



Report to: Development Services Committee

Report Date: December 6, 2011

SUBJECT: RECOMMENDATION REPORT
Application by King Square Limited for Site Plan Approval to permit Phase 1 retail and commercial development at 9390 Woodbine Avenue
File SC 06 109164

PREPARED BY: Ron Blake, Development Manager, West District

RECOMMENDATION:

- 1) That the report entitled: "RECOMMENDATION REPORT - Application by King Square Limited for Site Plan Approval to permit Phase 1 retail and commercial development at 9390 Woodbine Avenue, File SC 06 109164" be received;
- 2) That the application for Site Plan Approval submitted by King Square Limited to permit Phase 1 retail and commercial uses at 9390 Woodbine Avenue be endorsed in principle, subject to the conditions set out in Appendix "A" attached to this report;
- 3) That site plan approval be delegated to the Director of Planning and Urban Design or his designate, to be issued following execution of a site plan agreement, in accordance with the conditions set out in Appendix "A" to this report. Site plan approval is issued only when the Director has signed the site plan;
- 4) And that staff be authorized to do all things necessary to give effect to this resolution

EXECUTIVE SUMMARY:

The subject lands are designated Business Corridor by the Markham Official Plan (Revised 1987) and the Woodbine North Secondary Plan (OPA 47), as amended. The site is Zoned M.C. 170% by By-law 165-80. Site-specific Official Plan and Zoning By-law amendments to permit the proposed development were approved in June 2009, incorporating the following key provisions:

- The Business Corridor designation, which permits retail and restaurant uses provided that these uses comprise less than 50% of total gross floor area. Similar standards are incorporated into the Zoning By-law Amendment;
- The Zoning By-law incorporates a hold provision which requires that traffic impacts associated with the proposed development are resolved to the Town's satisfaction, in consultation with York Region, prior to lifting of the hold.

The current application is for site plan approval to permit the development of the first phase of the mixed use hotel, office, restaurant and convention centre complex at the northwest corner of Woodbine Avenue and Markland Street.

The proposed Phase 1 development will contain 8,950 m² of office and convention centre uses and 22,950 m² of small unit retail and restaurant uses (total gross floor area 31,900 m²). Parking for Phase 1 will be provided in an underground structure with additional surface parking on the west side of the site where future Phases 2 and 3 are proposed.

The applicant has also submitted two applications to the Committee of Adjustment to permit a variety of minor variances that have arisen as the site plan has evolved.

This report concludes that the Phase 1 site plan application should be endorsed in principle, subject to refinements of the site plan and elevations, and completion of the Traffic Impact Study, to the Town's and York Region's satisfaction.

PURPOSE:

The purpose of this report is to discuss the application for site plan approval to permit the above-noted development. The report concludes that the site plan should be endorsed, subject to the conditions set out in Appendix "A" attached to this report.

BACKGROUND:

Property and Area Context

The 4.64 ha (11.46 ac) property (9390 Woodbine Avenue) is located at the northwest corner of Woodbine Avenue and Markland Street (see Figure 1). The subject lands include two separate blocks on Registered Plan 65M-3925. The subject lands are currently vacant with a mixture of vegetation along the Woodbine Avenue frontage.

To the north of the subject lands is a storm water management pond, with low-density residential to the northwest. To the east, across Woodbine Avenue, is Ashton Meadows Park. To the south and west are vacant lands, designated as Business Park and Business Corridor in the Woodbine North Secondary Plan and the Markham Official Plan. The former Markham Golf and Country Club (now vacant) is located in the valley lands to the southwest (see Figures 2 & 3).

Proposed Development

The applicant is proposing an integrated, high density, mixed use retail, office hotel and convention centre development ultimately consisting of 47,516 m² of office, hotel (including a long-term stay component) and convention centre uses and some 32,278 m² of retail and restaurant uses. The development will comprise some 79,794 m² of gross floor area when fully built out. The retail component will consist largely of small unit retail condominium units similar to the Market Village, Splendid China or Pacific Mall developments, with a possible supermarket to be constructed in a later phase.

The current site plan application addresses the Phase 1 portion of the development, which will incorporate a total gross floor area of 31,900 m² (excluding underground parking). Parking for Phase 1 will be provided in a 2-level underground structure with additional surface parking on the west side of the site where future Phases 2 and 3 are proposed (See Figure 4). The distribution of floor areas for Phase 1 and proposed Phases 2 and 3 are shown in the table below:

Proposed Floor Areas in Square Metres:				
Land Use:	Phase 1	Phase 2	Phase 3	Total
Retail, Restaurant, Food Court, Retail Bank	21,633	1,654	8,991	32,278
Office	5,700	0	0	5,700
Convention Centre	2,321	0	0	2,321
Private Club	929	0	0	929
Below-ground storage and maintenance	1,317			
Hotel		38,566	0	38,566
Total	31,900	40,020	8,991	79,794

Official Plan and Zoning By-law

The subject lands are designated Business Corridor by the Markham Official Plan (Revised 1987) and the Woodbine North Secondary Plan (OPA 47), as amended. The site is Zoned M.C. 170% by By-law 165-80. Site-specific Official Plan and Zoning By-law amendments to permit the proposed development were approved in June 2009. The Official Plan and Zoning By-law amendments incorporate the following provisions regarding future development of the site:

- The subject lands are designated Business Corridor, which permits retail and restaurant uses provided that these uses comprise less than 50% of total gross floor area. Similar standards are incorporated into the Zoning By-law Amendment;
- The Zoning By-law incorporates a hold provision which requires that traffic impacts associated with the proposed development are resolved to the Town's satisfaction, in consultation with York Region, prior to lifting of the hold.

Owner has submitted two variance applications in regard to the proposed development

In October 2010, following approval of the site-specific Official Plan and Zoning By-law Amendments, the owner filed an application for minor variance to request the following relief from the provisions of the Zoning By-law:

- To apply the definition for hotel uses found in By-law 177-96 (OPA 5 Urban Expansion Area By-law), which contains provisions permitting hotel suites with cooking facilities, whereas By-law 165-80, in effect on the subject lands, does not permit cooking facilities in hotels;
- To permit a maximum floor area ratio of 180% FAR whereas the by-law establishes a maximum floor area ratio of 170% FAR;

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- To permit a supermarket of 3,716 m² on the subject lands whereas the By-law permits a maximum floor area of 1,000 m² per retail premises.

The Committee of Adjustment approved these variances in November and December 2010. The variance to permit a supermarket is under appeal at the Ontario Municipal Board.

