

<b>Date:</b>	Tuesday, November 7, 2023		
<b>Application Types:</b>	Official Plan and Zoning By-law Amendment (the “Applications”)		
<b>Owner:</b>	8180 - 8220 Bayview Limited Partnership (the "Owner")		
<b>Agent:</b>	Lincoln Lo, Malone Given Parsons Ltd.		
<b>Proposal:</b>	A 15-storey mixed-use building, consisting of 631 dwelling units, approximately 6,044 m <sup>2</sup> commercial space, a drive-through facility, and four levels of underground parking (the “Proposed Development”)		
<b>Location:</b>	South of Highway 407 and west side of Bayview Avenue, municipally known as 8190 to 8200 Bayview Avenue (the “Subject Lands”)		
<b>File Number:</b>	PLAN 23 125307	<b>Ward:</b>	1
<b>Prepared By:</b>	Jennifer Kim, MCIP RPP, ext. 2156 Senior Planner, West Planning District		
<b>Reviewed By:</b>	Clement Messere, MCIP RPP Manager, West Planning District	Stephen Lue, MCIP RPP Senior Manager, Development	

## PURPOSE

This preliminary information pertains to the Applications submitted by the Owner and contains general information on the applicable Official Plan policies and the identified issues and should not be taken as Staff’s opinion or recommendation.

## PROCESS TO DATE

Staff received the Applications (along with the required fees) on June 13, 2023 and deemed the Applications complete on June 27, 2023. The 120-day period set out in the *Planning Act* before the Owner can appeal to the Ontario Land Tribunal for a non-decision ended on October 11, 2023.

## NEXT STEPS

- Statutory Public Meeting is tentatively scheduled for November 7, 2023
- Recommendation Report for consideration by the Development Services Committee (“DSC”)
- In the event of an approval, adoption of the site-specific Official Plan Amendment and enactment of the site-specific Zoning By-law Amendment
- Submission of a future Site Plan Approval and Draft Plan of Condominium Applications

## BACKGROUND

### Subject Lands and Area Context

The 1.45 ha (3.59 ac) Subject Lands are currently developed with a commercial plaza and a drive-through facility, as shown on Figures 2 and 3. Figure 3 shows the surrounding land uses.

***The Proposed Development, shown in Figures 4 to 7, includes the following:***

<b>Table 1: the Proposed Development</b>	
Residential Area:	57,209 m <sup>2</sup> (615,792 ft <sup>2</sup> ) Gross Floor Area (“GFA”)
Retail Space:	6,044 m <sup>2</sup> (65,057 ft <sup>2</sup> )
Density:	4.76 times the area of the Subject Lands Floor Space Index (“FSI”)
Dwelling Units:	631 residential units with the following breakdown: <ul style="list-style-type: none"><li>• 352 one-bedroom (56%)</li><li>• 230 two-bedrooms (36%)</li><li>• 49 three-bedroom (8%)</li></ul>
Building Height:	15-Storeys (59.8 m including rooftop mechanical)
Vehicular Parking Spaces:	1,119 (789 Residential; 330 Visitor/Non-Residential)
Bicycle Parking Spaces:	344 (280 Long Term; 64 Short Term)
Indoor Amenity Space:	585.5 m <sup>2</sup> (6,302 ft <sup>2</sup> ) ground level
Outdoor Amenity Space:	809.2 m <sup>2</sup> (5,813 ft <sup>2</sup> ) ground level

***The Owner proposes to amend the Markham 2014 Official Plan (the “2014 Official Plan”) to permit the Proposed Development***

<b>Table 2: Official Plan Amendment Information</b>	
Current Designation:	“Mixed Use Mid Rise”
Permitted uses:	Residential development that is integrated with mixed-uses (including a range of retail and commercial uses) with a maximum building height of 8-storeys and maximum density of 2 FSI

**Table 2: Official Plan Amendment Information**

Permitted Building Types:	Apartment buildings, multi-storey non-residential or mixed-use buildings, stacked townhouses, including back to back townhouses
Proposal:	The Owner proposes to amend the 2014 Official Plan to include site-specific policies to increase the maximum building height to 15-storeys and increase the maximum density to 4.8 FSI.

***A Zoning By-law Amendment application is required to permit the Proposed Development, which is subject to By-law 2489 as amended (see Figure 3)***

**Table 3: Zoning By-law Amendment Information**

Current Zone:	“Neighbourhood Commercial” (NC), subject to site-specific exception 81-71.
Permissions:	A wide range of retail and office uses including banks, financial institutions, personal service shops, professional and business offices, restaurants, retail stores, studios, agencies and salons, and dwelling units over stores subject to provisions of the “First Density Multiple Family Residential (RM1)” Zone.
Proposal:	The Owner proposes to rezone the Subject Lands to “Community Amenity Two (CA2)” Zone in By-law 177-96 to permit the Proposed Development and incorporate site-specific development standards including, but not limited to, height, maximum density, setbacks, and encroachments of architectural features, terraces, stairs, and other fixtures.

***Staff identified the following preliminary list of matters that will be assessed through the review of the Applications, including other matters and issues, and addressed in a future Recommendation Report to the DSC***

- a) Conformity and Consistency with Provincial, and York Region and City Official Plan**
  - i) The appropriateness of the proposed Official Plan and Zoning By-law amendments to allow the Proposed Development.
  
- b) Parkland Dedication**
  - i) The Applications will be reviewed in consideration of the appropriate amount of parkland dedication and/or cash-in-lieu of parkland, public art contribution, and other financial contributions.

**c) Community Benefits Charges (“CBC”) By-law**

- i) The Applications will be subject to the City’s CBC By-law and contribution will be identified and paid prior to the first Building Permit.

**d) Affordable Housing**

- i) The Applications will be reviewed in consideration of Provincial, Regional, and City policies to ensure that the Proposed Development provides an appropriate level, range, and mix of unit sizes and types to meet the City’s affordable housing goals.
- ii) The incorporation of appropriate affordable housing, purpose-built rental, secondary suites, seniors housing, and family-friendly units.

