

Memorandum to the City of Markham Committee of Adjustment

June 30, 2020

File: B/003/20
Address: 7859 Yonge Street Thornhill
Owner: The Ladies' Golf Club of Toronto
Agent: The Residences at Royal Bayview Inc. (Tridel)
Hearing Date: Tuesday July 7, 2020

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

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with approximate lot frontage of 46 m and approximate lot area of 1.07 ha. (2.64 ac.);
- b) retain a parcel of land with approximate lot frontage of 180 m and approximate lot area of 51.30 ha. (126.76 ac.).

This application is related to OP/ZA 18 171600 and SPC 18 258868.

BACKGROUND

Property Description

The Ladies Golf Club of Toronto property is approximately 52.37 ha. (129.42 ac.). It is located between Yonge Street and Bayview Avenue in Thornhill (see Figure 1 – Air Photo). It is bisected by the valley corridor of the East Branch of the Don River and Cricklewood Park (adjacent to Yonge Street) and the Pomona Creek valley corridor on the east side of the property (which crosses Royal Orchard Boulevard). Low rise residential development is located to the north and. Pomona Mills Park (adjacent to John Street), low rise residential development, Shouldice Hospital and Glynnwood Retirement Residence are located to the south. On the east side of Bayview Avenue is Drake Park, the Landmark of Thornhill apartment complex and the Thornhill Community Centre and Library.

The proposed 1.07 ha. (2.64 ac.) severed lot (the “Subject Lands”) is located at the northeast corner of the Golf Club property, with frontage on Royal Orchard Boulevard. Frontage on the east-west section of Royal Orchard Boulevard will be approximately 46 m (151 ft.), with approximately 180 m (545 ft.) frontage on the north south portion of Royal Orchard Boulevard, located adjacent to the west side of Bayview Avenue. The “Subject Lands” are currently occupied by Hole #9 of the Golf Club and the Half Way House. The area is landscaped, and mature trees line the property along the Royal Orchard Boulevard frontages.

Proposal

Severed Lot

The Golf Club is proposing to sever and convey the Subject Lands to Tridel. Tridel is proposing a 173 unit residential high rise development with a Gross Floor Area of approximately 32,856.21 m² (353,661 ft²). The proposal includes a twelve (12) storey component and a fourteen (14) storey component linked by a one (1) storey podium (see Figures 2 and 3 – Site Plan and Building Elevation Perspective Bayview Avenue) and a

0.18 ha (0.44 ac) parkette at the north end of the “Subject Lands”, that will be conveyed to the City.

Site specific Official Plan and Zoning By-law amendment applications for high rise residential development on the proposed severed lands (File Nos. OP/ZA 18 171600), were approved by Markham Council in early December of 2019.

A Site Plan approval application for the proposed residential high rise on the proposed severed lot (File No. SPC 18 258868) is currently under review. Development Services Committee endorsed in principle the site plan application and Site Plan approval authority was delegated to staff in November of 2019.

Retained Lot

The applicant is proposing to retain a parcel of land with an approximate area of 51.30 ha. (126.76 ac.). The Golf Course will continue to operate on the retained lot.

COMMENTS

Application Processing

This application was initially scheduled to be heard on **April 22, 2020**; however, this hearing date was scheduled prior to the Province of Ontario’s decision to suspend *Planning Act* timelines for the consideration of a consent and minor variance application, as well as any appeal of an application to the Local Planning Appeal Tribunal.

The Planning Act Emergency Regulations have ended

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22nd, 2020, the procedural requirements (e.g. sending of notices, public meetings, eligibility for appeals to LPAT, etc.) of *Planning Act* applications proceed as they did prior to the declaration of the emergency.

For Applications received during the emergency legislation, the timelines for the procedural requirements will begin on June 22, 2020. For Applications received prior to March 16th, 2020, the procedural timelines will continue where they had been left on March 16th.

