



MEMORANDUM

From: Arvin Prasad, Commissioner of Development Services

To: Members of Council

Prepared by: Marg Wouters, Senior Manager, Policy and Research
Stephen Corr, Senior Planner, East District

Date: June 12, 2018

**Re: Official Plan Amendment Applications OP -128934, Primont Homes and
OP 13 137282, Cornell Rouge Development Corporation
Change in Provincial Policy affecting adoption of the Official Plan Amendment**

At the Development Services Public meeting on October 20, 2015, Development Services Committee resolved to approve the Official Plan Amendment application by Primont Homes and Cornell Rouge Development Corporation for a mixed use residential/office building in the employment lands north of Highway 7, west of Donald Cousens Parkway. On October 27, 2015 Markham Council resolved to adopt the Development Services Committee meeting minutes to approve the Official Plan, and that following adoption by Markham Council, the Official Plan Amendment be forwarded to York Region for approval.

This application was one of several applications for employment land conversion initially considered by Markham Council in 2013 prior to the adoption of Markham's new Official Plan. The Primont Homes and Cornell Rouge Development Corporation Official Plan Amendment has now been finalized and is being considered for adoption by Council at its June 12, 2018 meeting. The delay in bringing the Official Plan Amendment forward resulted from a request by the applicant. The applicant has now requested staff bring the Official Plan Amendment forward for Council adoption.

York Region is the approval authority for the Official Plan Amendment given the Regional interest in employment conversion applications. This application was one of several conversion applications in Markham considered by Regional Committee of the Whole in April, 2015 as part of its initial 2041 municipal comprehensive review (MCR) work. The April, 2015 Regional staff report recommended denial of the application. At the Regional Committee of the Whole meeting, the applicant requested deferral of consideration of the OPA application. The Official Plan Amendment therefore still requires a decision by the Region.

Since Development Services Committee's approval of the OPA application, a new Provincial Growth Plan has come into effect. The 2017 Growth Plan states that "All decisions made on or after July 1, 2017 in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise." The 2017 Growth Plan states that "the conversion of lands within employment areas or prime employment areas to non-employment uses may be permitted only through a municipal comprehensive review...." and provides a number of tests that must be met in order to consider a conversion request. Municipal comprehensive reviews are now defined in the Growth Plan as being undertaken by upper-tier municipalities (i.e., York Region). The Growth Plan also

includes new density requirements and land budget methodology which has necessitated a reconsideration by Regional staff of the initial 2041 MCR analysis undertaken in 2015.

Markham Planning staff are of the opinion that the Primont Homes and Cornell Rouge Development Corporation OPA does not conform with the 2017 Growth Plan, as it has not yet been demonstrated through a Regional MCR that it meets the Growth Plan tests for employment land conversion.

If Council adopts the Primont Homes and Cornell Rouge Development Corporation OPA, it will be forwarded to York Region for a decision. There is no certainty that the Region will make a decision to approve this OPA. Regional staff may either:

- a) consider the application as part of the resumed Regional 2041 MCR, in which case Markham Council's adoption of the OPA would be considered as input, or
- b) report on the application to Regional Council in advance of completion of the MCR.