**e) Allocation and Servicing**

- i) The availability of water and sanitary servicing capacity for the Proposed Development must be identified and allocated by Council, if the Applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol, which will be removed once servicing capacity is identified and allocated to the Subject Lands by Council.

**f) Review of the Proposed Development will include, but not limited to, the following:**

- i) Examination of whether the height, density, built form, massing, and mix of land uses proposed are appropriate.
- ii) Evaluation of the compatibility with existing and planned development within the surrounding area.
- iii) Sun shadow analysis and angular plane study and the impacts to the immediate surrounding areas.
- iv) Traffic impact, road network, vehicular access, transportation demand management, pedestrian and active transportation connections, pedestrian safety, and ensuring the adequate supply of parking spaces for the commercial and residential uses.
- v) The submission of a future Site Plan Application will examine appropriate landscape, site layout, snow storage areas, waste management facilities, building elevations, and amenity areas.
- vi) Evaluation of the appropriateness of the proposed drive-through facility within the mixed-use building and review of traffic and safety impacts, and appropriate pedestrian access and connection.

**g) External Agency Review**

- i) The Applications must be reviewed by external agencies including, but not limited to, York Region and School Boards, and any applicable requirements must be incorporated into the Proposed Development.

**h) Required Future Applications**

- i) The Owner must submit applications for Site Plan Control and Draft Plan of Condominium should the Applications be approved, to permit the Proposed Development and facilitate the standard condominium tenure of the building.

**Accompanying Figures:**

- Figure 1: Location Map
- Figure 2: Aerial Photo
- Figure 3: Area Context and Zoning
- Figure 4: Conceptual Site Plan
- Figure 5: Proposed Ground Level Plan
- Figure 6: Conceptual Building Elevations (West and South)
- Figure 7: Conceptual Building Elevations (East and North)
- Figure 8: Conceptual Rendering
- Figure 9: Owner's Proposed Draft Zoning By-law Amendment
- Figure 10: Owner's Proposed Draft Official Plan Amendment

