

## **Memorandum to the City of Markham Committee of Adjustment**

December 11, 2020

**File:** A/109/20  
**Address:** Part of Lot 11, Concession 9, north side of Highway 7, east of 9th Line  
**Applicant:** 2431988 Ontario Ltd.  
**Agent:** LARKIN+ land use planners  
**Hearing Date:** December 16, 2020

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following Community Amenity Two Except 569 – Holding (CA2\*569(H)) and Residential Three Exception 570 – Holding (R3\*570(H)) zone requirements of By-law 177-96, as amended, to permit:

- a) A Maximum Building Height of 48.0 metres, whereas the By-law permits a Maximum Building Height of 40.0 metres (Section 7.569.2.d);
- b) A Maximum number of 13 storeys, whereas the By-law permits a Maximum number of 12 storeys (Section 7.569.2.f);
- c) A Maximum number of 312 dwelling units, whereas the By-law permits a Maximum of 270 dwelling units (Section 7.570.2.j);
- d) A Minimum setback of 0.0 metres for any underground parking garage to a lot line between CA2\*569 and R3\*570 zones, whereas the By-law requires a Minimum setback of 0.5 metres for an underground parking garage to any lot line (Sections 7.569.2.i and 7.570.2.k);
- e) That the ground floor with a maximum height of 5.8 metres, and the Amenity Area located at the 13th storey with a maximum height of 6.0 metres be deemed to be one-storey each, whereas the By-law requires that any portion of a storey exceeding 4.2 metres in height shall be deemed to be an additional storey (Definition of “storey” - Section 3.136 of By-law 177-96, as amended);
- f) A minimum of 1.05 parking spaces per dwelling plus 0.15 parking spaces per dwelling unit for visitors', whereas the By-law requires 1.25 parking spaces per dwelling plus 0.25 parking spaces per dwelling unit for visitors' (By-law 28-97, Section 3.0 Table A item 'C Multiple Dwellings);
- g) A minimum of 1.05 parking spaces per dwelling plus 0.15 parking spaces per dwelling unit for visitors", whereas the By-law requires 1.25 parking spaces per dwelling plus 0.25 parking spaces per dwelling unit for visitors' (By-law 28-97, Section 3.0 Table A item 'D Apartment Dwellings);

- h) That five percent of the proposed parking spaces per variance to the minimum required, shall be dedicated and use as accessible parking spaces, whereas the by-law requires that five per cent of the parking spaces required in Tables A and B shall be dedicated and use as accessible parking spaces (By-law 28-97, Section 5.1);
- i) A reduction of up to 7 parking spaces from the combined required totals of visitor parking for residential and non-residential uses for the Mixed-use Apartment Building to recognize the sharing of visitor parking (By-law 28-97, Tables A and B and Variance #, A/109/20); and,
- j) Required parking spaces to be located on an adjacent lot, whereas the by-law requires that Parking spaces required by Sections 3 and 4 of this By-law shall be provided on the same lot as the Building, structure, or use requiring the parking (By-law 28-97, Section 6.1.1 (a)).

These variances relate to the proposed development of a 259 unit condominium apartment building and 312 stacked townhouse units on the subject lands, which are being reviewed by the City concurrently with Site Plan Application SPC 19 136373.

## **BACKGROUND**

### **Property Description**

The 1.72 ha (4.24 ac) subject property is located within Cornell Centre, on the south side of a proposed extension of Rustle Woods Avenue and the north side of a proposed extension of Arthur Bonner Avenue (north of Highway 7 and west of Bur Oak Avenue). (See Figures 1 to 3.)

Surrounding land uses include:

- Markham Stouffville Hospital and the Cornell Community Centre and Library to the north;
- Vacant lands to the south, also owned by the applicant, and intended to be developed for high rise residential uses;
- Stacked townhouses further south (south side of Highway 7);
- Vacant lands to the east which are anticipated to be developed with mid and high rise mixed use developments; and
- A York Region Rapid Transit Corporation (YRRTC) bus terminal to the west which is currently under construction

### Previous Development Application Approvals for the Subject Lands

Draft plan of subdivision approval was issued for the subject lands in 2017 along with approval of site-specific Official Plan and Zoning By-law Amendments that permit the proposed development subject to this variance application and concurrent site plan application (City File SPC 19 136373).

The draft approved plan (Figure 4), proposes three development blocks, a new north/south road (Diamond Wood Drive) and, extensions of Arthur Bonner Avenue and Rustle Woods Avenue. The north and central blocks are the subject of this variance application and related site plan control applications. The north block will contain the proposed mixed-use

apartment building and has a total area of approximately of 0.295ha (0.73ac). The central block will contain the proposed stacked townhouses and has a total area of approximately 1.42ha (3.51ac). The southern block will be subject to a future site plan application for a high-rise development on Highway 7.

The draft plan of subdivision is required to be registered prior to the issuance of site plan approval and any building permits. While the subdivision is not yet registered, construction of the associated street network by the applicant has commenced through the approval of a construction agreement so that the public road network is in place for the opening of the adjacent YRRTC bus terminal.

#### Site Plan Control Application (SPC 19 136373) Status

To facilitate the proposed development, the applicant has filed a site plan control application, which is under review by City staff and external agencies. To date:

- The Development Services Committee (DSC) have received a staff recommendation report in support of the proposed development. The DSC endorsed the site plan application 'in principle' and delegated the approval authority to the Director of Planning and Urban Design on November 23, 2020 (See DSC November 23, 2020 extract, Appendix 'B').
- The DSC also received an information memo from the Transportation Planning section of the Engineering Department, providing further clarification on staff's support for reduced parking requirements, as requested through this variance application on December 8, 2020, (See Appendix 'C').
- Second submission review comments have been provided to the applicant, which will need to be addressed through additional submissions prior to the issuance of any formal site plan endorsement and site plan approval.
- Prior to the issuance of site plan approval, the applicant will be required to enter into a site plan agreement with the City.

#### **Proposal**

The applicant is proposing to develop the subject lands with a 12-storey mixed-use 259-unit apartment building and 312 stacked townhouses on the subject lands. The development will be a standard condominium, and both the apartment building and stacked townhouses will have shared access to two levels of shared underground parking. The development will have a total of 727 parking spaces, including 39 surface parking spaces and 688 parking spaces in the underground parking garage. A total of 218 bicycle parking spaces are also proposed.

Access to the site is provided at two locations; one from Diamond Wood Drive on the west side of the property between the proposed mixed-use apartment building and stacked townhouses, and the other is on the south side of the subject site from Arthur Bonner Avenue. Internal circulation is by means of private laneways. The proposed site plan is shown in Figure 5 and the proposed elevations are shown in Figures 6 and 7. Additional details for each component of the proposed development are provided in Appendix 'A'.

## **Official Plan and Zoning**

### 2014 Official Plan

The subject lands are designated 'Mixed Use Mid Rise' in the 2014 Official Plan as partially approved on November 24, 2017 and further updated on April 9, 2018. This designation contemplates:

- Apartment buildings, multi-storey mixed use or non-residential buildings, stacked townhouses and townhouses.
- Building heights ranging from 3-storeys to 8 storeys, and a maximum FSI of 2.0.

Notwithstanding the above designation, the 2014 Official Plan also indicates that the subject lands are located within a Key Development Area (KDA) for Cornell Centre, which requires a new Secondary Plan. The policies of the 1987 Markham Official Plan and 2008 Cornell Secondary Plan remain applicable until this new Secondary Plan is approved for Cornell Centre.

