable in the Secondary Plan. Staff will determine if applying Section 37 to the proposed development is appropriate. It is recommended that Staff be authorized to enter into negotiations with the Owner regarding Section 37 if it is determined to be applicable and that, if applicable, a Section 37 Agreement be executed prior to execution of the site plan agreement (Appendix 'A').

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## **CONCLUSION**

The proposed zoning by-law amendment and site plan are appropriate and therefore Staff recommend that the draft zoning by-law attached in Appendix 'B' be finalized and enacted without further notice and that the site plan be endorsed in principle subject to the conditions attached in Appendix 'A'.

## **FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

## **HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

## **ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed development has been considered in the context of the Town's strategic priorities and aligns with Growth Management, Transportation and Transit and the Environment priorities.


## **BUSINESS UNITS CONSULTED AND AFFECTED:**

The applications have been circulated to various City departments and external agencies and their requirements have been reflected in the report as well as the conditions of approval.

## **RECOMMENDED BY:**



Rino Mostacci, M.C.I.P., R.P.P.  
Director of Planning and Urban Design



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

## **ATTACHMENTS:**

- |                    |                                  |
|--------------------|----------------------------------|
| Figure 1:          | Location Map                     |
| Figure 2:          | Area Context/ Zoning             |
| Figure 3:          | Air Photo                        |
| Figure 4:          | Proposed Site Plan               |
| Figure 5:          | Proposed Building Elevations     |
| Appendix 'A':      | Conditions of Site Plan Approval |
| Appendix 'B':      | Draft Zoning By-law              |
| Coloured Rendering |                                  |

**CONTACT INFORMATION:**

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Partner

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File path: Amanda\File 12 114501\Documents\Recommendation Report



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**APPENDIX 'A'**  
**CONDITIONS OF SITE PLAN APPROVAL**  
**9560 HIGHWAY 48**  
**1839314 ONTARIO LIMITED**

That prior to site plan endorsement:

1. That the External Traffic Impact Assessment Study, Internal Functional Traffic Design Study and Transportation Demand Management (TDM) Plan be revised to the satisfaction of the Commissioner of Development Services.
2. That the Owner shall submit to the City, final confirmation of the 35% (77 units) servicing allocation credits from the Region of York under their "Sustainable Development Through LEED" Policy.

The Owner shall enter into a Site Plan Agreement with the City, containing all standards and special provisions and requirements of the City and external agencies, including but not limited to the following:

1. Provisions for the payment by the Owner of all applicable fees, recoveries, development charges, provision of parkland dedication (including cash-in-lieu or approved alternative) and any financial obligation.
2. That the Owner provides written confirmation from a qualified LEED consultant certifying that the proposed development has achieved LEED Silver, to the satisfaction of the Commissioner of Development Services and Region of York.
3. That the Owner agrees to implement three-stream waste reduction to the satisfaction of City.