In April 2011 (revised September 2011), the owner filed a second application for additional variances relating specifically to the Phase 1 site plan application. These variances address the following matters:

- Reduced minimum flankage yards to accommodate a sight triangle required at the Markland Street/Woodbine intersection;
- Reduced minimum landscape strips along Woodbine Avenue and Markland Street;
- A variety of encroachments of stairs, canopies and roof overhangs into the required yard setbacks along the Woodbine and Markland Avenue frontages;
- Permission for medical offices; whereas the By-law does not specifically permit this use, provided that individual medical office units do not exceed 500 m² and that the total floor area devoted to medical offices does not exceed 1,800 m²;
- Permission for retail stores, personal service shops, and restaurants in a development that does not incorporate hotel uses (the hotel component will not be built until later phases of development);
- Permission for the gross floor area for retail, personal service shops and restaurants to exceed the gross floor area of business offices, trade and convention centres and hotel, but, in accordance with the conditions applied by the Committee of Adjustment, this relief only applies to the floor areas set out in the site plan submission presented in this report.

These variances were approved by the Committee of Adjustment on November 9, 2011.

OPTIONS/ DISCUSSION:

Site plan and elevations need further refinements

The proposed development consists of a large, two and three-storey commercial building on the eastern half of the site, with street-wall frontage along Woodbine Avenue and Markland Street (see Figure 4). Parking will be provided partly in a 2-level underground garage and partly on a temporary surface parking lot located on the western half of the site (with frontage on Markland Street). The primary car access to the underground parking will be from a driveway located mid-way along the Markland Street frontage, which will also provide access to a passenger drop-off area inside the underground parking garage. A second temporary access ramp to the underground garage will be located in the surface parking area. During Phases 2 and 3, the surface parking area (including the temporary access ramp) will be redeveloped with several hotel buildings (fronting Markland Street) and additional retail space to the north. The underground garage will be extended westward below the new development. Truck loading and waste management areas will be consolidated along the northern frontage of the building, with

the northern and western perimeters of the site bounded by a service driveway that will access Woodbine Avenue and Markland Street.

On the ground floor, the Phase 1 development will incorporate predominantly small unit retail stores along Woodbine Avenue and in the interior of the building; a bank branch fronting onto the Woodbine Avenue/Markland Street corner; and restaurants with outdoor patio space fronting Markland Street. The second floor will include a convention centre (along the Markland Street side), restaurants (along the Woodbine Avenue and north sides) and shops in the interior and along the west side of the building. Access to a future roof garden (to be built in Phase 2) will be provided on the western side of the second floor. The third floor will consist of business and medical offices, with space along the north side of the building set aside for a privately owned and operated, community-oriented club, that will provide social service and language assistance to the Asian Community.

The proposed building will present extensive building massing adjacent to Woodbine Avenue and Markland Streets. In addition, the site plan indicates up to a 1.5 metre (4.9 ft) elevation difference between the ground level finished floor elevation of the building and existing grades along the Markland Street and Woodbine Avenue sidewalks.

Grading, landscape treatments, building materials, and other design elements that: enhance at-grade pedestrian permeability into the structure; break up the massing of the building on the upper stories, particularly across the long Woodbine Avenue frontage; and lighten the visual impact of the structure, will play a key role in the successful design of this development. Staff have been working closely with the applicant to refine several key design elements that will promote these objectives, including the following refinements to site plan:

- Relocation of the passenger drop-off area from the Markland frontage to a location within the underground garage (agreed to by applicant);
- Provision of five, grade-related pedestrian entrances along the Woodbine Avenue frontage that correspond to the internal arrangement of corridors in the retail mall (agreed to by applicant) and corresponding revisions to the Woodbine elevations to emphasize these entrances;
- The finished ground floor elevation may be maintained at 199.9 m (with the finished ground floor elevation of the bank at the southeast corner of the property to be set at 199.0 m) as shown in the November 17, 2011 revised site plan, provided that the following conditions are met:
 - The slope from the existing sidewalk on Woodbine Avenue to the edge of the building (including to the finished floor elevation at the Woodbine entrances to the building) will not exceed 2%.
 - All differences in elevation between the Woodbine Avenue sidewalk grades and the interior finished ground floor elevations will be accommodated through interior steps;
 - The finished floor elevations along Markland Street will not exceed a 5% slope to existing sidewalk elevations, with a 1.5 m clearance area on either side of the entrance doors having a minimal slope in accordance with accessibility guidelines;

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- All exterior steps or walls along the Woodbine Avenue and Markland Street elevations are to be removed from the site plan. Exterior changes in grades between the building frontages and the existing sidewalks are to be accommodated through at-grade slopes.
 - The Town's Engineering Department has advised that the site servicing and grading plan will need to be revised to accommodate the above referenced changes in elevation. In addition, the Engineering Department also advised that based on information from the soil investigation, the natural groundwater level will be affected by the anticipated new elevation at the base of the underground parking garage floor. The Owner will need to address this issue to mitigate any impact to the groundwater level prior to Site Plan Endorsement.
 - Staff will continue to work with the applicant to explore opportunities to resolve these matters including finalization of the geotechnical analysis undertaken to date. Satisfactory revisions to the site plan, grading plan and conceptual elevations will be required prior to staff endorsement of the site plan.

The conditions of site plan approval, set out in Appendix 'A' require that a revised site plan, addressing the above matters to the Town's satisfaction, be submitted prior to site plan endorsement.

As well, staff continue to work with the applicant to incorporate a variety of design elements including window details, entry treatments, the use of colour-contrasting materials, and enhanced vertical detailing, to reduce the visual massing of the building along the Woodbine Avenue and Markland Street facades. The conditions of site plan approval attached as Appendix 'A' require that the refinement of endorsed elevations be submitted to the Town's satisfaction, prior to site plan approval.

Landscape Plan

Staff will continue to work with the applicant to develop a conceptual landscape plan at the site plan endorsement stage, and finalize an approved landscape plan as required for the site plan agreement stage. The conceptual landscape plan issues include: the entry court to discourage drop-off use at the ground level; drought tolerant landscaping along Woodbine and Markland; fence to screen loading area at north perimeter; decorative railings and plantings at outdoor patios along Markland; active and passive amenity area; lighting for walkways and plantings; permeable paving to retain runoff on site and attractive yet effective drought resistant buffer planting throughout the site.

Traffic Impact Study under review

The intersection affected most by this development is the Woodbine and 16th Avenue intersection which both the Regional Municipality of York and the Town have identified as operating at near its capacity. The most recent revision to the Traffic Impact Study submitted by the applicant proposes that the traffic anticipated from the Phase 1 development can be accommodated by fine-tuning traffic signal timing at this intersection. However, both the Region and the Town have requested additional technical revisions to this study, as well as the provision of an acceptable Transportation

Demand Management (TDM) strategy, before endorsing the study conclusions. The Town and the Region will require that the Owner undertake a traffic monitoring program of the Phase 1 development after occupancy, to verify the analysis assumptions and to quantify the actual impact to the surrounding road network (this will inform current and future phase transportation requirements and conditions). This monitoring program is being prepared by the Owner's consultant. The consultant has also proposed certain improvements to the intersection of Woodbine Avenue/16th Avenue to accommodate the additional traffic generated by the Phase 1 development. Staff is recommending that a portion of the costs of the intersection improvement be secured through the site plan agreement by the Regional Municipality of York to allow future implementation by the Regional Municipality of York when warranted. The details of the potential improvements and cost estimates are being finalized, and will be subject to approval by the Regional Municipality of York.