Figure 1

# Location Map

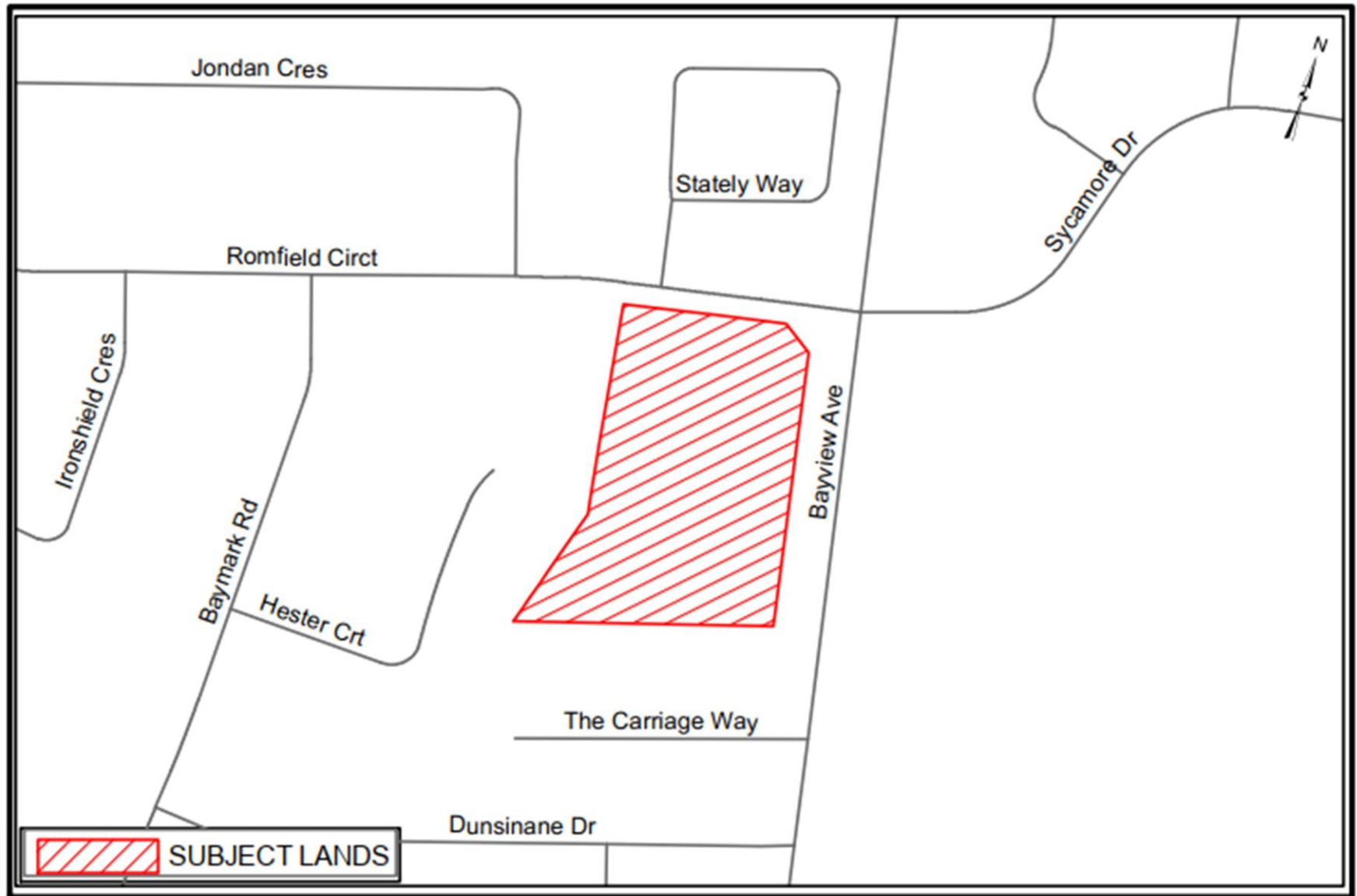


Figure 2

Aerial Photo

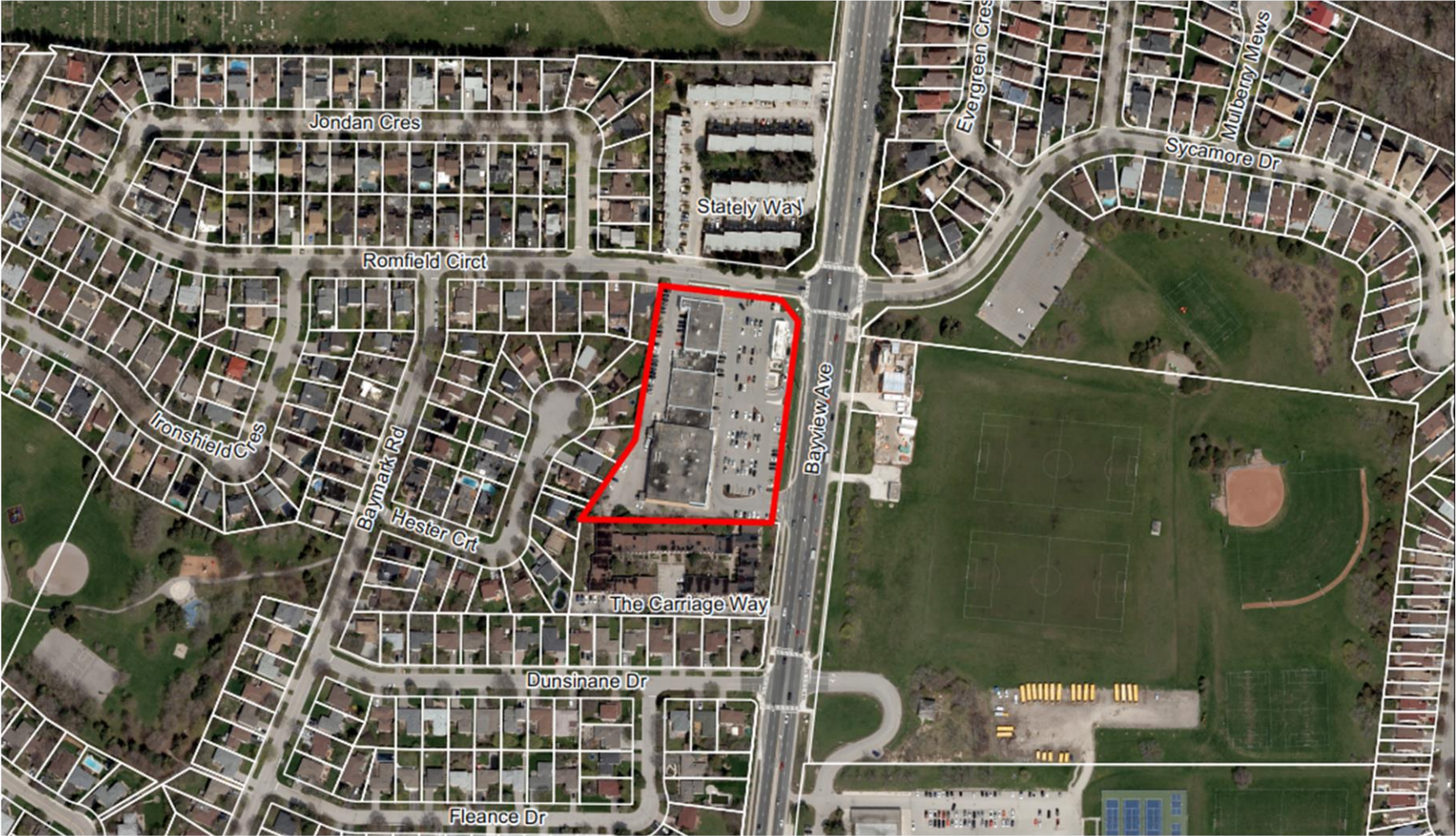


Figure 3

### Area Context and Zoning

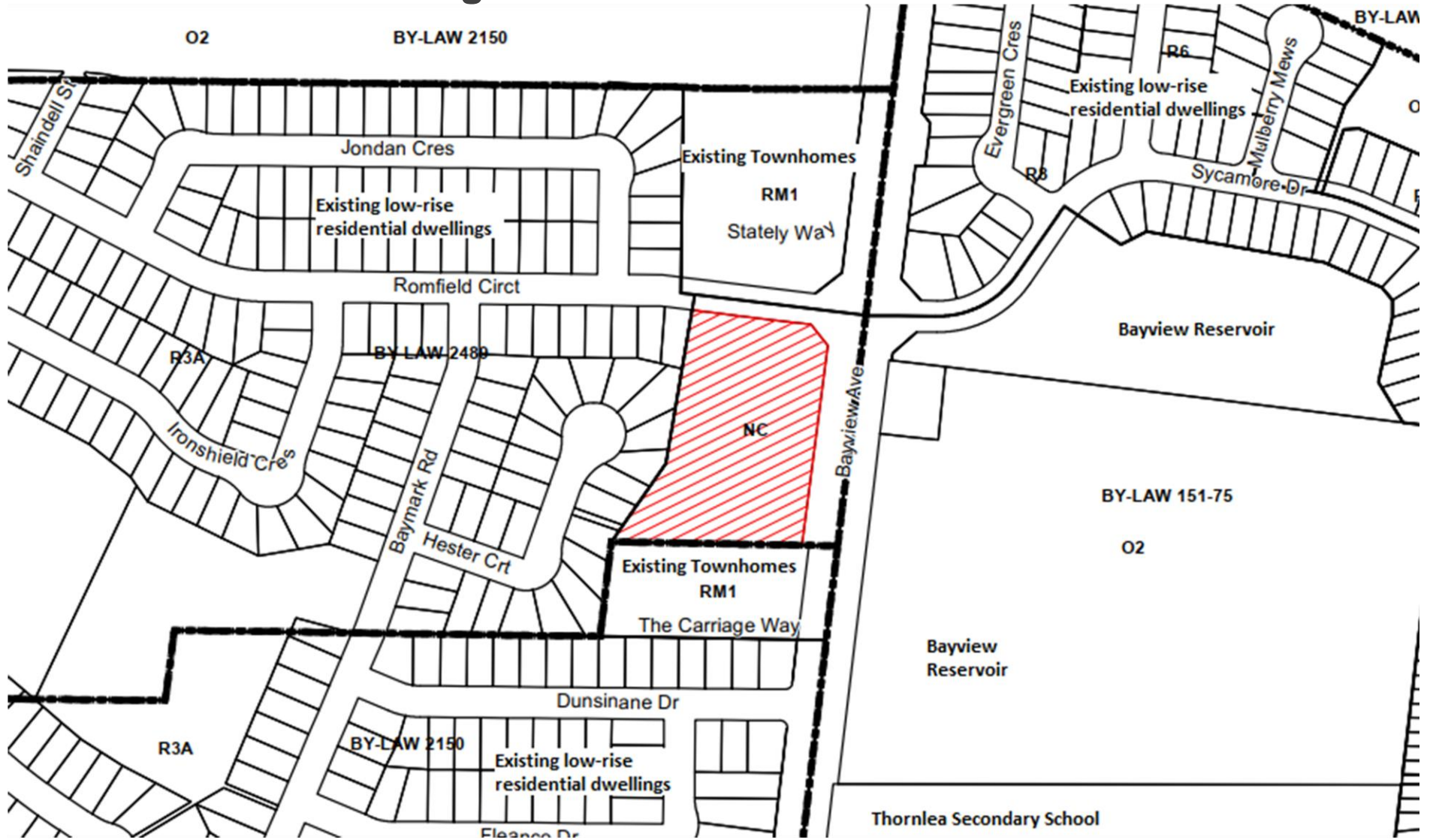




Figure 4

# Conceptual Site Plan

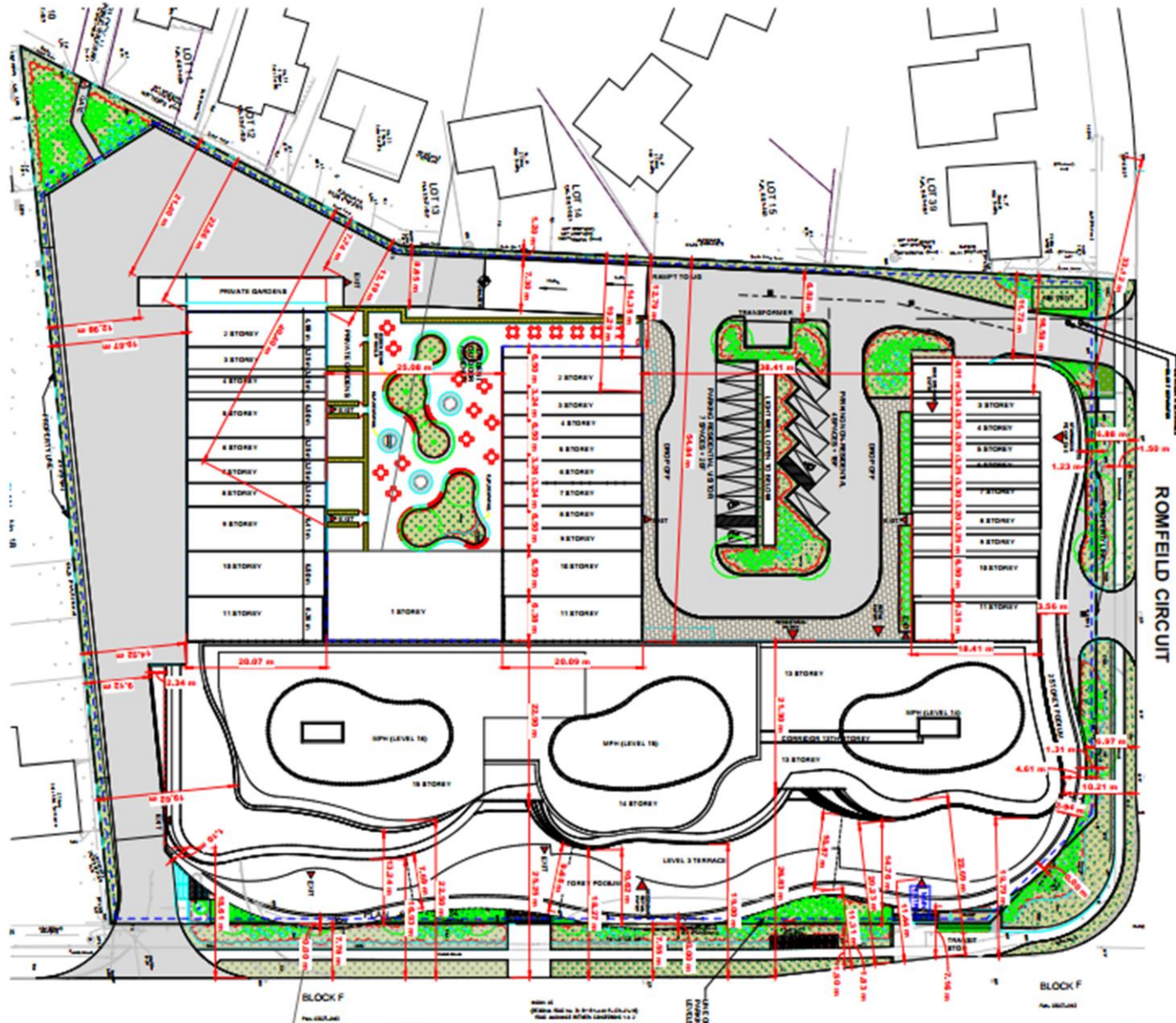