### 1987 Official Plan, 2008 Cornell Secondary Plan and Site Specific OPA 247

In 2017, City Council approved Official Plan Amendment 247 to implement site specific designations and policies for the subject lands as follows:

#### Mixed-Use Apartment Block

- Designated 'Community Amenity Area – Mixed Use Rustle Woods Avenue'
- Contemplates multi-storey non-residential or mixed-use buildings, with a building height range of 4 to 12 storeys and minimum FSI of 2.0.

#### Stacked Townhouse Block

- Designated 'Residential High Rise'
- Contemplates stacked townhouses and apartment buildings, with a building height range of 4 to 12 storeys and minimum FSI of 1.5.

By virtue of the site specific OPA, the proposed mixed-use apartment building and stacked townhouse development conform to the 1987 Official Plan and the 2008 Cornell Secondary Plan.

### Zoning By-Law 177-96

In 2017 City Council approved Zoning By-law 2017-16 to permit the proposed development, by zoning the subject lands as follows (see Zoning Designations Figure 2):

#### Mixed Use Apartment Block

- Zoned "Community Amenity Two Exception 569 – Holding (CA2\*569(H))" under By-law 177-96, as amended;
- Uses permitted include apartment dwellings, offices and retail and service uses on the first and second floor of an apartment or office building;
- Site specific development standards regulating building setbacks, a minimum height of 12 m and 4 storeys, and a maximum height of 40 m and 12 storeys.

#### Stacked Townhouse Block

- Zoned "Residential Three Exception 570 – Holding (R3\*570(H))" in By-law 177-96, as amended;

- Uses permitted include multiple dwellings (stacked townhouses), home occupations and home childcares;
- Site specific development standards regulating building setbacks, a maximum height of 12 m and a maximum number of 270 units.

The approved zoning for the subject lands was based on conceptual development plans submitted in support of the 2017 Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment applications. Now that the development has been further refined through the most recent site plan application, a number of variances have been identified to facilitate several components of the proposed development. These components relate to the following:

- An increased building height for the mixed use apartment building;
- An increase in the number of multiple unit (stacked townhouse) dwellings;
- An allowance for taller floor to ceiling heights for the ground and penthouse floors in the mixed use apartment building;
- A reduction in the underground garage setbacks and permission for required parking on adjacent lots to recognize the proposed shared parking facilities on two blocks that will be registered on a single plan of subdivision;
- A reduced parking rate for apartment dwellings and multiple unit dwellings; and,
- Confirmation that the required accessible parking be provided for the visitor and non-residential uses only;

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the Zoning Section in the Building Standards department and the requested variance application has been submitted in consideration of those comments.

### **COMMENTS**

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

### **Increased Building Height Variances**

The applicant is requesting:

- A Maximum Building Height of 48.0 metres, whereas the By-law permits a Maximum Building Height of 40.0 metres (Section 7.569.2.d); and,
- A Maximum number of 13 storeys, whereas the By-law permits a Maximum number of 12 storeys (Section 7.569.2.f).

These variances relate to the proposed mixed use building in which the maximum permitted building height of 12 storeys reflects the Official Plan requirements noted above. Similarly, the maximum permitted height of 40 m also relates to the intended 12-storey building height, where floor to ceiling heights of approximately 3.0 m (10 ft) would result in a building being approximately 36 m tall (118 ft).

The applicant is proposing an additional 13<sup>th</sup> storey (and a related increase to the permitted building height), which will be occupied by an enclosed penthouse mechanical equipment, amenity space for residents of the building including a gym and party room and, access to an outdoor roof-top amenity area. This additional storey does not extend across the entire building and does not contain any dwelling units. Given the surrounding context, and noting that adjacent lands are envisioned to be developed with various building heights and massing in various mid rise and high rise forms, the requested height variances are not expected to have any significant impacts to the surrounding lands. Staff consider these variances to be appropriate for the site, and are of the opinion that the intent of the Zoning By-law and Official Plan are being maintained.

#### Increased Number of Multiple Dwelling Units Variance

The applicant is requesting a maximum of 312 dwelling units, whereas the By-law permits a maximum of 270 dwelling units (Section 7.570.2.j). This variance relates specifically to the proposed stacked townhouses on the subject lands. Staff note that there is no maximum unit cap for the mixed-use building identified in the report.

The approved Zoning By-law capped the maximum number of these units based on the initial concept plan provided to the City in 2017. Through the review of the current site plan application, staff have assessed the proposed building block configuration, layout and orientation and have determined that the proposed 312 units can adequately be provided for on the site without marked impacts to its function (i.e. in consideration of parking, access and circulation, waste management, utilities and servicing, and fire prevention). Staff also note that the proposed building block orientation on the proposed site plan is consistent with what was shown on the conceptual plans when the previous Official Plan and Zoning By-law amendments were approved in 2017. Further, the Official Plan designation for this portion of the site also permits apartment buildings of up to 12 storeys in height, which from a policy perspective, allows for significantly more density in this area than what is being proposed. Staff are of the opinion that the requested increase in the number of multiple dwelling units is appropriate for the site and support the approval of this variance.

#### Underground Garage Setback and Shared Parking Arrangement Variances

The applicant is requesting:

- A Minimum setback of 0.0 metres for any underground parking garage to a lot line between the CA2\*569 and R3\*570 zones, whereas the By-law requires a minimum setback of 0.5 metres for an underground parking garage to any lot line (Sections 7.569.2.i and 7.570.2.k); and,
- That required parking spaces to be located on an adjacent lot, whereas the By-law requires that parking spaces required by Sections 3 and 4 of By-law 28-97, as amended (The Parking Standards By-law), be provided on the same lot as the building, structure, or use requiring the parking (By-law 28-97, Section 6.1.1 (a)).

With the anticipated registration of the draft plan of subdivision for the subject lands, the mixed-use apartment building and stacked townhouse portions of the site will be situated on two legally conveyable blocks. This will create a lot line between the two portions of the development and consequently, setbacks will be required on each block to this lot line. The Zoning By-law for both zones includes a minimum 0.5 m setback to any lot line predominantly for shoring purposes in order to avoid trespass issues onto adjacent properties during excavation. Additionally, the By-law 28-97, as amended, requires onsite parking be provided on the same lot as the development to which it supports. Considering the shared parking arrangement between the two portions of the development, staff consider these variances to be technical in nature, and have no objection.

#### Increased Ground and Penthouse Storey Heights

The applicant is requesting that the ground floor with a proposed maximum height of 5.8 metres, and the amenity area located on the 13th storey with a proposed maximum height of 6.0 metres, be deemed to be one-storey each, whereas the By-law requires that any portion of a storey exceeding 4.2 metres in height shall be deemed to be an additional storey (Definition of “storey” - Section 3.136 of By-law 177-96, as amended). These variances relate to the proposed mixed use building.

The definition of ‘storey’ in By-law 177-96, as amended, specifies that a storey cannot exceed 4.2 m in height, measured between ‘the surface of a floor and the floor, ceiling or roof immediately above.’ This contradicts Section 6.3.7.4 c) of the Cornell Secondary Plan which is applicable to the mixed use portion of the development, and requires a minimum ground floor height of 4.5 m. The intent of requiring a minimum floor to ceiling height for the ground floor level is to establish taller commercial units which are required within the building so that they have a larger streetscape presence and are adequately sized for the installation of any needed mechanical equipment. With respect to the penthouse or 13<sup>th</sup> level, the increased height will accommodate enclosed mechanical areas and an indoor amenity space which, in the opinion of staff, will have negligible impacts on surrounding properties. Staff have no concern with the requested variance to permit increased floor to ceiling heights for both the ground floor and 13<sup>th</sup> storey.

