

OFFICIAL PLAN
of the
TOWN OF MARKHAM PLANNING AREA
AMENDMENT NO. 178

To amend the Official Plan (Revised 1987) as amended.

(1691126 Ontario Inc. (Care of Liberty Development Corporation))

May 2009

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PART I - INTRODUCTION

(This is not an operative part of
Official Plan Amendment No. 178)

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.

PART II - THE AMENDMENT, including Figure No. 3.1, attached hereto, constitute Amendment No. 178 to the Official Plan (Revised 1987), as amended. Part II is the operative part of this Official Plan Amendment.

2.0 LOCATION

The Amendment applies to lands at the northeast quadrant of Yonge Street and Meadowview Avenue, and municipally known as 7161 and 7171 Yonge Street. The subject lands are approximately 4.0 hectares in size and are shown in Figure No. 3.1 to this Amendment.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to amend certain provisions of the Official Plan (Revised 1987) to permit a mixed use development comprised of a diverse range of uses including high density residential, and non-residential including office, hotel, retail, service, community, institutional and Open Space uses that will function as a significant focal point along the Yonge Street corridor.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The basis for this Amendment to the Town of Markham Official Plan is to implement the intensification and transit-supportive policies of the Provincial Policy Statement, the Greater Golden Horseshoe Growth Plan, and the Region of York Official Plan, including those pertaining to Regional Corridors and Key Development Areas.

The proposed development implements the policies of these plans by providing increased densities to support existing and planned transit for the Yonge Street Corridor in a mixed use design that includes four residential point tower buildings, a mixed use office and hotel building and retail and service commercial uses. Approximately 0.68 hectares of Open Space will be provided. Approximately 50 surface parking spaces will be provided on the site, in addition to approximately 2,500 underground parking spaces.

The lands subject to this Amendment are currently underutilized and include a one-storey commercial plaza, a free-standing vacant restaurant building, surface parking and automobile service station uses. The lower intensity and automobile-oriented nature of these uses fail to implement the transit-supportive policies of the approved policy framework and do not capitalize on the locational attributes of the site in proximity to the

breadth of transit services operating and planned for Yonge Street, as well as services currently existing along Steeles Avenue and connecting to the Toronto Transit Commission's Finch Subway Station.

The proposal will introduce high density residential, office, hotel, retail, and service commercial uses along the Yonge Street and Meadowview Avenue frontages. The point towers will serve as landmarks for the area and reinforce the importance of the site as part of a gateway between York Region and the City of Toronto.

PART II - THE AMENDMENT

(This is an operative part of
Official Plan Amendment No. 178)

PART II - THE AMENDMENT

1.0 THE AMENDMENT

- 1.1 Section 1.1.2 of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number 178 to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2 Section 4.3.3 is hereby amended by adding a new subsection 4.3.3.2, as follows, and Figure No. 3.1 attached hereto:

“4.3.3.2 Specific Site and Area Policies

- a) 7161 and 7171 Yonge Street
(Official Plan Amendment No. 178)
Notwithstanding any other provisions of this Plan to the contrary, certain lands designated COMMERCIAL (Community Amenity Area), municipally known as 7161 and 7171 Yonge Street, and shown on Figure No. 3.1, shall be subject to the following policies:

i) Vision

1. The property known as 7161 and 7171 Yonge Street is intended to become a vibrant, transit supportive and pedestrian friendly destination within the Yonge Street corridor consisting of high density residential, office, hotel, retail and service commercial uses in several buildings.
2. Densities will achieve, at a minimum, the relevant Regional and Provincial intensification targets, including, at full build-out, a minimum overall floor space index of 2.5 FSI for all uses combined, but shall not exceed an overall floor space index of 3.5, of which residential uses shall comprise a floor space index of no more than 2.5 .
3. Building height, form, placement and architectural design will reinforce the prominent locational attributes of the site as a gateway between the Thornhill community to the north and the evolving Yonge Street corridor to the south.
4. A publicly accessible Private Street System, designed to resemble a public street system, will be established within the site that will provide connections from Meadowview Avenue and Yonge Street, and provide for interconnected vehicular and pedestrian circulation through the block for residents, visitors, employees and the surrounding community.
5. New urban Public Open Spaces will become community gathering places. The Yonge Street Open Space will be a setting for outdoor patios, farmers markets, outdoor markets and community special events.