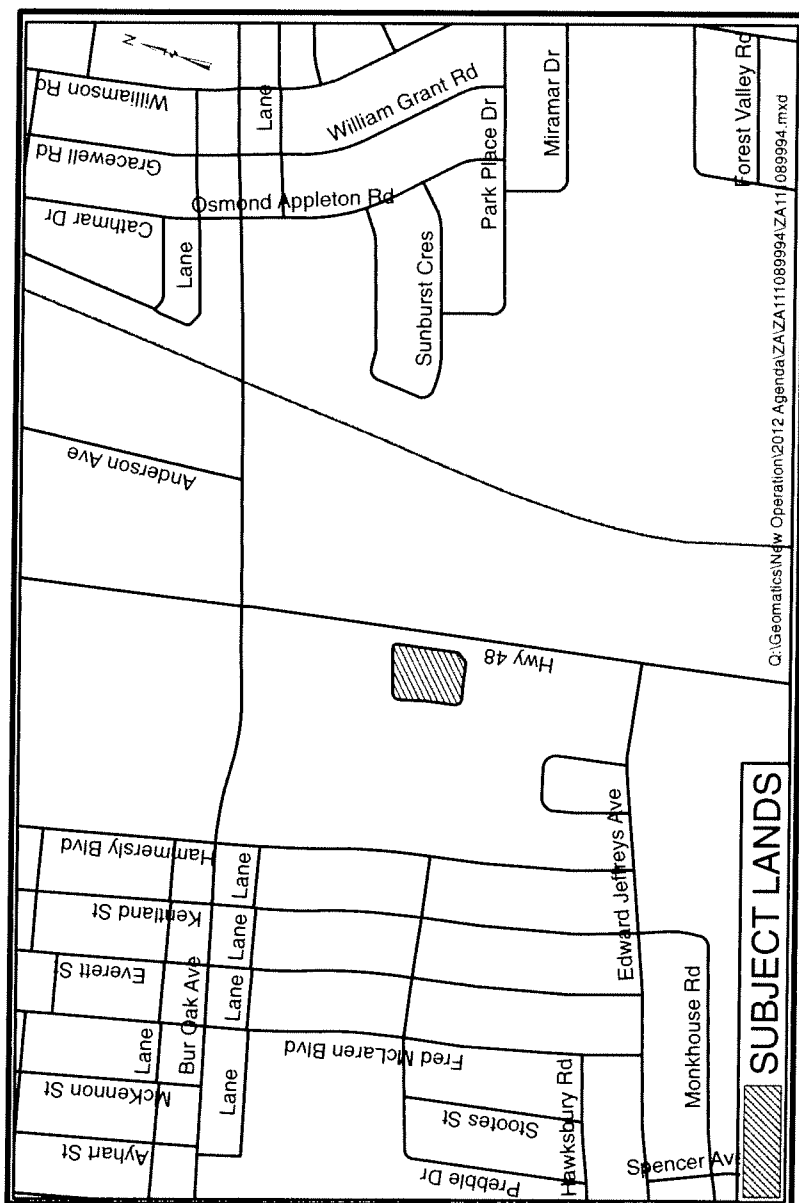
Prior to execution of a Site Plan Agreement:

1. That the Owner shall submit final site plan, building elevations, underground parking garage layout plans, engineering drawings, lighting plan and photometrics, landscape plans, along with any other plans, studies and reports which are required to comply with the requirements of the City and external agencies, to the satisfaction of the Commissioner of Development Services.
2. The Owner shall submit final plans which incorporate appropriate Fatal Light Awareness Program (FLAP) components to ensure that the building is bird-friendly.
3. That the Owner executes a Section 37 Agreement, if applicable, to the satisfaction of the Commissioner of Development Services.

Prior to issuance of Site Plan Approval:

1. That a clearance letter from Metrolinx be received for the proposed development.
2. That the severance which was approved by the Committee of Adjustment to create the high density parcel be finalized and registered on title.









# AIR PHOTO (2011)

APPLICANT: 1839314 ONTARIO LTD.  
9560 HIGHWAY 48

FILE No. ZA.111089994 (SM)