#### Reduced Parking Variances

The applicant is requesting:

- A minimum of 1.05 parking spaces per dwelling plus 0.15 parking spaces per dwelling unit for visitors', whereas the By-law requires 1.25 parking spaces per dwelling plus 0.25 parking spaces per dwelling unit for visitors (By-law 28-97, Section 3.0 Table A item 'C Multiple Dwellings);
- A minimum of 1.05 parking spaces per dwelling plus 0.15 parking spaces per dwelling unit for visitors", whereas the By-law requires 1.25 parking spaces per dwelling plus 0.25 parking spaces per dwelling unit for visitors' By-law 28-97, Section 3.0 Table A item 'D Apartment Dwellings);
- A reduction of up to 7 parking spaces from the combined required totals of visitor parking for residential and non-residential uses for the Mixed-use Apartment Building to recognize the sharing of visitor parking (By-law 28-97, Tables A and B and Variance #, A/109/20).

The proposed parking arrangement and requested variances are summarized in the table below:

**Table 1 – Required and Proposed Parking**

Land Use	By-law 28-97 Requirements	Minimum Parking Requirement	Proposed Parking Rate	Proposed Parking Supply*	Proposed Parking Supply Variance
Apartment Dwelling	1.25 spaces/unit and 0.25 spaces/unit for visitors	324 spaces for residents and 65 spaces for visitors	1.05 spaces per unit and 0.15 spaces/unit for visitors	272 spaces for residents and 39 spaces for visitors	52 spaces for residents and 26 spaces for visitors
Stacked Townhouse Dwelling	1.25 spaces/unit and 0.25 spaces/unit for visitors	390 spaces for residents and 78 spaces for visitors	1.05 spaces per unit and 0.15 spaces/unit for visitors	328 spaces for residents and 47 spaces for visitors	62 spaces for residents and 31 spaces for visitors
Non-residential Use	1 space per 30 m <sup>2</sup> of NFA for retail store and 1 space per 9 m <sup>2</sup> of NFA for restaurant use	47 spaces**	-	40 spaces***	7 spaces
Total	-	<b>904 spaces</b>	-	726 spaces plus 1 car-share space	178 spaces

\* Based on the site plan submitted by the applicant with this variance application.

\*\* Parking requirement calculated based on retail store GFA of 583 m<sup>2</sup> and restaurant GFA of 250 m<sup>2</sup>

As shown above, a total of 904 parking spaces are required by By-law 28-97, as amended, for the proposed development. The applicant is proposing 727 parking spaces, which is a reduction of 177 spaces.

To substantiate the proposed resident parking reduction, the applicant has submitted a parking justification study that assessed parking usage rates at an existing stacked townhouse development within Cornell Centre. The parking justification study has been accepted by Transportation Planning Staff of the Engineering Department, which considers the proposed parking rates to be appropriate for the proposed development. In accepting the study, staff considered the sites proximity to the Cornell Transit terminal presently under construction, immediately to the west of the subject lands and the site's proximity to existing well served transit routes. Additionally, the applicant will be required to provide a suite of Transportation Demand Management (TDM) initiatives to reduce car dependency for residents of the site, which will be secured through the approval of the related site plan. TDM measures will include onsite bicycle storage and parking; information on City bike routes; preloaded Presto cards and transit route information; unbundled parking where purchasers can opt not to purchase a parking space; and a car share program.

Considering the shared parking arrangement, Transportation Planning staff also support the proposed visitor parking rate reduction and the 7-space reduction from the combined required totals of visitor parking for residential and non-residential uses.



Additional analysis from Transportation Planning on the reduced parking for residents is provided in their memorandum dated December 8, 2020 and received by DSC (Appendix 'B'). This memorandum provides details on the TDM initiatives and existing transit route and ridership information. Also attached in Appendix 'C' is the Transportation Planning Memo sent to Council on December 9, 2020. Staff are of the opinion the proposed parking rates, as requested in the above noted variances, are appropriate for the site and support their approval subject to the conditions in Appendix 'D'.

#### Accessible Parking as a Ratio of Required Visitor and Non-residential Parking

The Applicant is requesting that five percent of the proposed parking spaces per variance to the minimums required, shall be dedicated and used as accessible parking spaces, whereas the By-law requires that five per cent of the parking spaces required in Tables A and B, be dedicated and used as accessible parking spaces (By-law 28-97, Section 5.1).

By-law 28-97, as amended, specifies required parking for residential uses in 'Table A' and non-residential uses in 'Table B'. The By-law also requires that 5% of the total required parking by Tables 'A' and 'B' be accessible parking, having certain design and size criteria. The variance is requesting confirmation that the 5% of required accessible spaces be based on upon any approved variances to permit reduced parking and not based on 5% of the original required number of parking spaces. A total of 36 accessible parking spaces are proposed to accommodate the proposed development which equates to 5% of the 727 parking spaces being requested through this variance application. Staff have no objection to approval of this variance.

#### **EXTERNAL AGENCIES**

##### Toronto Region Conservation Authority (TRCA)

In a letter dated December 7, 2020, the TRCA advised they had no objections to the variance application, providing that application review fees be submitted to the TRCA. This is included as a recommended condition of approval in Appendix 'C'

##### Region of York

The Region of York has indicated there is no objection to the variance application.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of December 10, 2020. Any written correspondence received after the writing of the report will be provided by the Secretary-Treasurer at the meeting.

#### **CONCLUSION**

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that each of the requested variances satisfy the four tests of the Planning Act and have no objection to approval of the application.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please see Appendix "C" for conditions to be attached to any approval of this application.

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PREPARED BY:



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Stephen Corr, Senior Planner, East District

REVIEWED BY:



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Stacia Muradali, Acting Development Manager, East District

**Attachments:**

Figure 1 – Location

Figure 2 – Area Context and Zoning

Figure 3 – Aerial Photo

Figure 4 – Draft Plan of Subdivision

Figure 5 – Proposed Site Plan

Figure 6 – Elevations

Figure 7 – Elevations

Appendix A – Building/Unit info

Appendix B – Transportation Planning DSC memo, December 8, 2020

Appendix C – Transportation Planning Variance memo, December 9, 2020

Appendix D – Conditions of approval.