Background and Process to Date

- The official plan amendment was submitted as two applications. The Primont Homes application (submitted by the previous land owner Auriga Developments Inc.) was submitted on November 5, 2013. The Cornell Rouge Development Corporation (CRDC) application was received December 19, 2013.
- The two applications were deemed complete on March 6, 2015.
- Given that the applications were being represented by the same Planning Consultant (KLM Planning Partners Inc.); requesting the same amendment to the Cornell Secondary Plan; and pertained to two abutting properties, the applications were consolidated into one Official Plan Amendment with the agreement of the Owners and their consultant.
- The Preliminary Report was presented to Development Services Committee on September 8, 2015.
- The Statutory Public Meeting was held on October 20, 2015. There were no comments from the public.
- Committee resolved to approve the official plan amendment at the October 20, 2015 statutory public meeting.
- Council resolved to adopt the Development Services Committee minutes to approve the official plan amendment on October 27, 2015 and to forward it to the Region of York.
- In December 2015 planning staff finalized the draft Official Plan Amendment document, with the anticipation that it would be presented to Council for adoption and forwarded to the Region in January 2016.
- In January 2016, the applicants requested that staff defer sending the official plan amendment to City Council.
- In June 2017, the applicants (now Primont Homes and CRDC), requested that the official plan amendment proceed to Council at the earliest opportunity, which would have been September 2017.
- On July 1, 2017 the 2017 Provincial Growth Plan came into affect, as described above. This required further consultation with the applicants and Region of York Staff to determine any implications following the updates to the Growth Plan.
- On May 14, 2018 the applicants and their planning consultant advised they are satisfied with the wording of official plan amendment and requested that it proceed to Council for consideration on June 12, 2018, and that if adopted, as per the intent in October 2015, the OPA be sent to the Region of York for consideration.

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended,
to incorporate Amendment No. 12 to the Cornell Secondary Plan (PD 29-1)
for the Cornell Planning District (Planning District No. 29).

**PRIMONT HOMES
CORNELL ROUGE DEVELOPMENT CORP.**

June 2018

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, to incorporate Amendment No. 12 to the Cornell Secondary Plan (PD 29-1) for the Cornell Planning District (Planning District No. 29).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. ____-__ in accordance with the Planning Act, R.S.O., 1990 c. P.13, as amended, on the ____th day of June, 2018.

Mayor

City Clerk

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan (Revised 1987), as amended.

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XXTH DAY OF JUNE, 2018.

CITY CLERK

MAYOR

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

PART I – INTRODUCTION

1.0 GENERAL

- 1.1 PART I – INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2 PART II – THE OFFICIAL PLAN AMENDMENT, including Schedules “A” and “B” attached thereto, constitutes Amendment No. XXX to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 12 to the Cornell Secondary Plan (PD 29-1) for the Cornell Planning District (Planning District No. 29). Part II is an operative part of this Official Plan Amendment.
- 1.3 PART III – THE SECONDARY PLAN AMENDMENT, including Schedule “C” attached thereto constitutes Amendment No. 12 to the Cornell Secondary Plan (PD 29-1) for the Cornell Planning District (Planning District No. 29). This Secondary Plan Amendment may be identified by the symbol PD 29-1-12. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan (Revised 1987), as amended, and the Cornell Secondary Plan (PD 29-1), as amended, applies to a parcel of land approximately 1.10 ha (2.72 ac) in size, located on the north side of Highway 7, east of Cornell Rouge Boulevard and west of the Donald Cousens Parkway in the Cornell Planning District. The subject lands are legally described as Part of Lot 11, Concession 9. The subject lands also include a 0.1 ha parcel of land owned by the Region of York, adjacent to Donald Cousens Parkway.

3.0 PURPOSE

The purpose of the Amendment is to facilitate a mixed use multi-storey building containing ground floor retail and service uses, offices and apartment dwellings. The Amendment proposes to redesignate the subject lands from ‘INDUSTRIAL (Business Park Area)’ to ‘COMMERCIAL (Community Amenity Area)’ in the Official Plan (Revised 1987), as amended, and from ‘Business Park Area – Avenue Seven Corridor’ and ‘Open Space’ to ‘Community Amenity Area – Mixed Use Donald Cousens Parkway’ in the Cornell Secondary Plan (PD 29-1), as amended.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

This application is one of a number of employment land conversion applications submitted in 2013 for Council’s consideration as part of the City’s new Official Plan. In

considering these official plan amendment applications, Council determined that a number of criteria be considered, including:

- compatibility to adjacent land use;
- achieving an increase in the number of jobs that would otherwise be provided under the employment designations on the subject lands, or at minimum, no net reduction in jobs on the site;
- proximity to transit;
- provision of lands for a VIVA terminal;
- achieving public amenities, including, but not limited to, public art, Section 37 community benefits and publicly accessible private amenity spaces; and
- where the location is appropriate, provide for affordable or seniors housing.