6. Vehicular parking will be provided below grade and accessed from the Private Street System. Only limited surface parking will be located along certain Private Streets to reinforce the urban character of the site.
7. Sustainable and environmentally responsible building design, as contemplated by the principles of LEED Silver and FLAP, will be encouraged.
8. Grade-related, pedestrian-oriented retail and commercial uses will be located along the Yonge Street frontage;
9. Building heights will transition down from the Yonge Street frontage towards the established residential neighbourhood south east of the Dudley Avenue/Meadowview Avenue intersection. In this regard, building heights shall have regard to an angular plane measured from the north east corner of Dudley Avenue and Meadowview Avenue, and rising toward Yonge Street from this point at the following slope: height = $\frac{1}{2}$ horizontal distance.

ii) General Land Use Structure

1. The general land use structure for the site will consist of a broad mix of uses including high density residential, retail, service commercial, hotel, and office uses.
2. High density residential, office and hotel uses will be generally located along Yonge Street west of Street 'A' and high density residential uses will be generally located adjacent to the northern edge of the "Meadowview Avenue Open Space" as shown on Figure No. 3.1
3. Retail uses will be generally located within the base of buildings along Yonge Street and within an indoor shopping centre located internal to the site, which may also have a pedestrian access located at the base of the high density residential buildings adjacent to the northern edge of the "Meadowview Avenue Open Space".
4. Two new Open Space areas will serve as community Public Open Space along Yonge Street and Meadowview Avenue, as indicated on Figure No. 3.1. That portion of Street 'A' extending through the "Yonge Street Open Space" will be designed to resemble a public street in order to provide for pedestrian and vehicular movements.
5. A publicly-accessible Private Street System providing vehicular and pedestrian access within the site will be developed as indicated on Figure No. 3.1. These streets will be designed to resemble public roads.

iii) Land Use

1. The lands identified as “COMMERCIAL (Community Amenity Area) on Figure No. 3.1 may be zoned to permit the following uses:

(i) RESIDENTIAL

- apartment dwellings;
- townhouse dwellings;
- multiple dwellings.

(ii) NON-RESIDENTIAL

- art galleries;
- banquet halls;
- business offices;
- clubs, private;
- commercial fitness centres;
- community centres;
- day nurseries;
- financial institutions;
- hotels;
- libraries;
- medical offices;
- museums;
- outdoor markets;
- outdoor special events;
- personal service shops;
- places of amusement;
- places of worship;
- public parks;
- recreational establishments;
- repair shops;
- restaurants;
- restaurants, take-out;
- retail stores;
- schools, commercial;
- schools, private;
- schools, public;
- supermarkets;
- theatres; and,
- trade and convention centres.

2. Underground parking garage structures shall be permitted anywhere on the lands identified on Figure No. 3.1.

iv) Open Space General Policies

1. Two new Open Space areas shall be created as part of the redevelopment of the site. The “Yonge Street Open Space” will have

frontage along Yonge Street and the “Meadowview Avenue Open Space” will have frontage along Meadowview Avenue as depicted in Figure No. 3.1. The precise location and sizing of the Open Space areas will be determined through site plan approval.

2. The two new Open Space areas are intended to act as passive Open Space for site and community residents, employees and visitors to the site, as well as to provide pedestrian connections through the block for the adjacent community.
3. Cafés, patios and outdoor markets will be permitted uses in the “Yonge Street Open Space” in order to animate this space to provide a safe, vibrant environment at all times of the day.
4. The “Meadowview Avenue Open Space” will be designed for passive recreational uses and will be characterized by a predominance of soft landscaping.
5. The Open Space areas may be developed on top of any underground parking garage structure on the site, and may include structural elements such as stairways and vents.
6. The “Yonge Street Open Space”, including that portion of Street ‘A’ that passes through this Open Space area, and the “Meadowview Avenue Open Space” shall be counted toward the required parkland contribution under the Planning Act. A cash-in-lieu or offsite contribution may be provided to off-set any potential deficiency in meeting the required parkland contribution through the dedication of the two on-site Open Space areas.