The conditions of site plan approval attached to this report require that the Traffic Impact Study be revised to the Town's satisfaction, in consultation with the Regional Municipality of York, prior to site plan endorsement. As part of the approval of the Traffic Impact Study, the TDM strategy, intersection improvements and cost estimates will have to be agreed to by the Owner.

Proposed development will incorporate a variety of sustainability measures

The applicant has indicated that the following sustainability measures will be incorporated into the proposed development:

- Green roof technology on roof selected terrace areas, which will enhance quantity and quality controls from the site's run off;
- The equivalent of LEED credit 7.2 "Heat Island Effect Roof" over the main roof areas (cool roof or white roof);
- Over 75% of the plantings will be native species;
- Providing dark sky site lighting.

The Fatal Light Awareness Program (FLAP) strives to reduce migratory bird collisions with buildings brightly lit at night and their reflective windows by day. A criterion of FLAP is the promotion of 'dark skies'. As indicated above, the Owner has advised that all lighting will be directional in nature thereby reducing any potential negative effects that the illumination of the site may cause. It is expected that the Owner will incorporate a 'bird friendly' design by implementing additional FLAP criteria such as visual markers. Therefore, prior to Site Plan Approval, Staff will require a submission of 'bird friendly' design measures for approval, to the satisfaction of the Director of Planning and Urban Design.

Staff will continue to work with the applicant to identify additional opportunities for sustainability and bird-friendly design measures. The details of these measures will be addressed through clauses in the Site Plan Agreement.

Holding Zone Provision must be lifted prior to issuance of building permit

The site-specific Zoning By-law Amendment approved in June 2009 contain a holding zone provision whereby the hold cannot be removed until a Traffic Impact Study has been approved by the Town and satisfactory mitigation measures have been identified to address identified infrastructure constraints. Holding provisions applying to the Phase 1 development can be lifted once the Region and the Town have endorsed the conclusions and recommendations of the Traffic Impact Study. The required mitigation measures will be incorporated into the site plan agreement.

York Region Conditions to be submitted

On November 10, 2011, York Region provided formal comments on the site plan application, addressing matters relating to the provision of a Traffic Demand Management Plan, revisions to vehicular access points and technical revisions to the Traffic Impact Study. These comments have been forwarded to the applicant. The Region has not yet submitted specific conditions of site plan approval. The Town will require written confirmation from the Region that all their conditions and comments have been satisfied prior to Site Plan Approval.

Tree inventory and preservation plan completed and accepted as part of previous subdivision process

An area of young trees and shrubs is located on the eastern 1/3 of the site along the Woodbine Avenue frontage. Revised conditions of draft plan approval for the plan of subdivision that incorporates the subject lands were approved by the Ontario Municipal Board in 2005, and the subdivision was released for registration in 2006.

The Urban Design Section included conditions requiring the submission and approval of an updated Tree Inventory and Preservation plan prior to the execution of the subdivision agreement.

A detailed Stage 1 tree inventory and analysis was received and reviewed by Town Staff. The Stage 1 tree inventory identified species and described the quality of the species. The area is comprised of successional vegetation, which includes remnant landscape planting, advanced woody old field regeneration and remnant hedgerows. There is a former farmyard area which includes a dense grove of black locust, domestic apple and elm trees.

The report identifies many structural issues with this vegetated area. There is a lack of complete canopy cover, a lack of vegetative biodiversity and the area contained many invasive species such as Manitoba Maple and Buckthorn. The vegetative unit was rated as "moderate" due to the presence of a few isolated specimens which were of high landscape value.

A meeting with Regional Forestry staff was held at the site in 2005. The purpose of the meeting was to determine if the wooded area was classified as a woodland or woodlot under the Regional Forest Conservation By-law. It was concluded in conjunction with

the Region that it did not meet the definition of a woodland or woodlot based on the area and density of the vegetation on the site.

A Stage 2 tree preservation plan was subsequently submitted with a proposed concept plan for development of these lands. A few individual specimens were identified as worthy of preservation. However, upon review of the proposed concept, it was apparent that the building footprint would not permit the preservation of any vegetation. Based on the proposed development concept and the assessment information provided, it was determined that the majority of the vegetation on the site could be removed subject to approval of a site plan application. As compensation, the developer of the subdivision agreed to provide the Town with compensation for this loss through the provision of an equivalent area of vegetation to be established in an adjacent storm water management block. The Town also supported tree relocation to occur on the site, which allowed many of the young, healthy, significant species to be relocated to other natural areas. This work was completed in the fall 2006. The applicant intends to remove the remaining vegetation on the site during site development.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable

HUMAN RESOURCES CONSIDERATIONS

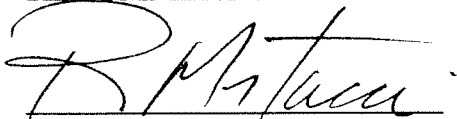
Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development aligns with a number of strategic priorities including: growth management (by promoting intensification) and diversity (by offering a range of commercial amenities and employment opportunities) that respond to the diverse needs of Markham residents.

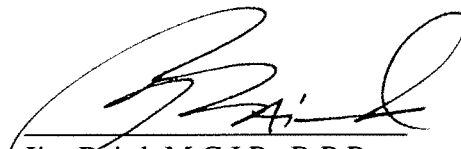
BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to all relevant departments and agencies. The comments received to date have been incorporated into the recommendations of this report.

RECOMMENDED BY:

Rino Mostacci, M.C.I.P., R.P.P.

Director of Planning and Urban Design



Jim Baird, M.C.I.P., R.P.P.

Commissioner of Development Services

ATTACHMENTS

Figure 1 – Location Map
Figure 2 – Area Context Zoning
Figure 3 – Air Photo
Figure 4 – Proposed Site Plan - Phase 1
Figure 5 – Proposed Elevations
Figure 6 – Conceptual 3-Phase Master Plan
Figure 7 – Ground Floor Phase 1
Figure 8 – Second Floor Phase 1
Figure 9 – Third Floor Phase 1

Appendix A –Conditions for Site Plan Approval

OWNER/AGENT

OWNER: Patrick Chan
King Square Limited
9255 Woodbine Avenue
Tel (647) 883-9888
Email patrickchan@on.aibn.com

AGENT: Ms. Kate Cooper
Bousfields Inc.
3 Church Street
Unit 200
Toronto, Ontario, M5E 1M2
Tel (416) 947-9744
Email kcooper@bousfields.ca

