

Memorandum to the City of Markham Committee of Adjustment

July 8, 2019

File: A/56/19
Address: 10 Cedarland Drive
Applicant: H & W Developments
Agent: Walker, Nott, Dragicevic Associates Limited (Robert Dragicevic)
Hearing Date: Wednesday July 10, 2019

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

The applicant is requesting relief from the following requirements of By-law 2004-196, MC-D2*3 H1 H2 as amended:

- a) Amending By-law 2010-205, Schedules B1 (Location of Zones), B2 (Maximum Permitted Net Floor Area and Dwelling Units), B3 (Minimum and Maximum Heights), Schedule B4 (Setbacks), and X2 (Holding Zones): relief from the zone boundaries, as shown on Schedules B1, B2, B3, B4 and X2 to reflect the revised proposal;
- b) Amending By-law 2010-205, Schedule B3 Minimum and Maximum Heights: a maximum building height of 57.4 metres (including mechanical penthouse) for both buildings, whereas the By-law permits a maximum height of 30 metres (west) and 35.0 metres (east);
- c) Amending By-law 2010-205, Schedule B4 Setbacks: a maximum setback of 6.7 metres from the streetline or public park, whereas the By-law permits a maximum setback of 1.0 metres for 80 percent of any wall facing the streetline or a public park and 2.5 metres for the remaining 20 percent of the wall;
- d) Section 4.14.2 Parking Space Requirements: a maximum total parking ratio of 1.10 parking spaces per dwelling unit (rounded up from 1.095 parking spaces per unit) plus 0.14 parking spaces per unit for visitors, whereas the By-law permits a maximum of 1 parking spaces per dwelling unit plus 0.2 parking spaces per unit for visitors; as it relates to two proposed residential apartment buildings. Section X-O

BACKGROUND

Property Description

The subject property has an area 1.06 hectares (2.61 acres) and is located west of Warden Avenue, south of Highway 7. The property is bounded by Clegg Road to the north, Cedarland Drive to the south and City-owned park blocks to the east and west. The property is vacant.

Official Plan

The subject property is designated "Mixed Use High Rise" in the 2014 Official Plan and "Community Amenity Area – Major Urban Place" in the Markham Centre Secondary Plan (OPA 21). The proposed development conforms with the applicable policies of these designations.

Zoning

The subject property is zoned "Markham Centre – Downtown Two" (MC-D2) by the Markham Centre Zoning By-law (#2004-196), as amended.

The MC-D2 zone includes site specific provisions for the subject lands, including:

- maximum building heights of 49 metres on the east portion and 30 metres on the south-west portion.
- a maximum of 535 dwelling units.
- irregular zone boundaries with the "Markham Centre – Public Space One" (MC-PS1) zoning of the adjoining park blocks.

PROPOSAL (Figures 4, 5 and 6)

The owner is proposing to develop the subject property with a 530 unit condominium apartment development consisting of 18, 10 and 3 storey components.

COMMENT

Variances a), b) and c):

Development Services Committee endorsed the site plan application for the proposed development on June 26, 2018 (recommendation report and Committee extract attached as Appendix "B").

The report identified the requirement for minor variances, as follows:

- The irregular zone boundary between H & W's development blocks and the adjoining park blocks. This zone boundary reflects the proposed configuration of the development and park blocks when the zoning was approved for the previous owner (Liberty Development Corporation). In 2012 the City and H & W Developments exchanged equal areas of land from the park and development blocks to create regular (straight line) boundaries between the development and park blocks. A minor variance is required to address the discrepancy between the zone boundary and the current property boundary.
- The eastern portions of the building are proposed to have a height of 57.35 metres (18 storeys), whereas the zoning by-law permits a maximum height of 49 metres (approximately 16 storeys). This additional height facilitates a greater height differential between the higher and lower building elements of the development. The proposed building height is within the maximum height permitted under the Transport Canada zoning order for the Buttonville Airport.

Staff support variances a), b) and c) for the reasons outlined above.

Variance d):

- i) By-law No. 2004-196 (the Markham Centre Zoning By-law) requires apartment developments to provide one resident parking space per unit. The provision of additional resident parking spaces is not permitted.