Yonge Street Open Space

7. The “Yonge Street Open Space” will have frontage on Yonge Street and will generally extend eastward through the block as indicated on Figure No. 3.1.
8. The primary functions of the “Yonge Street Open Space” will be to provide for pedestrian connections from Yonge Street to a public outdoor gathering space for site and community residents, employees, and visitors to the site; to provide pedestrian connections to the commercial uses within the site; and, to generally provide for passive Open Space uses within the community.
9. Street ‘A’ will be extended through this Open Space area as a publicly-accessible shared pedestrian/vehicular right of way, and will be considered a part of this Open Space area. Street ‘A’ will be designed to resemble a public road, as set out in Section 4.3.3.2 a) vi) “Transportation Policies” Subsection 7.

10. Limited surface parking will be permitted along the edges of this Open Space area and along Street 'A'.
11. This Open Space area will have an urban rather than natural character that will feature more emphasis on hard landscaping, paved walkways, seating areas, lighting, and landscaping appropriate to the urban character of the site. Structures associated with the underground parking garage structure beneath the Open Space Area will be permitted, and will be screened and landscaped, as appropriate.
12. Cafés and patios will be permitted along the edges of this Open Space area in conjunction with restaurants and other retail uses located in the surrounding buildings.
13. Temporary outdoor markets, outdoor special events and other appropriate outdoor events will also be permitted within this Open Space Area in accordance with any municipal by-laws or permitting requirements.

Meadowview Avenue Open Space

14. The primary function of the "Meadowview Avenue Open Space" will be to provide passive Open Space uses for the residents, visitors and employees on the site, and for the adjacent residential community.
15. The "Meadowview Avenue Open Space" will have frontage along Meadowview Avenue between Street 'A' and Street 'C' as indicated on Figure No. 3.1.
16. In order to reflect the more passive, community oriented role of this park from that of the more activity oriented role of the Yonge Street Open Space, cafés, patios, outdoor markets and farmer's markets will not be permitted within the "Meadowview Avenue Open Space".
17. This Open Space area will reflect its role as a largely passive community oriented Open Space through appropriate landscaping treatment. Structures associated with the underground parking garage structure beneath the Open Space area will be permitted, and will be screened and landscaped, as appropriate.

v) Urban Design Principles

In order to achieve the vision for the site of a vibrant, transit supportive and pedestrian friendly destination within the Yonge Street corridor, the following general urban design principles will be adhered to:

General

1. Providing for building heights that will reinforce the prominent locational attributes of the site as a landmark gateway between the Thornhill community to the north and the evolving high density Yonge Street corridor to the south;
2. Providing for densities that will facilitate the gateway function, and allow for a critical mass of activity on the site, and within the Yonge Street corridor, that will support a vibrant street life and mix of uses;
3. Providing for a transition of building heights and massing from the Yonge Street frontage, the location for the highest building heights and mass, to the established residential neighbourhood located south east of Meadowview Avenue and east of Dudley Avenue;
4. Allowing for creative flexibility to realize a diversity of architectural expressions including sustainable elements on the site;
5. Creating a dynamic pedestrian experience at street level;
6. Encouraging a well integrated and mixed urban form;

Density

7. A maximum total Floor Space Index (FSI) of 3.5 shall be permitted on the site for all uses, of which a maximum FSI of 2.5 shall apply to residential uses.
8. At full build-out, a minimum overall floor space index of 2.5 FSI shall be achieved on the site for all uses combined,

Height

9. The maximum heights shall be as set out in Figure No. 3.1 measured in accordance with the provisions of the implementing zoning by-law;
10. Notwithstanding the foregoing, implementing zoning by-laws will allow for specific architectural, mechanical or functional building features to project beyond the height limits set out in Section 4.3.3.2 a) v) "Urban Design Principles" Subsection 9 above;