Figure 5

# Proposed Ground Level Plan

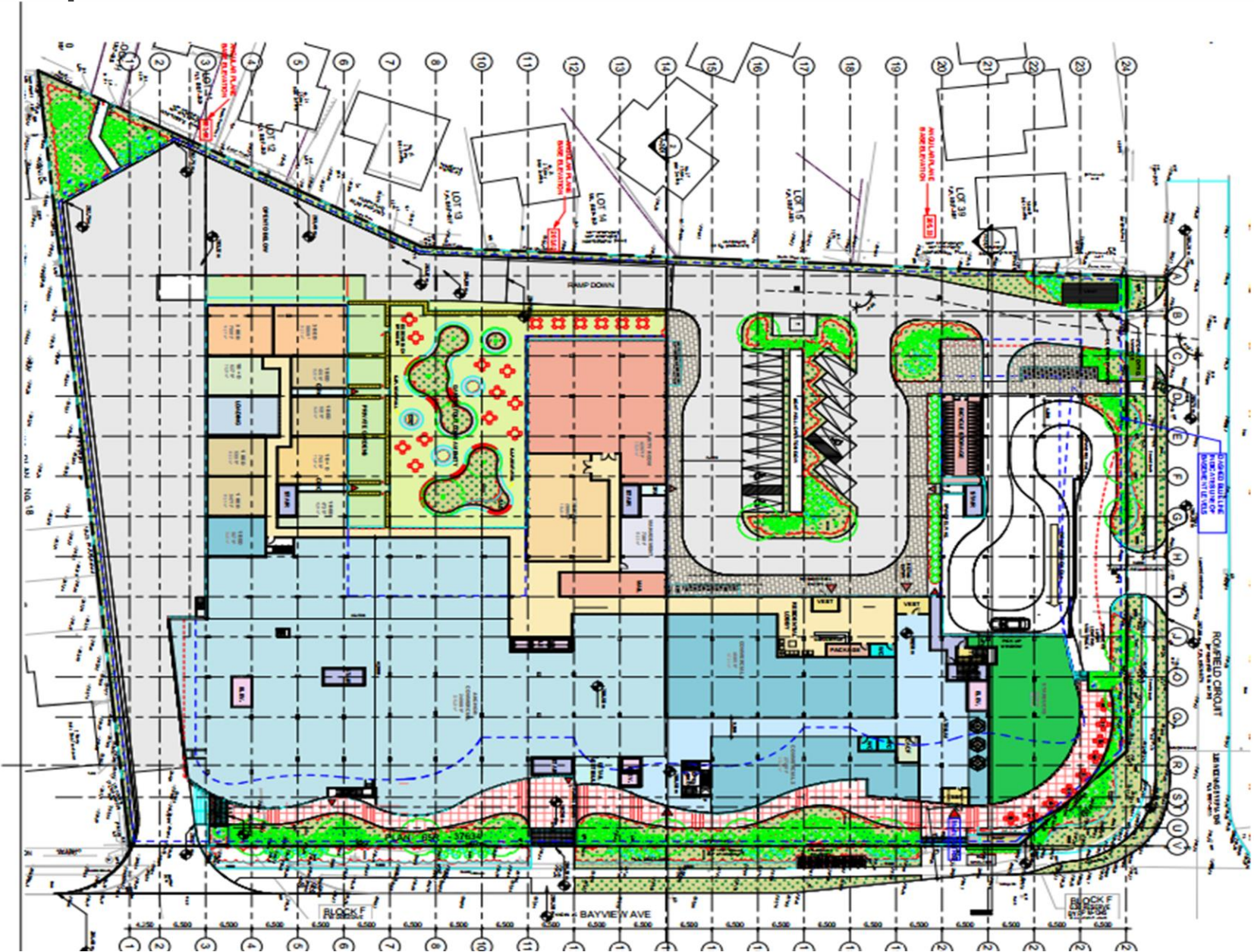


Figure 6

## Conceptual Building Elevations (West and South)

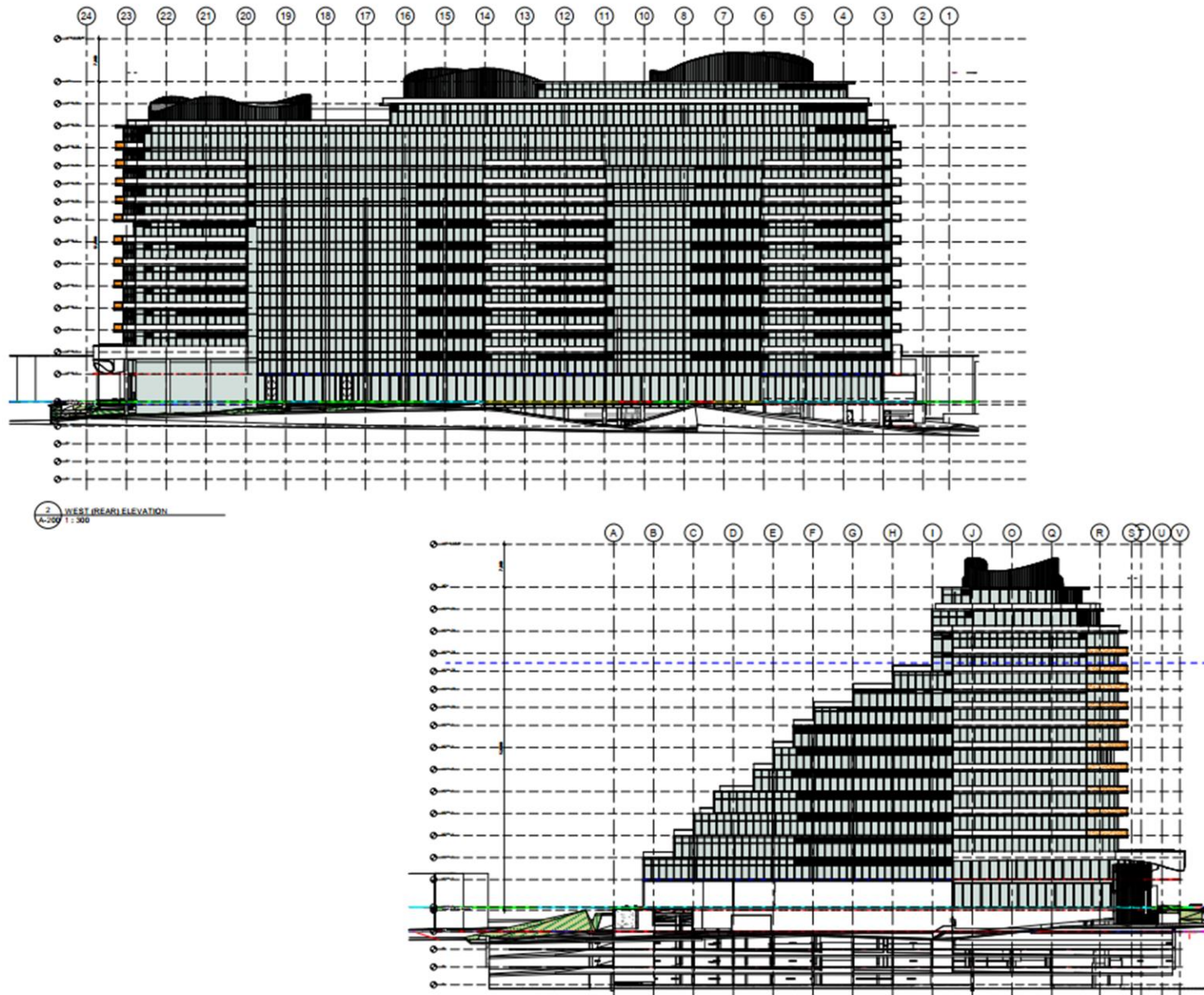
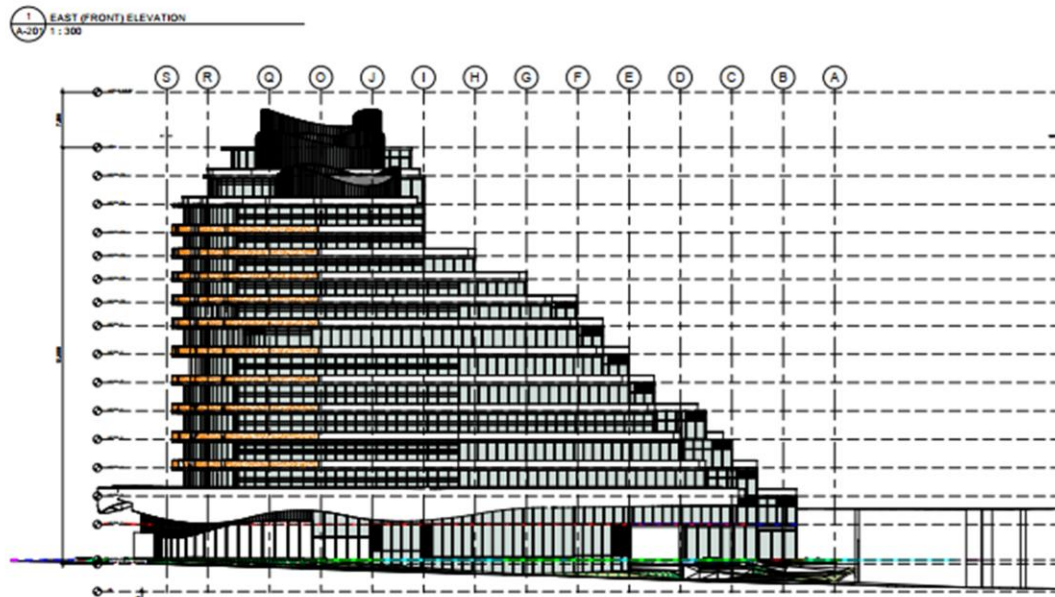
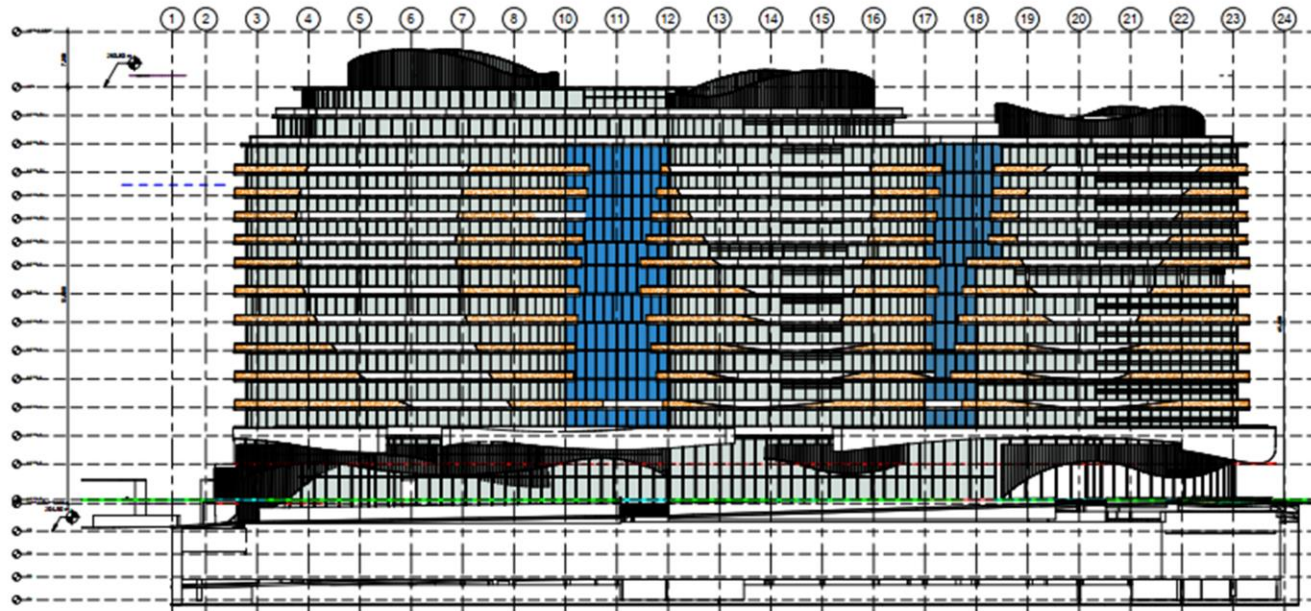


Figure 7

## Conceptual Building Elevations (East and North)



## Figure 8

### Conceptual Rendering



**EXPLANATORY NOTE BYLAW 2023-XX**  
**A By-law to amend By-law 177-96, as amended**

**Hovan Homes**  
**Parcel C-1 and Block C Plan M1345**  
**Southwest Corner of Bayview Avenue and Romfield Circuit**

**Lands Affected**

The proposed by-law amendment applies to a parcel of land with an approximate area of 1.5 hectares (3.6 acres) located on the southwest corner of Bayview Avenue and Romfield Circuit.

