

Clause 15 in Report No. 1 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on January 26, 2017.

15

Amendments No. 10 and 243 to the Official Plan  
of the City of Markham

Committee of the Whole recommends:

1. Receipt of the presentation by Josh Reis, Senior Planner, Centres, Corridors & Subways.
2. Receipt of the deputation by Chris Pereira, Associate, M. Behar Planning & Design Inc.
3. Receipt of the report dated December 16, 2016 from the Commissioner of Corporate Services and Chief Planner.
4. Council approve Amendment No. 10 to the new City of Markham Official Plan (2014) and Amendment No. 243 to the in-force City of Markham Official Plan (1987).
5. The Director of Community Planning and Development Services be authorized to issue notice of Regional Council's decision.
6. 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 December 16, 2016 from the Commissioner of Corporate Services and Chief Planner now follows:

1. Recommendations

It is recommended that:

1. Council refuse to approve Amendment No. 10 to the new City of Markham Official Plan (2014) and Amendment No. 243 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 provides Regional staff's recommendation that Council refuse to approve amendments to the Official Plan of the City of Markham by 2124123 Ontario Limited on Highway 7 west of Village Parkway. The amendments do not conform to the York Region Official Plan and do not reflect good planning. Regional Council is the approval authority for Local Official Plan Amendments pursuant to the *Planning Act*, and may approve, modify and approve or refuse an amendment.

## 3. Background and Previous Council Direction

The lands are located on the north side of Highway 7, west of Village Parkway, immediately north of Markham Centre

The subject lands, municipally known as 3940 Highway 7, are approximately 0.6 hectares and are located on the north side of Highway 7 west of 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 vacant and designated "Urban Residential High Density 1" under the in-force City of Markham Official Plan (1987), as amended, and "Mixed Use Mid Rise" in the 2014 Markham Official Plan. The applicant is 2124123 Ontario Limited ("Peak Garden Development").

Adjacent uses include:

- East – 8 storey apartment building (currently under construction by Wyview Group)
- South – Highway 7 (including a future Viva curbside station at Village Parkway); Markham Centre: mixed-use mid-rise commercial and high-rise residential buildings (from 8-20 storeys)

- West – two single detached homes currently functioning as offices and a vacant warehouse building (proposed four 8-storey buildings, stacked townhouses and parkland)
- North – proposed residential townhouses, and existing low-rise single-detached residential buildings

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

In August 2013, the Ontario Municipal Board (OMB) approved a settlement between Peak Garden Development and the City to permit a maximum of 228 dwelling units, of which up to 19 may be townhouse units, in building(s) having a maximum height of 8 storeys and a maximum floor space index of 3.5 (FSI) on the lands. This settlement was one of three site-specific appeals decided on by the Board in a consolidated hearing dealing with lands in the immediate vicinity requesting additional height and density permissions. The Region was a party to the hearing and did not object to the settlement in which all three appellants received approvals for similar increases in height and density.

The subject lands are designated “Mixed Use Mid Rise” in the partially approved 2014 Markham Official Plan. This designation permits a range of building types, including townhouses, ranging from 3 to 8 storeys. However, the lands are subject to a site specific policy (policy 9.19.9) that implements the 2013 OMB decision which permits a higher density development at a maximum of 3.5 FSI as compared to a maximum of 2.0 FSI set out in the “Mixed Use Mid Rise” designation of the 2014 Markham Official Plan.

The applicant’s proposed development concept consists of 47 townhouse units

The applicant 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 47 townhouse units (3 storeys and 5 storeys fronting onto Highway 7). The amendments effectively reduce the planned and intended density of future development on the lands to 1.7 FSI.

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. 10 to the new City of Markham Official Plan, 2014 (Attachment 2) and Amendment No. 243 to the in-force City of Markham Official Plan and Markham Unionville Planning District Secondary Plan (Attachment 3). While there are minor differences in the technical wording of each Amendment, the overall effect and intent is the same. Markham Council considered the

Amendments at its meeting of May 31, 2016, and officially adopted them in September 2016.

Regional Council is the approval authority for both Official Plan amendments

York Region received the adopted amendments on September 27, 2016. Regional Council, as the approval authority, has until March 26, 2017 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.

Regional Council reiterated its support for protecting higher densities within intensification areas in April 2015

In [April 2015](#), Regional Council endorsed recommendations to reiterate its support for high density development in identified intensification areas. At the time, there were a number of development proposals for reduced densities, including this particular development.