Built Form

11. Built form generally will be comprised of mid-rise podium buildings up to a height of 232 metres geodetic elevation above sea level that address the edges of public and private streets, with tower buildings being located above the podium buildings;

12. High-rise residential towers located above mid-rise podiums shall have a maximum floor area of 880 square metres;
13. A low-rise retail and service commercial component comprising an indoor shopping centre will generally be located in the northeastern quadrant of the site, east of Street 'A'.

vi) Transportation Policies

1. A publicly-accessible Private Street System, designed to resemble public roads, shall be developed on the site to facilitate vehicular and pedestrian circulation, as indicated on Figure No. 3.1. Precise location of the streets will be determined through Site Plan Control.
2. The Private Street System will be owned privately and may be built upon any underground parking and building structures located on the site.
3. Private streets and driveways additional to those indicated on Figure No. 3.1 also may be developed without amendment to this plan.
4. Double left turn lanes from Meadowview Avenue to Yonge Street are not permitted.

Street 'A'

5. The primary role of Street 'A' will be as the main north-south pedestrian movement corridor through the site between Meadowview Avenue and Yonge Street. The portion of Street 'A' that passes through the "Yonge Street Open Space" shall be considered to be a part of this Open Space area.
6. Vehicles will be permitted along with on street parking that will support the non-residential uses along the street.
7. Street 'A' will be designed to a minimum width of 18.5 metres, and will include two boulevards, with a minimum width of 5 meters each, located on either side of a paved vehicular roadway having a maximum curb to curb width of 8.5 metres, except at the intersection with Yonge Street where provisions shall be made for one inbound lane and three outbound lanes and daylighting triangles. The specific configuration and dimensions of this intersection and associated daylighting triangles shall be determined to the satisfaction of the Town of Markham and Region of York, and shall be implemented through site plan approval. Boulevards will incorporate street trees and other landscaping, street furniture, pedestrian-scaled lighting and sidewalks. For clarity, the roadway shown on Figure No. 3.1 running along the north, south and easternmost boundaries of the Yonge Street Open Space shall not be considered part of Street 'A'.

Street 'B'

8. Street 'B' will provide the primary vehicular access points to the underground parking garage structure and loading areas.

Street 'C'

9. Street 'C' will function as the primary vehicular movement corridor into the site from Meadowview Avenue and will provide vehicular and pedestrian access between Street 'A' and 'B' and also will provide areas for vehicular drop-offs associated primarily with the residential uses along the "Meadowview Avenue Open Space"
10. Street 'C' will be designed to a minimum width of 14 metres, and will include a pedestrian boulevard, with a minimum width of 5 metres, located on the north side, a paved vehicular roadway with a maximum curb to curb width of 7 metres, and a 2 metre wide sidewalk on the south side of the roadway. The boulevard will incorporate street trees and other landscaping, street furniture, pedestrian-scaled lighting and a sidewalk.

vii) Loading and Servicing Policies

Loading and servicing areas will be encouraged to locate along Street 'B', and will be screened from public street view.

viii) Hold provisions

In addition to any other applicable provisions of Section 7.3 c) iii), a zoning-by-law amendment to remove the Hold 1 (H1), Hold 2 (H2) and Hold 3 (H3) symbols from the zoning designations on 7161 and 7171 Yonge Street shall not be passed until the following conditions have been met to the satisfaction of the Town of Markham and York Region, as applicable:

1. Conditions for Removing the Hold 1 (H1) Provision:
 - i) Submission of municipal servicing and transportation impact studies to the satisfaction of Director of Engineering in consultation with York Region;
 - ii) Execution of a site plan agreement between the Town and the Owner :
 - o requiring a minimum of 8,000 m² of *gross floor area* for *business offices* and/or *medical offices* in Tower C as shown on Figure No. 3.1 with such Site Plan Agreement requiring the issuance of a building permit for Tower C prior to, or concurrent with, issuance of any building permit for a building designed for residential occupancy;
 - o requiring that Street 'A' and Street 'C' are completed through the site in the manner described in Section 4.3.3.2 a) vi) "Transportation Policies" Subsections 7 and 10 and connected to Yonge Street and Meadowview Avenue all to the satisfaction of the Town of Markham and York Region;

