

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 25, 2023

CASE NO(S).:

OLT-22-004154

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

Applicant and Appellant: 3555 Highway 7 Development Ltd.
Subject: Request to amend the Official Plan – Failure to
adopt the requested amendment
Description: To permit a mixed-use development that
incorporates a 53-storey and two 40-storey towers
Reference Number: 21 106315 000 00 PLAN
Property Address: 3555 Highway 7 East
Municipality/UT: Markham/York
OLT Case No.: OLT-22-004154
OLT Lead Case No.: OLT-22-004154
OLT Case Name: 3555 Highway 7 Development Ltd. v. Markham
(City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

Applicant and Appellant: 3555 Highway 7 Development Ltd.
Subject: Application to amend the Zoning By-law – Refusal
or neglect to make a decision
Description: To permit a mixed-use development that
incorporates a 53-storey and two 40-storey towers
Reference Number: 21 106315 000 00 PLAN
Property Address: 3555 Highway 7 East
Municipality/UT: Markham/York
OLT Case No.: OLT-22-004155
OLT Lead Case No.: OLT-22-004154

Heard: September 29, 2023

APPEARANCES:**Parties****Counsel**

3555 Highway 7 Development
Ltd.

Calvin Lantz
Donya Yarahmadi

City of Markham

Maggie Cheung-Madar

New World Centre (Markham)
Development Corp.

Matthew Helfand
Eileen Costello (*in absentia*)

**MEMORANDUM OF ORAL DECISION DELIVERED BY W. DANIEL BEST ON
SEPTEMBER 29, 2023 AND ORDER OF THE TRIBUNAL**

[Link to Final Order](#)

[1] The matter before the Tribunal concerns two appeals filed by 3555 Highway 7 Development Ltd. (“Appellant”) pursuant to s. 22(7) and s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (“Act”) against the City of Markham (“City”) for its failure to make a decision on an application for an Official Plan Amendment (“OPA”) and an application for a Zoning By-law Amendment (“ZBA”) (collectively the “Applications”) within the prescribed timeframes as set out in the Act. The lands that are subject to the appeals are known municipally as 3555 Highway 7 East (“Subject Property”).

[2] The Applications will facilitate the redevelopment of the Subject Property with three mixed-use tower elements set on two distinct four-storey podiums. An amendment to the OPA and Markham Centre Secondary Plan (“SP”) to permit greater heights and densities is required to permit the proposed development. The proposed OPA permits a maximum height of 45-storeys measured from Highway 7 grade level and a maximum Floor Space Index (“FSI”) of 10.0. A ZBA is required to increase the permitted height and density allowed and reduce the parking standards on the Subject Property.

[3] The Subject Property consists of 1.1 hectares (“ha”) of vacant land located at the southwest corner of Highway 7 and South Town Centre Boulevard in the City, located within Markham Centre, adjacent to the Markham Civic Centre.

[4] The Subject Property is bordered by a vacant lot to the west and a private road and Thomas McQuay Park to the south. The surrounding neighborhood context includes a mix of employment and urban residential uses to the south, commercial and urban residential uses to the east, urban high-density residential uses to the north, and a proposed 2 ha mixed use high-density residential development to the west. The Subject Property is in an area of Markham Centre which is experiencing a significant increase in density and development proposals as it transforms into a high-density mixed-use community.

[5] The Subject Property is approximately 1.75 kilometres southeast of the Toronto Buttonville Municipal Airport and is subject to Airport Zoning Regulations, NAV Canada, and Transportation Canada regulations. Relevant to the Applications is that the Airport is scheduled to be decommissioned in November 2023.

[6] The Applications were filed with the City on February 10, 2021. In March 2022, a revised submission was submitted to the City based on feedback from the local community, local and regional Councillors, the Mayor, and City staff. The revised proposal contemplated 42-, 38- and 48-storey towers, set on two distinct four-storey podiums. The maximum height of the tower elements proposes not to exceed 45-storeys measured from grade. The development proposes up to 1,114 residential units.

[7] On July 18, 2022, the Applicant filed appeals in accordance with the Act.

[8] As part of ongoing discussions with the City, the Appellant filed a third submission in August 2023, refining the proposed development in terms of land use mix, tower heights, and provision of open space, reflecting a balance of proponent and City development goals and objectives. The submission consisted of draft OPA and

ZBA Instruments, including draft schedules shared with City staff on July 24, 2023 (“Settlement Proposal”).

[9] On August 21, 2023, a second Case Management Conference (“CMC”) was conducted. The City and Appellant had reached a settlement on consent, with the neighbouring property New World Centre (Markham) Development Corp. (“New World”), a Party in the OLT appeal proceedings, seeking to review final planning instruments before agreeing with the settlement.

[10] On September 18, 2023, the City and Appellant reached a settlement on the final planning instruments. These instruments were shared with New World for their review and comment on the same day.

[11] The Settlement Proposal was based on the following revisions:

- a. Three tower elements set on two distinct four storey building podiums, with tower heights of 45-storeys and two 38-storeys towers.
- b. Up to 1,250 residential units, a total Gross Floor Area (“GFA”) of 110,431 square metres (“m²”), including a residential GFA of 101,394 m², a non-residential GFA of 9,037 m², and a total density of FSI of 10.0.

