

Clause 1 in Report No. 5 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 24, 2016.

1

Amendments No. 6 and 229 to the
Official Plan of the City of Markham

Committee of the Whole recommends:

1. Receipt of the presentation by Josh Reis, Senior Planner, Community Planning and Development Services.
2. Receipt of the deputation by Lincoln Lo, Malone Given Parsons Ltd. and Ira Kagan, Kagan Shastri LLP on behalf of 1820266 Ontario Inc. (Times Group Inc.) regarding 4002 and 4022 Highway 7 East, City of Markham.
3. Receipt of the report dated February 26, 2016 from the Commissioner of Corporate Services and the Chief Planner.
4. Council approve Amendment No. 6 to the new City of Markham Official Plan (2014) and Amendment No. 229 to the in-force City of Markham Official Plan (1987).
5. The Region, in its staff's discretion, become a signatory to the agreement between the City of Markham and Times Group Inc.
6. The Director of Community Planning and Development Services be authorized to issue notice of Regional Council's decision.
7. Regional staff be authorized to appear before the Ontario Municipal Board and/or hire external legal and/or planning consultants in support of the Region's position, if required, and the Regional Solicitor or designate, be authorized to execute Minutes of Settlement, if appropriate.

Report dated February 26, 2016 from the Commissioner of Corporate Services and the Chief Planner now follows:

1. Recommendations

It is recommended that:

1. Council refuse to approve Amendment No. 6 to the new City of Markham Official Plan (2014) and Amendment No. 229 to the in-force City of Markham Official Plan (1987).
2. The Director of Community Planning and Development Services be authorized to issue notice of Regional Council's decision.
3. Regional staff be authorized to appear before the Ontario Municipal Board in support of the Region's position, if required, and the Regional Solicitor or designate, be authorized to execute Minutes of Settlement, if appropriate.

2. Purpose

This report is to provide Regional staff's recommendation that amendments to the Official Plan of the City of Markham by Times Group Inc. on Highway 7 at Village Parkway be refused. This report also updates Regional Council on staff's consultation with the Owner. The Amendments do not conform to York Region's approved Official Plan policy direction and do not reflect good planning.

3. Background

Committee of the Whole referred the Amendments back to Regional staff for further consultation with the applicant

Regional staff prepared a report for Committee of the Whole consideration in January 2016, recommending that Regional Council refuse to approve the Amendments. At the request of the applicant, Committee of the Whole referred the report back to staff for further consultation, with a report back to Committee of the Whole by April 2016. Staff met with representatives from Times Group Inc. in early February. However, the applicant did not address Regional staff's concerns with respect to Amendments, and did not present an alternative development concept for the site.

The subject lands are located on the northeast corner of Highway 7 and Village Parkway, immediately north of Markham Centre

The approximately 1.2 hectare vacant subject lands, municipally known as 4002 and 4022 Highway 7, are located on the north side of Highway 7 at Village Parkway, in the City of Markham (Attachment 1). The subject lands are located immediately north of Markham Centre, one of four provincial Urban Growth Centres and Regional Centres within York Region. The lands are currently designated “Urban Residential High Density 1 (Special Exception *3)” under the in-force City of Markham Official Plan (1987), as amended. The applicant is 1820266 Ontario Inc. (“Times Group Inc.”).

- Adjacent uses include: East - low density commercial retail uses (with zoning permissions for a nursery and garden centre, and professional and business offices to a maximum building height of 12 metres)
- South – Markham Centre; mixed-use mid-rise commercial and high-rise residential buildings
- West - vacant undeveloped land (zoned for future mid-rise mixed-use development). It should be noted that 3940 Highway 7 is also subject to applications to reduce densities (see Attachment 1)
- North - new residential townhouses (currently under construction by Times Group Inc.), single-detached future development, and existing low-rise residential uses

The lands have been designated and zoned to accommodate medium and high density development since 1994

There is a history of applications proposing higher densities on the subject lands:

- October 1994 - the Ontario Municipal Board (OMB) approved an Official Plan Amendment, a draft plan of subdivision and zoning bylaw that would permit up to 181 apartment units and a maximum height of 6 storeys on the lands abutting Highway 7.
- August 2013 - the OMB approved a settlement between Times Group Inc. and the City to permit a maximum of 12 townhouse units and up to 393 apartment units in building(s) having a maximum height of 8 storeys and a maximum floor space index of 3.5 on the subject lands. Times Group Inc. was one of three site-specific appeals decided on by the Board in a consolidated hearing dealing with applications in the immediate vicinity. All three applicants received approvals for similar increases in heights and densities.

The proposed development concept consists of 56 townhouse units

Times Group Inc. has applied for amendments to the new and in-force City of Markham Official Plans and zoning by-law. The purpose of the Amendments is to facilitate the development of only 56 townhouse units between 3 and 4 storeys high. This represents a reduction in the maximum permitted height, density and number of units of 349 units, a floor space index (FSI) of 2.5, and 4 storeys respectively.

The City of Markham has adopted amendments to the in-force and new City of Markham Official Plans for the subject lands

There are two local Official Plan amendments considered as part of this report. Amendment No. 6 to the new City of Markham Official Plan, 2014 (Attachment 2) and Amendment No. 229 to the in-force City of Markham Official Plan and Markham Unionville Planning District Secondary Plan (Attachment 3). While the technical wording of each is different, the overall effect and intent is the same.

City of Markham Council considered the Amendments at its meeting of June 23, 2015, and adopted them in November 2015. In addition, an agreement between the City and Times Group Inc. has been executed to secure the lost development potential as a transfer to other lands owned by the applicant in Markham Centre, on the south side of Highway 7.

Regional Council is the approval authority for both Official Plan amendments

York Region received the adopted amendments on November 12th, 2015. Regional Council, as the approval authority, has until May 10, 2016 to make a decision, after which time the applicant may appeal to the Ontario Municipal Board based on the failure of York Region to decide on the application within the prescribed time period of 180 days. In making its decision, Regional Council may choose to approve, modify and approve as amended, or refuse to approve the Official Plan amendments.

4. Analysis and Options

The applicant proposes to construct a development yielding less density than previously approved by the Ontario Municipal Board

Table 1 compares existing development permissions and those currently sought by the applicant. For reference, Attachment 4 shows the concept plan submitted by Times Group Inc. in 2013 and Attachment 5 shows the proposed development

concept. Although the in-force Official Plan and the recently adopted Amendments continue to recognize the OMB approved higher densities, the intent of the adopted Amendments would facilitate a development concept resulting in less density and fewer residents along Highway 7 than previously permitted.

Table 1
Comparison of Development Permissions

	Existing Permissions (OPA 210)	Adopted (OPA 6 and 229)	Proposed Development Concept
Max. Height	8 Storeys	8 Storeys	4 Storeys
Max. Density	3.5	3.5	1
Max. Apartment Units (Population)	393 (900)	393 (900)	0 (0)
Max. Townhouse Units (Population)	12 (36)	56 (175)	56 (175)
Maximum Number of Dwelling Units	405	405	56

In 2013, the Board found the mix of housing forms, which included an eight storey apartment building, to be appropriate and compatible

The in-force Official Plan states that apartment development on the subject lands shall be subject to specific design guidelines, including the creation of an “urban relationship to the streets that is conducive to pedestrian activity”. In its decision on the previous Official Plan Amendment (2013), the Board found that “the proposed housing forms, with an eight storey apartment building fronting onto Highway 7 and townhouses in the interior of the site to be appropriate and is compatible with the surrounding built forms on the north and south side of Highway 7”. Staff agree with the Board’s finding. An appropriate balance of density and built form on both sides of Highway 7 reflects good planning and is more compatible with the planned future for Highway 7 as a transit supportive, multi modal corridor.