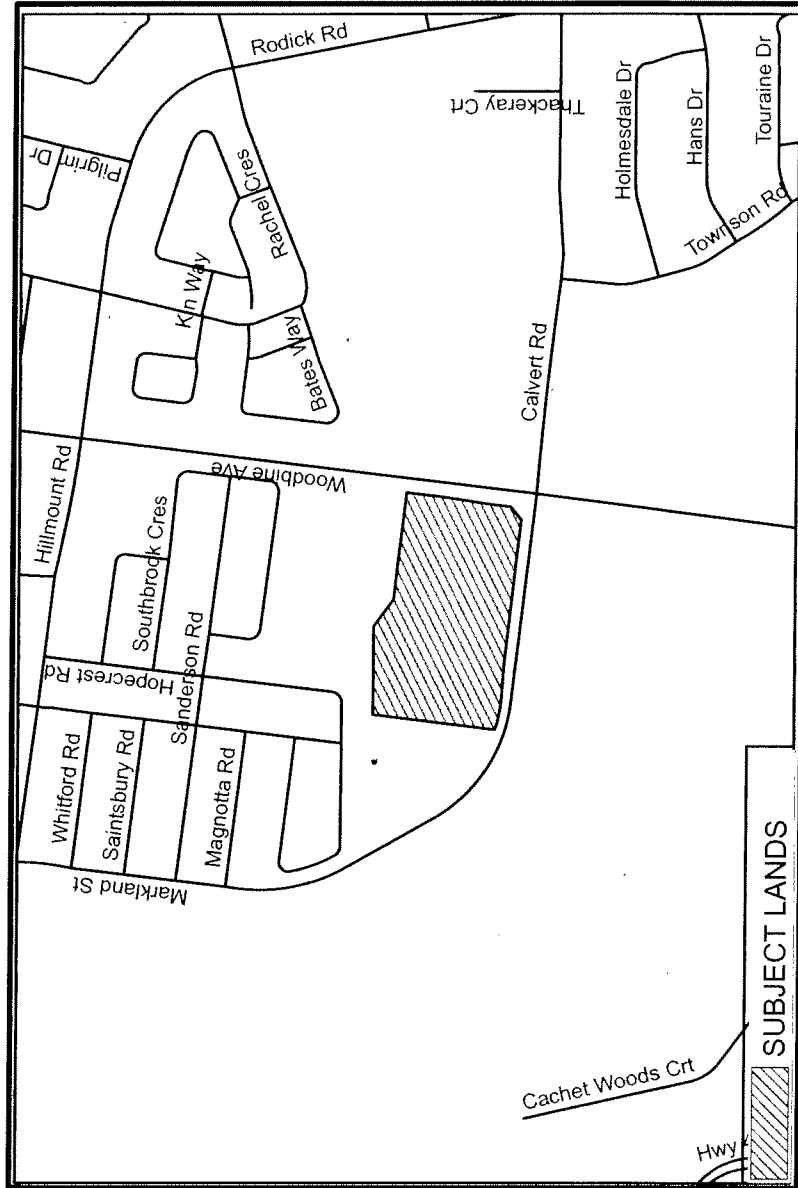
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Appendix 'A'
Conditions of Site Plan Approval

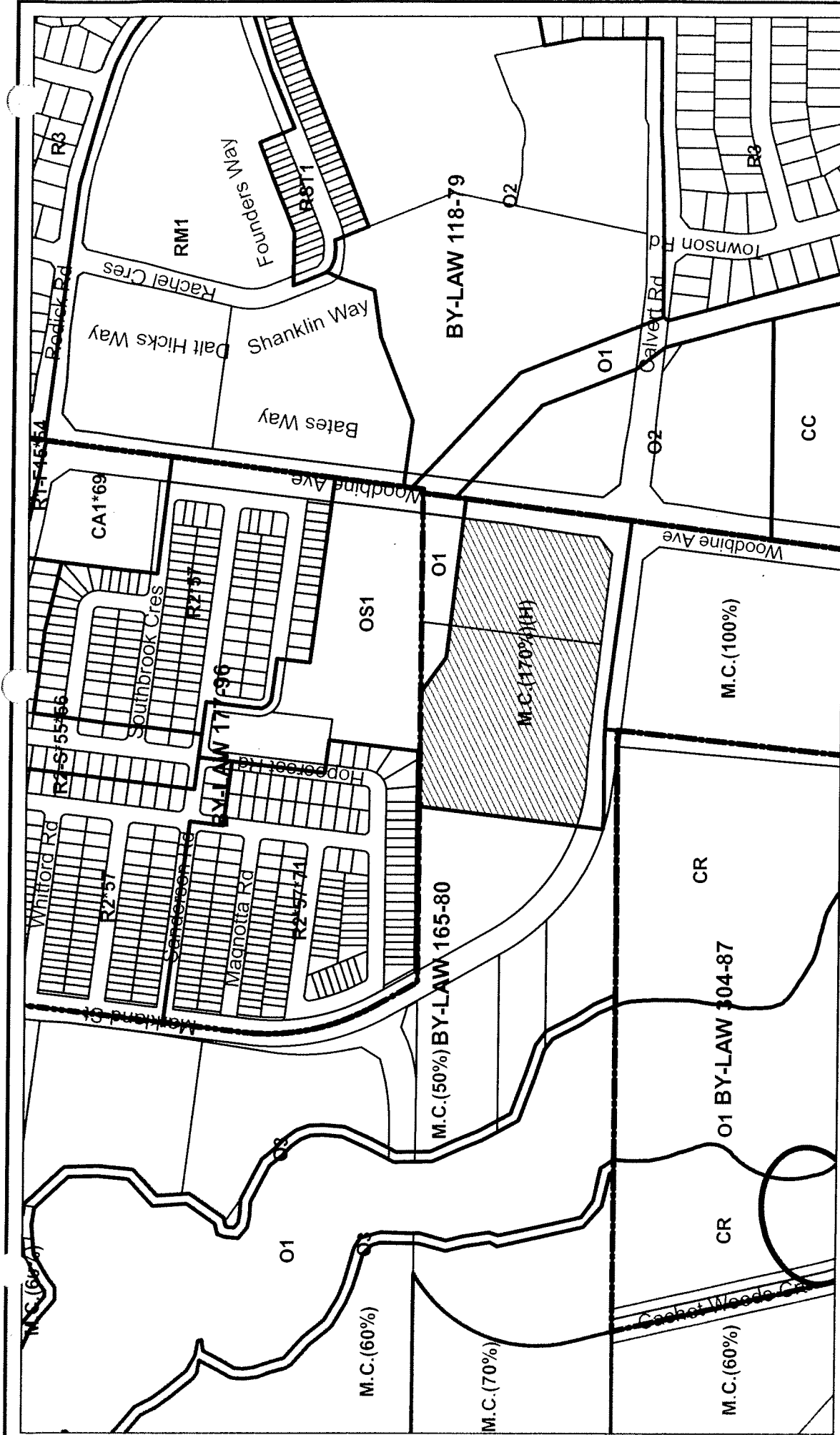
1. THAT site plan approval shall lapse after a period of 3 years after December 6, 2011, in the event that a site plan agreement is not executed within that period;
2. THAT the site plan shall comply with the requirements of By-law 165-80, as amended;
3. THAT prior to endorsement of the site plan, the Owner shall:
 - Submit a revised Traffic Impact Study to the satisfaction of the Town of Markham in consultation with the Region of York;
 - Submit a Transportation Demand Management Strategy to the satisfaction of the Director of Engineering in consultation with the Region of York;
 - Submit revisions to the site plan and conceptual revisions to the elevations, to the satisfaction of the Director of Planning and Urban Design, or his designate;
 - Submit revisions to the Site Servicing and Grading Plan, to the satisfaction of the Director of Engineering, to address recommended changes in exterior grading;
 - Submit a surveyor's certificate certifying compliance with the maximum height provisions applying to the site as set out in By-law 165-80 and the Buttonville Airport Height Restrictions;
 - Submit a plan showing the layout and location of waste storage room(s) to the satisfaction of the Town;
 - Submit Piling and Shoring System Drawings, to the satisfaction of the Director of Engineering;
4. THAT the site plan agreement shall:
 - Provide for payment by the Owner of all applicable fees, recoveries and development charges;
 - Contain provisions for satisfying all Town departments including all requirements of the Director of Engineering, the Fire Department Waste Management and Roads;
 - Contain provisions for satisfying all requirements of the Region of York;
 - Contain a clause whereby the Owner agrees to implement sustainability measures within the development;
 - Contain a clause whereby the Owner agrees to implement bird-friendly design measures within the development;
 - Contain a clause whereby the owner agrees to undertake a post-occupancy traffic monitoring study;

5. THAT prior to site plan approval, the Owner shall:
- submit a letter signed by the Region of York, confirming that all Regional conditions and requirements have been satisfied;
 - submit final revisions to the building elevations, to the satisfaction of the Director of Planning and Urban Design, or his designate;
 - Submit landscape plans to the satisfaction of the Director of Planning and Urban Design or his designate.

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AREA CONTEXT / ZONING

APPLICANT: WOODBINE INTERNATIONAL CENTRE CORP. &
WOODBINE INTERNATIONAL HOTEL CORP.
9390 WOODBINE AVENUE
SC. 06109164 (RB)

FILE No.

SUBJECT LANDS

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AIR PHOTO (2009)

APPLICANT: WOODBINE INTERNATIONAL CENTRE CORP. &
WOODBINE INTERNATIONAL HOTEL CORP.

9390 WOODBINE AVENUE

FILE No. SC. 06109164 (RB)

 SUBJECT LANDS

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DATE: 26/09/2011

 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: RB

FIGURE No. 3

Figure 4

Proposed Site Plan – Phase I

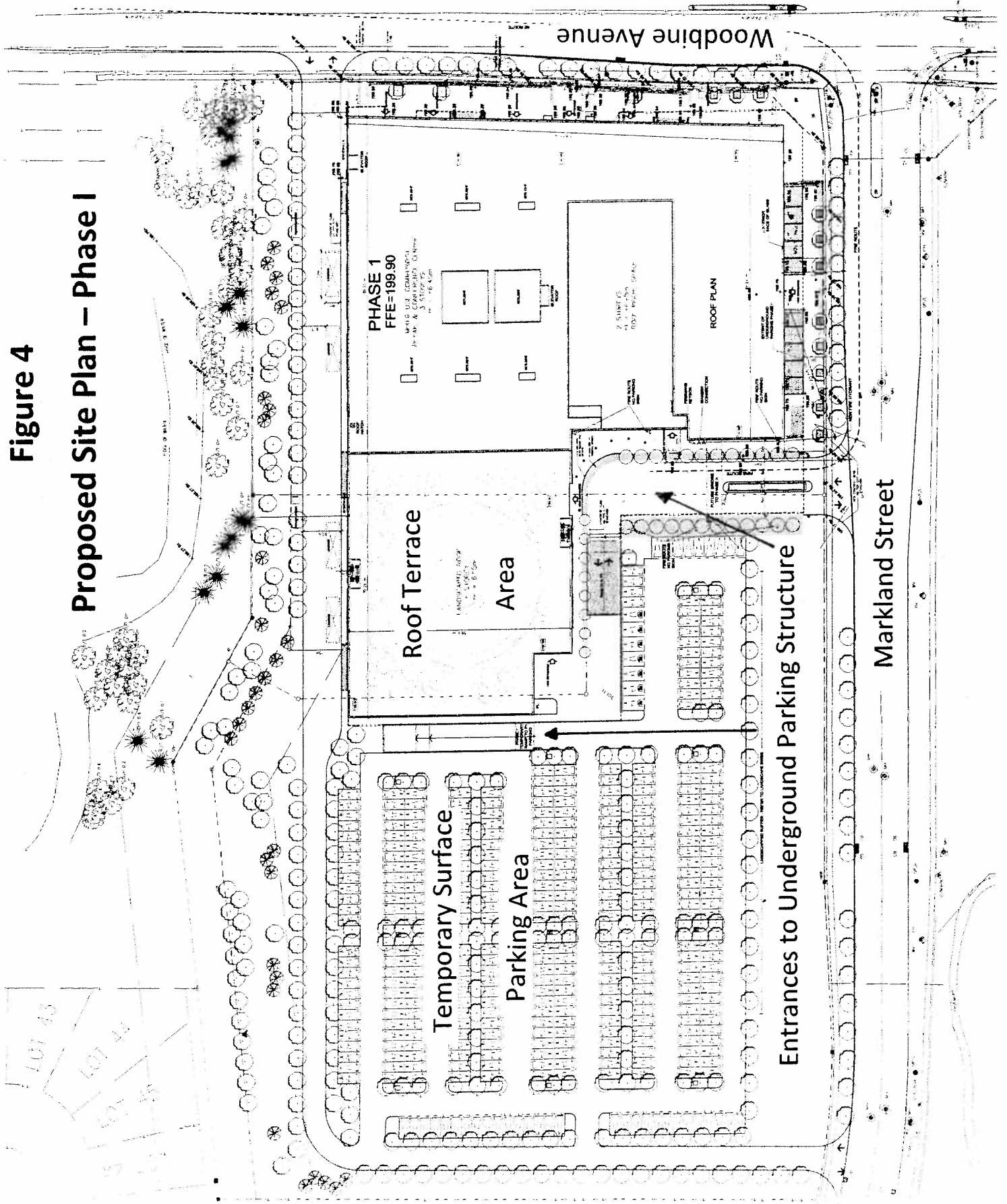
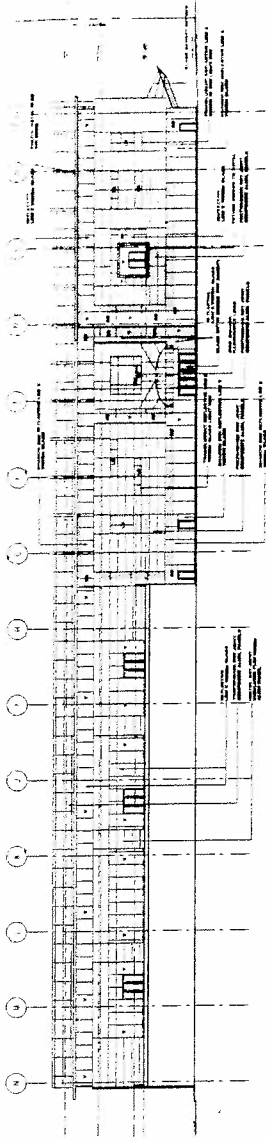
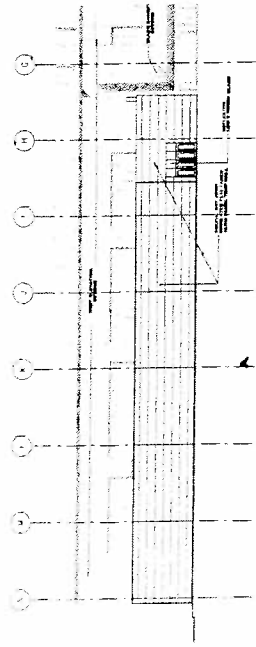


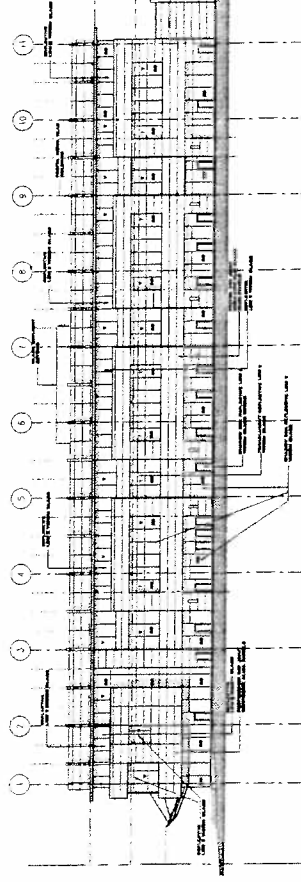
Figure 5 – Proposed Elevations

West Elevations



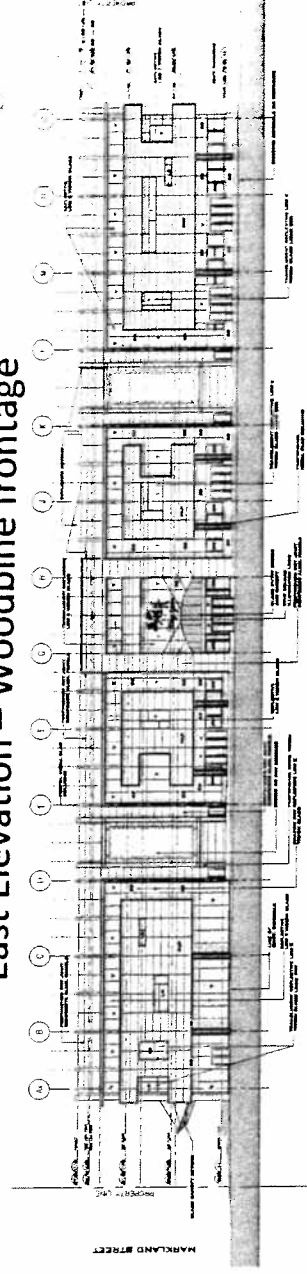
3 WEST ELEVATION

North Elevation



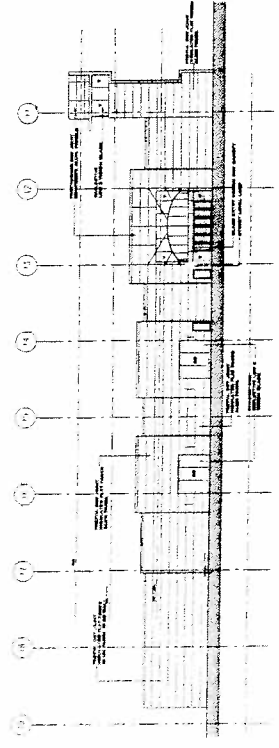
4 INSIDE WEST ELEVATION