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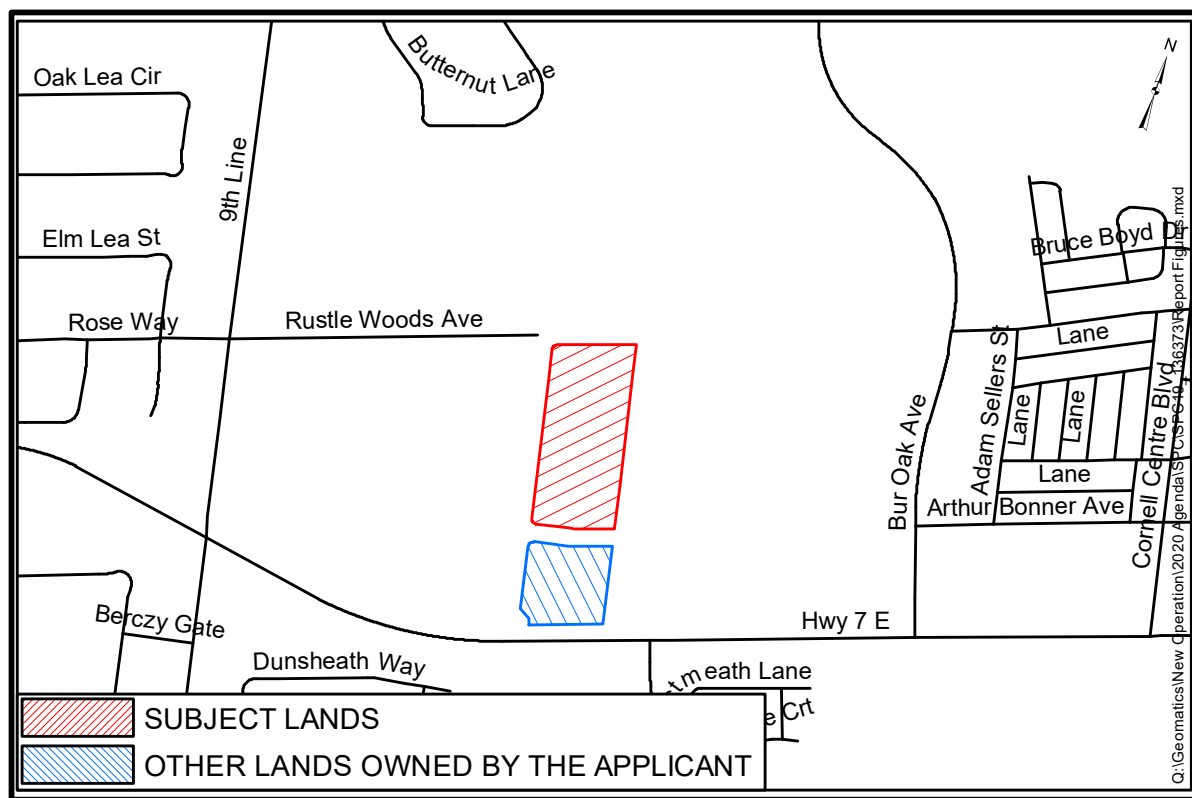
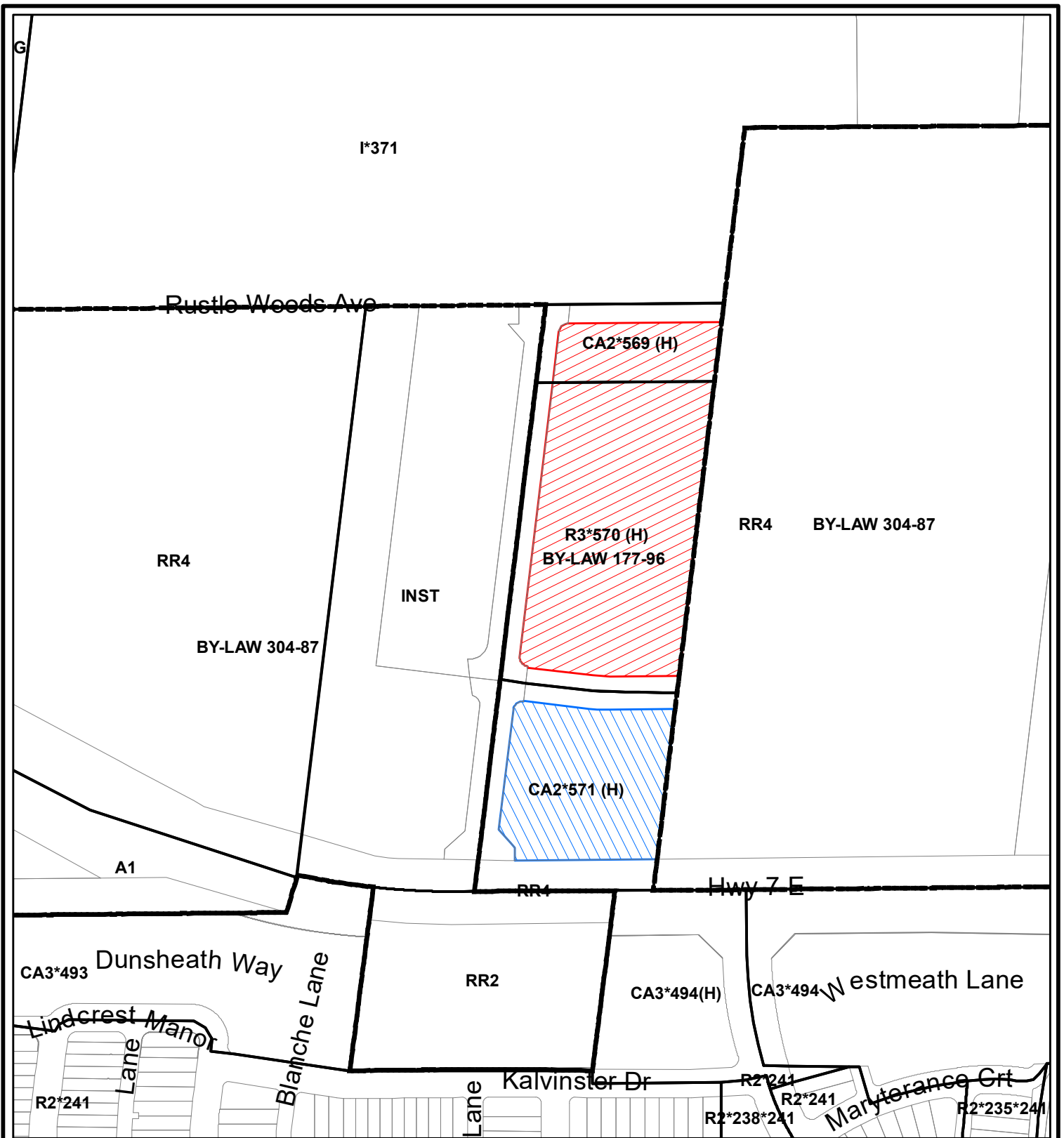


FIGURE No. 1



# AREA CONTEXT / ZONING

APPLICANT: CP Capital Investments Group Inc.