 SUBJECT LANDS

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DATE: 08/01/2012

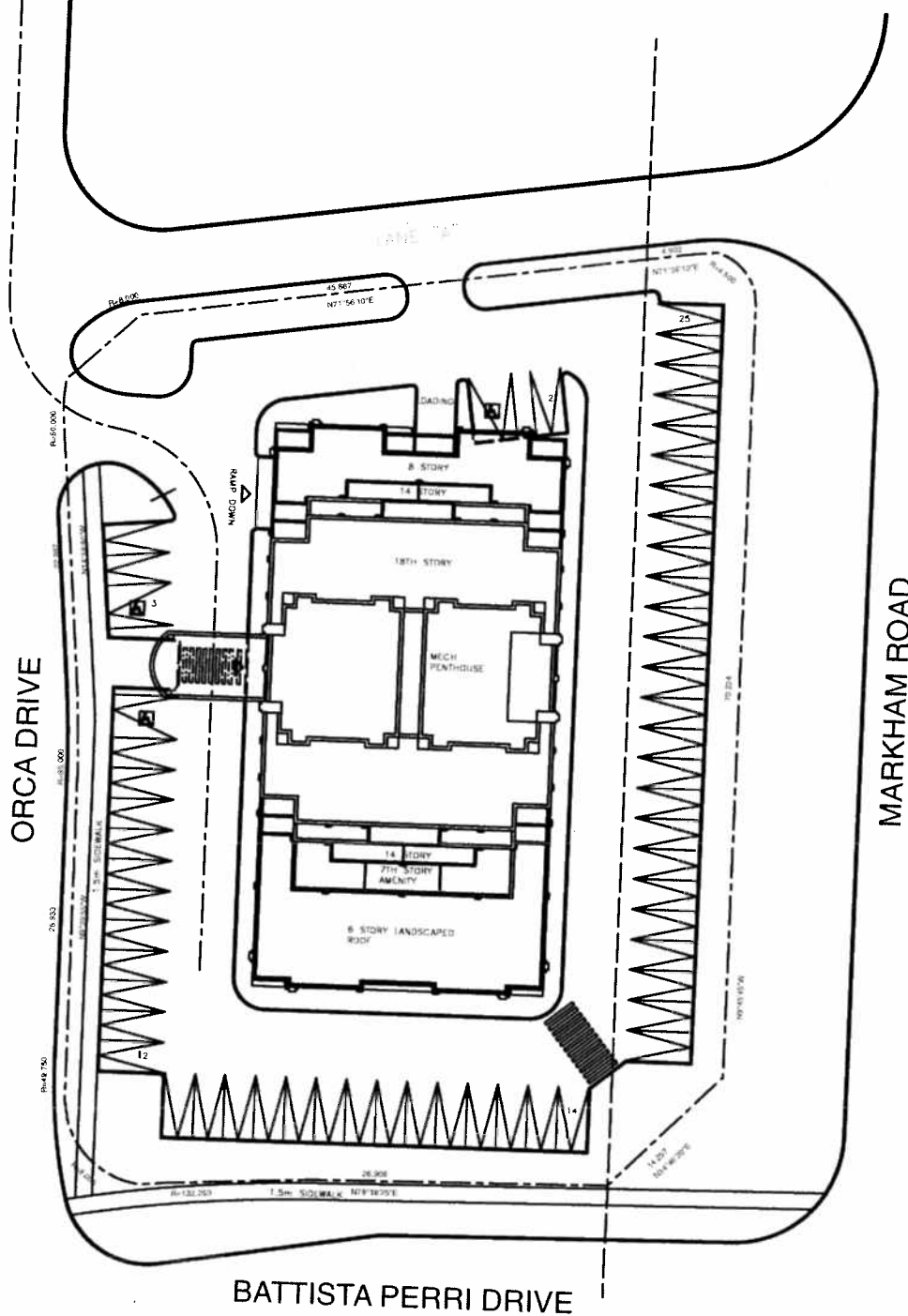


DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SM

FIGURE No. 3



# SITE PLAN

APPLICANT: 1839314 ONTARIO LTD.  
9560 HIGHWAY 48

FILE No. ZA.111089994 (SM)