Regional staff provided comments to the City of Markham in January 2015, expressing concern with the proposed lower density

Regional staff reviewed and provided comments regarding the proposed development in January 2015. Staff expressed concerns with respect to the

intent of the proposed development, including conformity with the York Region Official Plan, 2010 (YROP-2010). Staff expressed a willingness to work with the applicant towards achieving a concept of development more in keeping with Regional policy objectives and plans supporting the transit priority corridor (Highway 7). Staff note that the owners of the property immediately west of the subject lands have currently applied for site plan approval for an 8 storey apartment building at the northwest corner of Highway 7 and Village Parkway, in keeping with the approvals granted by the OMB in August 2013.

City of Markham planning staff recommended that the applications be denied

In a report dated May 19th, 2015, City of Markham staff recommended that Council deny the applications by Times Group Inc. City staff identified fundamental concerns that the development proposal is not in keeping with the City's development objectives for Highway 7.

Council of the City of Markham adopted the proposed amendments on the condition that the owner enter into an agreement with the City to give effect to a transfer of no less than 350 units from the subject lands to other lands owned by Times Group Inc. on the south side of Highway 7 in Markham Centre. This transfer of density is not a factor in Regional Staff's evaluation of the

appropriateness of lower development densities on the subject lands provided for in the Amendments. Regional staff note that similar arrangements cannot be made with other applications for reduced densities as other applicants do not also own lands in strategic intensification areas.

Staff have concerns with the agreement between the City and the applicant to transfer 350 units of density to another site

The agreement between the City of Markham and Times Group Inc. to allow the transfer of density (350 units) from the subject lands requires that an application be submitted to increase density on lands owned by Times Group Inc. on the south side of Highway 7. The agreement does not address a scenario whereby the application could be withdrawn by the applicant, or that the application could be changed. Further, staff has concerns that there is no jurisdiction under the *Planning Act* to bind future owners to build the additional density through a site plan agreement. Regional staff do not support this agreement, and recommend that any increases in density on the south side of Highway 7 follow a public process that is not prejudiced by an agreement to decrease density elsewhere in the City.

Recent consultation with Times Group Inc. did not produce a new development concept or resolve Regional staff concerns with the Amendments

Regional staff met with representatives from Times Group Inc. in early February 2016, and outlined concerns that the Amendments, as adopted, are not in keeping with the Region's policy direction on intensification and optimizing transit investments. The applicant expressed no intention of providing mid rise residential development on the subject lands, and did not present an alternative development concept for the subject lands. Accordingly, Regional staff's position on the Amendments remains unchanged.

The Amendments on their own are not consistent with the *Provincial Policy Statement, 2014*

The *Provincial Policy Statement, 2014 (PPS)*, provides direction on matters of provincial interest including a vision for Ontario's land use system. Decisions with respect to planning matters by approval authorities must be consistent with the *PPS*. The *PPS* promotes "densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and supports the use of active transportation and transit in areas where it exists or is to be developed".

The density and built form currently permitted on the subject lands, supports the significant investment in transit in the immediate vicinity and represents a more efficient use of the land when compared with the proposed development. Accordingly, the proposed Amendments are not consistent with the *PPS*, as they provide for lower density development.

The Amendments facilitate a development concept that is counter to the goals and objectives of the *Growth Plan for the Greater Golden Horseshoe*

Decisions respecting planning matters shall conform to Provincial plans, including the *Provincial Growth Plan for the Greater Golden Horseshoe, 2006 (Growth Plan)*. The *Growth Plan* provides a policy direction that promotes transit supportive densities and a healthy mix of residential and employment land uses. Similar to the *PPS*, the *Growth Plan* also encourages land uses that optimize the use of existing and new infrastructure to support growth in a compact and efficient form and to provide easy access to transit.

In addition, the *Growth Plan* provides that 40% of new residential development shall be in the form of intensification within the built up area. The subject lands are within the built up area. Any development on the subject lands would directly contribute to achieving this intensification target. The proposed Amendments would facilitate a reduction in development density and unit counts that are

counter to the goals and objectives of the *Growth Plan*, and would reduce the ability to achieve the overall minimum intensification target of 40% Region-wide, and increase the diversity of the Region's overall housing stock.

The reduction in density facilitated by the Amendments does not conform to the York Region Official Plan

The YROP-2010 provides policy direction on environmental, social and economic matters to manage growth and activity in the Region to 2031. Local Official Plans and amendments must conform to YROP-2010. The intent woven throughout YROP-2010 is to support and promote city-building through planning for intensification, transit-oriented development and active transportation, and complete communities. Figure 1, shows existing mid rise and high rise development located along Highway 7 in the area of the subject lands.

Figure 1
Highway 7 looking westward towards Village Parkway



The subject lands are located within the “Urban Area” and are adjacent to Highway 7, which is identified as a “Transit Priority Network”. Viva bus rapid transit will operate adjacent to the subject lands in mixed traffic. The subject lands are also located immediately north of Markham Centre, a Regional Centre. Markham Centre is one of four planned locations for the greatest concentrations of development density in the Region.

In addition, YROP-2010 Policy 3.5.23 prohibits the approval of an amendment to a local Official Plan that has the effect of reducing density in areas currently designated for medium or high density. The full policy states:

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.”

Given the location, proximity to Viva bus rapid transit, and the existing planned high density permissions associated with the subject lands, it is staff’s opinion that the proposed decrease in density and built form does not reflect the intent of the Region’s city-building objectives and does not conform to YROP-2010.

Regional Council recently reiterated its support for protecting higher densities within intensification areas

In April 2015, Regional Council endorsed the recommendations of Clause 9 in Report No. 7 of Committee of the Whole to reiterate its support for high density development in identified intensification areas. This particular development was noted in that report, among others in York Region proposing reduced densities.

Attachment 6 summarizes planning applications that have proposed lower densities. Seven of these applications are active, and are currently being monitored. The cumulative effect of approving reductions in residential development density has the potential to undermine the Region’s planned urban structure. Owners of 3940 Highway 7 (two properties west of the subject lands) have also submitted applications to amend the City of Markham Official Plan and zoning by-law to seek a similar reduction in density. Regional staff have taken the same position on that application.

Current applications proposing lower densities are likely a response to a short-term market condition that does not address the long-term planning vision

It is staff’s opinion that this trend of lower density applications is an immediate reaction to what is likely a short-term market condition that does not address the long-term planning vision. Significant investment has been made in Regional infrastructure to support growth and the long-term vision for our future Region. Those investments include close to \$1.8 billion by the Province in 35 kilometers of Viva Bus Rapid Transit. This investment is supported by a land use planning system and policy regime that ensures the greatest densities of people and jobs located within walking distance of reliable and efficient rapid transit services.

If development is permitted to proceed at a lower density, the opportunity for future residential intensification on those lands and achievement of our 2031 city building objectives is lost. This will challenge the Region’s ability to meet required intensification targets, as the provision of apartment units within the built-up area will be an important contributor to intensification and to diversity of the Region’s overall housing stock.

Highway 7 is being reconstructed through this area with an emphasis on active transportation and transit to support high densities

York Region is currently reconstructing Highway 7, between Town Centre Boulevard and Sciberras Road, adjacent to the subject lands. The reconstruction will include an urbanized and improved streetscaping design that promotes the use of active transportation, by way of an off-road cycle track, and includes providing for curbside Viva bus rapid transit stations. The total cost of this project is over \$40 million.

Link to key Council-approved plans

The Amendments would effectively reduce the amount of high density apartment dwelling units which could be provided for on the subject lands. This is counter to the *2019 Strategic Plan* objective of increasing the range of available and affordable housing choices in the Region, including increasing the percentage of total housing stock in medium/high density residential housing.

The intended lower density does not conform to goals and objectives of the YROP-2010, which promotes intensification and transit-oriented development densities where appropriate. The lower densities are not in keeping with the spirit and intent of creating vibrant, livable and complete communities that are outlined in *Vision 2051*.

5. Financial Implications

Reductions in density would lower Development Charge collections to pay for growth by 78 per cent (\$7 million)

Table 2 compares the Regional Development Charges and annual property tax collections for both the existing permitted development and the current development proposal. The Amendments, if approved, would permit a lower development density. The proposed development concept would result in lower Development Charge collections, in the order of approximately 78 per cent, or \$7 million, as compared to those that would be collected under the existing development permissions. This does not include the fees and charges collected by school boards, the City of Markham and other authorities.