- requiring that the intersection of Street 'A' and Yonge Street be designed to the appropriate engineering standards reflecting the connection of a municipal public street to a Regional Road including the provision of daylighting triangles as described in Section 4.3.3.2 a) vi) "Transportation Policies", Subsection 7, to the satisfaction of York Region.;
 - providing for a sufficient public right of way on the east side of Yonge Street to protect for the widening of Yonge Street as shown in the "Yonge Street Corridor Public Transit Improvements Environmental Assessment Report" unless capital funding for the construction of a subway on Yonge Street between Finch Avenue and Highway 7 has been confirmed by York Region and/or York Region otherwise advises that such a widening is not required.
 - iii) Execution of a Section 37 Agreement between the Town and the Owner regarding a financial or in kind contribution equivalent to \$2 million for the provision of community services in Ward 1 or the Thornhill Community, to be paid at issuance of the first residential building permit, to the satisfaction of the Town;
 - iv) Execution of one or more Development Agreement(s) between the Town, the Owner and, where applicable, York Region, relating to the construction, financing and implementation of required off-site servicing and transportation infrastructure improvements, and, if required by the Town and/or York Region, streetscape improvements to the east boulevard of the Yonge Street right-of-way between Meadowview Avenue and the CN Rail right-of-way.
 - v) Execution of one or more "no pre-sale agreements" between the Town and the Owner applying to all phases of residential development proposed in Tower A2, and Towers B1 and B2 and associated podium, as shown in Figure No. 3.1.
2. Conditions for removing the Hold 2 (H2) provisions:
- i) Removal of the Hold 1 (H1) provision on the site;
 - ii) Submission of an updated transportation impact/monitoring study, to the satisfaction of the Director of Engineering in consultation with York Region;
 - iii) The Town, in consultation with York Region, is satisfied that sufficient servicing capacity is available and has adopted a resolution granting additional servicing capacity to provide for the number of dwelling units permitted;
3. Conditions for Removing the Hold 3 (H3) provision:
- i) Removal of the Hold 1 (H1) and Hold 2 (H2) provisions;
 - ii) Submission of an updated transportation impact/monitoring study, to the satisfaction of the Director of Engineering in consultation with York Region;
 - iii) The Town, in consultation with York Region, is satisfied that sufficient servicing capacity is available and has adopted a resolution granting additional servicing capacity to provide for the number of dwelling units permitted

- iv) The final design is completed or construction is commenced for the Yonge Street BRT, or the funding for the Yonge Street subway extension has been confirmed.

4. Effect of Lifting the Hold 1 (H1), Hold 2 (H2), Hold 3 (H3) Provisions:

The effect of lifting the Hold 1 (H1), Hold 2 (H2), Hold 3 (H3) Provisions shall be in accordance with the phasing plan approved by the Town, and as set out in the implementing zoning by-law."

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of Section 4.3.3.2 a) shall supercede the provisions of the deferred Community Amenity Area Steeles/Yonge area policies of the Thornhill Secondary Plan (PD 3-1) as they relate to these lands.

The provisions of Section 4.3.3.2 a) will be incorporated into the Thornhill Secondary Plan at such time as a statutory Secondary Plan Amendment incorporating the subject lands is prepared.