Comment: Planning staff support variances to increase the maximum number of resident parking spaces per unit for developments including a significant percentage units having more than 2 bedrooms. The plans submitted with the

application indicate the following unit distribution, which includes a significant number of 3 bedroom units:

- 47 one bedroom (9% of total)
- 190 one bedroom plus den (36% of total)
- 136 two bedroom (26% of total)
- 104 two bedroom plus den (20% of total)
- 53 three bedroom (10% of total)

Staff support the requested increase in the permitted number of resident parking spaces.

- ii) By-law 2004-196 requires a minimum of 0.2 visitor parking spaces per unit.

Comment: In recent years the City has approved several minor variances and site specific zoning by-law amendments for proposed developments in Markham Centre to reduce the visitor requirement to 0.15 parking spaces per unit. The applicant is requesting a reduction to 0.14 visitor parking spaces per unit, which is slightly lower than the rate supported by staff. **Staff recommend that the Committee approve a reduction to 0.15 spaces per unit consistent with recent practice.** This can easily be accommodated through a slight redistribution of parking identified above.

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.

Zoning Preliminary Review (ZPR)

The applicant did not obtain a Zoning Preliminary Review prior to submission of the subject application.

The City's web site strongly encourages applicants to contact the Building Department to obtain a Zoning Preliminary Review (ZPR) prior to submission of minor variance applications. The Zoning Preliminary Review identifies the zoning requirements and development standards applicable to the property, and the relief from the zoning by-law required to permit the proposed development.

Planning staff telephoned the applicant and their planning consultant to advise them that that given the unusual character of variances a), b) and c), a Zoning Preliminary Review should be undertaken for this application.

It is the applicant and/or agent's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variances in the application contains errors, or if the need for additional variances are identified during the building permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing time.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 3, 2019. If any submissions are received after the writing of the report, the Secretary-Treasurer will provide them at the meeting.

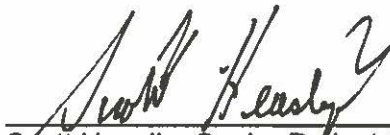
CONCLUSION

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 variances a), b), and c), meet the four tests of the Planning Act. Staff do not feel a reduction in visitor parking from 0.2 spaces per unit to 0.14 spaces per unit is minor in nature. It is recommend that Committee amend variance d) to permit a reduction in visitor parking to a rate of 0.15 spaces per unit, whereas visitor parking is required at a rate of 0.2 spaces per unit.

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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Scott Heaslip, Senior Project Coordinator, Central District

REVIEWED BY:



Richard Kendall, Development Manager, Central District

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Appendix "A"
Committee of Adjustment Conditions List
Issue Date: July 8, 2019

1. That variance request d) permit a reduction to 0.15 visitor spaces per unit.
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) endorsed by Development Services Committee on June 26, 2018, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate and that this condition has been fulfilled to his or her satisfaction, including confirmation that the unit mix is generally consistent with the unit mix outlined in the June 26, 2018 staff report.
3. That the variances apply only to the proposed development as long as it remains.



Report to: Development Services Committee

Report Date: June 26, 2018

SUBJECT: RECOMMENDATION REPORT
H & W Development Corporation
10 Cedarland Drive
(west of Warden Avenue, south of Clegg Road)
Application for site plan approval for a condominium
apartment development. Ward 8
File No. SC 18 181643

PREPARED BY: Scott Heaslip, Senior Project Coordinator,
Central District, ext. 3140

REVIEWED BY: Richard Kendall, Manager,
Central District, ext. 6588

RECOMMENDATION:

1. That the staff report dated June 26, 2018 titled "RECOMMENDATION REPORT, H & W Development Corporation, 10 Cedarland Drive, (west of Warden Avenue, south of Clegg Road), Application for site plan approval for a condominium apartment development. Ward 8, File No. SC 18 181643;" be received.
2. That the application be endorsed, in principle.
3. That site plan approval be delegated to the Director of Planning and Urban Design, or his designate, to be issued (Site Plan Approval is issued only when the Director or his designate has signed the site plan "approved") when the following conditions have been met:
 - The Trustee for the Markham Centre Landowners Group has advised the City in writing that the Owner is in good standing with the Group and that the required servicing allocation for the proposed development is available and has been assigned to H & W Development Corporation.
 - The Owner has entered into a site plan agreement with the City containing all standard and special provisions and requirements of the City and public agencies and the provisions outlined in Appendix 'A'.
 - The Committee of Adjustment has approved the required minor variances.
 - The holding provision has been removed from the zoning of the lands in accordance with the provisions of the By-law 2004-196, as amended.
4. That servicing allocation for 530 apartment units be assigned to the proposed development.
5. That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner.