Reductions in density would reduce property tax collections on the site by 84 per cent (\$460,000) annually

In addition, the lower density would result in a total assessment value that is less than what is currently permitted. Finance staff estimates the potential annual

property tax loss to be \$460,000 (based on 2015 assessment values) as a result of a lower total assessment value. This represents a loss of approximately 84 per cent of the potential annual property tax collections for the site. This loss of assessment value impacts the Region’s ability to fund ongoing operations of Regional services including transit. This is not a one-time cost implication as property taxes are collected by the Region on an annual basis. Accordingly the implications of reduced density will impact property tax collections to pay for Regional services over the long-term.

Table 2
Financial Comparison

	Existing Permissions	Proposed Development Concept	Difference/ Change
Potential Regional DC (Hard Services Only)	\$8,590,000	\$1,890,000	\$6,700,000
Potential Regional DC (Total, including Hard and Soft Services)	\$9,330,000	\$2,050,000	\$7,280,000
Estimated Annual Regional Property Tax (based on 2015 Assessment Values)	\$550,000/year	\$98,000/year	\$460,000/year

*Values may not add up due to rounding

Reductions in density impact the cost to deliver services like transit

The Region is a strong proponent of transit oriented development. Medium and high density development adjacent to existing and planned rapid transit corridors supports the Region’s transit investments by making it easier for more people to access transit which will help to increase ridership. The implications of not realizing density along a planned transit corridor will ultimately increase the costs associated with operating this service over the long term.

6. Local Municipal Impact

As noted above, City of Markham planning staff recommended that the proposed Amendments and corresponding zoning by-law amendment be denied. The Council of the City of Markham has entered into a separate agreement with the owner of the lands to not oppose the Amendments in exchange for the owner

agreeing to apply for an increase in density of 350 units for lands owned by the applicant on the south side of Highway 7.

7. Conclusion

The recommendation to refuse the applications represents good planning

Regional staff recommend that Council refuse to approve the Amendments. The Amendments facilitate a development concept that results in 56 townhouse units on a site that is currently zoned and designated to support up to 405 units in an appropriate mix of townhouse and apartment units. The Amendments to reduce density are not consistent with the *PPS*, are counter to the intent of the *Growth Plan* and York Region's approved Official Plan policy direction in respect of intensification, city-building objectives and principles of transit-oriented development. The Amendments facilitate a development that does not conform to the YROP-2010 policy direction, which prohibits the approval of an amendment to a local official plan that has the effect of reducing density in areas currently designated for medium or high density. Further, Regional council recently reiterated its support for high densities in April 2015.

The development concept sought through the Amendments is, in staff's opinion, a short term market reaction that does not reflect good planning. The current designated and zoned density was approved by the OMB as recently as August 2013, and is representative of the Region's and the City's planned vision for an urban, pedestrian and transit supportive corridor along Highway 7. The Amendments would facilitate significantly lower development density on the subject lands that does not reflect this planned vision and the Region's infrastructure investment. Once developed, the opportunity for future density on the site is lost. For these reasons a longer term view of the Region's centres and corridors and city building objectives leaves no other option but to refuse the Amendments.

For more information on this report, please contact Josh Reis, Senior Planner at ext. 71515.

The Senior Management Group has reviewed this report.

Attachments (6)

#6602723

Accessible formats or communication supports are available upon request



CITY OF MARKHAM
OFFICIAL PLAN AMENDMENT NO. 6

To amend the City of Markham Official Plan 2014, as amended.

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2015-115 in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on November 2, 2015.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor



By-law 2015-115

Being a by-law to adopt Amendment No. 6
to the City of Markham Official Plan 2014, 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:

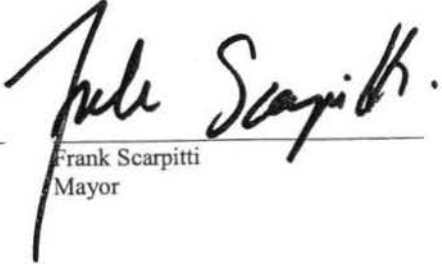
1. THAT Amendment No. 6 to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the adoption thereof, after the "City of Markham Official Plan, Part 1" is in effect.

Read a first, second, and third time and passed on June 23, 2015.

Signed, sealed and adopted on November 2, 2015.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. 6)

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, constitutes Official Plan Amendment No. 6. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This amendment applies to approximately 1.2 hectares of land in part of Lot 10, Concession 5, located at the north-east corner of Highway 7 East and Village Parkway, as shown on Schedule "A" to this Amendment. The lands are municipally known as 4002/4022 Highway 7.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to amend the site-specific policy applicable to the subject lands to permit a proposed townhouse development.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

Site specific policy 9.19.9 permits the subject lands to be developed with no more than 393 apartment dwelling units and 12 townhouse dwelling units. The Owner is now proposing to develop the lands with a total of 56 townhouses and no apartments.

Council has determined that the proposed townhouse development is appropriate and has directed staff to prepare an Official Plan Amendment to permit it.

The existing permissions for apartment uses remain in place.

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. 6)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

1.1 Section 9.19.9 of the Official Plan 2014, as amended, is hereby amended by replacing existing subsections d) and f) with the following new subsections, as follows:

- “d) on the lands at 4002 and 4022 Highway 7 designated ‘Residential Mid Rise’ and ‘Mixed Use Mid Rise’, the total number of dwelling units shall not exceed 465 of which:
 - i. no more than 60 townhouse dwelling units shall be permitted on the lands designated ‘Residential Mid Rise’; and
 - ii. no more than 405 apartment and townhouse dwelling units with no more than 56 townhouse dwelling units shall be permitted on the lands designated ‘Mixed Use Mid Rise’;
 - iii. the maximum building height shall be 8 storeys and the maximum *floor space index* shall be 3.5 on the lands designated ‘Mixed Use Mid Rise’;