 SUBJECT LANDS

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DATE: 08/01/2012

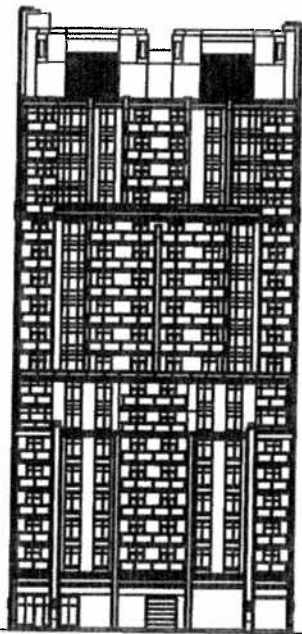


DEVELOPMENT SERVICES COMMISSION

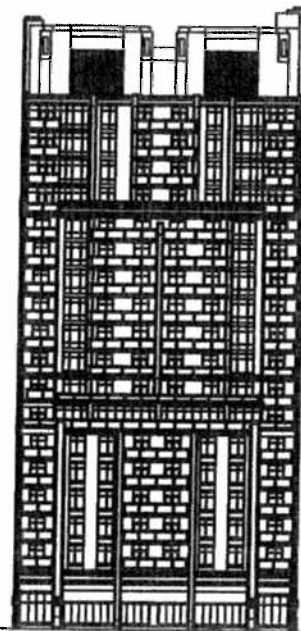
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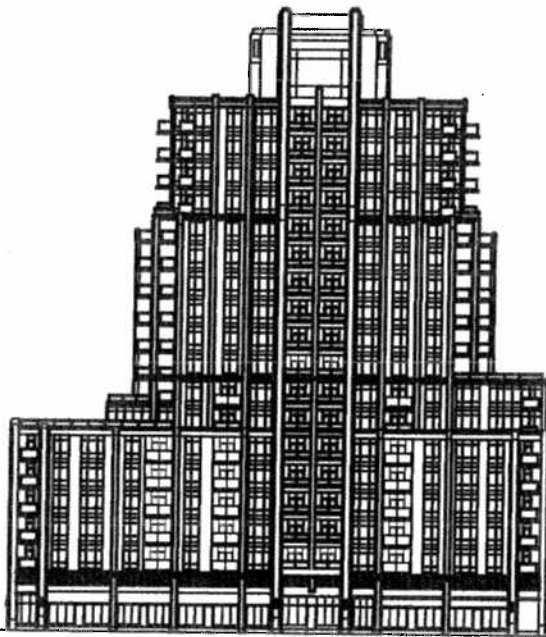
FIGURE No. 4



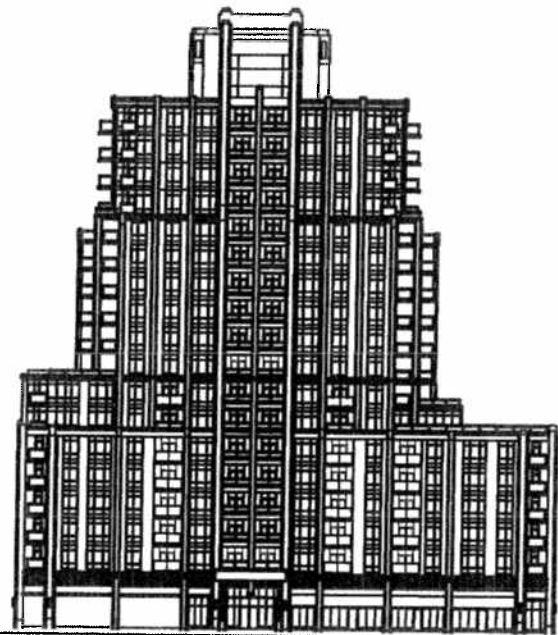
**NORTH ELEVATION**



**SOUTH ELEVATION**



**EAST ELEVATION**



**WEST ELEVATION**

# ELEVATIONS

APPLICANT: 1839314 ONTARIO LTD.  
9560 HIGHWAY 48

FILE No. ZA.111089994 (SM)

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**MARKHAM** DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SM

DATE: 08/01/2012

**FIGURE No. 5**







**NORTH-EAST  
PERSPECTIVE  
07 141**  
NTS

**9560 MARKHAM ROAD RESIDENTIAL**  
MARKHAM, ONTARIO  
PACE DEVELOPMENTS/EMPIRE COMMUNITIES

AUGUST 20, 2012

**Kohn**

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**SOUTH-WEST  
PERSPECTIVE  
07 141**  
NTS

**9560 MARKHAM ROAD RESIDENTIAL**  
MARKHAM, ONTARIO  
PACE DEVELOPMENTS/EMPIRE COMMUNITIES

AUGUST 20, 2012

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