**Existing Zoning**

The subject lands are zoned Neighbourhood Commercial [NC] Zone under By-law 2489, as amended.

**Purpose and Effect**

The purpose and effect of this By-law is to incorporate the subject lands into the designated area of By-law 177-96 and zone them Community Amenity Two\*XX [CA2\*XX] Zone in order to permit one 15-storey apartment building with ground floor retail with site-specific development standards.

# By-law 2023-XX

A By-law to amend By-law 177-96, as amended

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-law 177-96, as amended, is hereby further amended as it applies to the lands outlined on Schedule ‘A’ as follows:

- 1.1 By expanding the designated area of By-law 177-96 to include the lands located in Parcel C-1 and Block C of Plan M1345, as shown on Schedule ‘A’ attached hereto.
- 1.2 By zoning the lands outlined on Schedule ‘A’ attached hereto:

**Community Amenity Two\*XX [CA2\*XX] Zone**

1.3 By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.XX	Hovan Homes Southwest Corner of Bayview Avenue and Romfield Circuit	Parent Zone CA2
File ZA XX		Amending By-law 2023-XX
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *XX on the Schedule ‘A’ of this By- law.		
<b>7.XX.1 Permitted Uses</b>		
The following uses are the only uses permitted:		
a)	Apartment Dwellings	
b)	Retail Stores	
c)	Personal Service Shop	
d)	Restaurants	
e)	Business Offices	
f)	Community Centres	
g)	Commercial Fitness Centres	
h)	Day Nurseries	
i)	Financial Institutions	
j)	Libraries	
k)	Medical Offices	
l)	Non-Profit Fitness Centres	
m)	Places of Worship	
n)	Repair Shops	

o)	Art Galleries
p)	Supermarkets
q)	Veterinary Clinic
<b>7.XX.2 Special Zone Standards</b>	
The CA2 Zone standards in Table B7 do not apply. The following special zone standards shall apply:	
a)	For the purpose of this By-law, the lot line abutting Bayview Avenue shall be deemed to be the front lot line.
b)	Minimum front yard setback (East – Bayview) – 0.0m
c)	Minimum exterior side yard setback (North – Romfield Circuit) – 1.2m
d)	Minimum interior side yard setback (South) – 0.0m
e)	Minimum rear yard setback (West) – 7.5m
f)	Minimum setback from sight triangle – 0.0m
g)	Maximum FSI – 4.8
h)	Maximum height – 55.0m
i)	Encroachments into all yards by architectural features, terraces, cornices, sills, rainwater leaders, canopies, awnings, trellises, stair enclosures, intake and exhaust vents, fences, retaining walls, guards, heating, ventilating and air conditioning equipment, gas and electrical equipment, privacy screens, bollards, light fixtures, outdoor furniture, play structures, bicycle parking, building maintenance equipment porches and decks, underground garages, architectural wing walls, ramps, planters, retaining walls, balconies, underground cellars, stairs and landings shall be set back 0.15 metres from any lot line. Additionally, no setbacks, yards or separation distances shall be required for any portion of an underground structure including areas used for parking, storage lockers, unenclosed and enclosed stairwells leading to an underground structure and associated uses for a residential building.
j)	Any structures on the roof of a building used for outside or open air recreation including vestibules providing access thereto, maintenance, safety, wind mitigation or green roof purposes, mechanical equipment, window washing equipment, parapets, mechanical and architectural screens, chimneys, vents, stacks, elevator shafts and related structural elements, roof assembly including insulation and drainage, covered stairs or stair enclosures and access hatches are permitted to project a maximum of 7.0 metres above the highest point of the roof surface, regardless of the number of storeys of the building.
<b>7.XX.3 Special Parking Provisions</b>	
The following parking provisions apply:	
a)	Parking shall be provided at a rate of: <ul style="list-style-type: none"> <li>i) 1.20 parking spaces per dwelling unit for apartment dwellings; and,</li> <li>ii) A minimum of 362 parking spaces shall be provided for the shared use between visitor and all non-residential uses.</li> </ul>
b)	Visitor parking required as per Section 7.XX.4 a), may be provided within an underground structure.