FILE No. SPC19 136373



SUBJECT LANDS



OTHER LANDS OWNED BY THE APPLICANT

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DATE: 21/10/2020



DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: SC

FIGURE No. 2





# AERIAL PHOTO (2020)

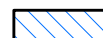
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FILE No. SPC19 136373

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SUBJECT LANDS



OTHER LANDS OWNED BY THE APPLICANT



DATE: 21/10/2020



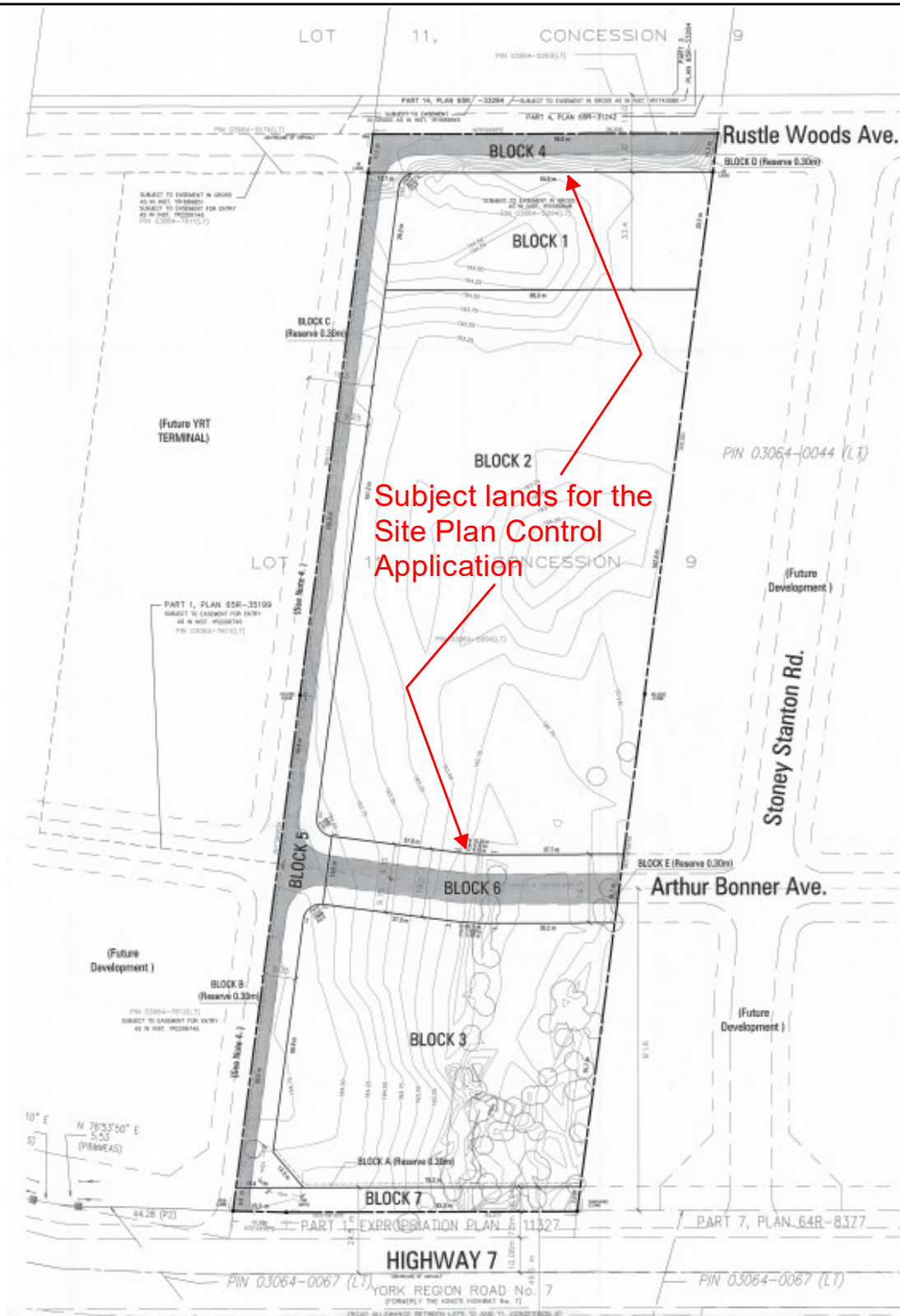
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FIGURE No. 3





APPLICANT: CP Capital Investments Group Inc.

FILE No. SPC19 136373

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DATE: 21/10/2020



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FIGURE No. 4





# ELEVATIONS - SOUTH EAST

APPLICANT: CP Capital Investments Group Inc.

FILE No. SPC19 136373

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DATE: 21/10/2020

**FIGURE No. 7**





# ELEVATIONS - NORTH EAST

APPLICANT: CP Capital Investments Group Inc.

FILE No. SPC19 136373

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## **Appendix 'A' – Building/Unit Information on Proposed Development**

### **Mixed Use Apartment Building**

- 259 units, including 77 one-bedroom units, 56 one-bedroom + den units and 28 two-bedroom units;
- Unit sizes range between 39m<sup>2</sup> to 91m<sup>2</sup> (425ft<sup>2</sup> to 978ft<sup>2</sup>);
- Twelve storeys in height, plus an additional level containing mechanical equipment, 425m<sup>2</sup> (4575 ft<sup>2</sup>.) of indoor amenity space (gym and party room) and a 725m<sup>2</sup> (7804 ft<sup>2</sup>.) landscaped outdoor rooftop terrace;
- Maximum building height of approximately 44.57m (146.23ft.);
- Approximately 881.1m<sup>2</sup> (9,559.4ft<sup>2</sup>) of commercial space occupy most of the ground floor;
- Total Gross Floor Area (GFA) of 19,971.7m<sup>2</sup> (214,973ft<sup>2</sup>), resulting in a Floor Space Index of 6.74 for the mixed-use apartment block.

### **Stacked Townhouse Buildings**

- 259 units, including 208 one-bedroom units, 130 one-bedroom + den units and 228 two-bedroom units;
- Contains twelve stacked townhouse building blocks (Figure 5).
- Four units are within a vertical frame, with one unit on the ground level (partially below grade), a unit on the 2<sup>nd</sup> level, and two units occupying the 3<sup>rd</sup> and fourth levels (The upper units each have access to a rooftop terrace).
- Unit sizes range between 48m<sup>2</sup> (515ft<sup>2</sup>) to 116m<sup>2</sup> (1250ft<sup>2</sup>):
- Four storeys in height, with maximum building heights of approximately 14m (46.6ft.);
- Total Gross Floor Area (GFA) of 46,128.8m<sup>2</sup> (496,526ft<sup>2</sup>), resulting in a Floor Space Index of 3.25 for the stacked townhouse block.



## MEMORANDUM

To: Mayor and Members of Council

From: Brian Lee, Director, Engineering, Ext. 7507

Prepared by: Loy Cheah, Senior Manager, Transportation, Ext. 4838  
Joseph Palmisano, Manager, Transportation Planning, Ext. 6200

Date: December 8, 2020

Re: **Parking and Transit Review, Part of Lot 11, Concession 9, north side of Highway 7, east of 9th Line (2341988 Ontario Ltd.), Ward 5  
File SPC 19 136373**

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### RECOMMENDATION:

1. That the Memorandum titled "Parking and Transit Review, Part of Lot 11, Concession 9, north side of Highway 7, east of 9th Line (2341988 Ontario Ltd.), Ward 5, File SPC 19 136375" be received.

### BACKGROUND:

On November 23, 2020, Development Services Committee (DSC) received a staff report titled "RECOMMENDATION REPORT, 2431988 Ontario Ltd., Site Plan Control application to permit a 12-storey, 259 unit mixed use apartment building and 312 stacked townhouses on Part of Lot 11, Concession 9, north side of Highway 7, east of 9th Line, Ward 5, File No. SPC 19 136373".

The 1.72 ha (4.24 ac) subject property is located within Cornell Centre, on the south side of a proposed extension of Rustle Woods Avenue and the north side of a proposed extension of Arthur Bonner Avenue (north of Highway 7 and west of Bur Oak Avenue) (see Figure 1). The applicant has filed a site plan control application to permit a 12-storey, mixed-use 259-unit apartment building and 312 stacked townhouses on the subject lands. Both the apartment building and stacked townhouses will have shared accesses to two levels of underground parking and surface parking.