6. That the Region of York be advised that servicing allocation for 530 apartment units has been confirmed.
7. That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that the site plan agreement is not executed within that period.
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to recommend endorsement, in principle, of a site plan application submitted by H & W Development Corporation for an 18-storey, 530 unit condominium apartment development on the south side of Clegg Road, west of Warden Avenue.

BACKGROUND:

Property and Area Context (Figures 2 and 3)

The subject property has an area of 1.06 hectares (2.61 acres) and is located west of Warden Avenue, south of Highway 7. The property is bounded by Clegg Road to the north, Cedarland Drive to the south and City-owned park blocks to the east and west. The property is vacant. The adjoining park blocks contain a number of mature trees which will be incorporated into the parks, when they are completed.

Official Plan and Zoning

The subject property is designated "Mixed Use High Rise" in the 2014 Official Plan (as partially approved on October 30, 2015, May 26, 2016, March 10, 2017, April 21, 2017 and November 24, 2017 and further updated on April 9, 2018) and "Community Amenity Area – Major Urban Place" in the Markham Centre Secondary Plan (OPA 21). The proposed development conforms with the applicable policies of these designations.

The property is zoned "Markham Centre – Downtown Two" (MC-D2) by the Markham Centre Zoning By-law (#2004-196), as amended.

The MC-D2 zone includes site specific provisions for the subject lands, including:

- maximum building heights of 49 metres on the east portion and 30 metres on the south-west portion.
- a maximum of 535 dwelling units.
- irregular zone boundaries with the "Markham Centre – Public Space One" (MC-PS1) zoning of the adjoining park blocks.

Minor variances to the regulations of the MC-D2 zoning will be required as discussed below.

The zoning is subject to a holding provision to be removed after servicing allocation has been assigned and the owner has entered into a site plan agreement with the City.

PROPOSAL (Figures 4, 5 and 6)

The owner is proposing to develop the subject property with a 530 unit condominium apartment development consisting of 18, 10 and 3 storey components as shown on Figure 4.

Proposed façade materials include architectural precast concrete panels and aluminum window/curtain wall system with tinted glass, spandrel glass and metal spandrel, as shown on Figures 4, 5 and 6.

The plans submitted with the application indicate the following unit distribution:

- 47 one bedroom (9% of total)
- 190 one bedroom plus den (36% of total)
- 136 two bedroom (26% of total)
- 104 two bedroom plus den (20% of total)
- 53 three bedroom (10% of total)

Green roofs are proposed on levels three and ten.

The development will be connected to the District Energy system, and is proposed to achieve minimum LEED Silver certification.

636 parking spaces are proposed. A portion of the visitor parking spaces will be within the ground floor and level two of the building. The remaining visitor parking spaces and all of the resident parking spaces will be in a two-level underground parking garage. The parking garage will extend beneath a portion of the adjacent park block to the west.

DISCUSSION:

Staff are generally satisfied with the site plan and building elevations

No substantive technical issues have been identified with the proposed development.

Staff have worked with the applicant's design team to refine the plans of the proposed development. The Markham Design Review Panel has also reviewed the development.

The overall layout and massing shown on the plans attached to this report address the direction and comments of the City Architect and the Design Review Panel. Minor refinements are required to the façade articulation and materiality. These will be addressed prior to the issuance of site plan endorsement.

Staff are working with the applicant to refine the plans to ensure that the proposed development has an appropriate grade relationship with the adjoining park blocks and does not negatively impact on the nearby mature trees in the park blocks.