City Council has determined that residential uses, in addition to permitted employment uses, are appropriate on the subject lands. The ‘Community Amenity Area – Mixed Use Donald Cousens Parkway’ designation in the Cornell Secondary Plan will provide for a mixed use multi-storey building containing residential, office and retail/service uses. Minimum Floor Space Index (FSI) provisions for office and retail/service uses are provided to ensure that at a minimum, the same number of jobs will be generated on the site as would otherwise have been achieved within the former ‘Industrial (Business Park Area)’ designation.

The subject lands front onto the planned Highway 7 Regional rapid transit corridor. There is no need to accommodate a VIVA transit terminal on the subject lands, as the transit terminal location has been confirmed west of Bur Oak Avenue. The public amenities and benefits expected from the proposed development, as well as the appropriateness of providing affordable and/or seniors housing, will be assessed through subsequent Site Plan Control and Zoning By-law Amendment applications.

In approving Markham’s Official Plan 2014, York Region Council deferred consideration of the employment conversion application for these lands and remains the approval authority for this amendment.

PART II – THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. XXX)

PART II – THE OFFICIAL PLAN AMENDMENT

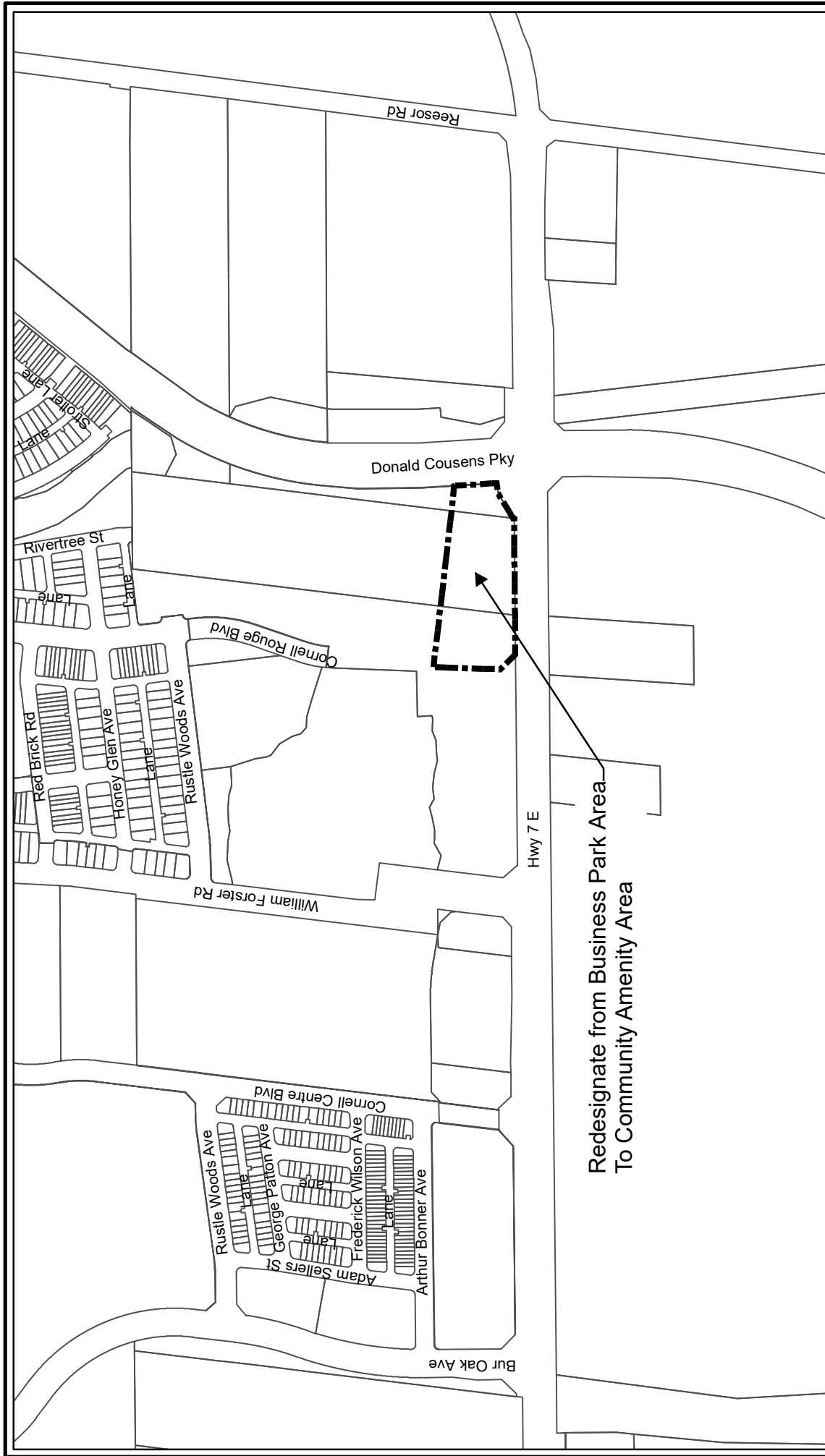
1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 1.1.3 (c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Cornell Secondary Plan (PD 29-1), for the Cornell Planning District (Planning District No. 29), to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3** Section 9.2.13 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4** Schedule ‘A’ – LAND USE of the Official Plan (Revised 1987), as amended, is hereby amended by redesignating the subject lands from ‘INDUSTRIAL’ to ‘COMMERCIAL’ as shown on Schedule “A” attached hereto.
- 1.5** Schedule ‘H’ – COMMERCIAL/INDUSTRIAL CATEGORIES of the Official Plan (Revised 1987), as amended, is hereby amended by redesignating the subject lands from ‘Business Park Area’ to ‘Community Amenity Area’ as shown on Schedule “B” attached hereto.
- 1.6** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to Schedule ‘AA’ – DETAILED LAND USE and the text of the Cornell Secondary Plan (PD 29-1). These changes are outlined in Part III which comprises Amendment No. 12 to the Cornell Secondary Plan (PD 29-1).