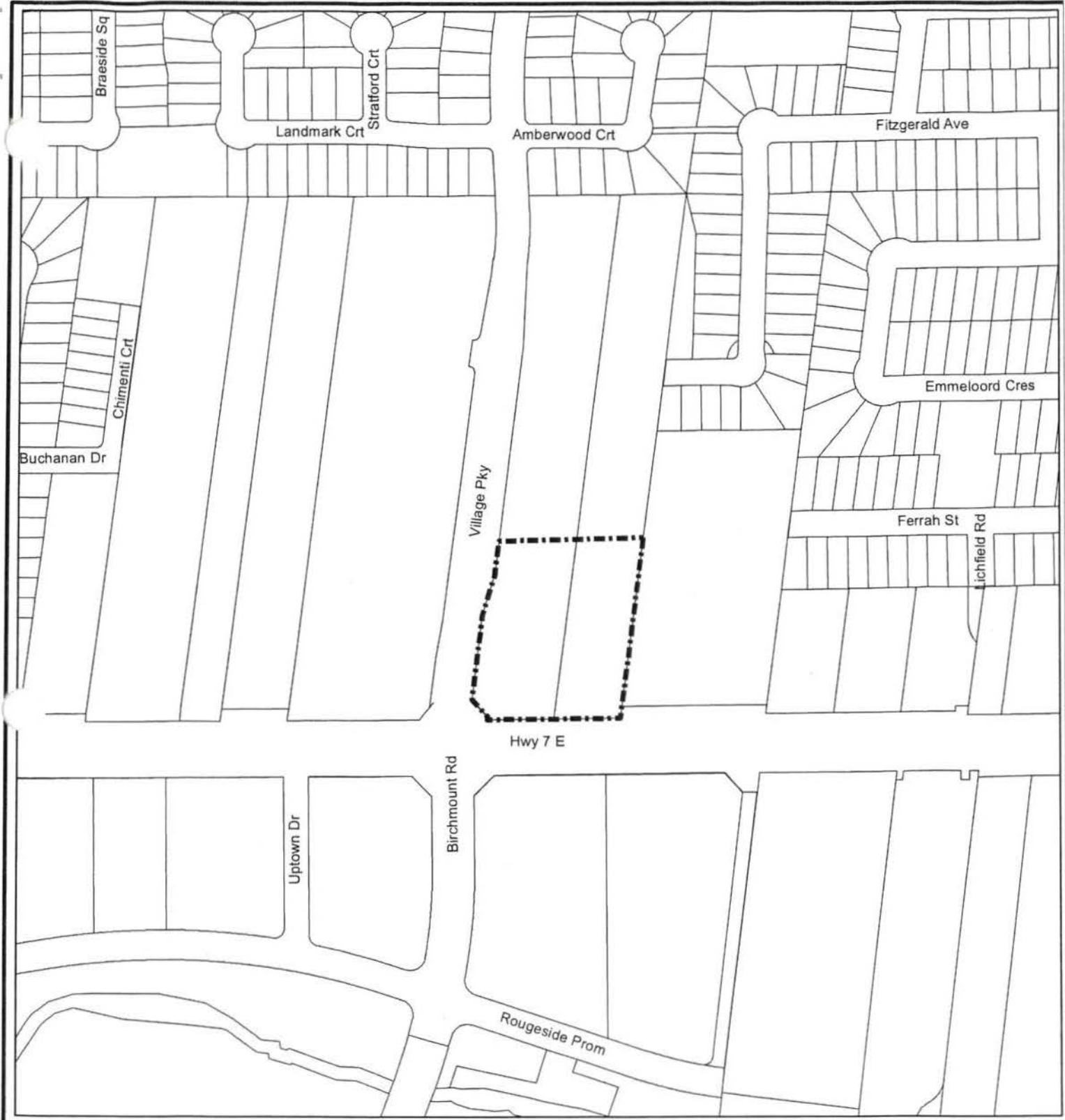
- f) on the lands at 3912, 3928, 3940, 3952, and 3972 Highway 7 East designated ‘Mixed Use Mid Rise’ the maximum building height shall be 8 storeys and the maximum *floor space index* shall be 3.5, excluding any floor space for townhouse dwelling units;”

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the City of Markham Official Plan 2014, 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 in conformity with the provisions of this Amendment.

(June 2015)



 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

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OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. 229

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 7 to Secondary Plan (PD 1-15) for a portion of the Markham and Unionville Planning District (Planning District No. 1).

This Official Plan Amendment was adopted by the Corporation of the City of Markham by By-law No. 2015-114 in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on November 2, 2015.



Kimberley Kenteringham
City Clerk



Frank Scarpitti
Mayor



By-law 2015-114

Being a By-law to adopt Amendment No. 229
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. 229 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 adoption thereof.

Read a first, second, and third time and passed on June 23, 2015.

Signed, sealed and adopted on November 2, 2015.



Kimbley Kitteringham
City Clerk



Frank Scarpitti
Mayor

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PART I – INTRODUCTION

(This is not an operative part of Official Plan Amendment No. 229)

PART I - INTRODUCTION

1. GENERAL

- 1.1 Part I – INTRODUCTION is included for information purposes and is not an operative part of the Official Plan Amendment.
- 1.2 Part II - THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. 229 to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 7 to Secondary Plan PD 1-15 for a portion of the Markham and Unionville Planning District. Part II is an operative part of the Official Plan Amendment.
- 1.3 Part III – THE SECONDARY PLAN AMENDMENT, including Schedule “A” attached thereto, constitutes Amendment No. 7 to Secondary Plan PD 1-15 for a portion of the Markham and Unionville Planning District (Planning District No. 1). This amendment may be identified by the symbol PD 1-15-7. Part III is an operative part of this Official Plan Amendment.

2. LOCATION

This amendment applies to approximately 1.2 hectares of land in part of Lot 10, Concession 5, located at the north-east corner of Highway 7 East and Village Parkway, as shown on Schedule “A” of Part III of this Amendment. The lands are municipally known as 4002/4022 Highway 7.

3. PURPOSE

The purpose of this Official Plan Amendment is to amend Secondary Plan PD 1-15 (OPA 15) to permit a proposed townhouse development.

4. BASIS OF THIS AMENDMENT

The subject lands are designated ‘URBAN RESIDENTIAL’ in the Markham Official Plan (Revised 1987), as amended.

The lands are within the designated area of Secondary Plan PD 1-15 (OPA 15) for Part of the Markham and Unionville Planning District. The Secondary Plan includes a site specific policy (Section 5.2.9) which restricts the use of the subject lands to a maximum of 12 townhouse dwelling units, and a maximum of 393 apartment dwelling 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).

The Owner is now proposing to develop the lands with a total of 56 townhouses and no apartments. This requires an amendment to Secondary plan PD15-1 to increase the permitted number of townhouses from 12 to 56. Council has determined that the proposed townhouse development is appropriate and has directed staff to prepare an Official Plan Amendment to permit it. The existing permissions for apartment uses remain in place.

PART II – THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. 229)

1. THE 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 229 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 is hereby amended by the addition of the number 229 to the list of amendments, including any required grammatical and punctuation changes in the bullet item dealing with Secondary Plan (PD 1-15) for a portion of the Markham and Unionville Planning District (Planning District No. 1).
- 1.3 Section 9.2.12 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 229 to the list of amendments, to be placed in numerical order including any grammatical and punctuation changes prior to the words "to this Plan".
- 1.4 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 the text of the Secondary Plan (PD 1-15) for a portion of lands north of Highway 7, being part of the Markham and Unionville Planning District (Planning District No. 1). These changes are outlined in Part III which comprises Amendment No. 7 to Secondary Plan PD 1-15.

2. 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.

PART III – THE SECONDARY PLAN AMENDMENT (PD 1-15-7)

(This is an operative part of Official Plan Amendment No. 229)

1. THE AMENDMENT

(Amendment No. 7 to the Secondary Plan PD 1-15 for a portion of the Markham and Unionville Planning District).

Secondary Plan PD 1-15 for a portion of the Markham and Unionville Planning District is amended for the lands shown on Schedule "A" attached hereto as follows:

- 1.1 Section 5.2 is hereby amended by deleting subsection 5.2.9(a) and replacing it with the following new subsection 5.2.9(a) as follows:

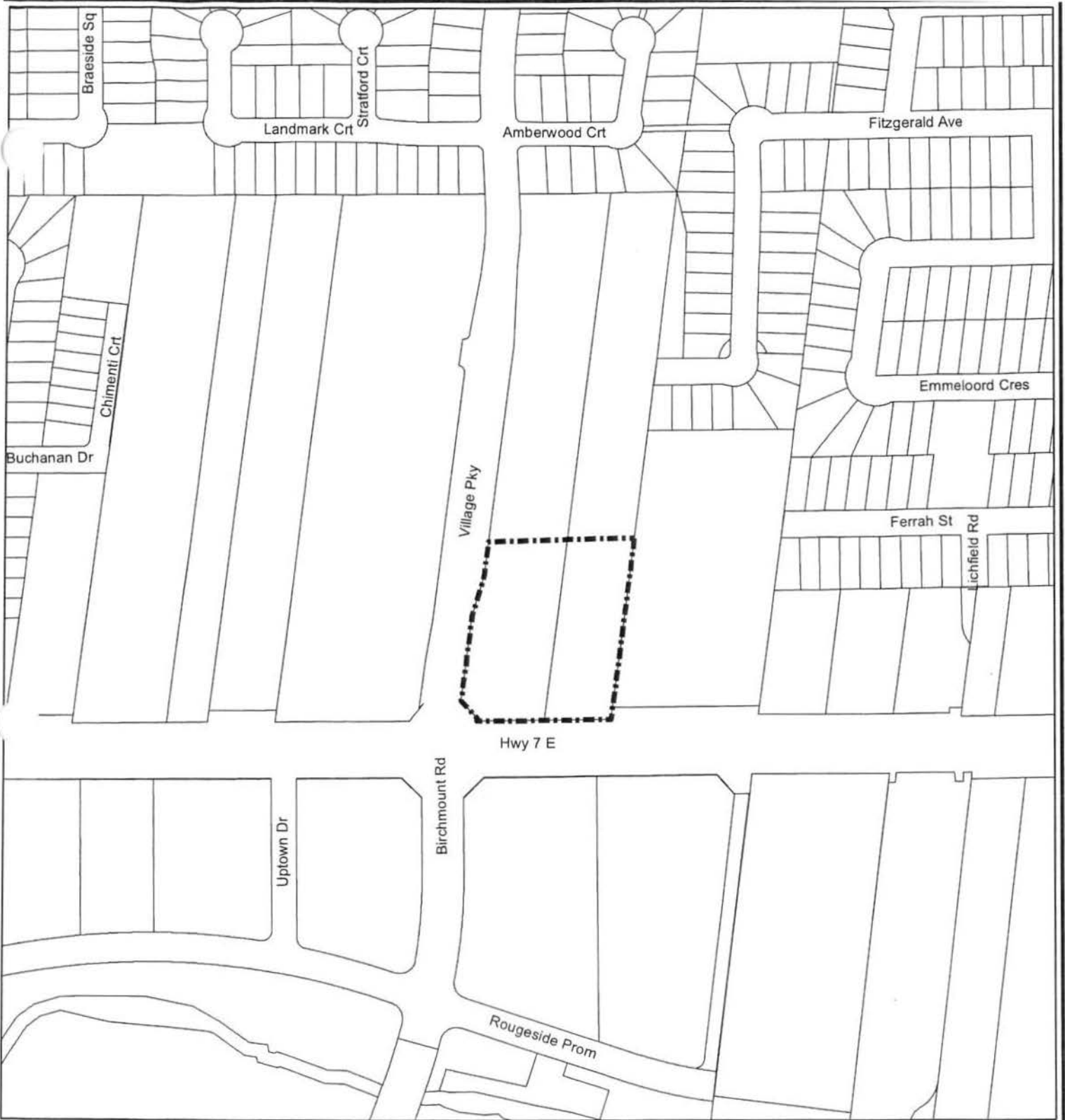
"(a) That the portion of the lands is designated 'Urban Residential High Density 1 (Special Exception *3)' may be used for a maximum of 405 dwelling units. A maximum of 56 of the dwelling units may be townhouse units. A maximum of 393 of the dwelling units may be apartment units in building(s) having a maximum height of eight storeys and a maximum floor space index of 3.5."

2. IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), 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 Zoning By-law 118-79, as amended, and Site Plan Approval in conformity with the provisions of this Amendment.

June, 2015

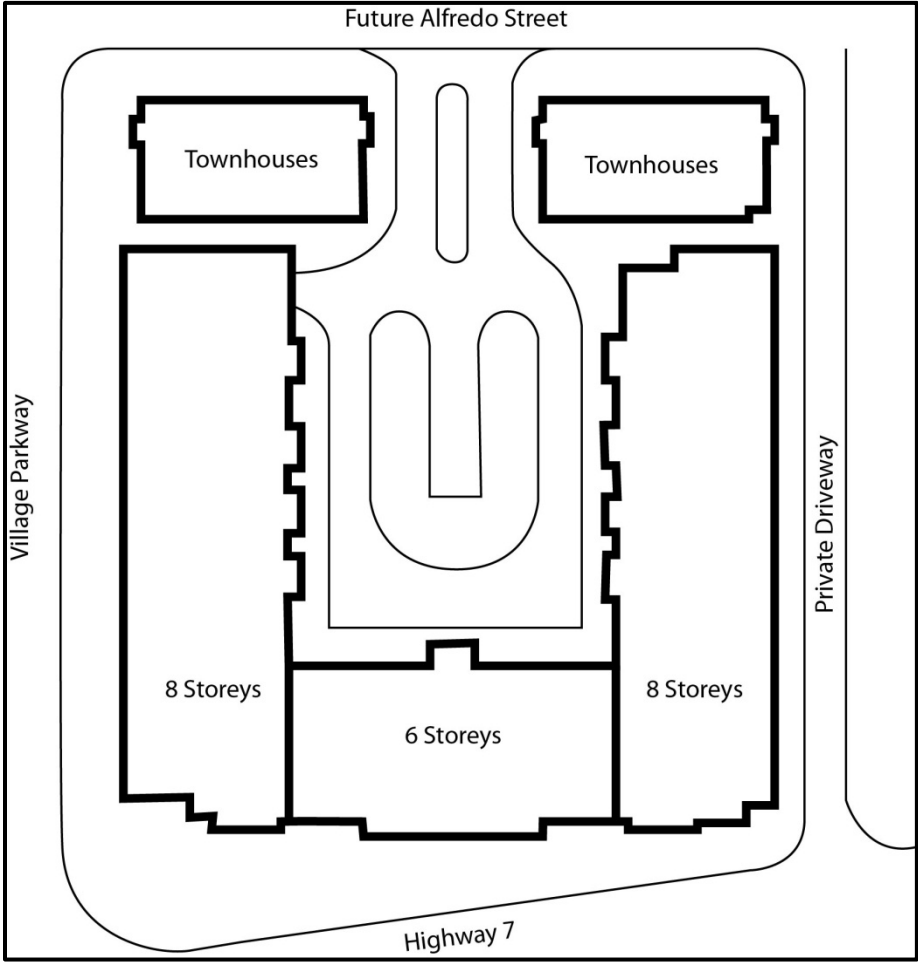


 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



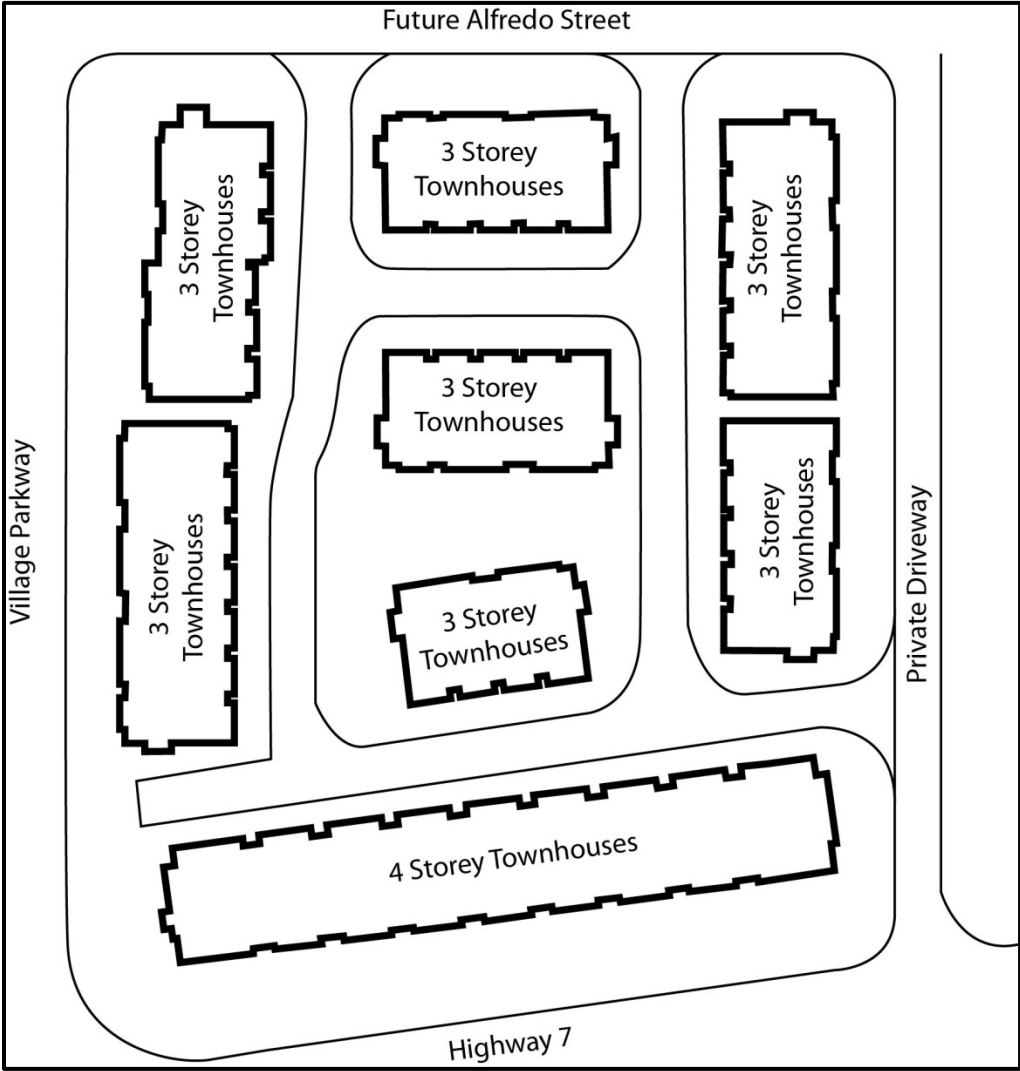
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2013 Development Concept