[12] Counsel for the City and New World attended the hearing, indicating support of the Settlement Proposal.

LEGISLATIVE FRAMEWORK

[13] When considering an appeal of an application to amend an official plan, filed pursuant to s. 22 of the Act, and an application to amend a zoning by-law, filed pursuant to s. 34 of the Act, the Tribunal must have regard to matters of provincial interest as set out in s. 2 of the Act. Section 3(5) of the Act requires that decisions of the Tribunal

affecting planning matters be consistent with the Provincial Policy Statement, 2020 (“PPS”) and conform to the A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, as amended, 2020 (“Growth Plan”). The Tribunal must also be satisfied that the ZBA conforms with the official plan(s) in effect.

[14] In consideration of the statutory requirements, as set out above, the Tribunal must be satisfied that the OPA and ZBA represent good planning and are in the public interest.

EVIDENCE AND SUBMISSIONS

[15] The Tribunal qualified Melanie Hare, a Registered Professional Planner, to provide opinion evidence as an expert in land use planning. Ms. Hare provided an affidavit sworn on September 27, 2023, in support of the Settlement Proposal and approval of the OPA and ZBA instruments (“Exhibit 1”).

[16] Ms. Hare reviewed the Settlement Proposal consisting of redeveloping the Subject Property into an urban high-density mixed-use development set within an enhanced public realm that includes streetscaping and gathering spaces animated by retail, grocery, commercial, fitness, day care, and restaurant facilities within three tower elements set on two distinct four-storey building podiums. The following are key elements of the redevelopment:

- a. The podiums include structured parking (above-ground parkade) of a maximum height of three-storeys measured from grade and will be partially lined with active uses or architecturally integrated treatment.
- b. The maximum height of the eastern tower element will not exceed the greater of 45-storeys or 169 metres (“m”) measured from grade. The maximum height of the remaining tower elements will not exceed the

greater of 40-storeys or 150 m. The maximum floor plate sizes for the non-podium floors will be up to 850 m².

- c. The maximum proposed overall site density will not exceed 10 FSI.
- d. The maximum proposed GFA will be 110,431 m². The GFA calculation excludes any structured parking (above-ground parkade). The proposed development includes the following GFA breakdown:
 - i. Residential and amenity uses of a maximum GFA of 101,394 m².
 - ii. Non-residential uses GFA (including, but not limited to commercial, retail stores, and day care uses) of a minimum of 9,037 m², whereby non-residential uses excluding retail stores uses of a minimum of 5,574 m².
- e. Up to 1,250 residential units, composed of a mix of studio to three-bedroom dwellings are proposed. 100 residential market rental units, to be located within Phase 2 of the development, are proposed, and will be composed of a mix of studio to three-bedroom dwellings.
- f. A parking ratio of a minimum of 0.6 spaces/unit for residential uses, 0.1 spaces/unit for visitors, and 1 space/100 m² for non-residential GFA is proposed.
- g. A bicycle parking ratio of a minimum of 0.8 long-term spaces/unit and 0.2 short-term spaces/unit for residential uses and 0.2 long-term spaces/100 m² and 0.15 short term spaces/100 m² for all other non-residential uses.

- h. Phase 1 of development will include a 45-storey tower, which will include underground parking levels, situated at southwest corner of Highway 7 and South Town Centre Boulevard.
- i. Phase 2A of development is proposed to include a 38-storey tower and the western podium building, including both structured parking and underground parking levels.
- j. Phase 2B of development is proposed to include a 38-storey tower located on the shared western podium.

[17] The terms of the Settlement Proposal include a request for the Tribunal to approve the proposed OPA and ZBA instruments, as presented in Tabs 12 and 13 of the Joint Document Book ("Exhibit 2").

PLANNING EVIDENCE

[18] Ms. Hare reviewed the matters of provincial interest as set out in s. 2 of the Act and specifically subsections (e) to (s). Ms. Hare opined that the Settlement Proposal has appropriate regard for these matters. In consideration of the PPS, Ms. Hare reviewed the policies related to the intensification of a vacant site allowing for an efficient use of existing infrastructure including public transportation. In doing so the Settlement Proposal creates a high-density mixed-use development with a sense of place and open spaces that will be enjoyed by the public, workers, and residents. By increasing housing and employment opportunities within Markham Centre, the proposed development contributes to the long-term economic prosperity of Markham, York Region, and the Province.

[19] Ms. Hare reviewed the applicable policies of the Growth Plan and submits that the proposed development conforms with, and is supported by, the policies of the Growth Plan. The proposed development intensifies a vacant site in both an Urban

Growth Centre (“UGC”) and Major Transit Station Area (“MTSA”), providing a dense mix of housing and employment uses in an active transportation and transit-supportive location. Located at the centre of an MTSA on a Priority Transit Corridor, the proposed development will contribute to the achievement of the minimum 160 people and jobs per hectare density, and the Region’s draft target of 200 people and jobs per hectare density. The proposed development provides for a range of housing unit sizes and tenures, and major office uses, creating a complete community capable of housing growth in a strategically important UGC. Internal circulation and open space networks and connections to surrounding active transportation networks promote active transportation and a healthy community. Ancillary retail, that can serve residents and employees of the development and the surrounding area, further adds to a complete community. Overall, the proposed development will ensure a coordinated and appropriate intensification of land that is well-served by a major recent investment in transit, the VIVA Rapidway BRT.