The development is proposed to have an overall parking supply of 727 parking spaces (including 1 car-share space) and 218 bicycle parking spaces. The lower parking supply of 706 parking spaces referenced in the November 23, 2020 DSC staff report is preliminary and based on the initial submission from the applicant which have since been updated with the submission of a variance application.

The applicant is requesting variances to Parking Standards By-law 28-97, as summarized in Table 1 below.

**Table 1 – Proposed Parking Minor Variance Application by the Applicant**

Land Use	By-law 28-97 Requirements	Minimum Parking Requirement	Proposed Parking Rate	Proposed Parking Supply*	Proposed Parking Supply Variance
Apartment Dwelling	1.25 spaces/unit and 0.25 spaces/unit for visitors	324 spaces for residents and 65 spaces for visitors	1.05 spaces per unit and 0.15 spaces/unit for visitors	272 spaces for residents and 39 spaces for visitors	52 spaces for residents and 26 spaces for visitors
Stacked Townhouse Dwelling	1.25 spaces/unit and 0.25 spaces/unit for visitors	390 spaces for residents and 78 spaces for visitors	1.05 spaces per unit and 0.15 spaces/unit for visitors	328 spaces for residents and 47 spaces for visitors	62 spaces for residents and 31 spaces for visitors
Commercial Use	1 space per 23 m <sup>2</sup> of GLA	36 spaces**	-	40 spaces***	-
<b>Total</b>	-	<b>893 spaces</b>	-	<b>726 spaces plus 1 car-share space</b>	<b>167 spaces</b>

\* Based on the most recent site plan submitted by the applicant.

\*\* Parking requirement calculated based on commercial GLA of 833 m<sup>2</sup>

\*\*\* Also available to residential visitors

At the request of DSC on November 23, 2020, staff prepared this follow-up Memorandum to DSC to elaborate on the resident parking and transit parameters associated with the proposed parking supply for the subject development.

## DISCUSSION:

### York Region Official Plan

The 2010 York Region Official Plan sets the framework for growth and development in the Region, including in the City of Markham. The Regional Plan emphasizes the need for appropriate densities in Regional Centres and Corridors. The Regional Plan includes policies that encourage Transportation Demand Management and parking management as a way to achieve the following goals:

- To reduce vehicle emissions by ensuring that communities are designed to prioritize pedestrians and cyclists, reduce single occupancy automobile use, and support public transit and Transportation Demand Management initiatives (Section 3.2.3); and
- That secondary plans and zoning by-laws shall, in consultation with the Region and related agencies, incorporate parking management policies and standards that include reduced minimum and maximum parking requirements that reflect the walking distance to transit and complementary uses (Section 5.2.10).

### 2014 Markham Official Plan

A major goal of the Markham Official Plan is to accelerate Markham's transition from a primarily car-dependent community to one where walking, cycling, transit and carpooling are seen as increasingly viable and attractive alternatives. Future development is to be directed to higher density mixed-use centres and corridors that are designed to support good levels of transit service and to provide more

attractive conditions for pedestrians and cyclists. This shift in policy direction requires that future growth and the supply of off-street parking be balanced to meet essential parking needs without providing an abundance of free parking that would only serve to promote car use.

Section 7.1.5.1 of the Markham Official Plan addresses vehicle parking and speaks to the need to revise the parking standards contained in Markham's zoning by-law to:

- establish minimum parking standards that may vary by location in Markham;
- include a maximum parking standard for given land use classes in new mixed-use neighbourhoods and intensification areas and other areas well served by transit;
- permit lower levels of required parking in mixed-use development projects where different patterns of parking among compatible uses will be shared;
- permit reductions in the number of required parking spaces in multi-unit residential developments that provide dedicated car-share spaces.

The Markham Official Plan policies provide direction to Markham staff with regards to reviewing proposed parking standards and variances. The policies support the need for more balanced mobility and the need to facilitate the transition from a primarily auto dependent community to one where travel includes a greater share of other modes such as walking, cycling, transit and carpooling.

#### **Resident Proxy Site Survey Findings**

In support of the proposed resident parking supply for the subject development, the applicant was required to undertake a parking demand survey at a site with similar existing and future transportation context as the subject site in order to better understand the residential parking demand that could be anticipated for the proposed site. WSP, the transportation consultant for the applicant, commissioned parking surveys at the Grand Cornell Brownstones site located at the southeast quadrant of Highway 7 and 9th Line, which is located within 600 m of the subject site. Grand Cornell Brownstones development consists of a total of 250 stacked townhouse units with centralized underground parking. The surveys were undertaken between 12:00 AM and 2:00 AM on two weeknights in July 2020. The survey is taken at that time because most of the residents should be at home and the parking should be at its maximum. The site statistics for the Grand Cornell Brownstones and survey findings as provided by WSP are summarized in Table 2.

**Table 2 – Site Statistics and Results of Parking Survey of Grand Cornell Brownstones Development**

	<b>Statistic</b>
No. of Dwelling Units	250
No. of Residential Parking Spaces	316
Surveyed Parking Demand	237
Parking Demand/Dwelling Unit Ratio	0.95

A peak resident parking demand of 237 spaces was observed at the Grand Cornell Brownstone site, which is a 75% utilization of the available resident parking supply. This is equivalent to a peak resident parking demand rate of 0.95 spaces per unit on the basis of 250 occupied units, whereas 1.26 spaces per unit were provided.

The proposed development will have a higher proportion of bachelor and 1-bedroom units than the Brownstones proxy site, meaning that it should require a lower parking rate than the Brownstones development. Therefore, the residential parking rate of 1.05 spaces per unit proposed for the subject

development is appropriate and sufficient to meet the resident parking demands of the proposed development.

### **Transportation Demand Management**

Transportation Demand Management (TDM) measures are more effective when implemented in conjunction with reduced resident parking supply. The applicant is required to implement a number of TDM measures to help reduce car dependency and resident parking demand. The site-specific TDM measures include the following:

- Unbundled parking: Parking will be unbundled for all residential units such that residents/buyers have the option and flexibility to purchase a dwelling unit without a parking space.
- Car-share program: An on-site car-sharing service will be available to all residents.
- Transit information package and Transit incentive program: A pre-loaded PRESTO card and transportation information package with transit and cycling maps will be provided to each residential unit.
- Bicycle parking: A total of 218 bike parking will be available to residents and visitors.
- Bike repair station: A bike repair station will be provided to support the occasional repair/maintenance needs of resident bicycles.

### **Transit Assessment**

The subject property is located within Cornell Centre, identified as a Key Development Area along the Highway 7 rapid transit corridor in the Markham Official Plan. Currently, there are several ongoing or planned improvements to the transit system that will benefit the Cornell Centre area. Key improvements include the Cornell Bus Terminal and the future Highway 7 Viva Rapidway extension to Cornell Centre.

The Cornell Bus Terminal construction is nearing completion and is located immediately to the west of the subject property. The bus terminal will provide a total of 11 bus bays, including seven for standard buses, two for articulated buses, with the remaining two to accommodate other transit service providers, such as GO Transit and/or Durham Region Transit. The Cornell Bus Terminal will become the eastern terminus for the future Highway 7 Viva Rapidway extension.

Seven existing YRT and Viva routes that serve the Markham-Stouffville Hospital in the study area will access the Bus Terminal while another existing route (Route No. 2 – Milliken) will be re-routed to the new terminal, for a total of eight YRT and Viva routes servicing this site. In addition to these eight transit routes, YRT Express Route 303 also services the area. Detailed information on these transit routes are summarized in Table 3.

**Table 3 – Transit Routes Serving the New Cornell Bus Terminal**

<b>Route</b>	<b>Route Description</b>	<b>Planned Rush Hour Frequency (mins)</b>	<b>Weekday Ridership At Bus Stops Near Markham Stouffville Hospital†</b>	<b>Weekday Route Ridership (Oct. 2019)</b>
Viva Purple	Cornell Terminal - Richmond Hill Centre	9*	1,143	6,339
Route No. 1 – Highway 7	Smart Centres – Markham Boxgrove – Cornell Terminal – Richmond Hill Centre	30	58	1,459
Route No. 2 – Milliken	Smart Centres – Markham Boxgrove – Cornell Terminal – Finch Bus Terminal	Weekends/ holidays only	NA	NA
Route No. 9 – 9 <sup>th</sup> Line	Riverwalk Drive/9 <sup>th</sup> Line – Cornell Terminal – Whitchurch-Stouffville	43**	86	347
Route No. 16 – 16 <sup>th</sup> Avenue	Ilan Ramon Road/Rutherford Road – Cornell Terminal	30**	211	1645
Route No. 18 – Bur Oak	Angus Glen Community Centre – Cornell Terminal	27-30**	127	711
Route No. 25 – Major Mackenzie	Mackenzie Richmond Hill Hospital – Cornell Terminal	33-43	133	626
Route No. 522 – Markham Local	Hagerman’s Corners – Cornell Terminal	Non-rush hour only	22	95
Route No. 303 – Bur Oak Express***	Mount Joy GO station - Cornell Terminal – Finch Bus Terminal and subway station	8	40	755

\* Pre-COVID-19 service frequency

\*\* Part of Frequent Transit Network (FTN). The ultimate vision is for these routes to operate at frequency of 15 minutes or less every day between 6 AM to 10 PM.

\*\*\* Route No. 303 will not stop at the Cornell Terminal

† Weekday sample in October 2019 (Boarding and Alighting number)

As shown in Table 3, the subject site will be well served by transit through the Viva Purple, the Frequent Transit Network routes and local bus routes. Although Route No. 303 is not planned to be re-routed to the Cornell Bus Terminal, the subject site is within its ridership catchment area (500 m walking distance of the Ninth Line/Rose Way bus stop).

Three of the nine transit routes in Table 3 provide frequent and convenient connections to major transit hubs at Finch TTC subway station, Unionville GO station and Richmond Hill Centre (see Table 4). Viva Purple provides fast, convenient and reliable service between the Cornell community and Richmond Hill Centre hub, with part of the route travelling on dedicated bus lanes along Highway 7. It also connects with the Stouffville GO line at Unionville station, where all-day, two-way, 15-minute train service during peak periods is planned to start in 2025. YRT Route No. 303, which runs partially on Highway 407, provides fast and frequent bus service between the Cornell community and the Finch TTC subway station. It also connects Cornell residents to the Mount Joy GO station.

**Table 4 – Key Transit Routes Connecting Cornell Centre to Major Transit Hubs**

<b>Route</b>	<b>Route Description</b>	<b>Buses Per Hour (AM Peak Hour)</b>	<b>Travel Time (Westbound from Markham Stouffville Hospital to Richmond Hill Centre)</b>
Viva Purple	Markham Stouffville Hospital - Richmond Hill Centre	7 buses per hour*	35 minutes
Route No. 1 – Highway 7	Smart Centres – Markham Boxgrove – Markham Stouffville Hospital – Richmond Hill Centre	3 buses per hour	47 minutes
Route No. 303 – Bur Oak Express	Mount Joy GO station - Markham Stouffville Hospital – Finch Bus Terminal and subway station	7 buses per hour	30 minutes

\* Pre-COVID-19 service frequency

As shown in Table 4, Viva Purple provides a more frequent service than the local YRT Route 1. The route travel time for Viva Purple Line is 25 percent less than that for the local YRT route from Markham-Stouffville Hospital to Richmond Hill Centre. Although dedicated bus lanes are not available for the section of Viva Purple between the Markham-Stouffville Hospital and Warden Avenue, the travel time is 27 percent less than that for the local YRT Route 1 (16 minutes compared to 22 minutes) which runs parallel. This is partly due to fewer stops along that section of Highway 7 for the Viva Purple service.

## **CONCLUSION:**

The proposed parking supply of 1.05 spaces per unit for the subject development is considered appropriate to accommodate the needs of the residents based on the following:

- Parking policies in the York Region and Markham Official Plans supports reduced parking;
- Observed parking demand at the proxy site is a good indication of parking demand at the subject site;
- TDM measures proposed will help encourage non-auto modes of travel and provide opportunities to reduce car ownership and use;
- Proximity of the site to the Cornell Bus Terminal and transit level of service available in the area will encourage transit use.





File Number: MV 20 130748

TO: Shahab Aryan, Development Engineer

C. Joseph Palmisano, Manager, Transportation Planning

FROM: Langston Lai, Transportation Engineer, Transportation Planning

DATE: December 9, 2020

Re: **Transportation Comments**  
**Minor Variance Application – 7 Highway E, Markham (A/109/20)**

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The transportation comments herein are based on the review of the following document:

- *“Response to City of Markham September 24, 2020 Parking Comments”* dated November 9, 2020 by WSP Canada Inc. (WSP);
- Site Plan drawing, Drawing A101, dated October 3, 2020 by Architecture Unfolded; and
- Underground Parking Plan and Building Ground Floor Plan, Drawings A201 and A301, issued August 14, 2020 and uploaded on ePlan on November 16, 2020.

The subject site is located on the east of 9<sup>th</sup> Line between Rustle Woods Avenue and Highway 7. The subject minor variance application is related to the development block located between Rustle Woods Avenue and Arthur Bonner Avenue, which is part of the approved draft plan of subdivision (File Number 16159916). It is also related to a site plan application (File Number SPC 19 136373), which is currently under review.

### **Variances Requested**

According to the minor variance application, the applicant is requesting relief from the requirements of applicable Zoning By-laws to permit the development of the subject lands in accordance with the Site Plan Application SPC 19 136373. The proposed site statistics as shown on Drawing A101 is summarized as follows:

Proposed Land Use	<ul style="list-style-type: none"><li>▪ 259 dwelling units in a 12-storey mixed-use building with 833.4 m<sup>2</sup> GFA retail</li><li>▪ 312 stacked townhouse units</li><li>▪ Overall dwelling unit count is 571</li></ul>
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The transportation-related variances requested in the application are listed below:

- For Multiple Dwellings: To permit “1.05 parking spaces per dwelling plus 0.15 parking spaces per dwelling unit for visitors”, whereas the By-law requires “1.25 parking spaces per dwelling plus 0.25 parking spaces per dwelling unit for visitors”.
- For Apartment Dwellings: To permit “1.05 parking spaces per dwelling plus 0.15 parking spaces per dwelling unit for visitors”, whereas the By-law requires “1.25 parking spaces per dwelling plus 0.25 parking spaces per dwelling unit for visitors”.
- To permit “a reduction of up to 7 parking spaces from the combined required totals of visitor parking for residential and non-residential uses for the Mixed-use Apartment Building to recognize the sharing of visitor parking.”

The parking supply variances have been summarized in Table 1 below.