Official Plan and Zoning

Official Plan

The 1.07 ha. (2.46 ac.) “Subject Lands” (severed lot) is designated “Residential High Rise” and the 51.30 ha. (126.76 ac.) Golf Course (retained lot) is designated “Private Open Space” on Map 3 – “Land Use” in the 2014 Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018). The proposed severed and retained lots conform to the Official Plan.

Zoning By-law

The “Subject Lands” (severed lot) are zoned Residential Three*631 [R3*631(H)] Holding Zone by By-law 177-96, as amended. The Golf Course (retained lot) is zoned O2 – Special Use, under By-law 2150, as amended. The proposed lot frontage and lot areas of the proposed severed and retained lots will comply with the above noted Zoning By-laws.

The Zoning By-law includes a Holding provision. The Holding provision states that no buildings or structures shall be permitted on the proposed severed lot, until the owner enters into an agreement with the City of Markham to provide upgrades to the municipal

services along Royal Orchard Boulevard to accommodate the proposed high rise residential development on the subject lands.

Development Engineering Comments

The City will be undertaking a sewer extension and upgrade project along Royal Orchard Boulevard commencing in the Spring of 2021. Development Engineering is requesting that, as a condition of severance approval that Tridel enter into and execute a Development Agreement prior to December 1, 2020 to secure the construction of local services required to accommodate the proposed high rise development on the severed lot, and to ensure the required improvements meet the projected Spring of 2021 timeline.

Tridel has also confirmed they will pay for a partial signal at the Bayview Avenue/Royal Orchard Boulevard intersection or other area transportation improvements including the extension of Royal Orchard Boulevard to Green Lane. Development Engineering staff recommends that the Development Agreement also includes a payment to cover the above noted transportation improvements.

Parkland Dedication

The parkland dedication requirements for the proposed residential high rise development will be secured through the site plan agreement process.

Urban Design Comments

Urban Design staff has no comments on the proposed consent and their requirements will be addressed through the associated site plan application.

York Region Comments

The Regional Municipality of York completed its review of the above consent application and has no comment.

Toronto and Region (TRCA) Comments

TRCA staff has no objections to the consent application as the proposed severed lot is sufficiently setback from the Natural System and located outside of the TRCA's Regulated Area. However, TRCA staff recommends payment of their application review fee of \$1400.00 as a condition of approval.

PUBLIC INPUT SUMMARY

No written submission were received as of June 30, 2020. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on any comments received at the meeting.

CONCLUSION

The proposed severance and conveyance of land from the Ladies Golf Club of Toronto to Tridel was contemplated through the approved Official Plan and Zoning By-law Amendment applications, as well as the Site Plan application which was endorsed in principle by Council.

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act.

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

PREPARED BY:

Rick Cefaratti, MCIP, RPP, Senior Planner, West District

REVIEWED BY:

David Miller, MCIP, RPP, Development Manager, West District

File Path: Amanda\File\20 108304\Documents\District Team Comments Memo

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/003/20

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/003/20, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. The Owner shall enter into and execute a Development Agreement with the City by December 1, 2020 on terms and conditions to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - i) Securing the owner of the severed property's financial contribution towards the construction of the local services required for the severed property, being \$3,684,062.64 (inclusive of HST) for the sanitary sewer extension and upgrade on Royal Orchard Boulevard;
 - ii) Securing the owner of the severed property's financial contribution in the towards the implementation of a partial signal at the Bayview Avenue/Royal Orchard Boulevard intersection or other area transportation improvements including the extension of Royal Orchard to Green Lane, in the amount of \$175,000;
 - iii) Payment of all applicable fees in accordance with the City's fee by-law;
 - iv) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - v) notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (the "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
5. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
6. That the applicant satisfies the requirements of the *Toronto and Region Conservation Authority (TRCA)*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix 'A' to this Staff Report, to the satisfaction of the TRCA,

and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *TRCA*.

7. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:

Rick Cefaratti, MCIP, RPP, Senior Planner, West District

Figure 1 – Air Photo



Figure 3 – Building Elevation Perspective Bayview Avenue