East Elevation – Woodbine frontage

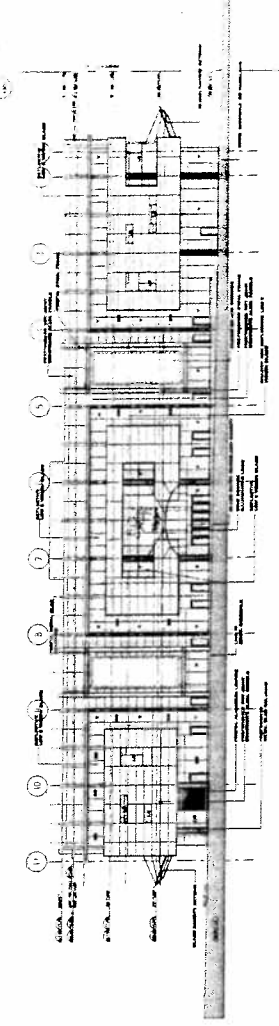


3 NORTH ELEVATION

2 EAST ELEVATION



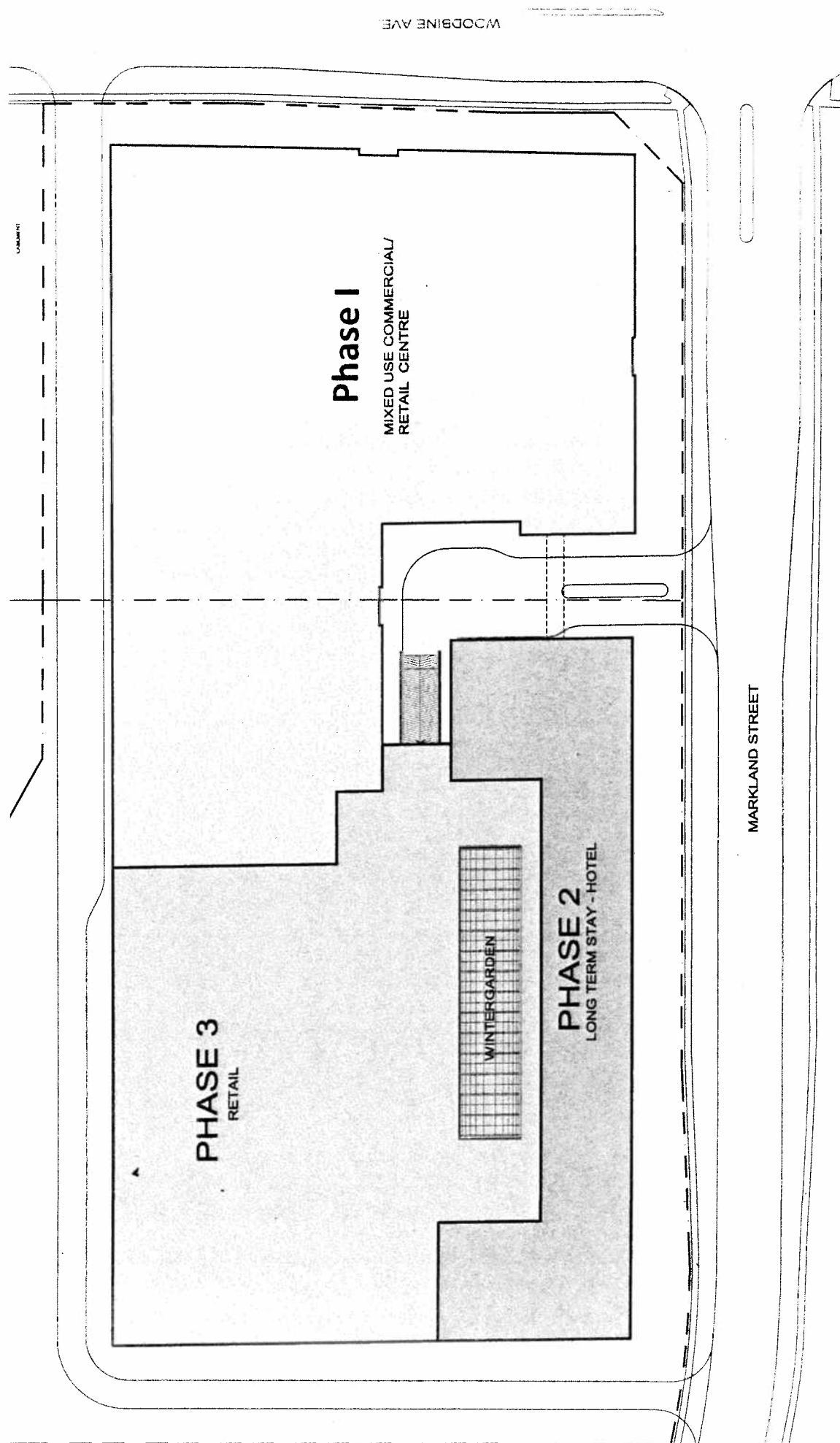
4 INSIDE SOUTH ELEVATION



1 SOUTH ELEVATION

South Elevations – Markland frontage

Figure 6 - Conceptual Three Phase Master Plan



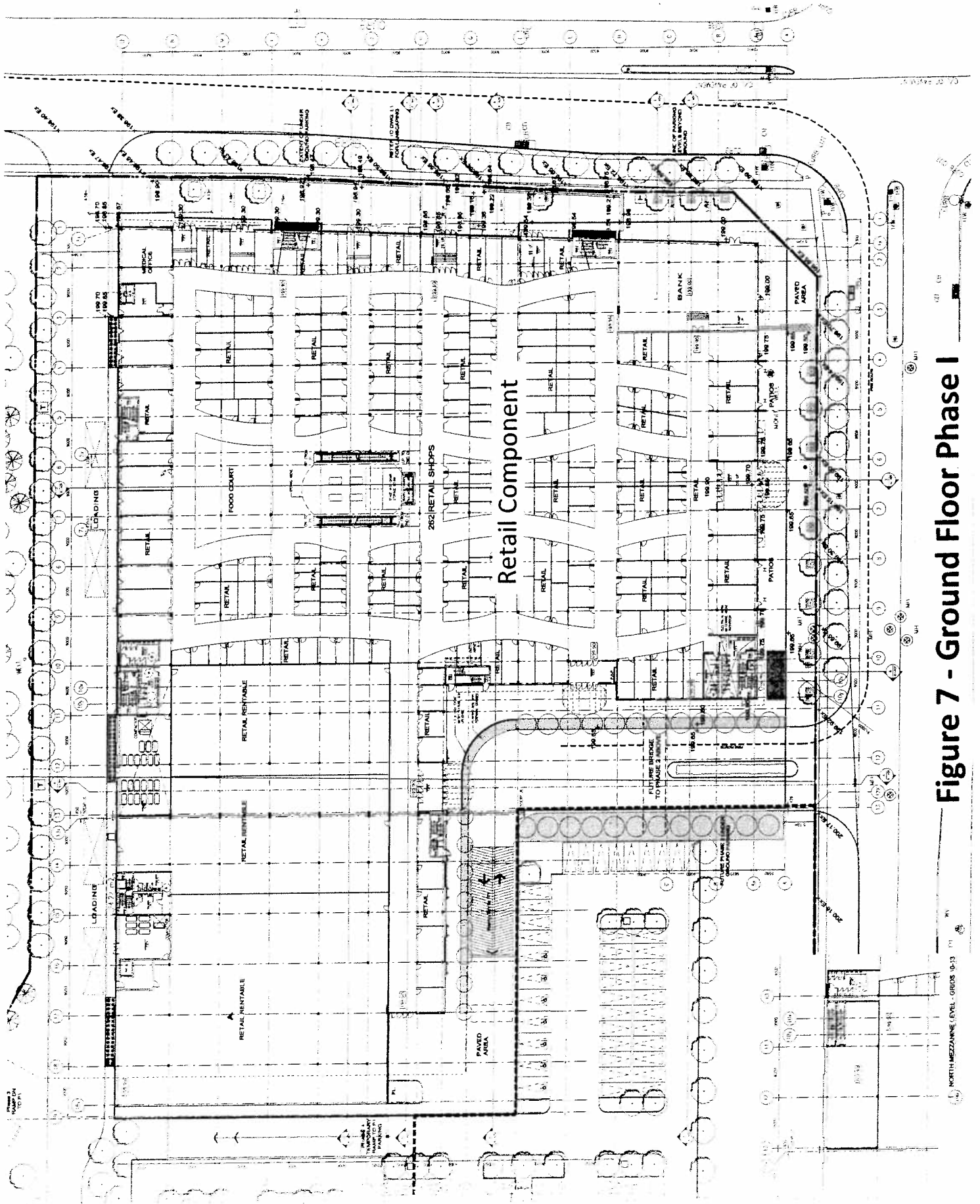


Figure 7 - Ground Floor Phase I

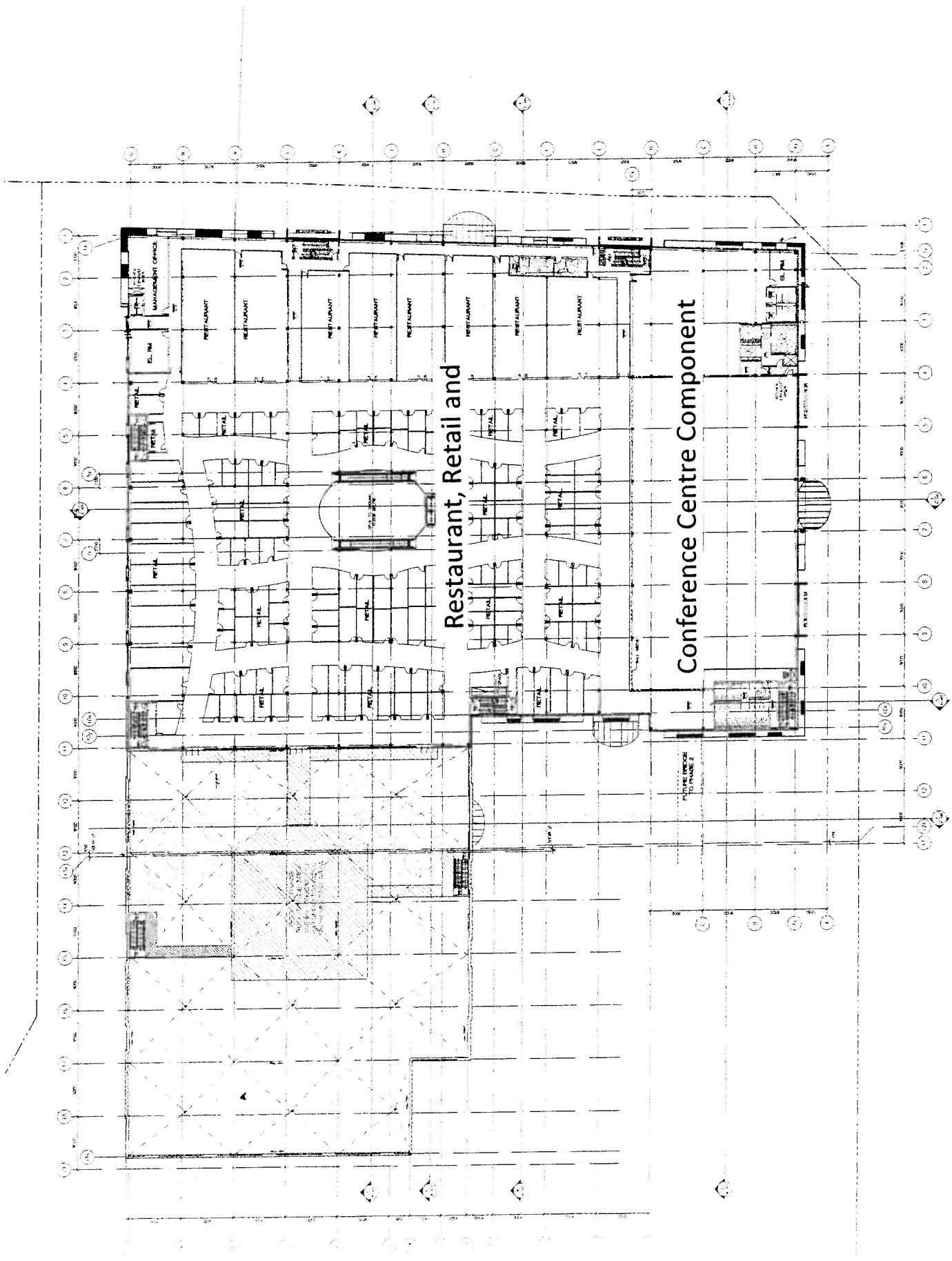


Figure 8 - Second Floor Phase I

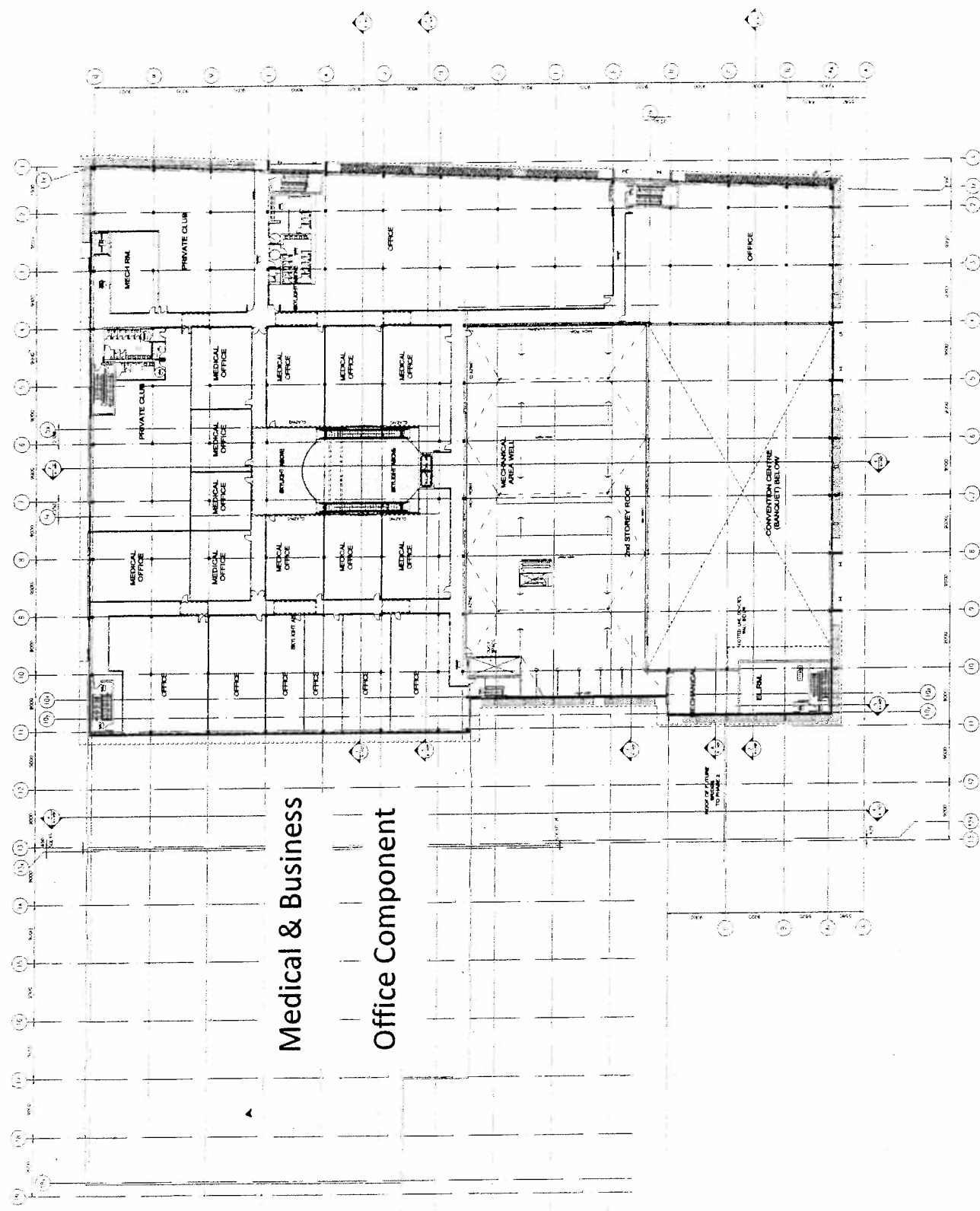


Figure 9 - Third Floor Phase I