[20] Ms. Hare reviewed the Settlement Proposal in the context of the York Region Official Plan, 2010 (“ROP”) and advised the proposed development conforms with and supports the policies of the ROP. Specifically, the proposed development contributes to high-quality urban design and pedestrian friendly communities, provides a mix and range of unit sizes and tenures, creates a mixed-use pedestrian environment in a Regional Centre that promotes transit use that includes street related retail use. The on-site retail will be walkable, transit supportive, and integrated into Markham Centre’s pedestrian and cycling network. The proposed development’s retail and commercial uses are designed in a compact form that is pedestrian-oriented and transit-supportive. The proposed development intensifies a vacant site in both a Regional Centre and Regional Corridor, providing a dense mix of housing and employment uses in an active transportation and transit supportive location. The proposed development supports the ROP policies of healthy communities and directs growth to a focal point of high densities and a mix of uses.

[21] Ms. Hare advised that the proposed development conforms to the Markham Official Plan, 1987 ("OP 1987") as it contributes to the planned function as a multiuse centre with a range of retail, institutional, recreational, office, and higher density housing uses on the Subject Property. The Subject Property is located at the intersection of two arterial roads and is well served by public transit and is integrated into the broader planned development in Markham Centre.

[22] Ms. Hare advised that OP-1987 has been replaced by the Council adopted 2014 Markham Official Plan ("OP"), however, the OP remains under appeal at the Ontario Land Tribunal, meaning that OP 1987 remains in force. Therefore, the designation and policies of OP-1987 still prevail for the Subject Property.

[23] Ms. Hare opined that the proposed development conforms with, and is supported by, the policies of the OP. The proposed development intensifies a vacant site in a Regional Centre, a Regional Rapid Transit Corridor, and on lands identified as Mixed-Use High Density providing a dense mix of housing and employment uses in an active transportation and transit-supportive location. The proposed development conforms with the intent of the OP policies by directing high-density mixed-use growth and community amenities to an area that is designated to see the greatest levels of intensification in Markham.

[24] Ms. Hare advised the proposed development conforms with the intent of the SP PD 33-1. Specifically, the site is identified as being at a key activity node and that its location on Highway 7 East places it in a high activity area comprised of high-density residential, office, hotel, and entertainment uses. The SP identifies the corner of South Town Centre Boulevard and Highway 7 East as a Landmark location. Ms. Hare opined the proposed development conforms with the intent of the policies of the OP and SP PD 33-1; however, the proposed development will require an OPA to permit greater heights and densities on site.

[25] Ms. Hare highlighted that the Markham Centre Zoning By-law 2004-196 (“By-law 2004-196”) implemented the City-initiated Official Plan Amendment 21 (“OPA 21”) with the intention of creating a vibrant and dynamic downtown core in the City. OPA 21 and the implementing By-law 2004-196 support transit-oriented, pedestrian-oriented, and mixed-use development in the plan area. By-law 2004-196 applies to the entirety of the Subject Property. The proposed development complies with the provisions of By-law 2004-196 by proposing a high-density, transit, and pedestrian supportive mixed-use development. The site’s zoning under By-law 2004-196 allows for a range of non-residential uses, including hotel, retail, commercial, office, community, recreational, and institutional uses. However, the proposed development requires a ZBA to permit the proposed heights, densities, and to define the GFA for the mix of uses on the site.

[26] Ms. Hare stated that By-law 2012-28 amended Zoning By-law 2004-196 to add site specific policies to the Subject Property. The site-specific policies permit an additional use of 500 apartment dwellings within a building also containing hotel, trade, or convention centre, one or more restaurants, commercial fitness, and office or medical office or personal service store or retail stores. Exemptions also dictate the Subject Property parking standards, as well as provisions for maximum net floor area, minimum and maximum heights, setbacks, and holding zones. To implement the proposed development, current zoning regulations will need to be amended to allow for the density, heights, and mix of uses proposed.

[27] In conclusion, Ms. Hare proffered that the Settlement Proposal responds to comments received from the City through the development application process. The resulting revisions to the 2021 submission are a result of this collaboration and have resulted in improvements to the development and resultant Settlement Proposal. Ms. Hare stated that the Settlement Proposal satisfies the applicable provisions of the Act, is consistent with the Provincial Policy Statement, conforms to the Growth Plan, the Region of York Official Plan, the intent of the Markham Official Plan and the in-force Markham Centre Secondary Plan.

[28] Ms. Hare advised the Settlement Proposal represents an orderly development of the Subject Property at an appropriate location for growth and intensification in Markham's City Centre. The Settlement Proposal will implement the proposed development and contribute an improved public realm and a range of housing in a vertically integrated mixed-use development adjacent to higher-order transit.

[29] Ms. Hare opined that the Settlement Proposal represents good planning and is in the public interest. Ms. Hare recommended that the Settlement Proposal be approved and that the Order submitted on consent with the City and the Applicant be issued, giving effect to the proposed OPA and ZBA instruments.