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

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

APPROVED BY ONTARIO MUNICIPAL BOARD ON MAY 25, 2009

(By-law 2009-117 - A by-law to reference this Official Plan Amendment No. 178)

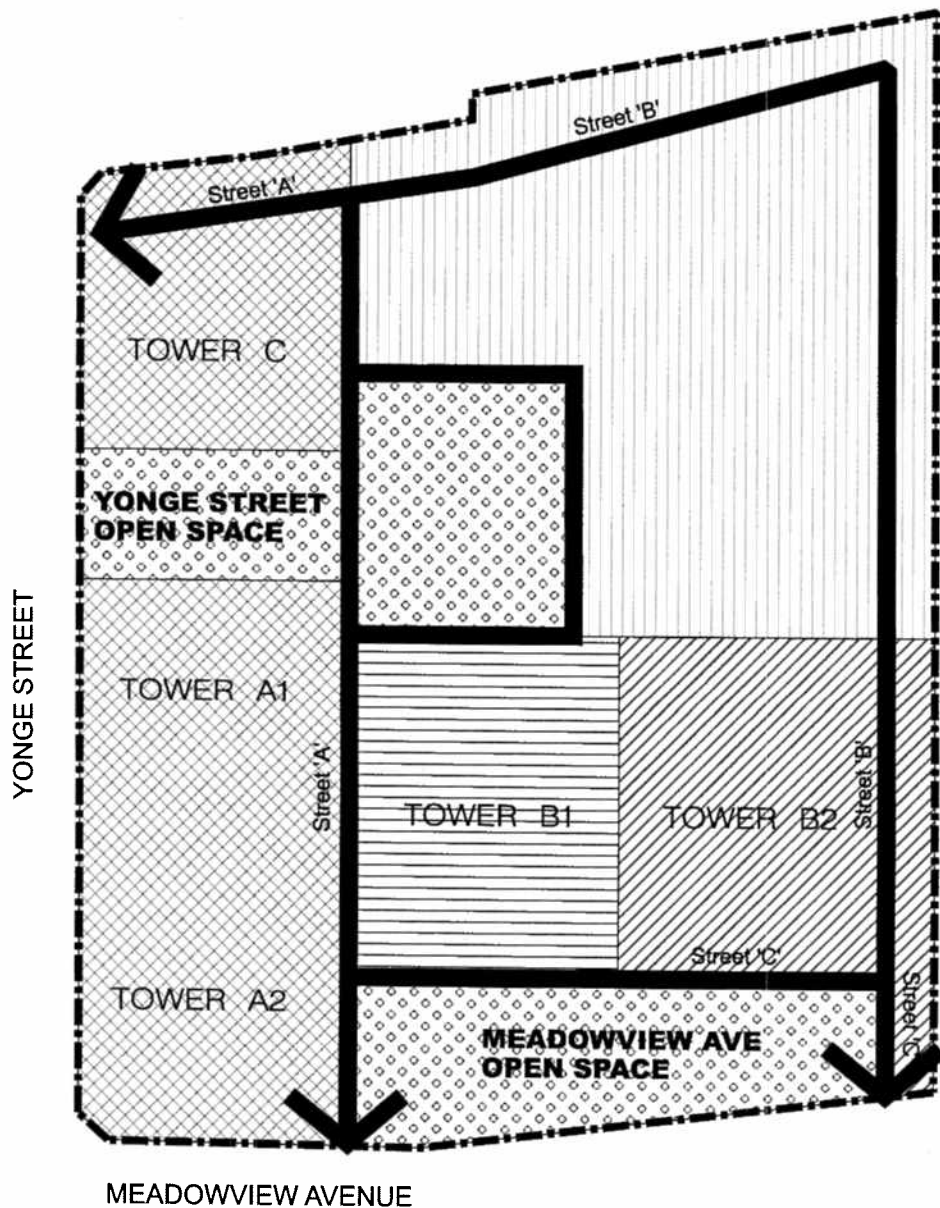


FIGURE No. 3.1

SPECIFIC SITE AND AREA POLICIES
TOWN OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED

- Boundary of area subject to the policies in Section: 4.3.3.2
- Land use designation: COMMERCIAL (Community Amenity Area)
- PRIVATE STREET SYSTEM
- OPEN SPACE
- MAX. HEIGHT 297m*

- MAX. HEIGHT 217m*
- MAX. HEIGHT 253m*
- MAX. HEIGHT 280m*
- * GEODETIC ELEVATION ABOVE SEA LEVEL IN METERS