Units:	405 (393 apts., 12 towns)
Height:	Max. 8-storeys
Density:	Max. 3.5 FSI

April 2015 Development Concept



VIEW FROM HIGHWAY 7

Units:	56 towns
Height:	4-storeys
Density:	1.0 FSI

**Applications Proposing Lower Development Densities
Updated: November 27, 2015**

Location	Proposal	Current Zoning/OP	Regional Comments	Status
Markham Angus Glen Village Ltd. 4073 Major Mackenzie Drive	54 single detached File: OP 15 107807	Residential Midrise and Greenway	Sept 18, 2015 (edocs 6292240) – preliminary comments express concern and request the applicant revisit the proposal as it does not conform with ROP	Preliminary comments issued – application currently in City review and reporting process – OPA will only be forwarded if adopted by Markham Council Revised subdivision submitted with stacked townhouses.
Richmond Hill 386, 396 and 400 Highway 7 – Times Group Corp. (1857481 Ontario Inc)	88 townhouses at 1.0 FSI File: D01-12012	Regional Mixed Use Corridor – Permission for two 11-storey apartments and townhouses at rear at 2.9 FSI	February 20, 2015 (edoc 5908916) – preliminary comments express concern and request the applicant revisit the proposal	Appealed for lack of Decision. OMB Settlement on Nov 9/15 accepted by Richmond Hill Council in camera - maintained higher density 15- and 10-storey residential fronting Highway 7 with townhouses at rear in keeping with Richmond Hill OP.
Markham 4002/4022 HIGHWAY 7 (North-East corner of Hwy & and Village Parkway) Times Group Corp - 1820266 Ontario Inc.	56 townhouses at 0.99 FSI File: OPA 229 and OPA 6 (OP 14 117506)	Urban Residential High Density - Permission for 393 unit apt with 12 townhouses at 3.5 FSI which was approved by the OMB in 2013	January 5, 2015 (edoc 5740111) – preliminary comments express concern and request the applicant revisit the proposal	May 19, 2015 - Markham staff recommended application be denied. Markham Council adopted – with the condition that the lost density be built on the south side of Hwy 7 – condition “That staff bring forward required documents including revisions to the plan as discussed and a document to guarantee transfer of density to lands owned by the developer on the south side of Highway 7”. November 12, 2015 - Regional staff receive adopted OPA 229 and OPA 6 to amend both the in- force (1987) and new Official Plans. A Site plan application has also been filed with the City of Markham by the applicant for 56 townhouses

Location	Proposal	Current Zoning/OP	Regional Comments	Status
Markham 3940 Highway 7 – Scardred 7 Company Limited	47 townhouses File: OP 15 128977 File: PRE 14 128977	Urban Corridor High Density 1 – Permission for 228 units of which only 19 can be townhouses and the balance in 8 storey apt @ FSI of 3.5	August 21, 2015 (edoc 6142401) – preliminary comments express concern and request the applicant revisit the proposal as it does not conform with ROP	Public Meeting at Markham held on November 16, 2015 Preliminary comments issued – application currently in City review and reporting process – OPA will only be forwarded if adopted by Markham Council
Markham Auriga Developments Inc. Hwy 7 and Donald Cousins Parkway	7 sfd and 70 townhouses at 1.0 FSI File: OP 14 109647	Minimum density of 1.5 FSI required and 4-6 storeys in Cornell Centre Secondary Plan	June 17, 2014 (edoc 6046398) – exempted OPA from Regional approval	Density issue not identified in preliminary comments as an issue and OPA has been exempted from Regional approval Markham staff indicated the site would be recommended for lower density as part of the Cornell Secondary Plan review OPA not yet adopted
Markham Cornell Rouge Development Corp.	Proposed density of 0.75 to 1.5 FSI File: OP 14 244799	OP Minimum density of 1.5 FSI required in Cornell Centre Secondary Plan	May 21, 2015 (edocs 6046156) - did not exempt OPA and directed this application be reviewed through the Cornell Centre Secondary Plan	Markham Preliminary report March 24, 2105 referred back to staff Markham staff indicated the site would be recommended for lower density as part of the Cornell Secondary Plan review
Markham Lindvest Properties 6937 Highway 7 (south side of &, east of 9 th Line)	Retail commercial centre File: OP 13 126638	Avenue Seven Corridor – Mixed Residential in the Cornell Centre Secondary Plan – 150 units in mixed use development originally proposed	June 17,2014 (edocs 5536436) – exempted OPA from Regional approval	Density issue not identified in preliminary comments as an issue and OPA has been exempted from Regional approval This was included because the application proposed to reduce the overall minimum FSI and would facilitate stand-alone commercial retail uses in place of any requirement for residential. This was also considered an employment land conversion. December 15, 2015 – City staff anticipate approval

Location	Proposal	Current Zoning/OP	Regional Comments	Status
Markham Wykland Estates Inc. (Mattamy) – north of Hwy 7 south of Rustle Woods Ave between BurOak and Cornell Centre Blvd	Reduce height from 4 to 3-storeys and density of 1.5 FSI to 0.85 FSI File: OP 14 135999	Minimum density of 1.5 FSI required whereas 0.85 FSI proposed	April 17, 2015 (edocs 6046398) – preliminary comments not supporting application October 8, 2015 (edocs 6305576) – exempted OPA on the basis of revised application that now meets density requirements	Preliminary comments issued and subsequently application was revised – net FSI meets 1.5 with 172 stacked lane-based townhouses - This site doesn't front onto Hwy 7 – the gross FSI for the site fronting Hwy will need to be maintained at the 1.5 FSI minimum
Vaughan Quadrant Holdings Inc.	206 townhouses File: OP 13 006	Reduced from a maximum of 855 apartment units	June 6, 2013 (edocs 5021592) – exempted OPA from Regional Approval	Identified in April 2015 staff report but is not on a Regional Road
Vaughan King Jane Developments	136 townhouses and 6 semis File: OP 12 016	Reduced from a maximum of 600 apartment units in 3 14-storey towers	Feb 5, 2013 (edocs 4580234) – exempted OPA from Regional approval	Previous site specific OP provided for higher density – The subject OPA is consistent with new Vaughan OP which designate the subject land Mid-Rise Mixed Use Approved
Vaughan Nonnodesto Income Inc. Southwest quadrant of Bathurst Street and Teston Road.	34 single detached File: OP 12 013	High Density Residential/Commercial and Neighbourhood Commercial centre Max. 250 uph, 12 storeys, 2.95 FSI	October 15, 2012 (edocs 4444045) – exempted OPA from Regional approval	A privately initiated amendment (OPA 637) was approved well in advance of Vaughan's new comprehensive Official Plan review. Not located in an intensification area. New Vaughan OP does not recognize the high density previously approved under OPA 637. New Vaughan OP recognizes the subject lands as "Mid-Rise Mixed Use" and site specific policies permit low-rise residential uses. Approved.

A stylized illustration on the left side of the slide. It features a clock tower with a circular clock face showing the number 7. Below the tower is a building facade with several horizontal rows of windows, each row containing small, dark, teardrop-shaped elements. The illustration is rendered in shades of brown, tan, and blue.

Amendments No. 6 and 229 to the Official Plan of the City of Markham

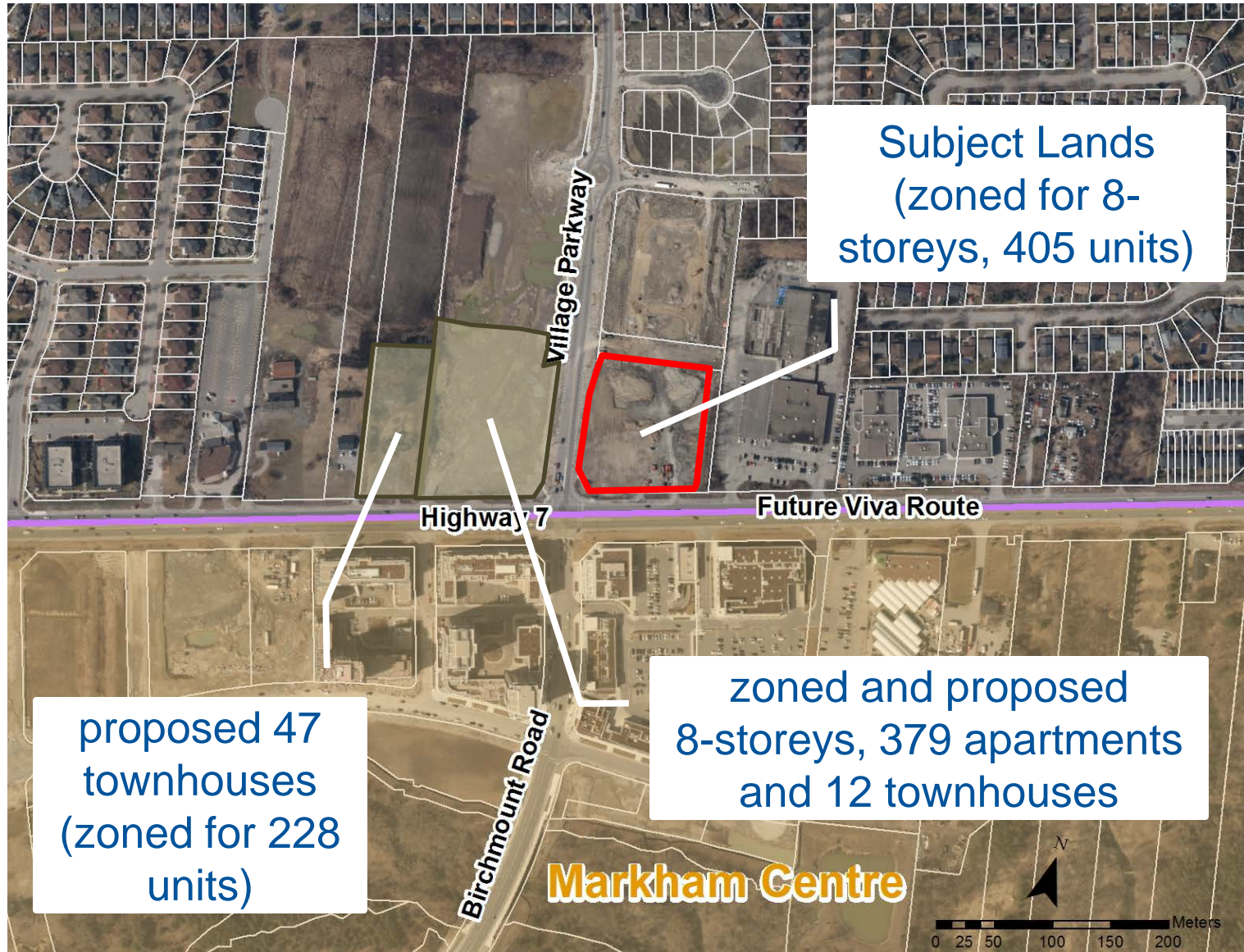
Presentation to
Committee of the Whole

Josh Reis, MCIP RPP

March 10, 2016



Context



Context

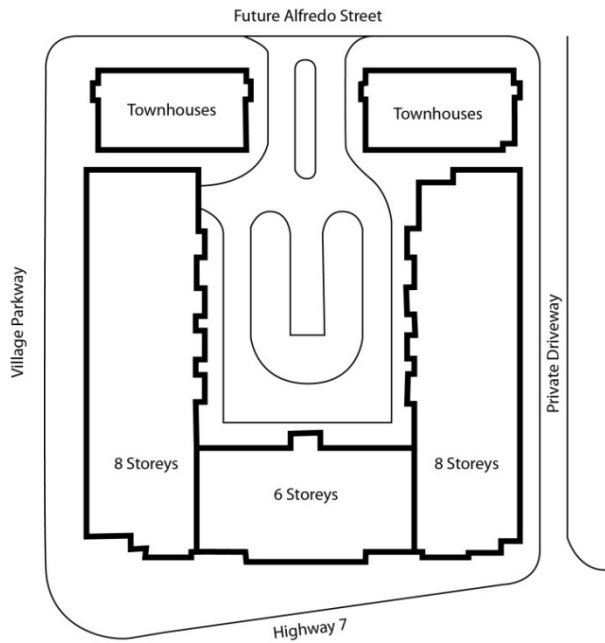
Subject Site



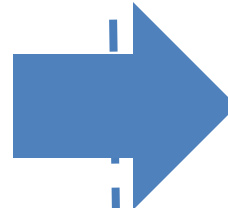
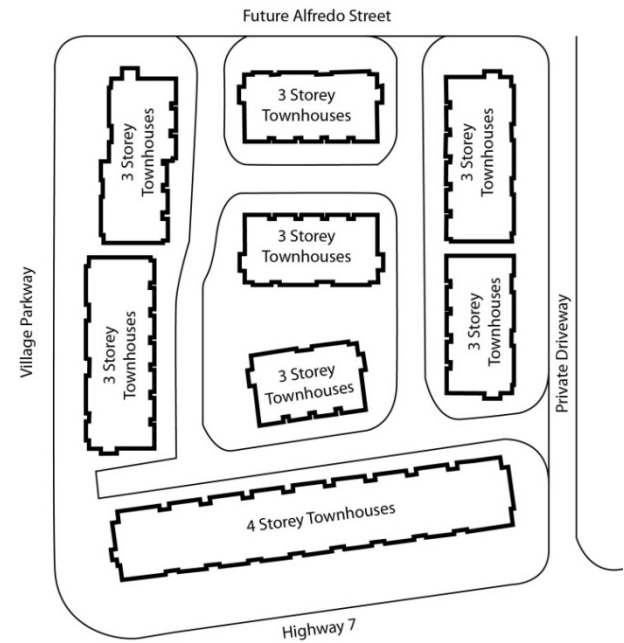
Highway 7 will be a multi modal, transit supportive, urban corridor