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan Approval in conformity with the provisions of this Amendment.



AMENDMENT TO SCHEDULE 'H' - COMMERCIAL / INDUSTRIAL LAND USE CATEGORIES CITY OF MARKHAM OFFICIAL PLAN (REVISED 1987), as amended

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

PART III – THE SECONDARY PLAN AMENDMENT (PD 29-1-12)

(This is an operative part of Official Plan Amendment No. XXX)

PART III – THE SECONDARY PLAN AMENDMENT (PD 29-1-12)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 11 to the Cornell Secondary Plan PD 29-1)

The Cornell Secondary Plan (PD 29-1) for the Cornell Planning District is hereby amended as follows:

1.1 Schedule ‘AA’ – DETAILED LAND USE of the Cornell Secondary Plan (PD 29-1) is hereby amended by redesignating the subject lands from ‘Business Park Area – Avenue Seven Corridor’ and ‘Open Space’ to ‘Community Amenity Area – Mixed Use Donald Cousens Parkway’, as shown on Schedule “C” attached hereto.

1.2 Section 6.3.1 b) of the Cornell Secondary Plan (PD 29-1) is hereby amended by adding the following land use designation to the list of Community Amenity Area designation categories, to be placed at the end of the list:

“ Community Amenity Area – Mixed Use Donald Cousens Parkway”

1.3 The Cornell Secondary Plan (PD 29-1) is hereby amended by adding Section 6.3.11 Community Amenity Area – Mixed Use Donald Cousens Parkway, as follows:

“6.3.11 Community Amenity Area – Mixed Use Donald Cousens Parkway

The ‘Community Amenity Area – Mixed Use Donald Cousens Parkway’ designation applies to lands on the north side of Highway 7 East, west of Donald Cousens Parkway. This designation provides for residential, retail, service and office uses in mixed use, multi-storey buildings. The intent of this designation is to ensure that retail, service and office uses are the priority uses within the first three storeys of buildings.