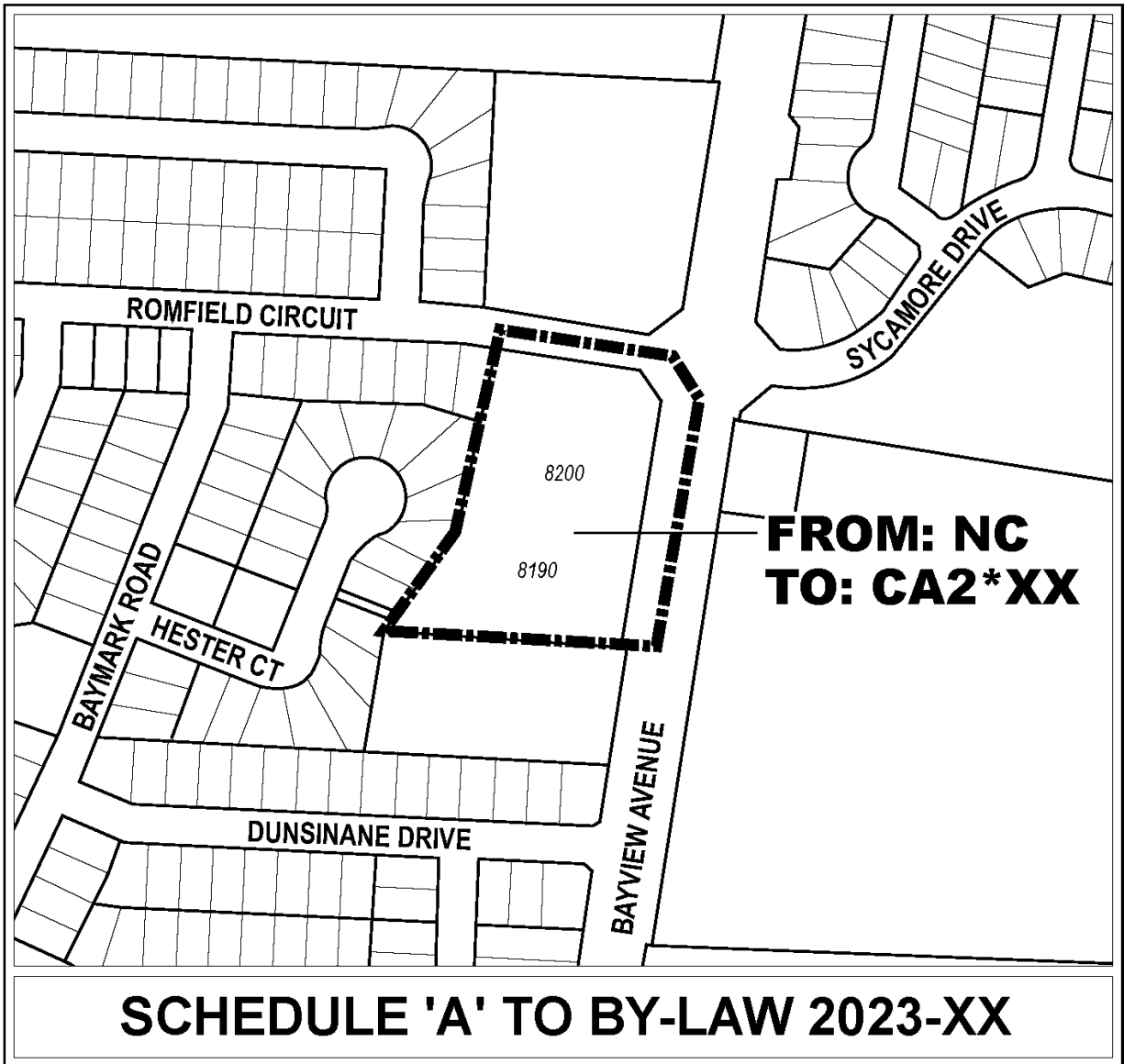
Read and first, second and third time and passed on June XX, 2023.

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Kimberly Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor



# Figure 10

Figure 10:  
Owner's Proposed Draft  
Official Plan Amendment

## **CITY OF MARKHAM**

### **OFFICIAL PLAN AMENDMENT NO. XX**

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

**Hovan Homes**

(June 2023)

**CITY OF MARKHAM**

**OFFICIAL PLAN AMENDMENT NO. XX**

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

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

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Kimberly Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor

# By-law 2023-XX

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

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

1. THAT Amendment No. XX to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

Read a first, second and third time and passed on June XX, 2023.

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Kimberly Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor

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**PART I - INTRODUCTION**  
(This is not an operative part of Official Plan Amendment No. XX)

## **PART I - INTRODUCTION**

### **1.0 GENERAL**

**1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.

**1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule “A” attached thereto constitutes Official Plan Amendment No. XX Part II is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

The lands subject to this amendment are located on the southwest corner of Bayview Avenue and Romfield Circuit and are municipally known as 8190-8200 Bayview Avenue and legally known as Parcel C-1 and Block C on Plan M1345. The lands are approximately 1.5 ha (3.6 acres).

### **3.0 PURPOSE**

The purpose of this Amendment is to include an Area and Site-Specific Policy to provide for a maximum height of 15 storeys and a maximum density of 4.8 Floor Space Index.

### **4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

An amendment to the 2014 Official Plan, as amended is required to provide for the development as contemplated, as the 2014 Official Plan currently permits a maximum building height of 8 storeys and a maximum density of 2.0 FSI within the ‘Mixed Use Mid Rise’ designation.

An associated Zoning By-law amendment is also required to implement the new Official Plan development standards, including the height and density permissions.



**PART II - THE OFFICIAL PLAN AMENDMENT**  
(This is an operative part of Official Plan Amendment No. XX)

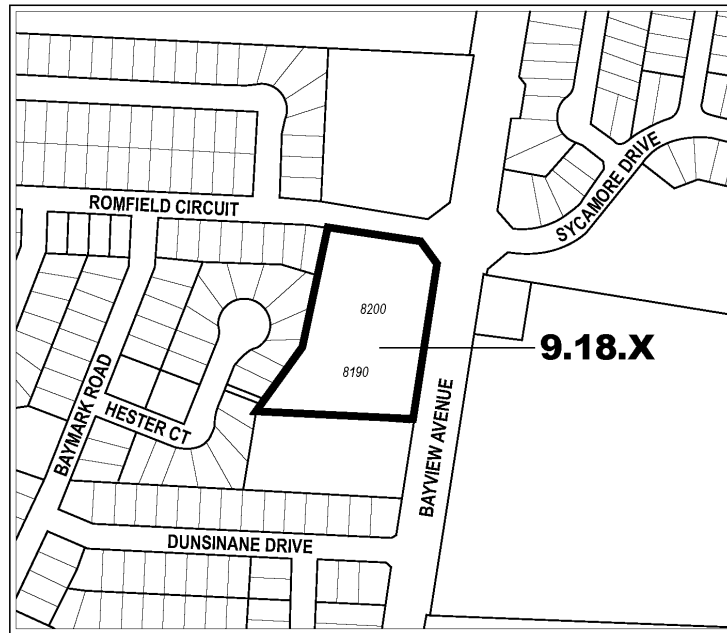
## PART II - THE OFFICIAL PLAN AMENDMENT

### 1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1 Section 9.18 of the Official Plan 2014, as amended is hereby amended by adding the following new subsections:

“9.18.X 8190-8200 Bayview Avenue

The following provisions shall apply to the lands shown in Figure 9.18.X:



Notwithstanding the maximum height and density policy of 8.3.3.4, apartment buildings are permitted to a maximum height of 15 storeys and a maximum floor space index of 4.8.

## **2.0 IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan 2014, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented through an amendment to Zoning By-law 177-96, as amended, in conformity with the provisions of this Amendment.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 10.7.5 of the City of Markham Official Plan 2014, as amended, shall not apply.

**(June 2023)**