ANALYSIS AND FINDINGS

[30] Having considered the uncontroverted testimony of Ms. Hare and her affidavit in support of the Settlement Proposal and having reviewed the proposed instruments, the Tribunal finds that the Settlement Proposal represents an appropriate optimization of the lands, public infrastructure, and existing public transit infrastructure.

[31] The Tribunal finds that the Settlement Proposal is consistent with the PPS as it seeks to sustain a healthy, liveable, and safe community through the promotion of the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns that optimize transit investments and implement standards to minimize land consumption and servicing costs.

[32] The Tribunal, in consideration of the Growth Plan, finds that the Settlement Proposal conforms to the policies of the Growth Plan. The Subject Property is in a strategic growth area with access to existing higher-order transit and public service facilities. The Settlement Proposal will optimize infrastructure investment and transit infrastructure supporting the MTSA and support the achievement of complete communities with a compact built form.

[33] In consideration of the OP, the Tribunal finds that the Settlement Proposal represents a high-quality and mixed-use development that reduces automobile dependency, meets the needs of the local community, and provides new job opportunities and homes for the City's growing population on underutilized lands. The Built Form policies and Public Realm are appropriately implemented in the Settlement Proposal.

[34] The Tribunal has considered the SP and finds that the OPA conforms with the OP and is consistent with the lands that will be subject to the SP. The site-specific policies contemplated to address the proposed height, floor plate size, density and affordability are appropriate to optimize the transit infrastructure investments and support the MTSA.

[35] The Tribunal finds that the ZBA, proposed to facilitate the development, as described in the Settlement Proposal, and implement the corresponding OPA, conforms with the OP and SP.

[36] The Tribunal has considered the matters of provincial interest as set out in s. 2 of the Act and is satisfied that the approval of the OPA and the ZBA will have regard for such matters, including being an appropriate location for growth, promoting a design that supports public transit, being a well-designed built form, and contributing to the range of housing options required to meet the social, health, and economic needs of residents to support their well-being, and assisting with the short-term and long-term projected needs of current and future residents.

[37] In consideration of the above, the Tribunal is satisfied that the Settlement Proposal and the requisite OPA and ZBA constitute good land use planning and are in the public interest.

[38] The Tribunal allows the appeals and approves the OPA and ZBA instruments contained in Attachment 1 and 2 of this Decision.

[39] The Tribunal may be spoken to through the Case Coordinator if some matter should arise in connection with the implementation of this Order.

ORDER

[40] **THE TRIBUNAL ORDERS THAT** the appeal pursuant to s.22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, is allowed and the Official Plan Amendment to the City of Markham Official Plan, as amended, attached hereto as "Attachment 1" is approved; and

[41] **THAT** the appeal pursuant to s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, is allowed and the Zoning By-law Amendment to the City of Markham Zoning By-law 2004-196, as amended, attached hereto as "Attachment 2" is approved; and

[42] **THE TRIBUNAL** authorizes the municipal clerk to format, as may be necessary, and assign a number to these bylaws for record keeping purposes.

"W. Daniel Best"

W. DANIEL BEST
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment 1

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

To amend the Official Plan (Revised 1987), as amended,
and to incorporate Amendment No. 15 to the Markham Centre Secondary Plan (PD 33-1), as amended,
for the Central Area Planning District (Planning District No. 33).

3555 Highway 7 Development Ltd. c/o Brivia Group

(September 2023)

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

To amend the Official Plan (Revised 1987), as amended, and incorporate Amendment No. 15 to the Markham Centre Secondary Plan (PD 33-1), as amended, for the Central Area Planning District (Planning District No. 33).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2023-XX, in accordance with the *Planning Act*, R.S.O., 1990 c.P.13, as amended, on the XX day of MONTH, 2023.

Kimberley Kitteringham
CITY CLERK

Frank Scarpitti
MAYOR



BY-LAW 2023-XX

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

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

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

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS XX
DAY OF MONTH, 2023.

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. XXX)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1 PART I – INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2 PART II – THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 15 to the Markham Centre Secondary Plan (PD 33-1) for the Central Area Planning District (Planning District No. 33). Part II is an operative part of this Official Plan Amendment.
- 1.3 Part III – THE SECONDARY PLAN AMENDMENT, including Schedules “A” and “B” attached thereto, constitutes Amendment No. 15 to the Markham Centre Secondary Plan (PD 33-1) for the Central Area Planning District (Planning District No. 33). This Secondary Plan Amendment may be identified by the symbol PD 33-1-15. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan (the “Amendment”) and to the Markham Centre Secondary Plan (PD 33-1) applies to approximately 1.1 hectares (2.72 acres) of land in Part of Block 1, Plan 65M-2668, located at the southwest corner of Highway 7 East and South Town Centre Boulevard, and municipally known as 3505-3555 Highway 7 (the “Subject Lands”).

3.0 PURPOSE

The purpose of this Amendment is to amend the Markham Centre Secondary Plan to:

- Incorporate site specific height and density provisions to accommodate the proposed development as shown in Schedules “A” and “B”; and
- Exempt the Subject Lands from the precinct plan requirements.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The Subject Lands are designated as ‘COMMERCIAL – COMMUNITY AMENITY AREA’ in the Markham Official Plan (Revised 1987), as amended. The Subject Lands are also designated ‘Community Amenity Area – Major Urban Place’ in the Markham Centre Secondary Plan. This designation permits a high concentration and intensity of residential, commercial, employment and supporting uses, with a maximum density of 148 units per hectare for high density developments. The Community Structure policies in Section 3.2.1.3 of the Secondary Plan provide general direction in terms of heights for properties along the Highway 7 Corridor, with consideration of up to thirteen storeys at key strategic areas, including the Subject Lands at Highway 7 East and South Town Centre Boulevard (formerly Flaska Drive). Heights and densities are, however, intended to be confirmed through precinct plans. This Amendment will facilitate the development of the Subject Lands with a high

density mixed use development with tower heights ranging from approximately 38 storeys to a maximum of 45 storeys, approximately 1,250 residential units, and exempt the need for a precinct plan.

The Proposed Development is consistent with the policies of the Provincial Policy Statement, 2020 (the “2020 PPS”) in that it would promote the efficient uses of land, resources, and infrastructure by providing a mix of residential, employment, and other uses, while supporting active transportation and transit.

The Proposed Development conforms to the Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) as it is located within the Markham Centre Urban Growth Centre, and promotes and contributes to a range and mix of housing types and non-residential uses, provides convenient access to transportation options and public parks, and fosters a compact built form with an attractive and vibrant public realm.

The Proposed Development conforms to the 2022 York Region Official Plan. The Proposed Development is located within the Town Centre Bus Rapid Transit (“BRT”) Major Transit Station Area (“MTSA”) and provides a scale of development and intensification that supports transit. The 2022 York Region Official Plan identifies a minimum planned density for the Town Centre BRT MTSA of 200 people and jobs per hectare.

The Subject Lands are designated ‘Mixed Use High Rise’ in the 2014 Markham Official Plan. However, Section 9.12.3 of the 2014 Markham Official Plan states that until the approval of an updated secondary plan for the Regional Centre-Markham Centre lands, the provisions of the Official Plan (Revised 1987), as amended, and the Markham Centre Secondary Plan (PD 33-1), shall apply to the Subject Lands.

The Markham Centre Secondary Plan states that Precinct Plans are not required for areas within the Central Area Planning District that are already substantially developed or approved for development. Given the existing development and development approvals in the immediate area, the Proposed Development would not require a Precinct Plan.

The Proposed Development represents good planning as it makes efficient use of a parcel of land located in an area that the Province, Region and City have identified for intensification and redevelopment. The Proposed Development also supports Provincial, Regional and Municipal planning policy by allowing for further intensification along a transit corridor and providing for appropriate transitions to adjacent high-density residential and mixed-use developments.

PART II - THE OFFICIAL PLAN AMENDMENT

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

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1 Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2 Section 1.1.3 c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Markham Centre Secondary Plan (PD 33-1), for the Central Area Planning District (Planning District No. 33), to be placed in numerical order including any required grammatical and punctuation changes prior to the words "to this Plan".
- 1.3 Section 9.2.16 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words "to this Plan".
- 1.4 No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment incorporates changes to the text of the Markham Centre Secondary Plan (PD 33-1) for the Central Area Planning District (Planning District No. 33). These changes are outlined in Part III which comprises Amendment No. 15 to the Markham Centre Secondary Plan (PD 33-1).

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

PART III - THE SECONDARY PLAN AMENDMENT (PD 33-1-15)

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

PART III - THE SECONDARY PLAN AMENDMENT (PD 33-1-15)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 15 to the Markham Centre Secondary Plan PD 33-1).

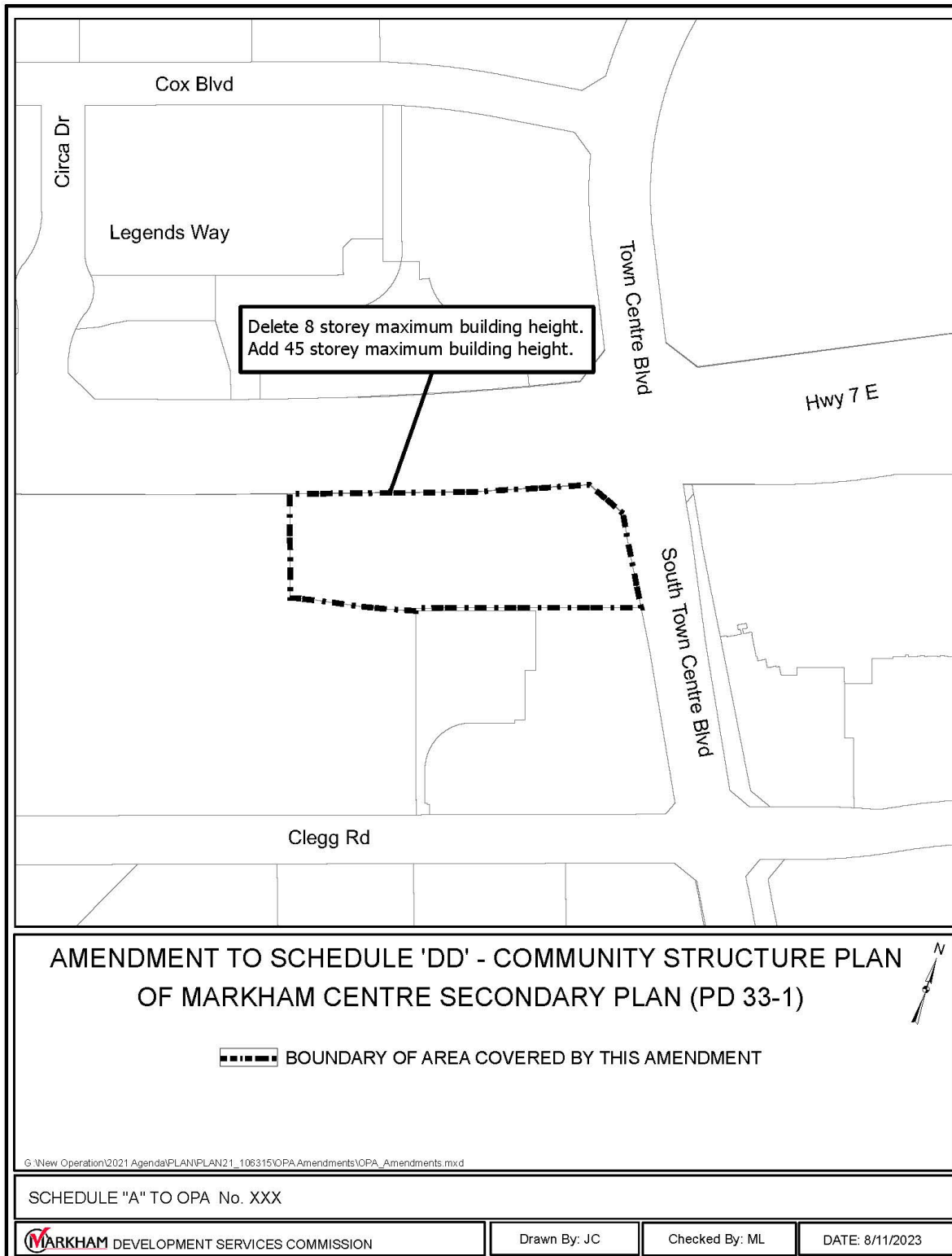
The Markham Centre Secondary Plan PD 33-1 for the Central Area Planning District (Planning District No. 33) is hereby amended as follows:

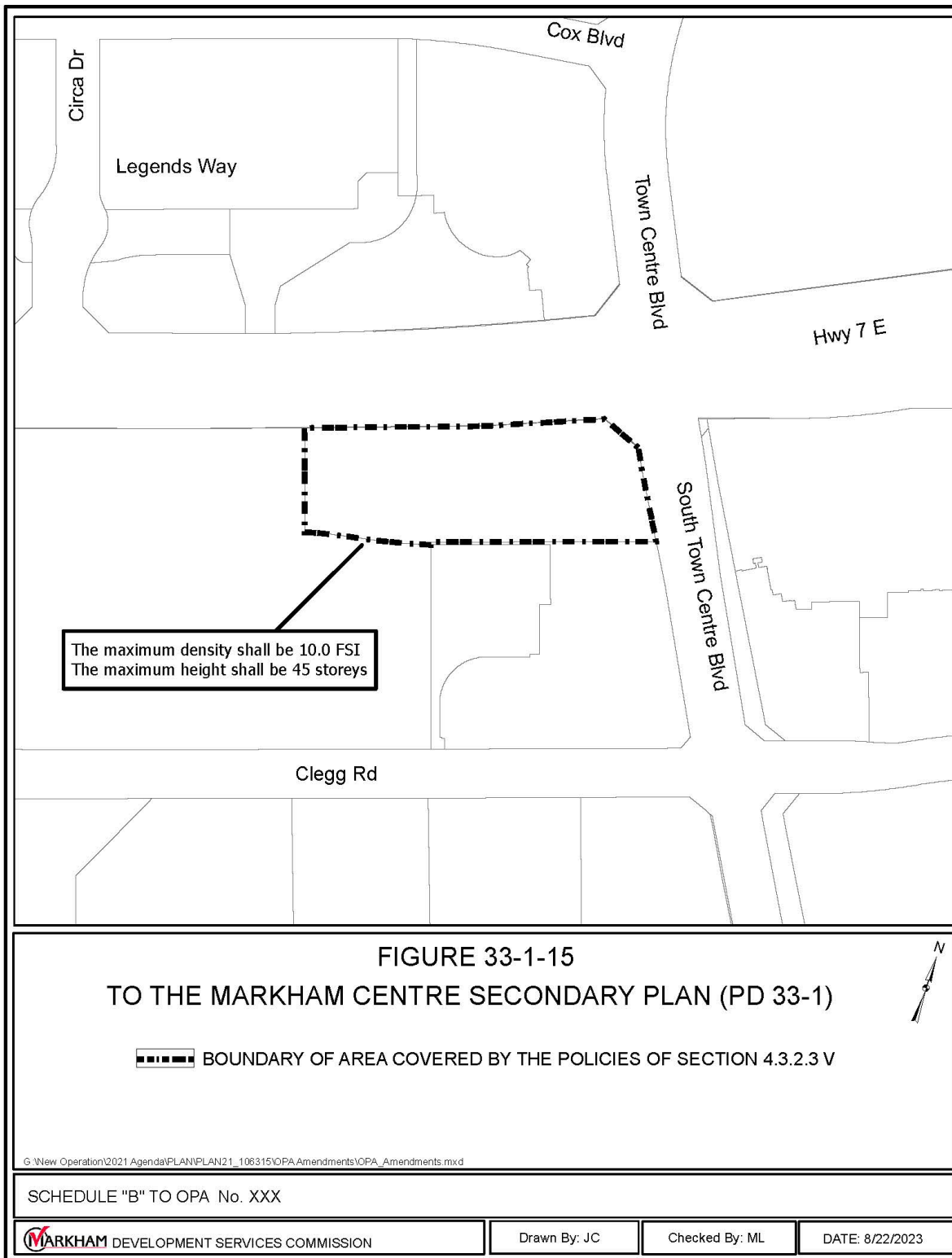
- 1.1 Schedule 'DD' – COMMUNITY STRUCTURE PLAN, is amended by deleting the 8 storey maximum building height and adding the 45 storey maximum building height on the Subject Lands as shown on Schedule "A" attached hereto.
- 1.2 By adding the following new subsection and Figure 33-1-15 to Section 4.3.2.3 as shown on Schedule "B" attached hereto:
 - “(v) The following additional provisions shall apply to the lands designated as “Community Amenity Area – Major Urban Place”, located on the southwest corner of Highway 7 and South Town Centre Boulevard (the “Subject Lands”), as shown on Figure 33-1-15:
 - i) The maximum density shall be 10.0 FSI.
 - ii) The maximum height shall be 45 storeys.
 - iii) A precinct plan shall not be required.”

2.0 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 the Zoning By-law and Site Plan Approval in conformity with the provisions of this Amendment.





Attachment 2



BY-LAW 2023-____

A By-law to amend the Markham Centre Zoning By-law 2004-196, as amended by By-laws 2005-197 and 2012-28, as amended

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. That By-law 2004-196, as amended by By-laws 2005-197 and 2012-28, is hereby further amended, as follows:
 - 1.1 By rezoning the lands outlined on Schedule 'A', attached hereto as follows:

From:
Markham Centre Downtown One *17 (Hold 1)(Hold 10) – MC-D1*17(H1)(H10)

To:
Markham Centre Downtown Two *17 (Hold) – MC-D2*17(H)
 - 1.2 By deleting Schedules C1, C2, C3, C4 and X3 and replacing them with Schedules C1, C2, C3, C4 and X3 attached hereto.
 - 1.3 By deleting Section 6.17 from Section 6 – Exceptions to By-law 2004-196 and replacing it with the following subsection 6.17 (*17):

6.17 Lands at the south-west corner of Highway 7 and South Town Centre Boulevard, municipally known as 3505 and 3555 Highway 7 East

Notwithstanding any other provisions of this By-law, the following provisions shall apply to those lands denoted by the symbol *17 (Exception 17) on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

6.17.1 Definitions

For the purpose of this By-law, the following definitions apply:

Bicycle Parking Space, Long-term means a space within a building or structure designed for the storage of bicycles equipped with a rack or stand designed to lock the wheel and frame of a bicycle, or within a locked room for the exclusive use of parking bicycles.

Bicycle Parking Space, Short-term means space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle that is available for use by the general public.

Gross Floor Area means the aggregate of the areas of each floor of a building or structure above or below

grade, measured between the exterior faces of the exterior walls of the building or structure, or where there are common walls between uses or buildings or structures; measured to the centre-line of a common wall. The calculation of gross floor area excludes the areas of each floor used, or designed or intended for the parking of motor vehicles, unless the parking of motor vehicles is the principal use of a building or structure.

Notwithstanding the definition of *storey* in Section 3, any floor containing a rooftop mechanical penthouse and no living space shall not be deemed a *storey*. Any *storey* greater than 4.2 metres in height shall not be deemed an additional *storey*.

6.17.2 Special Site Provisions

The following special site provisions shall apply:

- a) Established grade is measured from the average geodetic elevation of the *lot line* abutting Highway 7.
- b) Special Provisions (2) and (3) to Table A1 shall not apply.
- c) Special Provision (7) to Table A1 shall only apply to the *lot line* abutting Highway 7.
- d) No Building Setback is required from a daylight triangle(s).
- e) Awnings are permitted to extend to any streetline or lot line.

6.17.3 Special Parking Provisions

The following special parking provisions shall apply:

- a) The *parking space* requirement for *Apartment Dwellings* shall be as follows:
 - (i) A minimum of 0.6 *parking spaces* per *dwelling unit* plus 0.10 parking spaces per *dwelling unit* for visitors.
- b) A minimum of 1 parking space per 100 square metres of *gross floor area* for non-residential uses is required
- c) Structured parking will be permitted above-grade and integrated into the building podium(s) up to a maximum of 3-storeys above established grade provided that the exterior facade of the parking structure facing Highway 7 is lined with commercial and/or residential uses.
- d) Where development of a *lot* is phased, the number of *parking spaces* provided on the *lot* during the earlier phase(s) may exceed the maximum number permitted provided that the total number of parking spaces on the *lot* shall at no time exceed the maximum number that would be permitted if all approved *dwelling units* and other uses were constructed in a single phase.
- e) Minimum bicycle parking requirements:
 - i) *Residential*:

- a. Long-term *Bicycle Parking Space*:
0.8 spaces per *dwelling unit*
 - b. Short-term *Bicycle Parking Space*:
0.2 spaces per *dwelling unit*
- ii) All other non-*residential* uses:
 - a. Long-term *Bicycle Parking Space*:
0.2 spaces per 100m² *gross floor area*
 - b. Short-term *Bicycle Parking Space*:
the greater of 0.15 spaces per 100m² of *gross floor area* or 6 spaces
- f) Short-term *Bicycle Parking Spaces* may be provided in publicly accessible indoor or outdoor facilities.
- g) The minimum dimensions of a horizontal bicycle parking space shall be:
 - i) Minimum length of 1.8 metres;
 - ii) Minimum width of 0.6 metres; and
 - iii) Minimum vertical clearance of 1.2 metres.
- h) The minimum dimensions of a vertical bicycle parking space shall be:
 - i) Minimum vertical clearance of 1.9 metres;
 - ii) Minimum width of 0.6 metres; and
 - iii) Minimum horizontal clearance from the wall of 1.2 metres.
- i) If a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space shall be 1.2 metres.
- j) A minimum of two (2) parking spaces shall be designated as a car share space in addition to the requirements of 6.17.2 a) and b).
- k) A minimum of one bike repair station shall be provided per building, which may include an area for bicycle repairs and maintenance, work space, a repair stand, an air pump for inflating bicycle tires, and a set of repair tools.

6.17.4 Special Holding Provisions

The following special holding provisions shall apply to the entirety of the lands shown on Schedule 'A' attached hereto:

Holding provision "H*" shall only be lifted on all or part of the lands shown on Schedule 'X3' hereto when all of the following criteria outlined have been met:

- a) An agreement related to municipal infrastructure and servicing has been entered into between the City and the Owner, to the satisfaction of the Director of Engineering or designate.
- b) Water Supply:
 - i) The Owner shall prepare and submit a Water Supply Analysis in consideration of

the conclusions and suggestions identified in the Water Systems Analysis, prepared by FP&P and HydraTek & Associates dated May 27, 2020, to determine what is required to provide water services for the development of the lands without causing adverse impacts in the water supply system;

- ii) The Owner shall identify the recommendations and the necessary works to mitigate any impacts identified in the Water Supply Analysis and the deficiencies identified in Water Supply Analysis, prepared by FP&P and HydraTek & Associates, dated May 27, 2020; and
- iii) The Owner shall execute an agreement with the City securing the provision of, water service infrastructure improvements identified by the above-noted Water Demand Analysis related to the development of the lands.

c) Sanitary Capacity:

- i) The Owner shall prepare and submit a Sanitary Capacity Analysis to determine what is required to provide sanitary services for the development of the lands without causing adverse impacts in the sanitary sewer system;
- ii) The Owner shall identify the recommendations and the necessary works to mitigate any impacts identified in the Sanitary Capacity Analysis; and
- iii) The Owner shall execute an agreement with the City securing the provision of, sanitary service infrastructure improvements identified by the above-noted Sanitary Capacity Analysis related to the development of the lands.

d) That appropriate water supplies and sewage capacity are available, and that Council assign servicing allocation for a maximum of 1,250 residential units to support the development, and that York Region be advised that servicing allocation for 1,250 residential units has been granted.

e) Submission of the following studies for the review and approval by the City and York Region:

- i. Functional Servicing Report, to the satisfaction of the Director of Engineering or designate;
- ii. Updated Transportation Impact Study including a Phasing Assessment/Plan, Functional Traffic Design Study and

Transportation Demand Management Plan
to the satisfaction of the Director of
Engineering or designate.

f) For buildings that exceed the
Toronto/Buttonville height restrictions, the
Toronto/Buttonville Airport Zoning Regulations
(SOR /88-148) have been repealed or the height
restriction on the lands or portions thereof are no
longer in force and effect.

2. All other provisions of By-law 2004-196, as amended, not inconsistent with
the provisions of this by-law continue to apply.

Read a first, second and third time and passed on -----.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2023-__

A By-law to amend the Markham Centre Zoning By-law 2004-196, as amended by By-laws 2005-197 and 2012-28, as amended

**3505 and 3555 Highway 7 E
PLAN 65M2668 PT BLK 1 RP 65R32098 PARTS 1 TO 4 AND 6 TO 8**

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 1.1 hectares (2.72 acres), which is located on the southwest corner of Highway 7 East and South Town Centre Boulevard, and municipally known as 3505 and 3555 Highway (the "Subject Lands").

Existing Zoning

The Subject Lands are currently zoned as "Markham Centre Downtown One *17 (Hold) - MC-D1*17(H1)(H10)" under By-law 2004-196, as amended.

Purpose and Effect

The purpose and effect of this By-law is to amend By-law 2004-196, as amended, to rezone the Subject Lands as follows:

From:

Markham Centre Downtown One *17 (Hold 1)(Hold 10) – MC-D1*17(H1)(H10)

To:

Markham Centre Downtown Two *17 (Hold) – MC-D2*17(H)

and to permit the Subject Lands to be developed with a phased high density mixed-use residential development with site-specific development standards.