The proposed development will require minor variances from the Committee of Adjustment to address the following items:

- The irregular zone boundary between H & W's development blocks and the adjoining park blocks. This zone boundary reflects the proposed configuration of the development and park blocks in 2010 when the zoning was approved for the previous owner (Liberty Development Corporation). In 2012 the City and H & W Developments exchanged equal areas of land from the park and development blocks to create regular (straight line) boundaries between the development and park blocks. A minor variance is required to address the discrepancy between the zone boundary and the current property boundary.
- The eastern portions of the building are proposed to have a height of 57.35 metres (18 storeys), whereas the zoning by-law permits a maximum height of 49 metres (approximately 16 storeys). This additional height facilitates a greater height differential between the higher and lower building elements of the development. The proposed building height is within the maximum height permitted under the Transport Canada zoning order for the Buttonville Airport.

Provisions will be included in the site plan agreement to secure the long term operational and financial arrangements between the City and the Owner regarding the portion of the underground parking garage located beneath a portion of the adjacent City park ("strata park"). This "strata park" permission dates back to the zoning approved in 2010.

Staff recommend that Committee endorse the application, in principle, and delegate final approval to the Director of Planning and Urban Design. As noted above staff will continue to work with the applicant to refine the site plan and building elevations prior to final site plan approval. The proposed sustainability features (connection to district energy, LEED certification, green roofs) will be secured in the site plan agreement.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

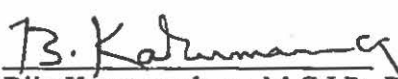
ALIGNMENT WITH STRATEGIC PRIORITIES:


The proposed zoning by-law amendment would support a number of the City's Strategic Priorities, including:

- Growth Management – intensification along a transit corridor, consistent with the Region's transit objectives.

BUSINESS UNITS CONSULTED AND AFFECTED:

The proposed development has been circulated to internal City departments and external agencies for review and comment. The requirements of City departments and public agencies have been incorporated into the project plans and the attached conditions.


Biju Karumanchery, M.C.I.P., R.P.P.
Director of Planning and urban Design


Arvin Prasad, M.C.I.P., R.P.P.
Commissioner,
Development Services

ATTACHMENTS:

- Figure 1 - Location Map
- Figure 2 - Area Context/Zoning
- Figure 3 - Air Photo
- Figure 4 - Site plan
- Figure 5 - Perspective – viewed from above
- Figure 6 – Perspective – viewed from park

Appendix 'A' - Conditions of Site Plan Approval

Agent:
David Wang
H & W Development Corporation
2950 Birchmount Road
Toronto, Ontario
M1W 3G5
(416) 493-2950
dwanf

APPENDIX 'A'

**Conditions of Site Plan Approval
H & W Development Corporation.
10 Cedarland Drive
(west of Warden Avenue, south of Clegg Road)
Markham Centre Community
File No. SC 18 181643**

Prior to the execution of the site plan agreement, the Owner shall submit:

1. site plans, elevation drawings (including building materials, colours and details), underground parking garage layout plans, that comply with all requirements of the City and authorized public agencies, to the satisfaction of the Director of Planning and Urban Design. The final plans shall incorporate appropriate design features to ensure more bird-friendly buildings.
 2. landscape plans, including streetscape details and tree preservation plans, prepared by a Landscape Architect having membership with the Ontario Association of Landscape Architects, to the satisfaction of the Director of Planning and Urban Design.
 3. Geotechnical and hydrogeological reports addressing temporary and permanent dewatering requirements, dewatering discharge management and mitigation measures (if dewatering required), to the satisfaction of the Director of Engineering.
 4. A stormwater management report, grading/servicing/site alteration/excavation plans, construction management plan and shoring/excavation drawings, to the satisfaction of the Director of Engineering.
 5. a lighting plan to ensure that all lighting is directional in nature to reduce any potential negative effects that illumination of the site may cause.
- for endorsement or approval by the City.