**Table 1 – Proposed Parking Minor Variances by the Applicant**

Land Use	By-law 28-97 Requirements	Minimum Parking Requirement	Proposed Parking Rate	Proposed Parking Supply*	Proposed Parking Supply Variance
Apartment Dwelling	1.25 spaces/unit and 0.25 spaces/unit for visitors	324 spaces for residents and 65 spaces for visitors	1.05 spaces per unit and 0.15 spaces/unit for visitors	272 spaces for residents and 39 spaces for visitors	52 spaces for residents and 26 spaces for visitors
Stacked Townhouse Dwelling	1.25 spaces/unit and 0.25 spaces/unit for visitors	390 spaces for residents and 78 spaces for visitors	1.05 spaces per unit and 0.15 spaces/unit for visitors	328 spaces for residents and 47 spaces for visitors	62 spaces for residents and 31 spaces for visitors
Non-Residential Use	1 space per 30 m <sup>2</sup> of NFA for retail store and 1 space per 9 m <sup>2</sup> of NFA for restaurant use	47 spaces**	-	40 spaces	7 spaces
<b>Total</b>	-	<b>904 spaces</b>	-	<b>726 spaces plus 1 car-share space</b>	<b>178 spaces</b>

\* Based on the site plan submitted by the applicant.

\*\* Parking requirement calculated based on retail store GFA of 583 m<sup>2</sup> and restaurant GFA of 250 m<sup>2</sup>

### **Resident Parking**

The applicant is proposing a reduction in the resident parking requirement from 1.25 to 1.05 spaces/unit for both condo and stacked townhouse units.

As indicated in the November 9, 2020 WSP letter, parking utilization surveys were undertaken at the Grand Cornell Brownstones site between midnight and 2:00 AM on Tuesday, July 7, 2020 and Wednesday, July 8, 2020. The peak parking demand of 237 vehicles was observed at 1:30 AM on July 7, 2020.

This is equivalent to a peak resident parking demand rate of 0.95 spaces per unit on the basis of 250 occupied units.

WSP also proposes a reduction to the resident parking rate on the basis of the following:

- Transportation Demand Management measures will be implemented for the site, including unbundling of parking and car share.
- Proximity of the site to the Cornell Bus Terminal and transit level of service available in the area will encourage transit use.

Based on the above, the City can accept the resident parking supply rate of 1.05 spaces per unit subject to the condition that the following TDM measures be implemented on site:

- Unbundled parking: Parking will be unbundled for all residential units such that residents/buyers have the option and flexibility to purchase a dwelling unit without a parking space.
- Car-share program: An on-site car-sharing service will be available to all residents.
- Transit information package and Transit incentive program: A pre-loaded PRESTO card and transportation information package with transit and cycling maps will be provided to each residential unit.
- Bicycle parking: A total of 218 bike parking will be available to residents and visitors.
- Bike repair station: A bike repair station will be provided to support the occasional repair needs of resident cyclists.

### **Visitor Parking**

The applicant proposes a reduction in the resident visitor parking requirement from 0.25 to 0.15 spaces/unit for both condo and stacked townhouse units.

In addition, the applicant is seeking a reduction of up to 7 spaces from the combined totals of visitor parking and non-residential parking to reflect the opportunities for shared parking between the two uses resulting from their complementary parking demand peaking characteristics.

A shared parking calculation was submitted by WSP that reflects the following mix of non-residential uses and GFA:

- Restaurant – 250 m<sup>2</sup>
- Retail Store – 583 m<sup>2</sup>
- Total Non-Residential GFA – 833 m<sup>2</sup>

Based on the above calculation, WSP estimated that a parking reduction of 7 parking spaces may be achieved through sharing opportunities between residential visitor and non-residential parking.

It should be noted that the combined total of 86 visitor parking spaces and 40 non-residential parking spaces results in an effective parking supply of 0.22 spaces/unit on the basis of the proposed 571 dwelling units.

Based on the above, the City can support the resident visitor parking supply rate of 0.15 spaces per unit and the proposed reduction of up to 7 spaces from the combined total of visitor parking and non-residential parking subject to the following conditions:

- The parking supply for the non-residential use must not be lower than 40 parking spaces.
- All visitor and non-residential parking spaces must be designated with signs and markings as shared non-residential/visitor parking spaces. As such, none of the spaces are allowed to be reserved for visitor or non-residential use only.
- The necessary easement and sharing agreement must be in place to ensure visitor parking at the townhouse unit block can be used as visitor parking and/or parking for non-residential uses related to the mixed-use building and vice versa.
- The maximum allowed GFA of restaurant use on site is 250 m<sup>2</sup>.

### **Conclusions:**

Based on the foregoing, we have no objections to the proposed parking variances, subject to the following conditions:

- That the parking supply for the non-residential uses within the mixed-use building in the CA2\*569 Zone must not be less than 40 parking spaces;
- That all visitor and non-residential parking spaces must be designated with signs and markings as shared non-residential/visitor parking spaces;
- That the Owner prepare all necessary easement documents to the satisfaction of the Director of Engineering prior to site plan approval, such that the visitor parking in the RA\*570 Zone and the visitor and non-residential parking related to the mixed-use building in the CA2\*569 Zone are shared.;
- That the total combined maximum gross floor area of restaurants within the mixed use apartment building in the CA2\*569 Zone shall not exceed 250 m<sup>2</sup>; and,
- That the Owner agree to implement Transportation Demand Management (TDM) initiatives listed below to the satisfaction of the Director of Engineering:
  - Unbundled parking: Parking will be unbundled for all residential units such that residents/buyers have the option and flexibility to purchase a dwelling unit without a parking space.
  - Car-share program: An on-site car-sharing service will be available to all residents.
  - Transit information package and Transit incentive program: A pre-loaded PRESTO card and transportation information package with transit and cycling maps will be provided to each residential unit.
  - Bicycle parking: A total of 218 bike parking will be available to residents and visitors.
  - Bike repair station: A bike repair station will be provided to support the occasional repair needs of resident cyclists.

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**Should you have any questions or require further information, please do not hesitate to contact me at extension 2526.**

## **APPENDIX "D"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/109/20**

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan attached as 'Figure 5' to this Staff Report; or further revised by any site plan 'endorsed' or 'approved' drawings under File SPC 19 136373.
3. That the parking supply for the non-residential uses within the mixed-use building in the CA2\*569 Zone must not be less than 40 parking spaces.
4. That the Owner agrees that all visitor and non-residential parking spaces must be shared, and that the approved site plan reflects the appropriate signage and marking, to the satisfaction of the Director of Engineering or his designate.
5. That the Owner prepare all necessary easement documents to the satisfaction of the Director of Engineering prior to site plan approval, such that the visitor parking in the R3\*570 Zone and the visitor and non-residential parking related to the mixed-use building in the CA2\*569 Zone are shared.
6. That the total combined maximum gross floor area of any restaurant or take-out restaurants within the mixed use apartment building in the CA2\*569 Zone not exceed 250 m<sup>2</sup>.
7. That the Owner enter into a site plan agreement with the City to secure Transportation Demand Management (TDM) initiatives requested by Transportation Engineering through the related site plan application under File SPC 19 136373, to the satisfaction of the Director of Engineering or his designate.
8. That the Owner submit a clearance letter indicating that the Toronto Region Conservation Authority (TRCA) variance application review fee be paid to the satisfaction of the TRCA.

CONDITIONS PREPARED BY:



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Stephen Corr, Senior Planner, East District