From 405 units to 56 townhouses

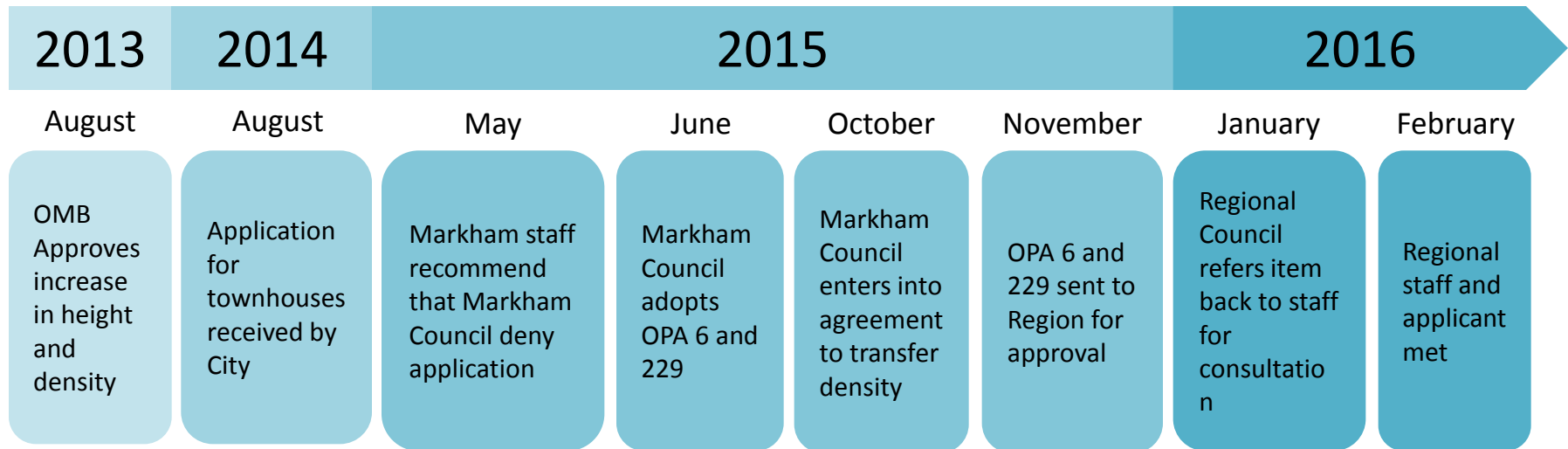
OMB Approved



Current Development Concept



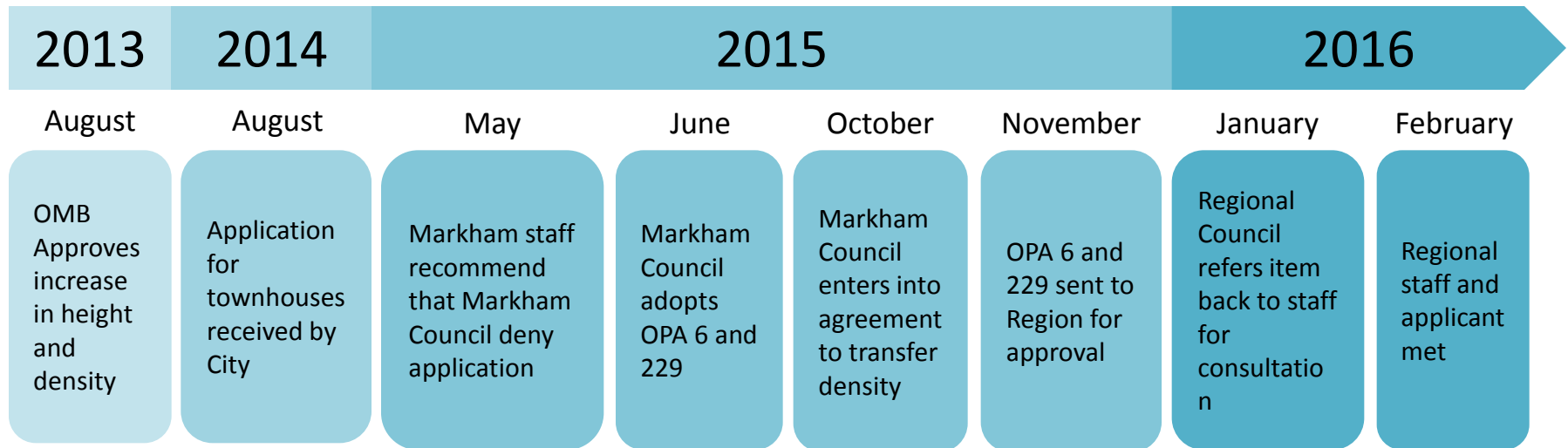
Key Events



Regional Council may approve, modify and approve, or refuse the amendments

Key Events

April
Regional Council reiterates support for higher densities



Regional Council may approve, modify and approve, or refuse the amendments

Development does not represent good planning

- Not consistent with Provincial policy
- Does not conform to YROP-2010
- Area has been approved for higher densities

YROP-2010 Policy 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.”

Council’s approved policy direction
prohibits down designation

Financial Implications

- 78% less Development Charges
- 84% less annual property tax
- Impacts the cost to deliver services

	Existing Permissions	Current Development Proposal	Reduction
Potential Regional DC (Total, including Hard and Soft Services)	\$9,330,000	\$2,050,000	\$7,280,000
Estimated Annual Regional Property Tax (based on 2015 Assessment Values)	\$550,000/year	\$98,000/year	\$460,000/year

*Values may not add up due to rounding

Proposal also impacts local municipalities and school board

Conclusion

- Recommend that Council refuse the Amendments
- Long term view of the Region's city-building objectives is needed
- Support investment in transit
- April 2015 direction

The amendments do not represent good planning:

- do not conform to, or reflect the intent of, YROP-2010
- are not consistent with the PPS 2014
- are counter to objectives of Growth Plan

Report Recommendations

- Council refuse to approve Amendments No. 6 and 229 to the Official Plan of the City of Markham
- Staff be authorized to provide notice to this effect
- Staff be authorized to appear before the OMB in support of this position

Martin, Carrie

From: Lincoln Lo [mailto:LLo@mgp.ca]
Sent: Monday, March 07, 2016 11:12 AM
To: Martin, Carrie
Subject: RE: Official Request for Deputation - March 10th COW

Thanks Carrie.

Applicant Name: 1820266 Ontario Inc. (Times Group Inc.)
Property: 4002 and 4022 Highway 7 East (NE corner of Highway 7 and Village Parkway) in the City of Markham

Lincoln Lo, MCIP, RPP, PLE
Associate

MALONE GIVEN PARSONS LTD.

140 Renfrew Drive, Suite 201, Markham, ON, L3R 6B3 Canada www.mgp.ca
T: 1.905.513.0170 x107 M: 1.416.543.9427

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Please consider the environment before printing this e-mail.

From: Martin, Carrie [mailto:Carrie.Martin@york.ca]
Sent: March-07-16 8:50 AM
To: Lincoln Lo
Subject: RE: Official Request for Deputation - March 10th COW

Good morning Lincoln,

Thanks for your message. I will add your deputation request to the agenda. Please note that deputations are subject to Committee granting deputant status and are limited to a maximum of 5 minutes per Council's Procedure Bylaw.

The meeting will be held in Council Chambers at York Region's Administrative Centre, 17250 Yonge Street, Newmarket. Please arrive prior to 9 a.m. and check in with the clerk at the door. I will be present at the meeting if you have any questions.

Can you please provide me with the name of the applicant and what properties you will be speaking about.

Regards,
Carrie

Carrie Martin | Committee Coordinator, Regional Clerk's Office, Corporate Services Department

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1

O: 1-877-464-9675 ext. 71303 | carrie.martin@york.ca | york.ca

Our Values: *Integrity, Commitment, Accountability, Respect, Excellence*



Please consider the environment before printing this email.

From: Lincoln Lo [<mailto:LLo@mgp.ca>]
Sent: Friday, March 04, 2016 2:19 PM
To: Martin, Carrie
Subject: Official Request for Deputation - March 10th COW

Hi Carrie,

Great speaking with you.

As discussed, please find this as my official request to include the following deputations for item **B.1 Amendments No. 6 and 229 to the Official Plan of the City of Markham** to be presented in front of Council at the March 10th Committee of the Whole:

Lincoln Lo – Malone Given Parsons Ltd. (applicant’s planner)

Ira Kagan – Kagan Shastri LLP (applicant’s legal counsel)

Please let me know if you require any additional information.

Thank you.

Lincoln Lo, MCIP, RPP, PLE
Associate

MALONE GIVEN PARSONS LTD.

140 Renfrew Drive, Suite 201, Markham, ON, L3R 6B3 Canada www.mgp.ca

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