In March 2016, Regional Council approved amendments by Times Group Inc. to permit a 57 unit townhouse development located two properties east of the subject lands

In [March 2016](#), Regional Council adopted recommendations and approved Amendments No. 6 and 229 to the City of Markham Official Plan to facilitate the development of a 57 unit townhouse development by Times Group Inc. The Times Group Inc. site is located two properties east of the subject lands. At that time, Times Group Inc. had entered into an agreement with the City to transfer the lost density to other lands owned by the proponent in Markham Centre. Regional Planning and Economic Development staff had recommended the refusal of the Times Group Inc. amendments for similar reasons outlined in this report.

#### 4. Analysis and Implications

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 the applicant in 2013 and Attachment 5 shows the development concept currently proposed. 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 212)	Adopted (OPA 10 and 243)	Proposed Development Concept
Max. Height	8 Storeys	8 Storeys	3 and 5 Storeys
Max. Density	3.5	3.5	1.7
Max. Apartment Units (Population)	228 (480)	228 (480)	0 (0)
Max. Townhouse Units (Population)	19 (57)	47 (141)	47 (141)
Maximum Number of Dwelling Units	228	228	47

In 2013, the Board found the density, unit types and housing mix, which included an eight storey apartment building, to be appropriate

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 “the density, unit types and housing mix to be appropriate” and the “density, site layout, massing and scale to be compatible with the surrounding built forms”. 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, than the current townhouse proposal.

Regional staff provided comments to the City of Markham in August 2015, which raised concerns with the proposed lower density

Regional staff reviewed and provided comments regarding the proposed development on August 21, 2015. Staff expressed concerns with respect to the

intent of the proposed development, including non-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 and transit oriented development objectives including support for appropriate densities along transit priority corridors (including Highway 7). Staff note the owners of the property immediately east 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. The 8-storey building is currently under construction.

City of Markham planning staff recommended that the applications be denied

In a report dated May 24, 2016, City of Markham staff recommended the applications be denied. City staff identified fundamental concerns that the development proposal is not in keeping with the City's policy objectives for the intensification corridor of Highway 7. Markham planning staff expressed concern that the proposed development is not in keeping with Regional Council's endorsed position in 2015 on supporting higher density development in intensification areas. On May 31, 2016, Council of the City of Markham adopted the proposed amendments.

Regional staff met with the proponents in October 2016

Regional staff met with the applicants in October 2016, and reiterated the concerns identified in our August 2015 letter to the City. The applicant provided staff with a copy of materials presented to Markham Council, and stated that their proposal meets a demand for multi-generational family units in the area, in a five storey townhouse format served by individual, in unit elevators.

There is no agreement to transfer density to another site

Unlike the Times Group Inc. development noted above, there is no requirement for the applicant to enter into an agreement to transfer the lost density on the subject lands to another site. The agreement to transfer the lost density was required by Markham Council for Times Group Inc.'s application at 4002 and 4022 Highway 7 seeking similar approvals.

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, support the significant investment in transit in the immediate vicinity (including a Viva curbside rapid transit station at Village Parkway) 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 than currently permitted.

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 is counter to the goals and objectives of the Growth Plan. If this, and other similar developments, continue to be approved the resulting development could reduce the ability to achieve the overall minimum intensification target of 40% Region-wide, and decrease 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”. The subject lands are also located immediately north of Markham Centre, a Regional Centre and Provincial Urban Growth 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 future 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. An amendment to YROP-2010 policy 3.5.23 would be required for the purposes of providing a site specific exception and conformity. However, such an amendment would not be supported by staff.

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, including a station at Highway 7 and Village Parkway. The total cost of this project is over \$40 million.

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 in the Centres and Corridors and the long-term vision for the 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 are 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.

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 *2015 to 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. In addition, proposed amendments to the Provincial Growth Plan, released by the province in spring 2016, increased the intensification target from 40% to 60%. Accordingly, if the proposed amendments to the Growth Plan are approved, York Region and its local municipalities will be required to achieve more growth within the built boundary.

## 5. Financial Considerations

Reductions in density would lower Development Charge collections on the site by 67 per cent (\$3.57 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 67 per cent, or \$3.57 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 73 per cent (\$237,000) 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 \$237,000 (based on 2015 assessment values) as a result of a lower total assessment value. This represents a loss of approximately 73 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)**	\$4.9 M	\$1.62 M	(\$3.28 M)
Potential Regional DC (Total, including Hard and General Services)**	\$5.32 M	\$1.75 M	(\$3.57 M)
Estimated Annual Regional Property Tax (based on 2015 Assessment Values)	\$323,000/year	\$86,000/year	(\$237,000/year)

\*Values may not add up due to rounding

\*\* Based on Development Charge rates in effect as of July 1, 2016

## 6. Local Municipal Impact

As noted above, City of Markham planning staff recommended the proposed Amendments and corresponding zoning by-law amendment be denied. The Council of the City of Markham adopted the Amendments in September 2016 and has forwarded the Amendments to the Region for approval.

## 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 47 townhouse units on a site that is currently zoned and designated to support up to 228 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 development. Further, Regional Council recently reiterated its support for high densities in intensification areas 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.

Amendments No. 10 and 243 to the Official Plan of the City of Markham

For more information on this report, please contact Josh Reis, Senior Planner at 1-877-464-9675 ext. 71515.

The Senior Management Group has reviewed this report.

December 16, 2016

Attachments (5)

#7236272

Accessible formats or communication supports are available upon request



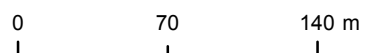
Path: G:\Development\000 - Development General\Josh\OPA\_10\_243.mxd

**Amendments No. 10 and 243 to the  
City of Markham Official Plan  
2124123 Ontario Limited  
3940 Highway 7**

- Subject Area
- Parcel



Produced by:  
Community Planning Branch  
Transportation & Community Planning Department  
© Copyright, The Regional Municipality of York, Month, Year  
© Copyright, First Base Solutions Inc. 2013 Orthophotography  
\* Includes © Queen's Printer for Ontario 2003-2014



**CITY OF MARKHAM**  
**OFFICIAL PLAN AMENDMENT No. 10**

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

**2124123 Ontario Limited**  
***(3940 Highway 7)***

**(September 2016)**

**CITY OF MARKHAM**

**OFFICIAL PLAN AMENDMENT NO. 10**

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. 2016-95 in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the 13th day of September, 2016.



---

Kimberley Kitteringham  
City Clerk



---

Frank Scarpitti  
Mayor



## By-law 2016-95

Being a by-law to adopt Amendment No. 10 to the  
Markham Official Plan 2014, as amended

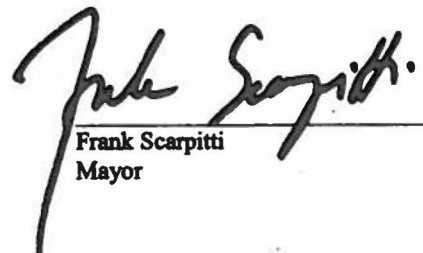
---

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. 10 to the 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 final passing thereof.

Read a first, second, and third time and passed on September 13, 2016.

  
\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

  
\_\_\_\_\_  
Frank Scarpitti  
Mayor



## CONTENTS

### PART I – INTRODUCTION

1.	GENERAL .....	6
2.	LOCATION .....	6
3.	PURPOSE .....	6
4.	BASIS .....	6
5.	SCHEDULE "A"	

### PART II – THE OFFICIAL PLAN AMENDMENT

1.	THE AMENDMENT .....	8
2.	IMPLEMENTATION AND INTERPRETATION .....	8

**PART I – INTRODUCTION**

**(This is not an operative part of Official Plan Amendment No. 10)**

## **PART I - INTRODUCTION**

### **1.0 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. 10. Part II is an operative part of this Official Plan Amendment.**

### **2.0 LOCATION**

**This amendment applies to approximately 0.6 hectares of land in part of Lot 10, Concession 5, located north side of Highway 7 East between Village Parkway and Verclaire Gate, as shown on Schedule "A" attached hereto. The lands are the south portion of the lands municipally known as 3940 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**

**The subject lands are designated 'Mixed Use Mid Rise.' Site specific policy 9.19.9(b) permits the subject lands to be developed with no more than 228 dwelling units. Up to 19 of the dwelling units are permitted to be townhouse units.**

**The Owner is now proposing to develop the lands with a total of 47 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 permissions for apartment uses remain in place.**



 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



Q:\Geomatics\New Operation\2016 Agenda\OPI\OP\_ZA15128977\OP\_ZA15128977\_NewOP.mxd

**PART II – THE OFFICIAL PLAN AMENDMENT**

**(This is an operative part of Official Plan Amendment No. 10)**

## **PART II – THE OFFICIAL PLAN AMENDMENT**

### **1.0 THE OFFICIAL PLAN AMENDMENT**

1.1 Section 9.19.9 b) of the Official Plan, 2014, as amended, is hereby amended by replacing subsection ii) with the following new subsection, as follows:

“ii) no more than 228 dwelling units shall be permitted on the lands designated ‘Mixed Use Mid Rise’, which may comprise up to 228 apartment units and/or up to 47 townhouse 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(s) to the City’s Zoning By-law in conformity with the provisions of this Amendment.

(September, 2016)

**OFFICIAL PLAN**  
**of the**  
**MARKHAM PLANNING AREA**  
**AMENDMENT No. 243**

**To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 8 to Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District (Planning District No. 1).**

**2124123 Ontario Limited**

***(3940 Highway 7)***


**September 2016**

**OFFICIAL PLAN**  
**of the**  
**MARKHAM PLANNING AREA**  
**AMENDMENT NO. 243**

To amend the Official Plan (Revised 1987), as amended and to incorporate Amendment No. 8 to Secondary Plan (PD 1-15) for part 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-law No. 2016-96 in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the 13th day of September, 2016.

  
\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

  
\_\_\_\_\_  
Frank Scarpitti  
Mayor





## By-law 2016-96

Being a by-law to adopt Amendment No. 243 to the  
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. 243 to the 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 on September 13, 2016.

  
\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

  
\_\_\_\_\_  
Frank Scarpitti  
Mayor

## **CONTENTS**

### **PART I – INTRODUCTION**

1.	GENERAL .....	6
2.	LOCATION .....	6
3.	PURPOSE .....	6
4.	BASIS .....	6
5.	SCHEDULE “A”	

### **PART II – THE AMENDMENT**

1.	THE AMENDMENT .....	9
2.	IMPLEMENTATION AND INTERPRETATION .....	9

### **PART III – THE SECONDARY PLAN AMENDMENT**

1.	THE SECONDARY PLAN AMENDMENT .....	11
2.	IMPLEMENTATION AND INTERPRETATION .....	11

**PART I – INTRODUCTION**

**(This is not an operative part of Official Plan Amendment No. 243)**

## **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. 243 to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 8 to Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District (Planning District No. 1). Part II is an operative part of the Official Plan Amendment.
- 1.3 Part III – THE SECONDARY PLAN AMENDMENT constitutes Amendment No. 8 to Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District (Planning District No. 1). This amendment may be identified by the symbol PD 1-15-8. Part III is an operative part of this Official Plan Amendment.

### **2. LOCATION**

This amendment applies to approximately 0.6 hectares of land in part of Lot 10, Concession 5, located north side of Highway 7 East between Village Parkway and Verclaire Gate, as shown on Schedule "A" attached hereto. The lands are the south portion of the lands municipally known as 3940 Highway 7.

### **3. PURPOSE**

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

### **4. BASIS OF THIS AMENDMENT**

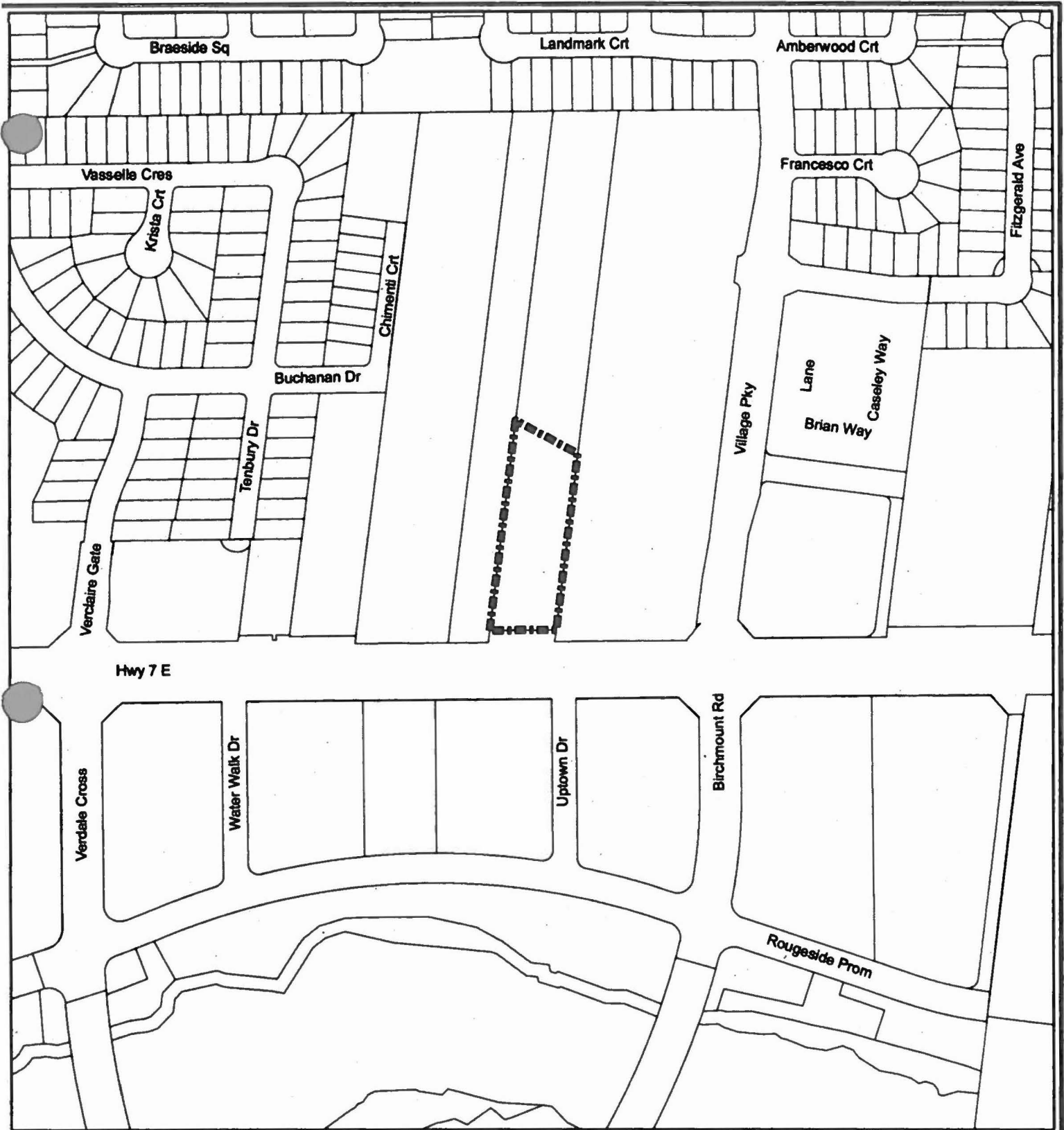
The subject lands are designated 'URBAN RESIDENTIAL' in the Markham Official Plan (Revised 1987), as amended, and 'Urban Residential High Density 1' in the Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District, as amended.

The Secondary Plan includes a site specific policy [Section 5.2.12(b)], as follows:

“(b) That the portion of the subject lands designated ‘Urban Residential High Density 1’ on Schedule ‘AA’ – DETAILED LAND USE may be used for up to 228 dwelling units. Up to 19 of the dwelling units may be townhouse units. All other dwelling units shall be apartment units in one apartment building having a maximum height of 8 storeys and a maximum floor space index of 3.5 excluding the floor space of any townhouse units. Commercial units are permitted in the first storey of the apartment building.”

The Owner is now proposing to develop the lands with a total of 47 townhouses and no apartments. This requires an amendment to Secondary Plan (PD 1-15) for Part of the Markham and Unionville Planning District to increase the permitted number of townhouses from 19 to 47.

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.



 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



Q:\Geomatics\New Operation\2016 Agenda\OP\OP\_ZA15128977\OP\_ZA15128977.mxd

**PART II – THE OFFICIAL PLAN AMENDMENT**

**(This is an operative part of Official Plan Amendment No. 243)**

## **PART II – THE OFFICIAL PLAN AMENDMENT**

(This is an operative part of Official Plan Amendment No. 243)

### **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 243 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 243 to the list of amendments, including any required grammatical and punctuation changes in the bullet item dealing with Secondary Plan (PD 1-15) for part 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 243 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. 8 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 1-15-8)**

**(This is an operative part of Official Plan Amendment No. 243)**

### **PART III – THE SECONDARY PLAN AMENDMENT (PD 1-15-8)**

(This is an operative part of Official Plan Amendment No. 243)

#### **1.0 THE AMENDMENT**

(Amendment No. 8 to the Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District).

Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District is hereby amended for the subject lands as follows:

- 1.1 Section 5.2.12(b) is hereby deleted and replaced with a new subsection 5.2.12(b) as follows:

“(b) That the portion of the subject lands designated “Urban Residential High Density 1” on Schedule ‘AA’ – DETAILED LAND USE may be used for up to 228 dwelling units. Up to 47 of the dwelling units may be townhouse units. All other units shall be apartment units in one apartment building having a maximum height of 8 storeys and a maximum floor space index of 3.5 excluding the floor space of any townhouse units. Commercial uses are permitted in the first storey of the apartment building.”

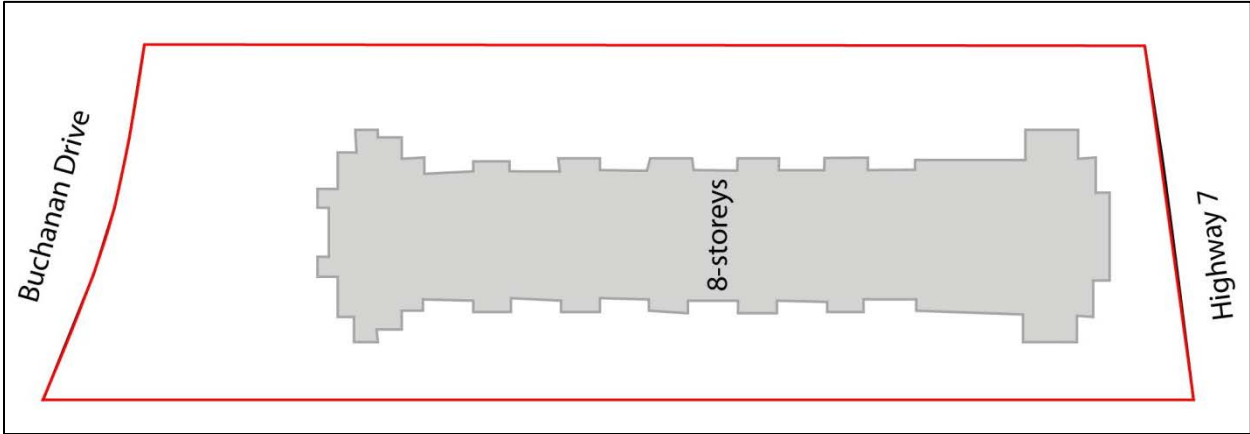
#### **2. IMPLEMENTATION AND INTERPRETATION**

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(s) to the City’s Zoning By-laws, and Site Plan Approval in conformity with the provisions of this Amendment.

September, 2016

2013 Development Concept



Units:	228 apartments
Height:	Max. 8-storeys
Density:	Max. 3.5 FSI

2015 Development Concept



Units: 47 Townhouses  
Height: 5-storeys  
Density 1.7 FSI

An illustration on the left side of the slide depicts a clock tower with a circular clock face showing the number 7. Below the tower is a stylized building facade with several horizontal rows of windows, each row containing small, dark, teardrop-shaped elements. The background is a light blue gradient.

# Amendments No. 10 and 243 to the Official Plan of the City of Markham

---

Presentation to  
**Committee of the Whole**

**Josh Reis, Senior Planner**

January 19, 2017

The logo for York Region, featuring a stylized blue starburst or winged shape above the text "York Region" in a blue, italicized serif font.

**York Region**

# Context

Subject Lands  
(zoned for 8-storeys, 228 units)

Wyview Homes (zoned for  
8-storeys, 379 units)

Times Group Inc.  
(zoned for 4-storeys, 57  
townhouse units)

Existing 8 to 20-storey  
mixed use



# Context



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

# Proposed development amends a 2013 OMB approval



**2013  
OMB Approved**  
8 stories  
228 units

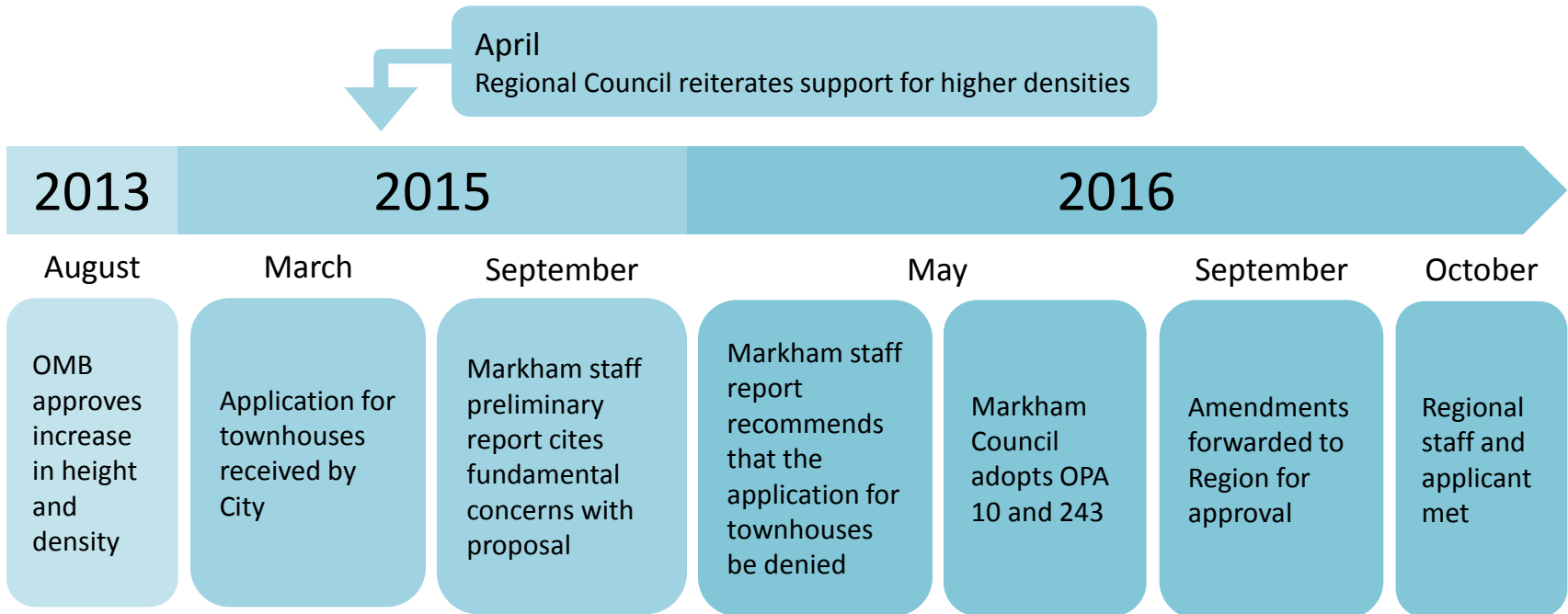


**Current  
Development Concept**  
3-5 stories  
47 units

If approved, the proposed development would result in a loss of 181 units



# Timeline



Under the *Planning Act*  
Regional Council is the Approval Authority

# Proposed development does not represent good planning

- Not consistent with Provincial policy
- Does not conform to YROP-2010
- Area has been approved for higher densities
- Council's approved policy direction prohibits down designation

## 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.”*

# Financial Implications

- 67% less Development Charges
- 73% less annual property tax
- Impacts the cost to deliver services

	Existing Permissions	Current Development Proposal	Reduction
<b>Potential Regional DC (Total, including Hard and General Services)</b>	\$5.32 M	\$1.75 M	<b>\$3.57 M</b>
<b>Estimated Annual Regional Property Tax (based on 2015 Assessment Values)</b>	\$323,000/year	\$86,000/year	<b>\$237,000/year</b>

\*Values may not add up due to rounding

If approved, the development of the site is a lost opportunity to realize any future density

# Conclusion

- Recommend that Council refuse the Amendments
- Long term view of the Region's city-building objectives is needed
- Support investment in transit
- Consistent with April 2015 Council 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. 10 and 243 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:** Chris Pereira [mailto:chris@mbpd.ca]  
**Sent:** Monday, January 16, 2017 12:19 PM  
**To:** Martin, Carrie  
**Subject:** Item G.2.1 - OPA 10 and 243 for Markham

Carrie,

As discussed, I would like to make a deputation to Regional Council on the above noted item.

[Link to presentation removed]

Please let me know if anything else is required.

Chris Pereira, MCIP, RPP  
Associate

M. Behar Planning & Design Inc.  
25 Valleywood Drive, Unit 23  
Markham, ON, L3R 5L9  
(P) 905-470-6273 x222  
(F) 905-470-6274