6.3.11.1 Uses

Subject to Section 6.3.11.4, lands within this designation may be zoned to permit the following uses in mixed use multi-storey buildings:

- a) commercial fitness centres
- b) commercial schools
- c) community college or university
- d) day care centres, subject to the provisions of Section 6.7.6
- e) dwelling units, including home occupations
- f) financial institutions
- g) hotels
- h) offices
- i) restaurants
- j) retail
- k) trade schools

- l) service uses, with the exception of motor vehicle service stations and commercial storage facilities.

6.3.11.2 Building Types

The following building types are provided for:

- a) multi-storey mixed used buildings

6.3.11.3 Height and Density

- a) The minimum height of buildings shall be five (5) storeys and the maximum height shall be fifteen (15) storeys.
- b) Buildings above six (6) storeys in height shall have a podium/tower built form, and be subject to the following criteria:
 - the tower component of any building achieve a minimum separation distance of approximately 40.0 m from another tower component of a building;
 - the individual floor plate of the tower component of any building be no greater than 800 m²;
 - it is demonstrated that the building height is feasible with respect to provisions for underground parking, to be determined through implementing zoning by-law and site plan control applications;
 - it is demonstrated that the building height is acceptable through the submission and City's approval of a shadow study demonstrating minimal impact to surrounding properties;
 - it is demonstrated that an appropriate transition between a tower/podium building and neighbouring development, including the relationship between buildings is achieved.
- c) The total combined floor area of all office, retail and service uses shall achieve a minimum Floor Space Index of 1.0.

6.3.11.4 Development Criteria

In addition to the urban design policies in Section 7.0, the following policies apply:

- a) Day care centres, retail, restaurant and service uses shall only be located on the ground floor of a mixed use building.
- b) The ground floor of buildings shall be designed to accommodate retail, personal service, restaurant, office or other non-residential uses.
- c) Accessory residential uses shall not exceed 25% of the total gross ground floor area of a building.

- d) Dwelling units shall not be located within the first three storeys of a mixed use building.
- e) Buildings should generally be placed on a site to have a continuous street frontage with a consistent setback in order to provide for continuity in built form along public streets.
- f) Development shall address and animate the public streets, particularly the Highway 7 frontage, including the provision of primary entrances and facades on these streets.
- g) Building placement and articulation of the building facade will be provided in accordance with the urban design policies of this Plan, and as further articulated in the Cornell Community Design Plan.
- h) Where buildings fronting onto Highway 7 are located at intersections, ground floor uses shall address the edge of intersecting streets.
- i) Pedestrian connections shall be provided to adjacent neighbourhoods to the north, east and west.
- j) Structured parking and/or underground parking shall be required in place of surface parking. Limited surface parking and/or loading however may be permitted, providing they are located behind buildings facing Highway 7.
- k) Loading and parking facilities shall be screened from public view and buffered so as to reduce impacts on adjacent residential uses.
- l) Access shall be restricted to interior streets or lanes.”