The Owner shall enter into a Site Plan Agreement with the City containing all standard and special provisions and requirements of the City, the Region and other public agencies including, but not limited to, the following:

1. Provisions for the payment by the Owner of all applicable fees, recoveries, development charges, parkland dedications (including cash-in-lieu), public art contribution, and financial obligations related to applicable Developers Group Agreements.
2. That the location, size and construction of all refuse storage areas and recycling facilities, and arrangements for waste collection be to the satisfaction of the City of Markham Waste Management Department.
3. That the site be designed to ensure that there is no permanent underground encroachment into any municipal road right-of-way.
4. That the Owner shall provide and implement a comprehensive Green Infrastructure plan to the satisfaction of the Director of Planning and Urban Design. The plan shall include the following minimum elements - LEED silver

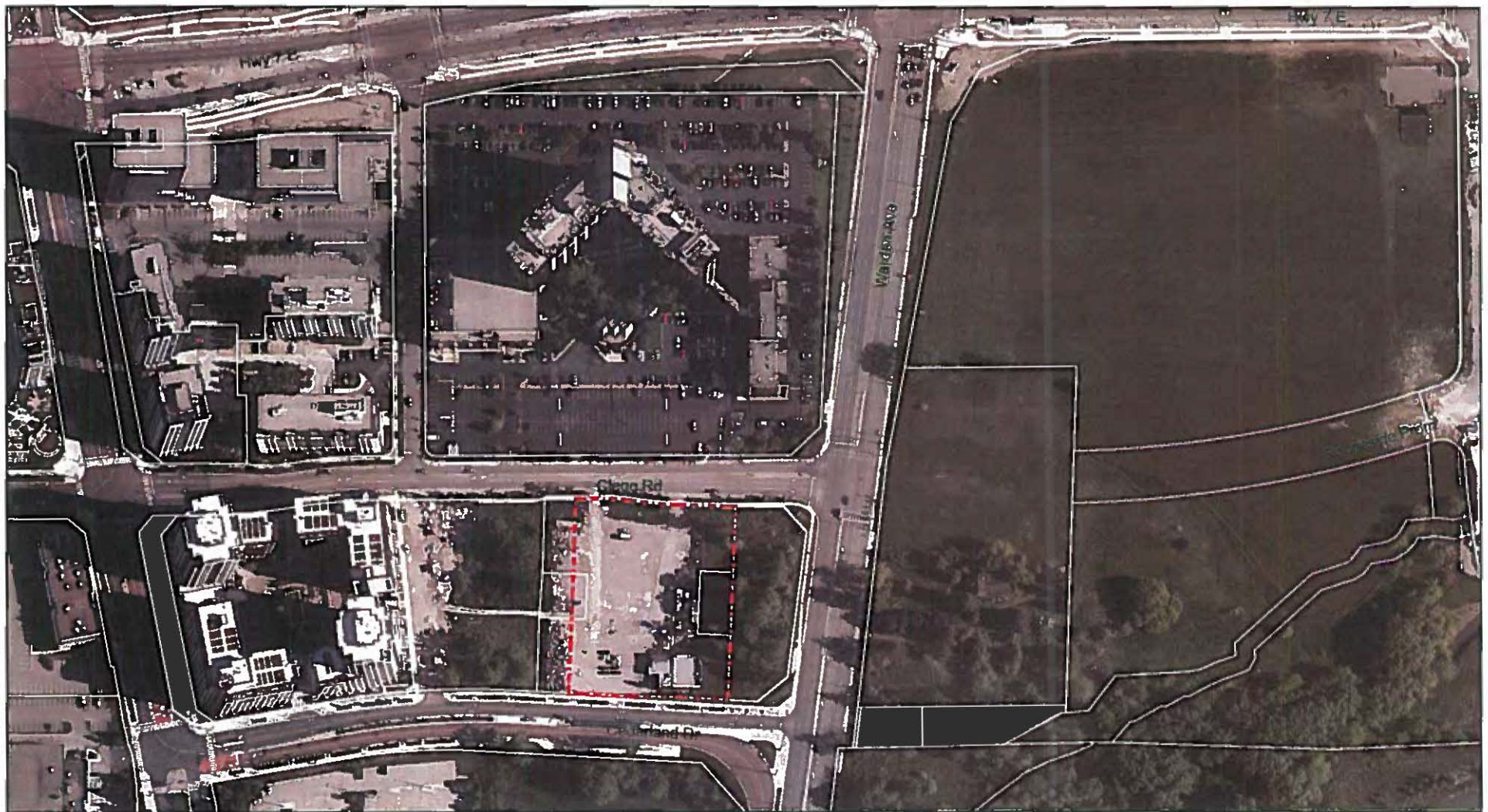
- certification, green roof technology on the lower building elements, connection to the District Energy network, and the provision of bicycle storage facilities.
5. Provisions to secure implementation of the recommendations of the approved reports.
 6. Provisions to secure implementation of the of the approved Transportation Demand Management (TDM) plan.
 7. Provisions to secure the long term operational and financial arrangements between the City and the Owner regarding the portion of the underground parking garage located beneath a portion of the adjacent City park ("strata park").
 8. Provisions for satisfying all requirements of City departments and public agencies.
 9. Provisions to ensure implementation of the recommendations of an Environmental Noise and Vibration Feasibility Study.
 10. That the Owner comply with all requirements of the City and authorized public agencies, including Power Stream to the satisfaction of the Commissioner of Development Services.