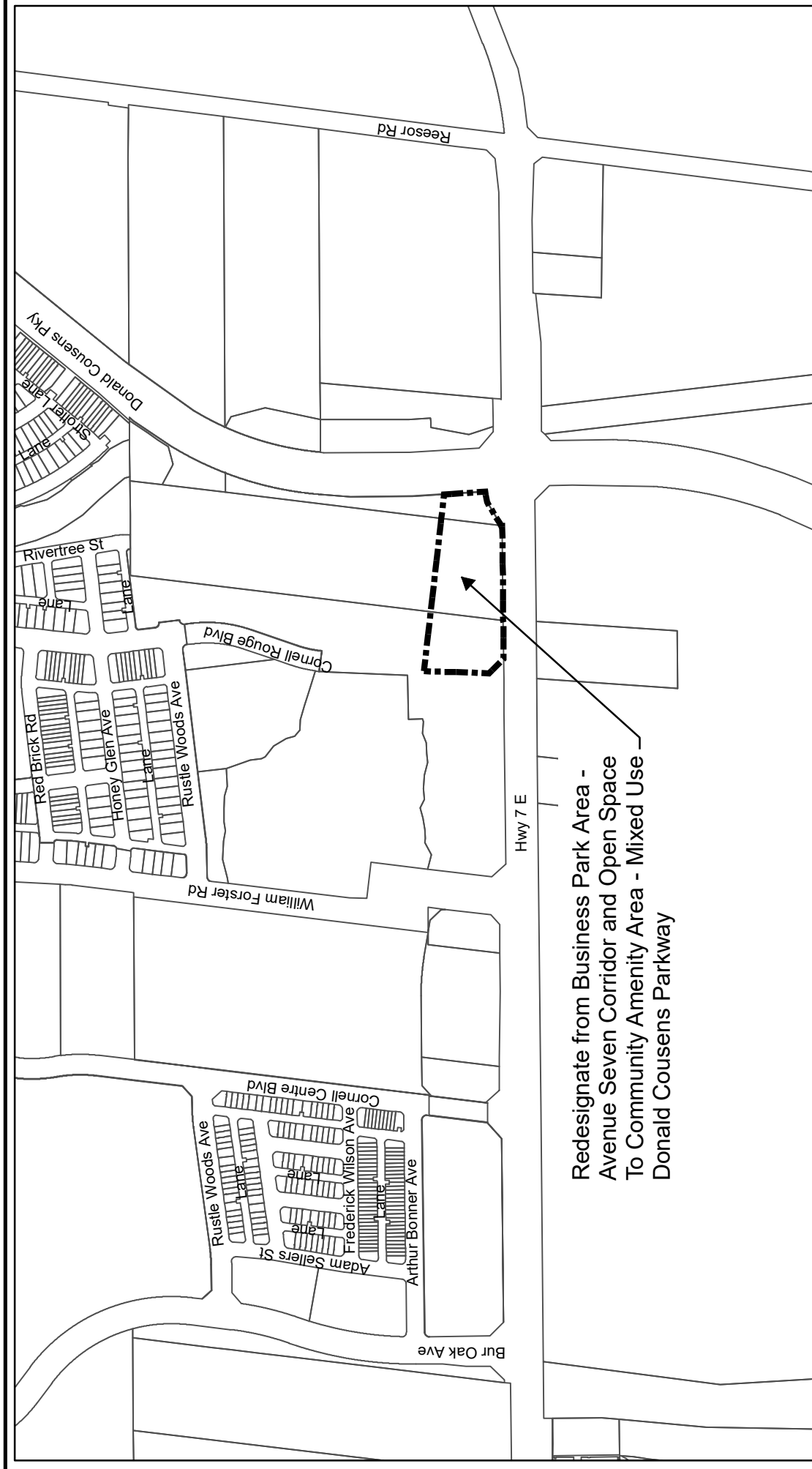
1.4 Schedule ‘CC’ - DEVELOPMENT BLOCKS and Appendix 3 – DEVELOPMENT BLOCKS – CORNELL CENTRE AND CORNELL NORTH CENTRE are amended by changing underlying land use designations for the subject lands in accordance with Schedule “C” attached hereto.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

The Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan Approval in conformity with the provisions of this Amendment.

(June 2018)



AMENDMENT TO SCHEDULE 'AA' - DETAILED LAND USE OF THE CORNELL SECONDARY PLAN (PD 29-1) THE CORNELL PLANNING DISTRICT (PLANNING DISTRICT No. 29)

BOUNDARY OF AREA COVERED BY THIS AMENDMENT



Redesignate from Business Park Area -
Avenue Seven Corridor and Open Space
To Community Amenity Area - Mixed Use
Donald Cousens Parkway