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 SUBJECT LANDS

DATE:06/19/18



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AIR PHOTO 2017

APPLICANT: H & W DEVELOPMENTS CORPORATION

FILE No: SC18181643(SH)

 SUBJECT LANDS



DATE:06/19/18

FIGURE No. 3



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SITE PLAN

APPLICANT: H & W DEVELOPMENTS CORPORATION

FILE No: SC18181643(SH)

 SUBJECT LANDS

DATE:06/19/18



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PERSPECTIVE - VIEWED FROM ABOVE

APPLICANT: H & W DEVELOPMENTS CORPORATION

FILE No: SC18181643(SH)

DATE:06/19/18

FIGURE No. 5



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PERSPECTIVE - VIEWED FROM PARK

APPLICANT: H & W DEVELOPMENTS CORPORATION

FILE No: SC18181643(SH)

DATE:06/19/18



THE CORPORATION OF THE CITY OF MARKHAM

EXTRACT CONTAINING ITEM #0004 OF THE DEVELOPMENT SERVICES COMMITTEE OF (Jun 26, 2018)

4. RECOMMENDATION REPORT H & W DEVELOPMENT CORPORATION 10 CEDARLAND DRIVE (WEST OF WARDEN AVENUE, SOUTH OF CLEGG ROAD) APPLICATION FOR SITE PLAN APPROVAL FOR A CONDOMINIUM APARTMENT DEVELOPMENT. WARD 8 FILE NO. SC 18 181643 (10.6)

Report

Ron Blake, Senior Development Manager, introduced this matter, advising that staff are generally satisfied with the plan. A representative of the applicant was in attendance to review the site plan and answer questions.

Staff reviewed the overall development in conjunction with Liberty Developments, and advised that this site will complete the block. The Committee discussed park development, building height, traffic and access points, and supported the use of City lands for staging during construction.

Moved by: Mayor Frank Scarpitti

Seconded by: Councillor Alex Chiu

- 1) That the staff report dated June 26, 2018 titled "RECOMMENDATION REPORT, H & W Development Corporation, 10 Cedarland Drive, (west of Warden Avenue, south of Clegg Road), Application for site plan approval for a condominium apartment development. Ward 8, File No. SC 18 181643;" be received; and,
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 - The Trustee for the Markham Centre Landowners Group has advised the City in writing that that the Owner is in good standing with the Group and that the required servicing allocation for the proposed development is available and has been assigned to H & W Development Corporation.
 - The Owner has entered into a site plan agreement with the City containing all standard and special provisions and requirements of the City and public agencies and the provisions outlined in Appendix 'A'.
 - The Committee of Adjustment has approved the required minor variances.

-The holding provision has been removed from the zoning of the lands in accordance with the provisions of the By-law 2004-196, as amended; and,

- 4) That servicing allocation for 530 apartment units be assigned to the proposed development; and,
- 5) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,
- 6) That the Region of York be advised that servicing allocation for 530 apartment units has been confirmed; and,
- 7) That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that the site plan agreement is not executed within that period; and,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED