

Revised Council Agenda Revised Items are Italicized.

Meeting Number: 21
December 10, 2019, 1:00 PM
Council Chamber

Alternate formats for this document are available upon request. Council meetings are live video and audio streamed on the City's website.

Note: As per Section 7.1(h) of the Council Procedural By-Law, Council will take a ten minute recess after two hours have passed since the last break.

Pages

1. CALL TO ORDER

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

2. DISCLOSURE OF PECUNIARY INTEREST

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - NOVEMBER 26, 2019

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- 1. That the Minutes of the Council Meeting held on November 26, 2019, be adopted.
- 4. PRESENTATIONS

5. DEPUTATIONS

5.1 DEPUTATIONS - INSTALLATION AND OPERATION OF TWO SEASONAL TENNIS BUBBLES OVER THE TENNIS COURTS AT REESOR PARK (6.0)

The following individuals will address Council on this matter:

- 1. Michael Gannon
- 2. Harry Eaglesham
- 3. Scott Fraser
- 4. David Gervan

(Item 8.2.4, Report 45)

6. COMMUNICATIONS

6.1 35-2019 LIQUOR LICENCE APPLICATION - ARAYA SUSHI (WARD 4) (3.21)

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(New Liquor Licence for indoor areas)

- 1. That the request for the City of Markham to complete the Municipal Information Form be received for information.
- 6.2 36-2019 MEMORANDUM HOLD REMOVAL FOREST BAY HOMES LTD. (10.5)

40

Memorandum dated November 29, 2019 from the Commissioner of Development Services regarding the Hold Removal for Forest Bay Homes Ltd., 6350 Steeles Avenue, East.

(By-law 2019-130)

- 1. That the memorandum dated November 29, 2019 from the Commissioner of Development Services regarding the Hold Removal for Forest Bay Homes Ltd., 6350 Steeles Avenue, East, be received.
- 42

6.3 37-2019 COMMUNICATION - THE LADIES' GOLF CLUB OF TORONTO, APPLICATIONS BY 2526574 ONTARIO LIMITED (TRIDEL) FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS AND SITE PLAN APPROVAL (WARD 1) (10.3) (10.5)

Communication dated December 5, 2019 from Goodmans LLP regarding the Ladies Golf Club of Toronto.

(Item 8.1.1, Report 44)

- 1. That the communication dated December 5, 2019 from Goodmans LLP regarding the Ladies Golf Club of Toronto, be received.
- 6.4 38-2019 COMMUNICATION THE LADIES' GOLF CLUB OF TORONTO, APPLICATIONS BY 2526574 ONTARIO LIMITED (TRIDEL) FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS AND SITE PLAN APPROVAL (WARD 1) (10.3) (10.5)

Communication dated December 9, 2019 from Michael Mestyan of Tridel regarding the Ladies Golf Club of Toronto.

(Item 8.1.1, Report 44)

6.5 39-2019 COMMUNICATION - INSTALLATION AND OPERATION OF TWO SEASONAL TENNIS BUBBLES OVER THE TENNIS COURTS AT REESOR PARK (6.0)

- 1. Email dated December 8, 2019 from Anthony Tan, providing comments.
- 2. Email dated December 9, 2019 from Harry Eaglesham, providing comments.
- 3. Email dated December 10, 2019 from Yves Struyven, providing comments.
- 4. Email dated December 10, 2019 from Tracy Whelan, providing comments.
- 5. Email dated December 10, 2019 from Michael Gannon, providing comments.

(Item 8.2.4, Report 45)

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

No Attachment

- 1. That the following proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - a. Nanjing Massacre Day December 13, 2019.

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 44 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 25, 2019)

<u>Please refer to your November 25, 2019 Development Services Committee</u> <u>Agenda for reports.</u>

Mayors and Members of Council:

That the report of the Development Services Committee be received & adopted. (1 item):

8.1.1 RECOMMENDATION REPORT - THE LADIES GOLF CLUB OF TORONTO, APPLICATIONS BY 2526574 ONTARIO LIMITED (TRIDEL) FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS AND SITE PLAN APPROVAL

TO PERMIT A TWELVE STOREY RESIDENTIAL BUILDING AND A FOURTEEN STOREY RESIDENTIAL BUILDING ON THE SOUTH EAST SIDE OF ROYAL ORCHARD, WEST OF BAYVIEW AVENUE (7859 YONGE STREET) FILE NOS. OP/ZA 18 171600 AND SPC 18 256868 (WARD 1) (10.3, 10.5)

- . That the report titled "The Ladies' Golf Club of Toronto, Applications by 2526574 Ontario Limited (Tridel) for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit a twelve storey residential building and a fourteen storey residential building on the south east side of Royal Orchard, west of Bayview Avenue (7859 Yonge Street) File Nos. OP/ZA 18 171600 and SPC 18 256868 (Ward 1)" be received; and,
- 2. That the deputations made by Joan Anderton on behalf of the Ladies' Golf Club of Toronto Board of Directors, Ted Langdon, Eric Lakien, John McIntosh, Alena Gotz on behalf of the Aileen-Willowbrook Residents Ratepayers Association, Evelin Ellison on behalf of the Ward One South Residents Ratepayers Association, Joan Feng on behalf of Brian Korson, Alena Gotz on behalf of Roman Komarov, Mia Poscente on behalf of the Royal Orchard Ratepayers Association, and Pam McLennan be received; and,
- 3. That the written communications submitted by Mia Poscente on behalf of the Royal Orchard Ratepayers Association, Gareth Stackhouse, Fogler Rubinoff LLP, on behalf of the Landmark Shared Facilities Committee, and Peter Rawson be received; and,
- 4. That the proposed amendment to the 2014 Markham Official Plan, attached as Appendix 'A', be finalized and approved; and,
- 5. That the amendments to Zoning By-laws 2150 and 177-96, as amended be approved and the draft implementing Zoning By-law, attached as Appendix 'B', be finalized and enacted, without further notice; and,
- 6. That the Site Plan application by The Ladies' Golf Club of Toronto be endorsed in principle, subject to the Conditions attached as Appendix 'C' and that Site Plan approval be delegated to the Director of Planning and Urban Design or his designate; and,
- 7. That site plan endorsement shall lapse after a period of three (3) years from the date of Staff endorsement, in the event that

the site plan agreement is not executed within that period; and,

- 8. That in accordance with the provisions of subsection 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the owner shall, through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the zoning by-law attached as Appendix 'B' to this report, before the second anniversary of the day on which the by-law was approved by Council; and,
- 9. That servicing allocation for one hundred seventy three (173) dwelling units be assigned to the subject development; and,
- 10. That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and,
- 11. That Council authorizes the City to enter into an agreement with the developer, to share the costs associated with municipal service upgrades required along Royal Orchard Boulevard, to accommodate the development of the "Subject Lands" for high rise residential condominium buildings, to the satisfaction of the CAO and the City Solicitor; and further,
- That Staff be authorized and directed to do all things necessary to give effect to this resolution.
 (By-law 2019-131 and 2019-132)

8.1.2 FRIENDS OF THE MARKHAM MUSEUM BOARD MINUTES (MAY 8, JUNE 12, SEPTEMBER 18, 2019) AND EXTRACT DATED MAY 8, 2019 (16.0)

- 1. That the minutes of the Friends of the Markham Museum Board meeting held May 8, June 12 and September 18, 2019, be received for information purposes; and,
- 2. That Council endorse the recommendations from the May 8, 2019 Friends of the Markham Museum Board Extract:

"THAT the list of artifacts for deaccession (attachment C) from the Saw Mill and Honey House Collection (in Chapman House) be approved for acceptance and submitted to the City of Markham for final approval."

8.2 REPORT NO. 45 - GENERAL COMMITTEE (DECEMBER 2, 2019)

<u>Please refer to your December 2, 2019 General Committee Agenda for reports.</u>

Mayors and Members of Council:

- 1. That the report entitled "Award of Tender for the Supply and Delivery of Unleaded Fuel (E10) and Biodiesel Fuel (B5 & B20) for a term of 5 years (2020-2024); and,
- 2. That the contract for Tender 160-T-19 Supply and Delivery of Unleaded Fuel (E10) be awarded to the lowest priced bidder, Suncor Energy Products Partnership, in the estimated annual amount of \$489,039.00, inclusive of HST; and,
- 3. That the contract for Tender 160-T-19 Supply and Delivery of Biodiesel Fuel (B5 & B20) be awarded to the lowest priced bidder, Suncor Energy Products Partnership, in the estimated annual amount of \$369,522.00, inclusive of HST and,
- 4. That the term of the contract be 5 years (January 1, 2020 December 31, 2024); and,
- 5. That the 2020 estimated costs of \$858,561.00 (\$489,039.00 + \$369,522.00) be funded from accounts as listed in the Financial Considerations section; and,
- 6. That the Purchase Order be adjusted in the future years up to the approved operating budget as approved by Council; and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.2 STATUS OF CAPITAL PROJECTS AS OF OCTOBER 31, 2019 (7.0)

- 1. That the report dated December 2, 2019 titled "Status of Capital Projects as of October 31, 2019" be received; and,
- 2. That the amount of \$2,286,734 from the closure of capital projects be transferred to the sources of funding as listed on Exhibit A; and,
- 3. That the closure of projects as outlined on Exhibit B and C be approved; and
- 4. That the Non-Development Charge Capital Contingency Project be topped up from the Life Cycle Replacement and Capital Reserve Fund by \$971,256 to the approved amount of \$250,000; and,
- 5. That the Engineering Capital Contingency Project be topped up from the City-Wide Hard Development Charges Reserve

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- by \$67,679 to the approved amount of \$100,000; and,
- 6. That the Design Capital Contingency Project be topped up from the Development Charges Reserve by \$99,952 to the approved amount of \$100,000; and,
- 7. That the Planning Capital Contingency Project be topped up from the Development Charges Reserve by \$8,987 to the approved amount of \$50,000; and,
- 8. That the Waterworks Capital Contingency Project be topped up from the Waterworks Stabilization/Capital Reserve by \$27,731 to the approved amount of \$100,000; and,
- 9. That the following new capital projects, initiated subsequent to the approval of the 2019 capital budget, be received:19285 Yonge Street Highway 7 Transit Planning Advisory Budget of \$25,000 funded from Development Charges Reserve.19289 Supply and Install Oil/Water Separator Fire Station 94 Budget of \$20,000 funded from the Non-DC Capital Contingency.19290 Centennial Community Centre Fan Wheel Budget of \$23,073 funded from the Non-DC Capital Contingency.19292 Berczy Park Washroom Renovation Budget of \$20,148 funded from the Non-DC Capital Contingency.19297 Pan Am Daktronics Budget of \$77,826 funded from the Non-DC Capital Contingency, and further,
- 10. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.3 WASTE MANAGEMENT COLLECTION SERVICES CONTRACT (5.1)

- 1. That the report entitled 'Waste Management Collection Services Contract' be received; and,
- 2. That Staff be authorized to issue a 'Request for Proposal' (RFP) for the provision of long-term residential and multi-residential waste management collection services for the City of Markham:
- 3. That the contract be developed with the Chief Administrative Officer, Legal staff, Finance staff, and Environmental Services staff;
- 4. That Staff report back to Council on the RFP results and subsequent process to finalize a long-term contract for waste management collection services; and further,
- 5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PARK (6.0)

- 1. That the confidential report entitled "Installation and Operation of two Seasonal Tennis Bubbles over the Tennis Courts at Reesor Park" be received; and,
- 2. That Council approve the execution of a lease agreement with a new corporation to be incorporated by Karl Hale (the "Tenant") over a 25 year period from October 2020 to April 2045 to acquire, install, operate and maintain two seasonal tennis bubbles over the tennis courts at Reesor Park annually for 7 months from early October to the end of April; and,
- 3. That a new capital project be established for the City's portion of infrastructure costs in the amount of \$936,300 (inclusive of HST) to be funded 90% from Development Charges and 10% from the Non-Development Charges growth reserve, to be fully offset by annual lease revenue; and,
- 4. That the Mayor and Clerk be authorized to execute a lease agreement with the Tenant for the lease by the City to the Tenant of that part of Reesor Park forming the existing tennis courts and clubhouse (the "Lands") for the installation, operation, and maintenance of tennis bubbles on terms acceptable to the Chief Administrative Officer, provided the form of such lease agreement is satisfactory to the City Solicitor and the Chief Administrative Officer (the "Lease") and,
- 5. That Council support in principle the designation of the proposed tennis bubbles to be installed and operated by the Tenant pursuant to the Lease as a municipal capital facility; and,
- 6. That the Memorandum attached as Attachment No. 1 be made public; and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- 8.3 REPORT NO. 46 DEVELOPMENT SERVICES PUBLIC MEETING (DECEMBER 3, 2019)

<u>Please refer to your December 3, 2019 Development Services Public Meeting Agenda for reports.</u>

Mayors and Members of Council:

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That the report of the Development Services Public Meeting be received & adopted. (1 item):

8.3.1 DEVELOPMENT FEE AND BUILDING FEE BY-LAW UPDATE (ALL WARDS) (10.0)

- 1. That the written submission from Carmina Tupe, BILD regarding the proposed amendments to the Development and Building Fee By-Laws be received; and,
- 2. That the Record of the Public Meeting held on December 3, 2019, with respect to the proposed amendments to the Development and Building Fee By-laws be received; and,
- 3. That the amendment to By-law 211-83, as amended, "Tariff of Fees for the Processing of Planning Applications," substantially in the form attached as Attachment 'A', be enacted; and,
- 4. That By-law 2019-20 as amended be repealed and the attached "By-law respecting Construction, Demolition and Change of Use Permits and Inspections," attached as Attachment 'B', be enacted; and,
- 5. That the By-laws come into force and take effect on January 1, 2020; and further,
- 6. That staff be authorized and direction to do all things necessary to give effect to this resolution.

(By-law 2019-136 and 2019-137)

8.4 REPORT NO. 47 - DEVELOPMENT SERVICES COMMITTEE (DECEMBER 9, 2019)

<u>Please refer to your December 9, 2019 Development Services Committee</u> Agenda for reports.

That the report of the Development Services Committee be received & adopted. (Items 1 to 4):

8.4.1 APPROVAL OF THE CONTINUATION OF THE MARKHAM DESIGNATED HERITAGE PROPERTY GRANT PROGRAM, 2020-2022 (16.11)

1. That the report entitled "Approval of the Continuation of the Markham Designated Heritage Property Grant Program, 2020-2022", dated December 9, 2019, be received; and,

- 2. That a by-law be adopted to implement the Markham Designated Heritage Property Grant Program (2020-2022) generally in the form attached as Appendix "C" to this report; and,
- 3. That the existing reserve fund entitled "Designated Heritage Property Grant Reserve Fund" continue to be used as the funding source for the program; and,
- 4. That the Designated Heritage Property Grant Program be allocated \$90,000 in funding for the three year period (2020-2022) from the following sources;
 - a. Prior year unused grant funding in the Designated Heritage Property Grant Reserve Fund in the amount of \$56,090;
 - b. A transfer of \$33,910 (\$90,000 \$56,090) from the Heritage Loan Reserve Fund, which has a current balance of \$160,695; and,
- 5. That By-law 175-81, as amended, (A By-law to Establish a Heritage Fund) be amended as per Appendix "D" to this report; and further,
- 6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-140 and 2019-141)

8.4.2 RECOMMENDATION REPORT 2585231 ONTARIO INC.APPLICATIONS FOR ZONING BY-LAW AMENDMENT TO PERMIT MID-RISE RESIDENTIAL AND TOWNHOUSE DEVELOPMENT (PHASE 1 ONLY)

AND FOR DRAFT PLAN OF SUBDIVISION TO CREATE DEVELOPMENT, ROAD, PARK AND OPEN SPACE BLOCKS AT 9999 MARKHAM ROAD (WARD 5) (10.7,10.5)

FILE NOS: ZA/SU 18 180621

NOTE: Staff proposed an amendment to the resolution. See item 14.4.1 of the confidential agenda.

1. That the staff report titled "RECOMMENDATION REPORT, Applications for Zoning By-law Amendment to permit mid-rise residential and townhouse development (Phase 1 only) and for Draft Plan of Subdivision to create development, road, park and open space blocks at 9999 Markham Road (Ward 5), File No: ZA/SU 18 180621", be

- received; and,
- 2. That the record of the Public meeting held on March 26th, 2019 regarding the applications for Zoning By-law Amendment and Draft Plan of Subdivision 19TM-18007, be received; and,
- 3. That Council approval of the Zoning By-law Amendment application (ZA 18 180621) for Phase 1 of the development, submitted by 2585231 Ontario Inc. and attached in Appendix 'A' be finalized and enacted without further notice; and,
- 4. That Council approve the Draft Plan of Subdivision 19TM-18007 (SU 18 180621) submitted by 2585231 Ontario Inc. subject to the conditions attached as Appendix 'B'; and,
- 5. That Council assign servicing allocation for a maximum of **154** townhouses (including stacked townhouses) and 260 apartment units; and,
- 6. That Council permit application for minor variances within two (2) years of the proposed amending by-law coming into force, attached as Appendix 'A', in accordance with Section 45(1.4) of the Planning Act; and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution. (By-law 2019-139)

8.4.3 2020 CHINA HARBIN INTERNATIONAL WINTER CITIES CONFERENCE, JANUARY 4-7, 2020 (10.16)

- 1. That the report titled, "2020 China Harbin International Winter Cities Conference, January 4-7, 2020" dated December 9, 2019, be received; and,
- 2. That the City of Markham be represented by Councillor Alan Ho, Chair of Culture and Economic Development Committee to attend the 2020 China Harbin International Winter Cities Conference in Harbin, China from January 4-7, 2020; and,
- 3. That the total cost of the business trip to attend the 2020 China Harbin International Winter Cities Conference in Harbin, China not exceed \$5,000.00 and be expensed from the 2020 Economic Alliances account 610-9985812, contingent upon Council approval of the 2020 Operating Budget; and,
- 4. That Councillor Alan Ho be requested to provide Development Services Committee with an update on the outcome of the 2020 China Harbin International Winter Cities Conference at a future meeting in 2020; and further,
- 5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.4.4 APPROVAL TO ATTEND THE INTELLIGENT COMMUNITIES FORUM TOP7 COMMUNITIES OF 2020 CONFERENCE IN TAOYUAN, TAIWAN (7.13)

- 1. That the report dated December 9, 2019 entitled "ICF Top7 Communities of 2020 Conference in Taoyuan, Taiwan" be received; and,
- 2. That the City of Markham be represented at the Conference by Chief Information Officer, Nasir Kenea; and,
- 3. That the total cost of to attend the conference approximately in the amount of \$3,000 be funded from the 2020 Operating budget account 400 998 5200; and further,
- 4. That staff be requested to provide Development Services Committee with an update on the outcome of the ICF Top7 Communities of 2020 Conference at a future meeting in 2020; and further,
- 5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9. MOTIONS

10. NOTICE OF MOTION TO RECONSIDER

11. NEW/OTHER BUSINESS

As per Section 2 of the Council Procedural By-Law, "New/Other Business would generally apply to an item that is to be added to the Agenda due to an urgent statutory time requirement, or an emergency, or time sensitivity".

11.1 RECOMMENDATION FROM THE SEPTEMBER 13, 2019 LICENSING COMMITTEE HEARING (8 JOHN LYONS ROAD) (2.0)

Note: This matter was deferred from the November 26, 2019 Council meeting.

- 1. That the report entitled "8 John Lyons Road Tree Removal Permit" be received for information; and,
- 2. That the application to remove one (1) Black Walnut at 8 John Lyons Road, Markham, Ontario, be denied; and,
- 3. That the recommendation is based on the unique characteristics of this case only and is not intended to be precedent setting nor to be used as a basis for future cases, and further,
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

11.2 2020 OPERATING AND CAPITAL BUDGETS (7.0)

- 1. That the report dated December 20, 2019 titled, "2020 Operating and Capital Budgets" be received; and,
- 2. That Council approve a 1.95% property tax rate increase to the City's tax levy as follows:
 - a. 1.45% for day-to-day operations
 - b. 0.50% infrastructure investment; and,
- 3. That Council approve the 2020 Primary Operating Budget for City services of \$240,962,772 which includes the Library budget of \$15,241,205, excludes the 2019 surplus/deficit, and reflects a 1.95% property tax rate increase, as detailed in Appendices 1 and 2; and,
- 4. That Council approve the remaining 2020 Capital Budget of \$86,914,000 for a total of \$111,488,000 (\$86,914,000 + \$24,574,000 pre-approved), as per projects detailed in Appendix 3; and,
- 5. That Council authorize Staff to purchase US dollars (USD) for applicable capital budget projects and make any budget adjustments necessary due to a variance between the budgeted USD exchange rate and the actual USD exchange rate at the time the USD are purchased; and,
- 6. That Council approve the 2020 Planning & Design Operating Budget totalling \$10,568,647, as detailed in Appendix 4; and,
- 7. That Council approve the 2020 Engineering Operating Budget totalling \$8,787,473, as detailed in Appendix 5; and,
- 8. That Council approve the 2020 Building Standards Operating Budget totalling \$9,534,885, as detailed in Appendix 6; and,
- 9. That Council approve the 2020 Waterworks Operating Budget totalling \$140,669,974, (excluding the 2019 surplus/deficit), as detailed in Appendix 7; and,
- 10. That upon finalization of the 2019 audited financial statements, 2020 operating budgets be adjusted to reflect 2019 operating results; and,
- 11. That a copy of the budgets be made available to the public through the Clerk's Department, the City website and each of the Markham Public Libraries; and,
- 12. That the restated budget included in the "Additional Financial Disclosure Requirements Pursuant to Ontario Regulation 284/09" be

adopted; and further,

13. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

11.3 AWARD OF TENDER 209-T-19 FLOODLIGHTS, POLES AND CROSS ARMS REPLACEMENT (7.12)

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- 1. That the report entitled "Award of Tender 209-T-19 Floodlights, Poles and Cross Arms Replacement" be received; and,
- 2. That the contract for Tender 209-T-19 Floodlights, Poles and Cross Arms Replacement (Part A: Armadale and Highgate Parks) be awarded to the lowest priced bidder, Nadelec Contracting Inc., in the amount of \$388,417.92, inclusive of HST; and,
- 3. That the contract for Tender 209-T-19 Floodlights, Poles and Cross Arms Replacement (Part B: Morgan and Bishops Cross Parks) be awarded to the lowest priced bidder, Nadelec Contracting Inc., in the amount of \$601,096.32, inclusive of HST; and,
- 4. That a 5% contingency in the amount of \$49,475.71 (\$19,420.90 + \$30,058.81) inclusive of HST, be established for each contract to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
- 5. That the estimated costs of \$1,038,989.95 (\$388,417.92 + \$601,096.32 + \$49,475.71) be funded from accounts as listed in the Financial Considerations section with budget available of \$864,027.00; and,
- 6. That the budget shortfall in the amount of \$174,962.95 (\$864,027.00 \$1,038,989.95) be funded from the Life Cycle Replacement and Capital Reserve; and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

12. ANNOUNCEMENTS

13. BY-LAWS - THREE READINGS

That By-laws 2019-130 to 2019-137 and 2019-139 to 2019-141 be given three readings and enacted.

Three Readings

13.1 BY-LAW 2019-130 FOREST BAY HOMES LTD., 6350 STEELES AVENUE EAST, HOLD REMOVAL BY-LAW

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A By-law to amend By-law 90-81.

13.2	BY-LAW 2019-131 LADIES GOLF CLUB OF TORONTO, 7859 YONGE STREET, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 2014), AS AMENDED	342
	A by-law to adopt an Official Plan Amendment to the in force Official Plan (Revised 2014), as amended, in order to permit the development of a residential high rise building.	
	(Item 8.1.1, Report No. 44)	
13.3	BY-LAW 2019-132 LADIES GOLF CLUB OF TORONTO, 7859 YONGE STREET, ZONING BY-LAW AMENDMENT	354
	A By-law to amend By-law 2150, as amended, and to amend By-law 177-96, as amended, to permit the development of a residential high rise building.	
	(Item 8.1.1, Report No. 44)	
13.4	BY-LAW 2019-133 - A BY-LAW TO ESTABLISH STREETS LAID OUT ACCORDING TO PLAN OF SUBDIVISION 65M-4526 AS A PUBLIC HIGHWAY, PART OF LOTS 11 AND 12, CONCESSION 9 (WYKLAND ESTATES, INC.)	359
13.5	BY-LAW 2019-134 A BY-LAW TO ESTABLISH STREETS LAID UT ACCORDING TO PLAN OF SUBDIVISION 65M-4354 AS A PUBLIC HIGHWAY, PART OF LOTS 12 AND 13, CONCESSION 9 (CORNELL ROUGE DEVELOPMENT CORP.)	360
13.6	BY-LAW 2019-135 TIMES GROUP, 12 GANDHI LANE, HOLD REMOVAL BY-LAW	361
	A By-law to amend By-law 177-96, as amended.	
13.7	BY-LAW 2019-136 BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, CHANGE OF USE PERMITS AND INSPECTIONS	364
	(Item 8.3.1, Report No. 46)	
13.8	BY-LAW 2019-137 A BY-LAW TO AMEND BY-LAW 211-83, AS AMENDED, BEING A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE PROCESSING OF PLANNING APPLICATIONS	381
	(Item 8.3.1, Report No. 46)	
13.9	RY-LAW 2019-139 2585231 ONTARIO INC 9999 MARKHAM ROAD	393

ZONING BY-LAW AMENDMENT

A By-law to amend By-law 88-76, as amended, and to amend By-law 177-96, as amended, to permit mid-rise residential and townhouse development.

(Item 8.4.2 Report 47)

13.10 BY-LAW 2019-140 BEING A BY-LAW TO ESTABLISH A DESIGNATED HERITAGE PROPERTY GRANT PROGRAM (2020-2022)

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(Item 8.4.1 Report 47)

13.11 BY-LAW 2019-141 A BY-LAW TO AMEND BY-LAW 175-81, AS AMENDED, BEING A BY-LAW TO ESTABLISH A HERITAGE FUND

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(Item 8.4.1 Report 47)

14. CONFIDENTIAL ITEMS

That, in accordance with Section 239 (2) of the <u>Municipal Act</u>, Council resolve into a private session to discuss the following confidential matters:

- 14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES NOVEMBER 26, 2019 (10.0)
- 14.2 COUNCIL
 - 14.2.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/ COMMITTEE APPOINTMENTS) [Section 239 (2) (b)](16.24)
 - 14.2.2 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/ COMMITTEE APPOINTMENTS) (16.24) [Section 239 (2) (b)]
 - 14.2.3 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE APPOINTMENTS) (16.24) [Section 239 (2) (b)]
 - 14.2.4 THE SECURITY OF THE PROPERTY OF THE MUNICIPAL OR LOCAL BOARD (WARD 8) (8.7) [Section 239 (2) (a)]
 - 14.2.5 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/ COMMITTEE APPOINTMENTS)

[Section 239 (2) (b) (16.24)

14.3 GENERAL COMMITTEE - DECEMBER 2, 2019

14.3.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (7.0) (WARDS 3,4,5 & 8) [Section 239 (2) (b)]

General Committee consented to place this item on the December 10, 2019 Council Meeting Confidential Agenda for consideration.

14.3.2 PERSONAL MATTERS ABOUT AN IDENTIFIABLE FIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (7.0) (WARDS 1,2,4,5,6,7 AND 8) [Section 239 (2) (b)]

General Committee consented to place this item on the December 10, 2019 Council Meeting Confidential Agenda for consideration.

14.3.3 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (8.6) (WARD 2, 5 & 8) [Section 239 (2) (c)]

General Committee consented to place this item on the December 10, 2019 Council Meeting Confidential Agenda for consideration.

14.4 DEVELOPMENT SERVICES COMMITTEE - DECEMBER 9, 2019

14.4.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD.

ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE (10.7,10.5) (WARD 5) [Section 239 (2) (e) (f)]

14.4.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (8.0) [Section 239 (2) (e)]

Update regarding the City of Vaughan's Yonge-Steeles Corridor Secondary Plan Appeal and Request for Direction

15. CONFIRMATORY BY-LAW - THREE READINGS

That By-law 2019-138 be given three readings and enacted.

Three Readings

BY-LAW 2019-138 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF DECEMBER 10, 2019.

No attachment

16. ADJOURNMENT



Council Minutes

Meeting Number: 20 November 26, 2019, 6:00 PM **Council Chamber**

Roll Call Mayor Frank Scarpitti Councillor Alan Ho

> Deputy Mayor Don Hamilton Councillor Reid McAlpine Regional Councillor Jack Heath Councillor Andrew Keyes Councillor Amanda Collucci Regional Councillor Joe Li Regional Councillor Jim Jones Councillor Khalid Usman

Councillor Keith Irish Councillor Isa Lee

Regrets Councillor Karen Rea

Staff Andy Taylor, Chief Administrative

Officer

Trinela Cane, Commissioner,

Corporate Services

Brenda Librecz, Commissioner, Community & Fire Services

Arvin Prasad, Commissioner, **Development Services**

Claudia Storto, City Solicitor and

Director of Human Resources

Joel Lustig, Treasurer

Bryan Frois, Chief of Staff

Kimberley Kitteringham, City Clerk Alida Tari, Manager, Access & Privacy

John Wong, Technology Support

Specialist II

Tanya Lewinberg, Public Realm

Coordinator

Emma Girard, Communications Advisor

Alternate formats for this document are available upon request

1. **CALL TO ORDER**

The meeting of Council convened at 6:08 PM on November 26, 2019 in the Council Chamber. Mayor Frank Scarpitti presided.

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

Councillor Alan Ho left the meeting at 7:57 PM.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - NOVEMBER 13, 2019 (10.0)

Moved by Councillor Isa Lee Seconded by Councillor Alan Ho

1. That the Minutes of the Council Meeting held on November 13, 2019, be adopted.

Carried

4. PRESENTATIONS

4.1 PRESENTATION - RECOGNITION OF MARKHAM ENVIRONMENTAL ADVISORY COMMITTEE MEMBERS (12.2.6)

Council recognized Carrie Sally, a member of the Markham Environmental Advisory Committee, for her contributions.

5. **DEPUTATIONS**

5.1 DEPUTATIONS - 8 JOHN LYONS ROAD REQUEST FOR TREE REMOVAL PERMIT (2.0)

Karl Koehn, appeared before Council requesting approval to remove a Black Walnut Tree from his backyard because of safety concerns. (See New/Other Business Item No. 11.1 for Council's decision on this matter).

6. COMMUNICATIONS

There were no communications.

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Khalid Usman Seconded by Regional Councillor Jim Jones

- That the following proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - a. Human Rights Day December 10, 2019
- 2. That the following request for a flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:
 - a. Human Rights Day December 10, 2019; (Organized by the Markham Race Relations Committee).

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 42 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 12, 2019)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

That the report of the Development Services Committee be received & adopted. (Items 1 to 2):

Carried

8.1.1 RECOMMENDATION REPORT INTENTION TO DESIGNATE A PROPERTY UNDER PART IV OF THE ONTARIO HERITAGE ACT &

HERITAGE EASEMENT AGREEMENT - BISHOP-REESOR HOUSE 7739 NINTH LINE, WARD 7 (16.11.3)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

- 1. That the staff report entitled "Intention to Designate a Property Under Part IV of the Ontario Heritage Act & Heritage Easement Agreement, Bishop-Reesor House, 7739 Ninth Line," dated November 12, 2019, be received; and,
- 2. That as recommended by Heritage Markham, the Bishop-Reesor House at 7739 Ninth Line be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
- 3. That the Clerk's Department be authorized to publish and serve Council's Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,
- 4. That if there are no objections to the designation in accordance with the provisions of the <u>Ontario Heritage Act</u>, the Clerk be authorized to place a designation by-law before Council for adoption; and,
- 5. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and,
- 6. That a by-law be passed to authorize the Mayor and Clerk to execute a Heritage Easement Agreement with the property owner of 7739 Ninth Line, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor; and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-124)

Carried

8.1.2 INTERSECTION IMPROVEMENT AT GEORGE ST. / WASHINGTON ST. / ROBINSON ST. / JOSEPH ST. (WARD 4) (5.12)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

- 1. That the report entitled "Intersection Improvement at George St. / Washington St. / Robinson St. / Joseph St. (Ward 4)" be received; and
- 2. That a Stop Control for southbound traffic on George Street be endorsed; and
- 3. That Schedule 12 of Traffic By-law 106-71, pertaining to compulsory stops, be amended to include the north approach of the subject intersection; and
- 4. That the Operations Department be directed to install the appropriate signs and pavement markings at the subject location; and
- 5. That the cost of materials and installation for the traffic signs and pavement markings in the amount of \$500, be funded from capital project # 083-5350-19050-005 'Traffic Operational Improvements'; and
- 6. That York Region Police be requested to enforce the all-way stop control upon installation of the stop signs and passing of the By-law amendment; and further
- 7. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-127)

Carried

8.2 REPORT NO. 43 - GENERAL COMMITTEE (NOVEMBER 18, 2019)

Moved by Regional Councillor Jack Heath Seconded by Deputy Mayor Don Hamilton

That the report of the General Committee be received & adopted, save and except for Item No. 8.2.1.

See Council's decision on Item No. 8.2.1

8.2.1 WINTER MAINTENANCE UPDATE (5.10)

Discussion on the service levels for plowing local roads ensued.

Moved by Regional Councillor Jack Heath Seconded by Deputy Mayor Don Hamilton

- 1. That the presentation entitled "Winter Maintenance Update," be received; and,
- 2. That Staff will follow up on Council direction and report back in Q1 2020, and,
- 3. That the existing Council approved service levels for plowing local roads be maintained, and,
- 4. That staff be directed to investigate and report back on the impact of shortening existing response times for windrow removal assistance program from eight hours to four hours after the plowing of local roads; and,
- 5. That a survey of participants of the current windrow removal assistance program be conducted at the end of the 2019-2020 winter season to identify areas of satisfaction and areas of potential improvement, and,
- 6. That staff be directed to investigate and report back on the feasibility and impacts of expanding Winter Maintenance Services to include pathways, and further,
- 7. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 TAX WRITE-OFFS IN ACCORDANCE WITH SECTION 354 OF THE MUNICIPAL ACT, 2001 (7.3)

Moved by Regional Councillor Jack Heath Seconded by Deputy Mayor Don Hamilton

- 1. That the report entitled Tax Write-offs in Accordance with Section 354 of the *Municipal Act*, 2001 be received; and,
- 2. That the amounts totalling \$130,747 as set out in this report, be written-off pursuant to Section 354 of the *Municipal Act*, 2001; and,

- 3. That the City of Markham's portion of the write-off of \$32,687, be charged to Account 820-820-7040; and,
- 4. That the Treasurer be directed to remove these amounts from the Collector's Roll; and,
- 5. That the associated interest be cancelled in proportion to the tax adjustments; and further,
- 6. That staff be authorized to and directed to do all things necessary to give effect to this resolutions.

Carried

8.2.3 2019 SEPTEMBER YEAR-TO-DATE REVIEW OF OPERATIONS AND YEAR-END PROJECTION (7.0)

Moved by Regional Councillor Jack Heath Seconded by Deputy Mayor Don Hamilton

- 1. That the report titled "2019 September Year-To-Date Review of Operations and Year-end Projection" be received; and,
- 2. That the year-end surplus, if any, be transferred to reserves, as per policy, in the order outlined below:
 - a. Corporate Rate Stabilization Reserve at a level equivalent to 15% of local tax levies;
 - b. Remaining surplus, if any, to the Life Cycle Replacement and Capital Reserve Fund; and further,
- 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.4 QUALITY MANAGEMENT SYSTEM MANAGEMENT REVIEW (5.3)

Moved by Regional Councillor Jack Heath Seconded by Deputy Mayor Don Hamilton

1. That the report titled "Quality Management System Management Review" be received; and,

- 2. That Council, as the Owner of the City's drinking water system, acknowledge and support the outcome and action items identified from the Management Review; and further,
- 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.5 TRANSFER OF PETER ST. WATERMAIN FROM REGION OF YORK (5.3)

Moved by Regional Councillor Jack Heath Seconded by Deputy Mayor Don Hamilton

- 1. That Staff be authorized to assume the ownership of the Peter Street regional watermain from the Regional Municipality of York; and,
- 2. That Staff be authorized to accept payment of \$1,364,000.00, excluding HST, from the Regional Municipality of York for assuming the ownership of the Peter Street regional watermain; and,
- 3. That Staff be authorized to deposit the payment of \$1,364,000.00 to the Waterworks Stabilization/Capital Reserve; and,
- 4. That the Director of Environmental Services be authorized to execute any documents in a form satisfactory to the City Solicitor related to the transfer of Peter Street watermain; and further,
- 5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.6 MASTER FIRE PLAN, SECOND CREW AT STATION 99 (CORNELL) (7.15)

Moved by Regional Councillor Jack Heath Seconded by Deputy Mayor Don Hamilton

- 1. That the report entitled "Master Fire Plan, Second Crew at Station 99 (Cornell)" be received; and,
- 2. That Council approve the attached Terms of Reference in order to proceed with further analysis and consideration for the establishment

- of a second crew at Station 99 (Cornell) to improve fire response times for that area; and,
- 3. That Mayor Frank Scarpitti, Councillor Karen Rea, Councillor Andrew Keyes, Councillor Keith Irish, and Councillor Khalid Usman be appointed as the members of the Fire Response Task Force; and further.
- 4. That Staff be authorized and directed to schedule meetings as directed in the attached Terms of Reference.

Carried

8.3 REPORT NO. 44 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 25, 2019)

Moved by Councillor Alan Ho Seconded by Councillor Khalid Usman

That the report of the Development Services Committee be received & adopted. (1 Item):

Carried

8.3.1 MARKHAM INNOVATION EXCHANGE (MiX) (8.0)

Moved by Councillor Alan Ho Seconded by Councillor Khalid Usman

- 1. That the presentation entitled "Markham Innovation Exchange" be received; and,
- 2. That staff be authorized to engage in an RFP process for the advisory/consulting work necessary to prepare the call for investor interest; and,
- 3. That Capital funds not exceeding \$510,000 (inclusive of HST) be preapproved as part of the 2020 Capital Budget for advisory/consulting work to prepare the call for investor interest, and to be funded from the Land Acquisition Reserve; and,
- 4. That staff prepare a proposed RFP for consideration by the Development Services Committee as soon as possible that includes

real estate advisory services that address land values, including advice regarding lease, purchase and length of land holdings for the purpose of strategic property investments by the City, and further,

5. That staff be directed to do all things necessary to give effect to the recommendations in the staff presentation.

Carried as Amended

Council consented to amend the Recommendation by adding the following .

"4. That staff prepare a proposed RFP for consideration by the Development Services Committee as soon as possible that includes real estate advisory services that address land values, including advice regarding lease, purchase and length of land holdings for the purpose of strategic property investments by the City."

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

11. NEW/OTHER BUSINESS

11.1 8 JOHN LYONS ROAD TREE REMOVAL PERMIT (2.0)

Note: This matter was referred from the October 29, 2019 Council meeting.

Following the deputation of Mr. Karl Koehn, appellant, discussion ensued on the matter. Council consented to defer the matter to the December 10, 2019 Council meeting. Tanya Lewinberg, Public Realm Coordinator, addressed Council and responded to concerns raised by the applicant.

Moved by Regional Councillor Jack Heath Seconded by Councillor Reid McAlpine

Council had before it the following original recommendation which was referred from the October 29, 2019 Council meeting for consideration:

- 1. That the report entitled "8 John Lyons Road Tree Removal Permit" be received for information; and,
- 2. That the application to remove one (1) Black Walnut at 8 John Lyons Road, Markham, Ontario, be denied; and,
- That the recommendation is based on the unique characteristics of this case only and is not intended to be precedent setting nor to be used as a basis for future cases, and further,
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Lost by Recorded Vote (6:6) See below Recorded Vote

Recorded Vote (6:6)

YEAS:

Councillor Keith Irish, Councillor Reid McAlpine, Regional Councillor Jack Heath, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee (6)

NAYS:

Councillor Alan Ho, Regional Councillor Jim Jones, Deputy Mayor Don Hamilton, Mayor Frank Scarpitti, Regional Councillor Joe Li, Councillor Andrew Keyes (6)

ABSENT:

Councillor Karen Rea (1)

Moved by Councillor Keith Irish Seconded by Regional Councillor Jack Heath

1. That the matter on "Recommendation from the September 13, 2019 Licensing Committee Hearing (8 John Lyons)" be deferred to the December 10, 2019 Council meeting.

11.2 NEW/ OTHER BUSINESS - RECISSION OF BY-LAW 2019-114 – ZONING BY-LAW FOR 5440 16TH AVENUE, MARKHAM, (ANDRIN INVESTMENTS LIMITED)

Moved by Regional Councillor Jack Heath Seconded by Councillor Andrew Keyes

- 1. That the memorandum dated November 26, 2019 from the City Solicitor and Director of Human Resources be received, and,
- 2. That Council rescind By-law 2019-114, and further,
- 3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried by a Two Thirds Vote

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Amanda Collucci Seconded by Councillor Reid McAlpine

That By-laws 2019-118 to 2019-127 and 2019-129 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2019-118 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (65R-28526 PART 5)

Carried

13.2 BY-LAW 2019-119 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (65R-28526 PART 5)

13.3 BY-LAW 2019-120 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (65M-4526)

Carried

13.4 BY-LAW 2019-121 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (65M-4354)

Carried

13.5 BY-LAW 2019-122 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (65M-4354)

Carried

13.6 BY-LAW 2019-123 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (65M-4526)

Carried

13.7 BY-LAW 2019-124 A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A HERITAGE EASEMENT AGREEMENT WITH THE PROPERTY OWNERS OF 7739 NINTH LINE

Carried

13.8 BY-LAW 2019-125 CORNELL ROUGE DEVELOPMENT CORP. PART LOT CONTROL EXEMPTION BY-LAW

Carried

13.9 BY-LAW 2019-126 A BY-LAW TO AMEND BY-LAW 2015-93 BEING A BY-LAW TO IMPLEMENT AN ADMINISTRATIVE MONETARY PENALTY SYSTEM IN MARKHAM

Carried

13.10 BY-LAW 2019-127 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71

13.11 BY-LAW 2019-129 A BY-LAW TO AMEND BY-LAW 2005-188 BEING A BY-LAW TO GOVERN AND CONTROL PARKING OF VEHICLES IN THE CITY OF MARKHAM

Carried

14. CONFIDENTIAL ITEMS

Moved by Deputy Mayor Don Hamilton Seconded by Regional Councillor Joe Li

That, in accordance with Section 239 (2) of the <u>Municipal Act</u>, Council resolve into a private session to discuss the following confidential matters 7:04 pm:

14.1. APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - NOVEMBER 13, 2019 (10.0)

14.2. COUNCIL

- 14.2.1. PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE APPOINTMENT) [Section 239 (2) b) (16.24)]
- 14.2.2. PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES [Section 239 (2) b) (8.0)]

Carried

Moved by Deputy Mayor Don Hamilton Seconded by Councillor Amanda Collucci

That Council rise from Confidential session at 8:27 pm.

Carried

The Confidential items were approved by Council as follows:

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - NOVEMBER 13, 2019 (10.0)

Moved by Regional Councillor Joe Li Seconded by Councillor Khalid Usman 1. That the confidential meeting minutes of the November 13, 2019 Council meeting be adopted.

Carried

14.2 COUNCIL

14.2.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE APPOINTMENT) [Section 239 (2) b) (16.24)]

Moved by Councillor Reid McAlpine Seconded by Regional Councillor Jim Jones

1. That Council re-appoint the following persons to the <u>Heritage</u> Markham Committee:

NAMETERM ENDINGDavid NesbittNovember 30, 2020

Evelin Ellison November 30, 2020

2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14.2.2 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES [Section 239 (2) b) (8.0)]

Moved by Councillor Andrew Keyes Seconded by Regional Councillor Joe Li

1. That staff be authorized to proceed as directed by Council on November 26, 2019.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Khalid Usman Seconded by Regional Councillor Joe Li

	That By-law 2019-128 be given three readings and enacted.					
	Three Readings					
BY-LAW 2019-128 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF NOVEMBER 26, 2019.						
	Carried					
	ADJOURNMENT					
	Moved by Regional Councillor Joe Li Seconded by Councillor Keith Irish					
	That the Council meeting be adjourned at 8:28 p.m.					
	Carried					

Frank Scarpitti

Mayor

16.

Kimberley Kitteringham

City Clerk



Section 1 - Application Details

Alcohol and Gaming Commission of Ontario Licensing and Registration

Municipal Information

90 SHEPPARD AVE E SUITE 200 TORONTO ON M2N 0A4 Fax: 416-326-8711

Tel: 416-326-8700 or 1-800-522-2876 toll free in Ontario

The information requested below is required in support of all applications for a new Liquor Sales Licence or outdoor areas being added to an existing Liquor Sales Licence.

ARAYA SUSHI	Premises Telephone Number (905) 201-6669				
Contact Name CARLO PIEROZZI	Contact's Telepho	Contact's Telephone Number Email Address 6474949709 info@pnpconsulting			
Address	City / Town	Province,	State	Postal Code	
6040 hwy 7 EAST UNIT 1	MARKHAM	0	Ν	L3P3A8	
Does the application for a Liquor Sales Licer Indoor areas Outdoor areas Section 2 - Municipal Clerk's Official Municipality		on for a Liqu	ıor Sales	Licence in your	
Municipal Clerk: Please confirm the "Wet/Damp/Dry" stat					
Name of village, town, township or city whannexed or amalgamated, provide the name	ere taxes are paid: (If the of the Village, Town, To	wnship or Cit	the establi y was knov	shment is located was wn as)	
Is the area where the establishment is locat					
■Wet (for spirits, beer, wine) ■Damp (fo Note: Specific concerns regarding zoning or nor submission or letter within 30 days of th i	n-compliance with by-la	•	clearly out	lined in a separate	
Signature of Municipal Official		Title	Mit Middenium e e e e e e e e e e e e e e e e e e e	oda	
Address of Municipal Office		Date	YYYY	MM DD	
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- 46 - J	t's Signature		Date	

Page 2 of 2

Rev. Jan/17

Information on this form is collected under the authority of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and Section 12 of the Liquor Licence Act, R.S.O. 1990, Chapter L.19, as amended. The information you have provided will be used to contact you and process your Liquor Licence Application. If you have questions about this collection contact the Access & Privacy Manager, Legislative Services Development, 101 Town Centre Boulevard, Markham, Ontario, L.3R 9W3, 905-477-5530.

Udon

Un Shrimp Tempura Udon 15.99

U2 Veggie Tempura Udon 14.99

U3 Seaweed Udon 13.99

U4 Seafood Udon 13.99

US Beef Bokeum Udon 14.99

U6 Chicken Bokeum Udon 14.99

G CO IS

Udon Combo

UC1 Udon + California roll 14,99

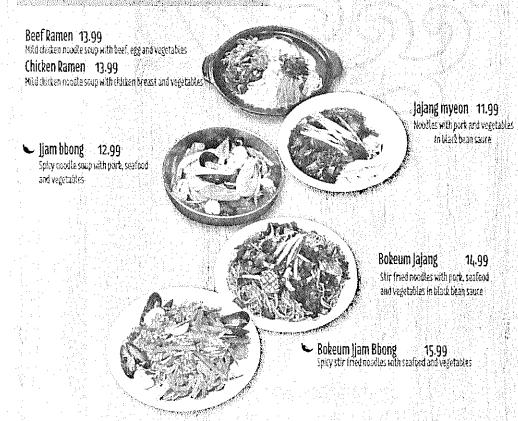
UC2 Udon + Spicy Salmon roll. 15.99

UC3 Udon + Dynamite Roll 17.99

UC4 Udon + Don kasu 15.99

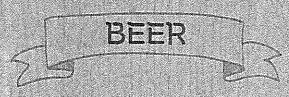
UC5 Udon + Chicken Kasu 15.99

Homemade Noodle





B1. Pop (Coke, Diet Coke, Sprite, Canada Dry)	1.99
B2. Ice Tea (Nestea)	2.50
B3. Sparkling Water (Perrier)	2.50
B4. Bottled Water	1.99

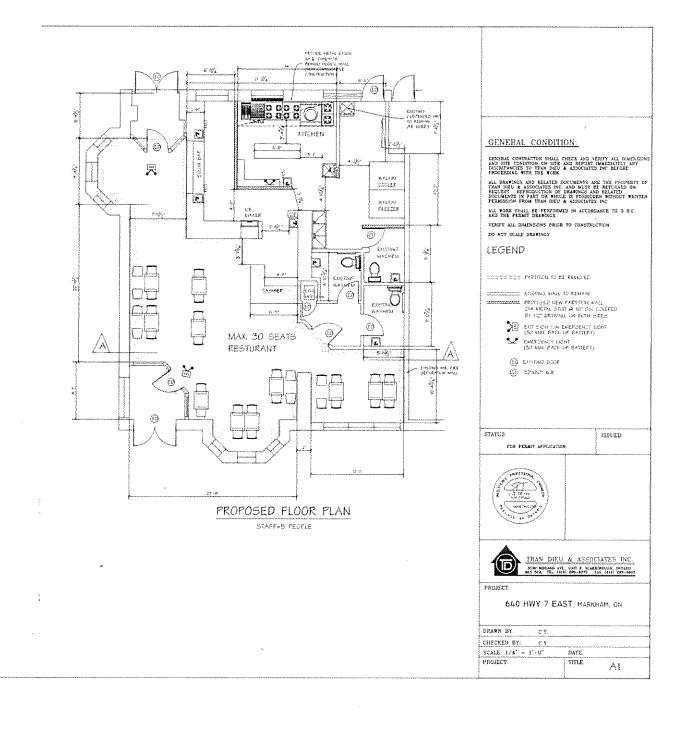


B5. Asahi (330ml, atc 5.0%) 6.50 (500ml, atc 5.0%) 8.99 B6. Sapporo (341ml, atc 5.0%) 6.50 (650ml, atc 5.0%) 11.50 B7. Kirin (355ml, atc 5.0%) 6.50 B8. Heineken (330ml, atc 4.6%) 6.50 B9. Corona (330ml, atc 4.6%) 6.50

WINE

ICE CREAM

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MEMORANDUM

FROM: Arvin Prasad, Commissioner of Development Services

TO: Kimberley Kitteringham, City Clerk

PREPARED BY: Aqsa Malik, Planner I, East District

DATE: November 29, 2019

RE: Hold Removal

Forest Bay Homes Ltd. Block 151, 152, 153 6350 Steeles Ave, E.

Planning File: 19 139312 HOLD

The applicant has submitted a Zoning By-Law Amendment to remove Holding provisions applicable to the subject lands, to permit the development of the following:

- Block 151 92 Common element, freehold semi-detached units.
- Block 152 92 Common element, freehold semi-detached units.
- Block 153 131 Common element, freehold townhouse units.

For the subject development, the subdivision agreement has been executed and the Plan registered. The proposed development is being reviewed through related Site Plan Control applications.

The subject lands are zoned under By-law 90-81, as amended, as follows: Second Density – Medium Density Residential (Hold) [RMD2(H3)] Zone; and Second Density – Medium Density Residential (Hold) [RMD2(H2)(H3)]. The criteria to remove the Holding provisions are as follows:

- H2 The owner obtains the Street 'D' connection to Steeles Avenue East and the implementation of the connection to the Steeles Avenue road improvements as identified in the Transportation improvements Donald Cousens Parkway to Morningside Link Environmental Assessment Amendment Report, Regional Municipality of York, dated July 2011 prepared by McCormic Rankin Corporation.
- H3 That the Owner obtains Site Plan Approval to the satisfaction of the city.

In an email dated October 3rd 2019, the Region of York confirmed that they have no concerns with the proposed development proceeding in advance of the Street 'D' connection to Steeles Avenue East. The Region of York has also confirmed service allocation is available for the proposed development. The Site Plan Approval is delegated and in absence of a Council resolution, the Director of Planning or his designate will confirm the allocation of servicing by the City when site plan endorsement memo is issued.

Staff have received the endorsement package for Block 151, and are awaiting the endorsement packages for Blocks 152, and 153. The remaining matters to be resolved are the endorsement followed by execution of the Site Plan Agreement for all three blocks.

To avoid delaying the proposed development until the site plan agreements are executed, and given that site plan endorsement and subsequent site plan approval is imminent, planning staff support removing the Holding (H) provisions at this time, which will allow the developer to apply for building permits. However, issuance of building permits cannot proceed until the site plan agreements have been finalized and site plan approval is issued.

The applicant has provided a written undertaking not to compel the City to issue full building permits for the three development blocks until site plan approval is issued.

Goodmans

Barristers & Solicitors

Bay Adelaide Centre - West Tower 333 Bay Street, Suite 3400 Toronto, Ontario M5H 2S7

Telephone: 416.979.2211 Facsimile: 416.979.1234 goodmans.ca

Direct Line: 416.597.4136 mnoskiewicz@goodmans.ca

December 5, 2019

Our File No.: 191318

BY EMAIL (mpettit@markham.ca)

Mayor and Members of Council c/o Deputy City Clerk City of Markham Markham Civic Center 101 Town Centre Blvd. Markham, ON L3R 9W3

Dear Mayor and Councillors:

Re: The Ladies' Golf Club of Toronto, Applications by 2526574 Ontario Limited (Tridel) for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit a 12 storey residential building and a 14 storey residential building on the southeast side of Royal Orchard Blvd., west of Bayview Avenue (7859 Yonge Street) - Item 9.1, Development Services Committee Meeting (November 25, 2019)

We are solicitors for 7750 Bayview Avenue Limited Partnership, the owner of the Shouldice Hospital site at 7750 Bayview Avenue, located to the immediate south of the Ladies' Golf Club of Toronto.

Our client has no objection to the residential development proposed by the above-noted applications for the Ladies' Golf Club site. The purpose of this letter is to express our client's support for a condition of approval that would require the applicant to make a financial contribution towards area road improvements. Our client's support for this is based on the following:

- At the Development Services Committee (DSC) meeting of November 25, there was an
 indication that the applicant had offered to fund the installation of a new traffic signal at
 Royal Orchard Boulevard and Bayview Avenue, to improve area traffic circulation,
 particularly with respect to traffic turning southbound on to Bayview Avenue from Royal
 Orchard Boulevard.
- At the DSC meeting, there was also an indication that the Region has concluded that the installation of a new traffic signal at this location is not warranted at this time, and there was discussion about other alternatives for improving area traffic circulation. This is reflected in the minutes of the DSC meeting, which indicate that the Committee discussed "securing contributions from the applicant toward traffic control improvements on Royal Orchard Boulevard and Bayview Avenue".

Goodmans

- Our client supports a financial contribution by the applicant toward area road improvements being secured as a condition of approval of the above-noted applications. The contribution could be used for the installation of a new traffic signal at Royal Orchard Boulevard and Bayview Avenue (if agreed to by the Region in the future), or alternatively it could be used to share in the costs of the possible future extension of Royal Orchard Boulevard to the existing Green Lane traffic signal.
- In pre-application discussions relating to the future redevelopment of our client's lands, both City staff and Regional staff have commented that there may be a desire to extend Royal Orchard Boulevard through the Shouldice site to connect with Green Lane.
- The securing of a financial contribution from this applicant toward area road improvements, on the basis set forth above, could be secured as follows:
 - (i) by amending Recommendation 11 of the Development Services Committee as follows (with amendments underlined): "11. That Council authorizes the City to enter into an agreement with the developer, to share the costs associated with municipal service upgrades required along Royal Orchard Boulevard and to make a financial contribution towards area road improvements, to accommodate the development of the Subject Lands for high rise residential condominium buildings, to the satisfaction of the CAO and the City Solicitor."; and
 - (ii) by amending Clause 4(a) of the proposed Zoning By-law Amendment as follows: "(a) That the owner enters into an agreement with the City of Markham to provide upgrades to the municipal services along Royal Orchard Boulevard and to make a financial contribution towards area road improvements, to accommodate the proposed high rise residential development on the Subject Lands."

Please provide us with notice of any future public meetings scheduled to consider the above-noted applications, and please also provide us with notice of City Council's decision and the passing of any by-laws in respect of the above-noted applications.

Yours very truly,

Goodmans LLP

Mark Noskiewicz

MRN/nb



4800 Dufferin Street Toronto, Ontario M3H 5S9 Telephone (416) 661-9290 Fax: (416) 661-8923

December 9, 2019

VIA EMAIL (mpettit@markham.ca; kkitteringham@markham.ca)
Mayor and Members of Council
c/o Deputy City Clerk
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham ON L3R 9W3

Dear Mayor and Councillors:

Re: The Ladies Golf Club of Toronto

Applications by 2526574 Ontario Limited (Tridel) for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit a 12-storey residential building and a 14-storey residential building on the southeast side of Royal Orchard, west of Bayview Avenue (7859 Yonge Street)
City of Markham File Numbers OP/ZA 18 171600 and SPC 18 256868
Item 9.1, Development Services Committee Meeting (November 25th, 2019)
Response to Letter dated December 5th, 2019 from Goodmans LLP

Please be advised that I am the Vice President of Development for Tridel Corporation, which represents the applicant with respect to the above-noted Official Plan Amendment, Zoning Bylaw Amendment and Site Plan Approval applications.

I was in attendance and addressed the Development Services Committee at its meeting on November 25th, 2019 with respect to the above-noted recommendation report.

We are now in receipt of a letter dated December 5th, 2019 from Goodmans LLP with respect to the recommendation report and the final recommendations that were ultimately adopted by the Development Services Committee with respect to these applications.

I would note that the owner of the Shouldice Hospital is coming in at the 11th hour with respect to their submissions and representations. At no point prior has the owner of this site, or any of its representatives, approached us with any concerns respecting our development applications, including any concerns about improving area traffic circulation or any necessary area road improvements.

At the Development Services Committee meeting, Tridel did agree to provide any **necessary** contribution toward traffic control improvements on Royal Orchard Boulevard and Bayview Avenue. Tridel remains committed to addressing this matter and we anticipate this matter can be



The Ladies Golf Club of Toronto Applications by 2526574 Ontario Limited (Tridel) Page 2 of 2

finalized as part of the site plan approval process for our project. It should also be noted that our transportation consultant, WSP, is of the opinion that no further traffic control improvements on Royal Orchard Boulevard and Bayview Avenue are required as a result of our proposed development. This opinion has been confirmed by both the City of Markham and Region of York Transportation staff.

Once again, we note that the owner of the Shouldice Hospital site has never previously raised any concerns regarding our development applications, nor made any claims for any necessary area road improvements resulting from our proposed development applications. Also, we have never agreed to make a financial contribution towards area road improvements.

More importantly, we did not agree to share in the costs of the possible future extension of Royal Orchard Boulevard to the existing Green Lane traffic signal. In particular, we are concerned that the owner of the Shouldice Hospital is now attempting to secure financial contributions from Tridel to address area road improvements which we believe would be required as part of the redevelopment of the Shouldice Hospital site.

For the reasons outlined above, we strongly disagree to amending Recommendation #11 of the Development Services Committee to include a financial contribution towards area road improvements, nor do we agree that it is necessary to amend Clause 4a of the proposed Zoning By-law Amendment to add a holding provision requirement for the owner entering into an agreement with the City of Markham to make a financial contribution towards area road improvements.

I will be in attendance at the City Council meeting on December 10th, 2019 in order to address this matter and any other concerns that City Council may have with respect to the above-noted development applications.

If you have any questions regarding the above, please do not hesitate to contact me at mmestyan@tridel.com and/or 416.645.4740.

Yours Truly,

TRIDEL

Michael Mestyan

Vice President, Development Planning

cc: Rick Cefaratti, Senior Planner, West District, Markham

Jason Park, Devine Park LLP

Bisera, Leikha

Subject:

FW: Fwd: Item 8.2.4 Installation And Operation Of 2 Seadonal Tennis Bubbles Over The Tennis Courts At Reesor Park

From: Anthony Tan

Date: December 8, 2019 at 10:49:04 PM EST

Subject: Item 8.2.4 Installation And Operation Of 2 Seadonal Tennis Bubbles Over The Tennis Courts At

Reesor Park

To: Councillor, Alan Ho – Markham, Librecz, Brenda, Deputy Mayor, Don Hamilton – Markham, Regional Councillor, Joe Li - Markham, Councillor, Karen Rea - Markham, Councillor, Amanda Collucci - Markham, Councillor, Andrew Keyes - Markham, Taylor, Andy, Mayor Frank Scarpitti - Markham, Councillor, Isa Lee - Markham, Regional Councillor, Jack Heath - Markham, Regional Councillor, Jim Jones - Markham, Councillor, Keith Irish - Markham, Councillor, Khalid Usman - Markham, Creighton, Mary, Councillor, Reid McAlpine - Markham

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Dear Mayor & Councillors,

I am a resident of Markham and play only a few times during the winter, therefore it is not worthwhile for me to join a private tennis club. Since the opening of Angus Glen Tennis Centre, I joined AGTC. Since about a year I have not been able to book a court at midnight.

It is almost impossible to get a court, since there are over 1000 members with only 4 courts!

Please, don't spend public funds to support a Private Club. There is definitely a big demand for more Indoor Tennis courts!

Explore different options to address the shortage of Non Profit Indoor Tennis courts in Markham.

Also please attach my email to item 8.2.4 of Tuesday December 10, 2019.

Thank you,

Anthony T. S. Tan Markham

Bisera, Leikha

Subject:

FW: Deputation to Council December 10, 2019 re. winter tennis

From: Harry Eaglesham

Date: Monday, Dec 09, 2019, 9:01 PM

To: Mayor Frank Scarpitti – Markham, Deputy Mayor, Don Hamilton – Markham, Regional Councillor, Jack Heath - Markham, Regional Councillor, Jim Jones - Markham, Councillor, Keith Irish - Markham, Alan Ho, Councillor, Reid McAlpine

- Markham, Councillor, Karen Rea - Markham, Councillor, Andrew Keyes - Markham, Councillor, Amanda Collucci -

Markham, Councillor, Khalid Usman - Markham, Councillor, Isa Lee - Markham, Kitteringham, Kimberley

Cc: Creighton, Mary, b.librecz, rila.levine, dfross

Subject: Deputation to Council December 10, 2019 re. winter tennis

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Members of Council

I am providing you with advance copy of the deputation I plan to make at the Council meeting on December 10, 2019.

I am a Director and the Treasurer of the Unionville Tennis Club, a 9 court, non-profit, volunteer-run community tennis club which has been operating in partnership with the City in Carlton Park for almost 50 years. We are one of the largest and most successful community tennis clubs in Canada. With annual junior memberships costing \$40, adult memberships \$120 and no court fees we are truly a low cost sport option available to all the community. We offer free access to several public schools and have scheduled public hours. As the Mayor has often said "we are the face of Markham" with players of all calibres, interests, backgrounds and orientation. We have hosted the Ontario under 18 Championships the last 2 years. We have had an excellent relationship with City staff at all levels of the Recreation, Operations, Finance and Asset Management departments.

We read with interest the staff report related to a new winter tennis facility. **We are supportive of the broad concept of the addition of a winter tennis facility**. There are two points I wish to make with regard to the winter tennis proposal.

Firstly,

On the broader question of support for the proposal, because the staff report has only been just released we have not had the opportunity to get feedback from our members or our full Board on this specific proposal. However I am comfortable sharing the following:

- There is no question that Angus Glen is operating at greater than capacity
- In previous member surveys our members have expressed strong support for more local indoor tennis facilities
- Some of our Board members, with Board support, have urged the City to pursue additional winter tennis opportunities
- As a busy summer club, UTC would have been very challenged if it had been chosen as the site for a tennis bubble

So although we have not had the opportunity to solicit extensive input, I personally have no doubt that most (but not all) of our members and Board members would be enthusiastic about this increased opportunity to play winter tennis locally.

Secondly

The staff report is clear that the proponent will operate the Winter Club totally independent of the Markham Tennis Club. We have received further verbal assurances from staff as well that there will be no prejudice for any Markham summer club with the introduction of this new Winter Club. Examples of possible injury are as follows:

- the offering of discounts to only MTC members
- the offering of year round memberships at the site at a discount
- the proponent promoting the summer club through advertising, celebrity tennis matches, etc.(Note on page 7 of the staff report reference to **year-round** Exhibitions)

There may certainly be other examples.

We respectfully request that these reassurances form part of the lease agreement currently under negotiation with the proponent and that Council specifically direct staff as such in the proposed motions.

By copy to the City Clerk, I request that this message be included in Official Correspondence.

Thank you for your consideration.

Harry Eaglesham Treasurer Unionville Tennis Club

Subject:

FW: Markham Tennis Club Bubble

From: Y Struyven

Date: Tuesday, Dec 10, 2019, 12:05 AM

To: Mayor & Councillors; Kitteringham, Kimberley, Councillor, Reid McAlpine - Markham

Subject: Markham Tennis Club Bubble

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Dear Mayor Scarpitti and members of council,

I would like to let be known that I support the city's proposal to install two bubbles at the Markham Tennis Club with the intention to provide an additional indoor tennis facility to its residents. Please continue to invest in providing more indoor facilities to play this amazing sport for all ages. We need more indoor courts! This is long overdue and the announcement made this morning is welcome news to the very active tennis community in Markham.

Kind regards, Yves Struyven

Sent from my iPhone

Bisera, Leikha

Subject:

FW: Fw: Indoor Tennis in Markham

From: whelant2

Sent: December 10, 2019 8:56 AM

To: mayor&councillors@markham.ca <mayor&councillors@markham.ca>; jlustig@markham.ca <jlustig@markham.ca>

Subject: Indoor Tennis in Markham

I totally support the proposal to install a bubble at Markham Tennis club as it stands. We need more indoor tennis facilities in Markham and it is long overdue.

Thank you

Tracy Whelan

Bisera, Leikha

Subject: FW: Council Deputation Dec 10th re Markham Tennis Club Bubble Item # 8.2.4

Attachments: Deputation re Tennis Bubble at Markham Tennis Club (MTC).docx

From: Michael Gannon <

Sent: December 10, 2019 10:07 AM

To: Clerks Public <clerkspublic@markham.ca>

Subject: Fw: Council Deputation Dec 10th re Markham Tennis Club Bubble Item #8.2.4

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Kindly add this deputation to the official record. Thanks.

Regards Mike Gannon 905-513-9974 647-868-3274

----- Forwarded Message ----- From: Michael Gannon <

To: Alan Ho Amanda Collucci < >; Jack Heath < >; Karen Rea < Andrew Keyes < >; Isa Lee >; Reid McAlpine >; Khalid

Usman>; Jim Jones <; Frank Scarpitti <; Don Hamilton < Joe Li <j>; Keith Irish

Cc: Mary Creighton >; Andy Taylor>; Brenda Librecz **Sent:** Monday, December 9, 2019, 10:23:58 p.m. EST

Subject: Council Deputation Dec 10th re Markham Tennis Club Bubble Item #8.2.4

Dear Mr Mayor, Deputy Mayor, Regional and Ward Councilors, kindly find attached my deputation for tomorrow on the above subject. Markham has a well deserved reputation for our fantastic recreational facilities. Thank you! Several of the principals involved in this matter also have my deepest respect for their years of selfless volunteering on behalf of Canadian tennis, but I could not support this proposal without significant modification for my own club (Unionville) so integrity and honesty obliges me to speak up.

In summary, the proposal takes away up to 2 months of affordable tennis for Markham families in order to deliver 7 months of much more expensive tennis by a private operator, at a cost to the City of almost a million dollars. How is that fair or wise? There are too many unanswered questions, no demonstrated benefit to the City in exchange for the dollars, insufficient transparency, no time for the broader tennis community to react, you are not following your own tennis policy, no formal vote of support from Markham TC itself, and questionable procurement. I respectfully suggest you defer this item until you have more information, have done more engagement, and have satisfactory answers to many questions raised in my deputation. I might well then be first in line for my own membership if it can be done fairly and without impact to the other Markham community tennis clubs!

Regards Mike Gannon

Deputation re Tennis Bubble at Markham Tennis Club (MTC)

Good afternoon. I agree there is a need for more indoor tennis facilities in Markham, but do not support this current proposal. Some of the principals in this deal have selflessly given great service to the sport of tennis for many years. Indeed I play with some of them from time, so Scott, Dave, Dave etc if you are listening, this is not personal. Would I support this proposal for my own club, in Unionville? Emphatically not, so unless I want President Trump calling me another two faced Canadian, I feel obliged to speak up.

Credentials. I served on the Board of Unionville TC for 6 years, I helped the City formulate processes for Angus Glen tennis centre, and I helped Mary Creighton with revisions to the City's tennis clubs policy published in 2013.

A comment on the staff report. The outdoor tennis season is not 5 months, its closer to 7, especially taking into account startup and closing activities. People start playing outdoors from mid-April, and finish late October. Team tryouts take place throughout April. Most court maintenance takes place in April or October, when the bubble would still be up, so at MTC, this would have to be done during the limited 5 month period.

I play tennis in the indoor season at BTC, Blackmore Tennis Club, in Richmond Hill, a commercial for profit club, operating 7 months under a bubble, like the one proposed for Markham. A key difference however is that it uses town owned public courts but is not operated as a community tennis club outdoors. My cost for the indoor season, playing twice a week for just over 5 months, is usually around \$1,000. My total cost for the outdoor season in Unionville, just under 7 months, is about \$125. This is just for myself. It's reasonable to assume that Markham's winter pricing would be similar to Blackmore.

So in essence, what this proposal is asking for is for the City to subsidise a private operator by almost a million dollars, to take away up to 2 months of the current outdoor season of cheap affordable tennis, all in order to support a commercial club that will provide much more expensive indoor tennis, for those families who can afford it, for 7 months of the year! This was never the intent of the ILMP.

How can this proposal benefit the City and residents? How does this proposal benefit current MTC members, and how long will their courts be out of use during

the first year of construction? Will they migrate to other clubs for a longer outdoor season of affordable tennis? Can our other clubs absorb those numbers?

Why are MTC members any of my concern you might ask? Because I don't like the precedent. I don't want to wake up one day and find that my club has been dealt a similar deal, without my input, that cuts short the outdoor season of affordable tennis, for the benefit of the more affluent. Yes, I can afford it, but it's not fair for families who cannot.

I mentioned earlier the City's tennis policy. Why is it being ignored here? Most of you won't be aware of that policy, so here are a few extracts.

This policy provides for a fair and consistent process to ensure Community Tennis Clubs are operating with **transparency** ensuring **fair public access** to tennis courts in Markham...... with **democratic principles accountable** to its membership...... The (tennis club) Executive is **accountable to its members**

It is my understanding that Markham TC members have not voted for this significant change to their club, nor has their Board voted to approve it. So, does Markham TC as a whole support this proposal, and should this not be required prior to asking Council for approval?

The tennis policy also calls for a City run Management Committee will consist of three members appointed by the City from the Recreation, Operations and Asset Management Departments, as well as one member representing each of the established Community Tennis Clubs.

Why has this expert committee not reviewed and reported on this significant proposal, so that other clubs could provide input, for staff and Council?

Procurement. There is a long established successful operator of similar facilities in the Region, Tennis Clubs of Canada, with clubs in Richmond Hill, Aurora, Barrie and Newmarket. Why have they not been asked to bid? Why sole source to just the one bidder? And why a 25 year lease? We only gave Miller Waste an 8/10 year deal, and look at all their investments.

In summary, the proposal takes away up to 2 months of affordable tennis for Markham families in order to deliver 7 months of much more expensive tennis by a private operator, at a cost to the City of a million dollars. How is that fair or wise?

There are too many unanswered questions, no demonstrated benefit to the City in exchange for the million dollars, insufficient transparency, no time for the broader tennis community to react, you are not following your own tennis policy, no formal vote of support from MTC itself, and questionable procurement. I respectfully suggest you defer this item until you have more information, have done more engagement, and have satisfactory answers to the above questions. I might well then be in line for my own membership! Thanks for listening.



Report to: Development Services Committee Meeting Date: November 25, 2019

SUBJECT: RECOMMENDATION REPORT The Ladies' Golf Club of

Toronto, Applications by 2526574 Ontario Limited (Tridel) for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit a twelve storey residential building and a fourteen storey residential building on the south east side of Royal Orchard, west of Bayview Avenue (7859 Yonge Street) File Nos. OP/ZA 18 171600 and SPC 18 256868 (Ward 1)

PREPARED BY: Rick Cefaratti, M.C.I.P., R.P.P., ext. 3675

Senior Planner, West District

REVIEWED BY: Dave Miller, M.C.I.P., R.P.P. ext. 4960

Manager, West District

RECOMMENDATION:

- That the report titled "RECOMMENDATION REPORT The Ladies' Golf Club of Toronto, Applications by 2526574 Ontario Limited (Tridel) for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit a twelve storey residential building and a fourteen storey residential building on the south east side of Royal Orchard, west of Bayview Avenue (7859 Yonge Street) File Nos. OP/ZA 18 171600 and SPC 18 256868 (Ward 1)" be received;
- 2. That the proposed amendment to the 2014 Markham Official Plan, attached as Appendix 'A', be finalized and approved;
- 3. That the amendments to Zoning By-laws 2150 and 177-96, as amended be approved and the draft implementing Zoning By-law, attached as Appendix 'B', be finalized and enacted, without further notice;
- 4. That the Site Plan application by The Ladies' Golf Club of Toronto be endorsed in principle, subject to the Conditions attached as Appendix 'C' and that Site Plan approval be delegated to the Director of Planning and Urban Design or his designate;
- 5. That site plan endorsement shall lapse after a period of three (3) years from the date of Staff endorsement, in the event that the site plan agreement is not executed within that period;
- 6. That in accordance with the provisions of subsection 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the owner shall, through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the zoning by-law attached as Appendix 'B' to this report, before the second anniversary of the day on which the by-law was approved by Council;

- 7. That servicing allocation for one hundred seventy three (173) dwelling units be assigned to the subject development;
- 8. That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner;
- 9. That Council authorizes the City to enter into an agreement with the developer, to share the costs associated with municipal service upgrades required along Royal Orchard Boulevard, to accommodate the development of the "Subject Lands" for high rise residential condominium buildings, to the satisfaction of the CAO and the City Solicitor; and,
- 10. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report discusses and recommends approval of applications to amend the Official Plan and Zoning By-law, and endorsement in principle of a Site Plan application submitted by 2526574 Ontario Limited (Tridel), for a proposed high density residential development and public parkette on a 1.07 ha. (2.64 ac.) portion (the "Subject Lands") of the Ladies' Golf Club of Toronto (the Golf Club) property. The "Subject Lands" are located at the northeast corner of the Golf Club on Royal Orchard Boulevard near Bayview Avenue. Tridel is proposing two apartment buildings, one with twelve (12) storeys and one with fourteen (14) storeys. They will have a combined Gross Floor Area of 32,856.21 m² (353,661 ft²) and a total of 173 residential units.

The "Subject Lands" are designated "Private Open Space" in the City's 2014 Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018). This designation allows for private golf courses. Residential uses are not allowed within this designation, and hence the need for an Official Plan Amendment.

The "Subject Lands" are currently zoned O2 – Special Use under Zoning By-law 2150, as amended. An amendment, to the Zoning By-law, is required to permit high rise residential development, and to implement site-specific development standards, including a maximum permitted height of 49.0 m (160.76 ft.) and a maximum Floor Space Index (FSI) of 3.7.

The applicant will enter into a Section 37 Agreement with the City for community benefits, including the provision of a Public Art contribution, in return for the increase in density.

This report recommends approval of the Official Plan and Zoning By-law Amendments (Appendix 'A' and 'B') as the proposed development will not adversely impact the surrounding properties. There are adequate community services in the area, such as those at the Thornhill Community Centre, and the existing transportation network can accommodate the anticipated traffic. Staff also recommend endorsement in principle of the Site Plan application, subject to the conditions provided in Appendix 'C'.

PURPOSE:

This report recommends approval of the Official Plan Amendment and Zoning By-law Amendment applications, and endorsement in principle of the associated Site Plan application, to permit a twelve storey apartment building and a fourteen storey apartment building and public parkette on a 1.07 ha. (2.64 ac.) portion of the Golf Club. The public parkette will have an area of approximately 0.18 ha. (0.44 ac.).

BACKGROUND:

The Golf Club is a 52.37 ha. (129.42 ac.) property located between Yonge Street and Bayview Avenue in Thornhill (see Figures 1, 2 and 3 – Location Map, Area Context and Air Photo). The Golf Club is bisected by the East Branch of the Don River Valley corridor and by Pomona Creek. Surrounding uses include:

- Royal Orchard Park, along the Pomona Creek north of the Golf Club (adjacent to Royal Orchard Boulevard);
- Cricklewood Park (adjacent to Yonge Street) and Pomona Mills Park south of the Golf Club;
- existing low rise residential development, bordering the north and south sides of the Golf Club;
- Shouldice Hospital and Glynnwood Retirement Residence to the southeast;
- Drake Park, the Landmark of Thornhill apartment complex; a fire hall; retail uses and the Thornhill Community Centre and Library are located to the east, across Bayview Avenue; and,
- The City of Vaughan is located to the west, across Yonge Street.

The 1.07 ha. (2.64 ac.) "Subject Lands" are located at the northeast corner of the Golf Club (see Figure 3), on Royal Orchard Boulevard near Bayview Avenue. Frontage on the eastwest section of Royal Orchard Boulevard will be approximately 46 m (151 ft.), and frontage on the north south portion of Royal Orchard Boulevard will be approximately 166 m (545 ft.). The "Subject Lands" are currently occupied by Hole #9 of the Golf Club and the Course Half Way House. The area is landscaped, and mature trees line the property along the Royal Orchard Boulevard frontages. The Golf Club will require approval of a severance application to create the "Subject Lands" as a separate lot that can be sold to Tridel. This application has not yet been submitted.

PROCESS

Applications submitted in support of the proposal include:

- an Official Plan Amendment (to amend the 2014 Official Plan as it applies to the "Subject Lands", from "Private Open Space" to "Residential High Rise");
- a Zoning By-law Amendment (to rezone the "Subject Lands" from O2 Special Use, under By-law 2150, as amended, to a site specific Residential Three (R3) exception zone under By-law 177-96, as amended;

These applications were deemed complete in April, 2018 and circulated to internal departments, and senior levels of government for review and comment. A Statutory Public Meeting was held on January 22, 2019. The Ward Councillor hosted a non-statutory Community Information Meeting on March 27, 2019.

An application for Site Plan approval (SPC 18 258868) was submitted late in December, 2018 and circulated to internal departments, external agencies and senior levels of government for review and comment in January, 2019.

PROPOSAL

The proposed development includes a twelve (12) storey residential building (Building 'A') with a Gross Floor Area of approximately 14,943.81 m² (160, 854 ft²) and a height of approximately 42.0 m (138 ft.), and a fourteen (14) storey residential building (Building 'B') with a Gross Floor Area of approximately 17,912.40 m² (192,807 ft²) and a height of approximately 48.5 m (159 ft.) (see Figures 4-10). A total of 173 residential units are proposed and will include one, two and three-bedroom unit types. Building 'A' has 81 units and Building 'B' has 92 units (Figures 4 and 9 – Site Plan and Figures 5, 6, 7, 8 and 10 – Elevations).

The applications to amend the Official Plan and Zoning By-law originally proposed 192 residential units with a Floor Space Index (FSI) of 3.77. The most recent submissions including the application for Site Plan approval reduced the total number of residential units from 192 to 173, and reduced the Floor Space Index (FSI) from 3.77 to less than 3.7. FSI is the ratio of total floor area of a development to the lot area. In this instance, the 'lot area' means the "Subject Lands" minus the area of the parkette, which will be conveyed to the City.

The two buildings, which are generally oriented in a north-south direction, will be linked by a single storey lobby area (the Gross Floor Area of the lobby area is included in the floor area calculation for Building 'A').

The proposal includes 324 parking spaces for residents and 43 spaces for visitors, for a total of 367 spaces. (All of these spaces will be located underground). The City's Parking Standards By-law requires 1.25 spaces per unit, plus 1 visitor space for every 4 units, or 216 spaces for residents and 43 spaces for visitors. Consequently, 108 additional parking spaces are being provided, or approximately 1.9 spaces per unit.

The approximately 750 m² (8,073 ft²) of indoor amenity space, includes a fitness area, indoor pool, lounge area, and formal party and dining rooms. It will be shared by the residents of the two buildings.

The proposed built form introduces a variety of transitional elements, including the use of step backs, setbacks and angular planes, to mitigate potential impacts on surrounding properties. These elements were developed in consultation with City staff. The proposal also includes a public parkette, with an approximate size of 0.18 ha. (0.44 ac.) at the north end of the property, where it provides a transition between the proposed development and existing residences to the north. (See Figures 4 and 9 – Site Plan and Figures 5, 6, 7, 8 and 10 - Elevations).

Official Plan and Zoning

York Region Official Plan

The "Subject Lands" are designated "Urban Area" in the York Region Official Plan, 2010 (YROP), which permits residential, commercial, industrial and institutional uses. The proposal conforms to the 2010 YROP. In addition, York Region Planning staff has advised that the proposed Official Plan Amendment is a routine matter of local significance and is exempted from approval by Regional Planning Committee and Council.

2014 Markham Official Plan

The 1.07 ha. (2.46 ac.) "Subject Lands" are 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 Private Open Space designation provides for, amongst other uses, private golf courses. Residential uses are not permitted within this land use designation. Therefore, an Official Plan Amendment is required to allow for the proposed use.

The draft Official Plan Amendment (Appendix 'A') proposes to re-designate the "Subject Lands" from "Private Open Space" to "Residential High Rise" to facilitate the residential high rise development proposal.

The proposed amendment to the Official Plan also includes a site-specific policy to permit an increased maximum permitted density from 2.5 Floor Space Index (FSI) to 3.7 FSI under the "Residential High Rise" designation in the 2014 Official Plan.

Zoning

The "Subject "Lands" are zoned O2 – Special Use, under By-law 2150, as amended. The existing golf course is a permitted use on the property. The establishment of residential apartment buildings as proposed, requires a Zoning By-law Amendment.

The draft Zoning By-law amendment (Appendix 'B') proposes to delete the "Subject Lands" from the designated area of By-law 2150 and to add it to By-law 177-96, as amended as a Residential Three (R3) zone to permit the proposed development.

A number of site specific development standards, including:

- a maximum permitted building height of 42.0 m (137.79 ft.) for the twelve storey apartment building (Building A) adjacent to the proposed parkette;
- a maximum permitted building height of 49.0 m (160.76 ft.) for the fourteen storey use apartment (Building B);
- a maximum of 175 dwelling units
- a maximum GFA of 32,857 m² (353,670 ft²)

The draft Zoning By-law Amendment also includes a holding provision. The provision requires the execution of an agreement with the City for cost sharing for servicing upgrades to facilitate the proposed development. This matter is discussed in more detail later in this report.

OPTIONS/ DISCUSSION:

Issues identified in the Preliminary Report, at the Community Meeting, and Public Meeting

Preliminary Report

Several matters for consideration were identified in the June 11, 2018 preliminary report including:

- appropriateness of the proposed site density;
- the Region's traffic/transportation requirements (i.e. road widening, vehicular access restrictions etc.)
- compatibility between the proposed building heights and adjacent low rise residential development;
- the proposed size and location of the public park feature;

Public Meeting

The Statutory Public Meeting was held on January 22, 2019. Comments made at the Public Meeting included:

- objections by residents of the "Landmark of Thornhill" apartment buildings to the heights, site density, and loss of privacy;
- concerns about adding dwelling units to the area without first resolving existing traffic issues, including: improving the intersection at Bayview Avenue and Royal Orchard Boulevard, and access to Green Lane from Royal Orchard Boulevard;
- a desire to create a pedestrian and cycling trail to connect Royal Orchard Boulevard to Pomona Park:

The City has also received written submissions from the public that provide comments and objections similar to those noted above.

Community Meeting

A non-statutory Community information meeting was held on March 27, 2019. This meeting was hosted by the Ward Councillor in conjunction with the representatives of the Golf Club and the developer (Tridel), and was also attended by Staff. Comments made at this meeting included concerns about:

- the Golf Club's intentions with respect to selling off additional land for development in the future; and,
- traffic, including the ability of the current road networks to accommodate the additional cars generated, by the proposed development of the "Subject Lands";

These and other issues are addressed as follows:

Site Layout, Building Design and Density Are Appropriate

The scale and orientation of the proposed high rise buildings will be compatible with the surrounding area (See Figures 9 and 10). The proposed massing and north-south orientation provides for an appropriate scale and transition to the nearby low rise residential dwellings on Royal Orchard Boulevard.

The proposed site layout has been designed to minimize potential impacts to the existing residences in the area. The proposed location of the parkette, at the north end of the "Subject Lands", will provide a further transition and open space buffer between the high rise buildings and the residences on the north side of Royal Orchard Boulevard. Aligning the buildings along the north south leg of Royal Orchard Boulevard also maximizes the distance between the proposed buildings and existing residences.

To better understand the potential impact to the existing residences on the north side of Royal Orchard Boulevard, an angular plane study was submitted in support of the application (See Figure 11). Angular plane analysis is a diagrammatic tool. It is used to evaluate the relationship between a proposed high rise building and existing low rise buildings. The City typically requires angular planes with a maximum 1:1 slope, where the slope is taken from the closest low rise residential use property line to the top of a high rise building (1:1 slope means 1 metre away for every metre in building height). The proposed development achieves a 2:1 angular plane slope (2:1 slope means 2 metres away for every metre of building height). Figure 11 compares a 1:1 angular plane to a 2:1 angular plane.

Tridel also submitted Shadow Studies (see Appendix 'D' and Appendix 'E' which shows the shadows from the proposed buildings at the spring and fall equinoxes (March 21st and September 21st), and at the summer solstice (June 21st), for each hour from 9:00 am to 4:00 pm). These studies demonstrate that impacts from sun shadow on surrounding residences are minimal.

Parcel Delivery Management

Tridel is considering implementing an automated parcel delivery management system for the residents. This system will send residents a digital message that a parcel containing a product ordered through e-commerce is being held for them. The details of this system will be explored further during site plan discussions.

Dog Facilities

Tridel has indicated that dog runs will be provided to ensure that the proposed development is dog friendly. Details to ensure the proposed development is dog friendly shall be secured through the site plan agreement process.

Transportation Impacts Minimal

Markham's Transportation Engineering Staff has reviewed the Traffic Impact Study (TIS), which was submitted in support of the proposal. Staff agree with the TIS findings that the intersections of Royal Orchard Boulevard East and Royal Orchard Boulevard West, and Bayview Avenue and Royal Orchard Boulevard (see Figure 3), are expected to continue to operate at levels of service similar to today. The study demonstrates that the proposed development will have a minimal impact, on the surrounding traffic network and traffic conditions.

York Region Transportation Planning, in coordination with York Region Traffic Signal Operations, York Region Development Engineering and York Region Transit/Viva, have also reviewed the TIS. They have no objections to the proposal, subject to providing a northbound left-turn lane from Royal Orchard Boulevard into the apartment site being

provided. The final design of the northbound turn lane will be determined through the site plan approval process. Regional Transportation Staff were also asked to consider intersection signal improvements on southbound Bayview Avenue, at Royal Orchard Boulevard. They concluded that signal controls on southbound Bayview Avenue and Royal Orchard Boulevard is not warranted at this time.

Transportation Demand Measures (TDM) required

In an effort to provide alternatives to automobile transportation, the applicant will be required to provide a number of TDM measures including: maintaining long-term and short-term bicycle parking spaces, a Car-Share service, together with a New Resident Information Package & Transit Incentive Program. These matters shall be secured through the site plan agreement process.

Site Specific Amendment to the City's 2014 OP is appropriate

The proposed amendment will allow a high rise residential condominium development to occur on a portion of the "Subject Lands". It is Staff's opinion that the proposal is compatible with existing low rise development in the area. The height and density, of this project, has been thoughtfully designed to respect light, views and privacy of the existing low rise residential in the area. This has in part been achieved by orienting the length of the buildings in a north-south direction. This development will also support existing and planned transit services including the proposed Yonge Street subway extension, and is well served by the community services available in the area.

<u>Site Specific Official Plan Policy requested to permit an increase in Maximum Floor Space</u> Index (FSI) is appropriate

As noted earlier in this report, the proposed amendment, to the 2014 OP "Residential High Rise" designation includes a site-specific policy to increase the maximum permitted FSI from 2.5 to 3.7. The FSI is derived from the size of the property the buildings will ultimately occupy, and the GFA of the proposed building. The proposed development will be adjacent to a large open space area (Golf Course) and future public parkette. These open space areas are not included in the density calculation.

The scale of the proposed developments has been assessed in light of a detailed review of a number of Studies, including the transportation studies, servicing studies, and analysis of the built form. Density, in the form of an FSI number, does not in and of itself indicate whether or not a proposed development is appropriate or compatible. As noted elsewhere in this report, careful attention has been given to the design, layout, massing and height transitions of the proposed development, with the intent of mitigating negative impacts on surrounding residences.

Following a detailed review of the materials submitted in support of the applications, staff are of the opinion that, due to its design and the context of the location, the proposed density can be supported.

Site Specific Amendment to add the subject lands to Zoning By-law 177-96, as amended, is appropriate

Amendments to the zoning by-law are required to facilitate the development of the proposed condominium apartment buildings. A number of site-specific development standards will permit the proposed development to proceed, in accordance with the proposal as shown in Figures 4 to 10. The proposed Zoning By-law Amendment will include a Holding (H) provision. The H provisions will require the developer to enter into a cost sharing agreement for servicing upgrades, prior to the start of the development. Lifting of the H would only occur after the servicing matters have been resolved to the satisfaction of Council.

The proposed amendment to remove the "Subject Lands" from Zoning By-law 2150 and add them to Urban Residential Zoning By-law 177-96, as amended, is appropriate.

Cycling/Pedestrian Link to Pomona Park Not Practical

A cycling and pedestrian trail link connecting Royal Orchard Boulevard to Pomona Park, which was raised at the Public Meeting, is not feasible at this time. Land and access rights from other property owners would have to be secured, including a public rights-of-way through the Golf Club. This is not practical nor safe on an open and operational golf course. Cycling/pedestrian trail links options can be identified if and when development is proposed on other properties in the area. The site plan has been revised to show an extension to the sidewalk along the south side of Royal Orchard Boulevard. This sidewalk extension will provide a pedestrian connection to the existing bus stops at Doral Gate and the proposed public parkette.

Sustainable measures proposed

Tridel has agreed to incorporate a number of sustainable development measures, including:

- Bird friendly and dark sky compliance;
- Water efficient landscaping, through the planting of native and drought tolerant vegetation; and,
- 64 bicycle parking spaces to support the use of active transportation;

Staff will continue to work with the applicant to achieve additional sustainability features, such increasing energy efficiency, incorporating environmentally preferable building materials and reducing the local-heat island affects. These matters will be secured through the site plan agreement.

Parkland Dedication

The approximately 0.18 ha. (0.44 ac.) parkette, proposed at the north end of the "Subject Lands", is in a suitable location (see Figure 4). Its proposed size does not meet the total parkland dedication requirement of 0.466 ha. (1.15 ac.) that this development is required to provide. Therefore, the applicant will be required to fulfill the parkland shortfall of 0.286 ha. (0.70 ac.) through a cash-in-lieu of parkland payment, as a condition of site plan approval.

Upgrades to municipal services required

Municipal services along Royal Orchard Boulevard, in the vicinity of the site, will require upgrades to accommodate the proposed development. The applicant will be required to pay the costs associated with these service upgrades on Royal Orchard Boulevard. The City already had plans in place to upgrade services on Royal Orchard Boulevard in the next 4 years. Tridel's proposal will advance this work so that it occurs concurrently. As noted earlier in the report, the proposed Zoning By-law Amendment will include a Holding (H) provision to ensure that development does not occur until municipal servicing improvements have been addressed.

Compensation for Tree Removal Required

There are a number of mature trees that are proposed to be removed from the "Subject Lands". The trees to be removed include a number of native and non-native species. Compensation for tree removal will be determined prior to site plan endorsement, and secured through the site plan agreement.

Committee of Adjustment Rights

Due to the scale and complexity of the proposal, it is recommended that Council approve a resolution so as to allow the applicant to apply to the Committee of Adjustment for minor variances from the provisions of the zoning by-law before the second anniversary of the day on which the proposed by-law is approved by Council.

Section 37 and Public Art

The applicant will be required to provide Section 37 benefits, including a Public Art contribution, in accordance with the City policies and Section 37 of the Planning Act. The requirement for a contribution will be identified in the Zoning By-law Amendment and provided with the execution of the site plan agreement.

Draft Plan of Condominium Comments

Approval of a Draft Plan of Condominium application, to allow the sale of the individual apartment dwelling units to be sold and to create the common elements is also required. The authority to approve the Draft Plan of Condominium is delegated to the Director of Planning and Urban Design. This application has not been submitted.

Market Based Apartments Proposed

Based on the materials submitted with the applications and discussions with Tridel, the proposed high rise condominium apartments will be marketed as premium units. The proposed apartments will not be developed with the intent of adding affordable housing units to the supply for Thornhill. However, Tridel has indicated that they are supportive and open to having future discussions with staff to assist the City with its initiatives to address housing gaps in Markham.

CONCLUSION:

The proposed high rise condominium apartment development is appropriate. The built form will not adversely impact the surrounding properties. The articulated design will be of visual interest and the orientation of the proposed buildings will be sympathetic to their surroundings. The lower 2:1 angular plane demonstrates that impacts from the proposed

buildings will be minimized. Consequently, Staff recommends: that the draft Official Plan Amendment (Appendix 'A') be finalized and approved, that the draft Zoning By-law Amendment (Appendix 'B') be finalized and enacted, and that the associated Site Plan application be endorsed in principle, subject to the conditions outlined in Appendix 'C'.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The applications were reviewed in the context of the City's strategic priorities of Growth Management and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

These applications have been circulated to various City departments and external agencies and no objections to the proposal have been raised.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P. Arvin Prasad, M.C.I.P., R.P.P. Director, Planning & Urban Design Commissioner of Development Services

ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Area Context/Zoning

Figure 3 – Air Photo

Figure 4 – Site Plan

Figure 5 – East Elevations

Figure 6 – West Elevations

Figure 7 – North Elevations

Figure 8 – South Elevations

Figure 9 – Colour Rendering – Site Plan

Figure 10 – Colour Rendering – Building Bayview Avenue Perspective

Figure 11 – Angular Plane Illustration

APPENDICES:

Appendix 'A' – Draft OPA

Appendix 'B' – Draft ZBA

Appendix 'C' – Site Plan Conditions

Appendix 'D' – Shadow Study: Spring and Fall Equinoxes

Appendix 'E' - Shadow Study: Summer Solstice

OWNER:

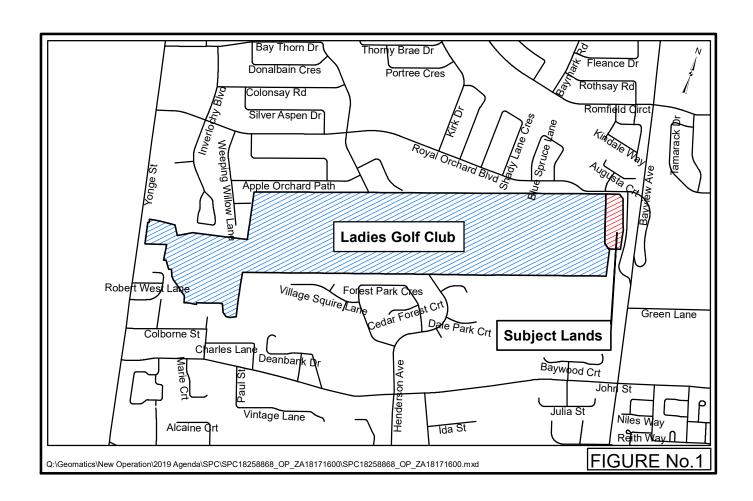
Ladies Golf Club of Toronto C/O Paul Bussiere 7895 Yonge Street Markham, ON L3T 2C4

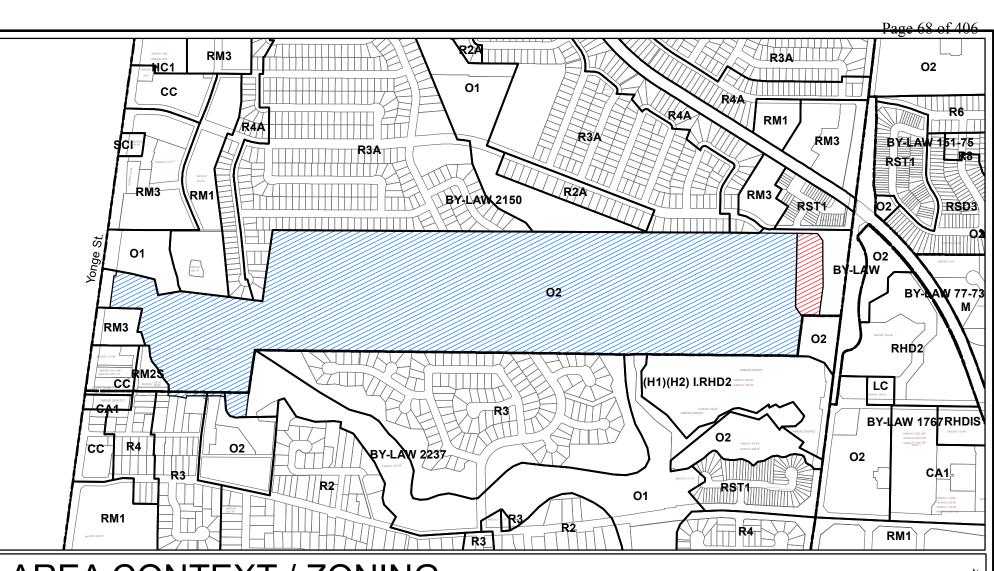
Email: gm@ladiesgolfclub.com Tel: (905) 889-3531, ext. 306

APPLICANT:

Bousfields Inc, C/O Kate Cooper 3 Church Street Unit 200 Toronto, ON M5E 1M2

Tel: (416) 947-9744 ext. 234 Email: <u>kcooper@bousfields.ca</u>





AREA CONTEXT / ZONING

APPLICANT: THE LADIES GOLF CLUB OF TORONTO 7859 YONGE ST.

SPC 18258868 OP ZA 18171600 (RC) FILE No.

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DATE: 09/10/2019

LADIES GOLF CLUB

Lands subject to the

Amendment

Official Plan and Zoning By-Law

FIGURE No.2



AERIAL PHOTO (2018)

APPLICANT: THE LADIES GOLF CLUB OF TORONTO 7859 YONGE ST.

FILE No. SPC 18258868_OP_ZA 18171600 (RC)

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DATE: 09/10/2019 FIGURE No.3



COLOUR RENDERING - SITE PLAN

APPLICANT: THE LADIES GOLF CLUB OF TORONTO 7859 YONGE ST.

FILE No. SPC 18258868_OP_ZA 18171600 (RC)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: RC

Date: 09/10/2019

FIGURE No. 9



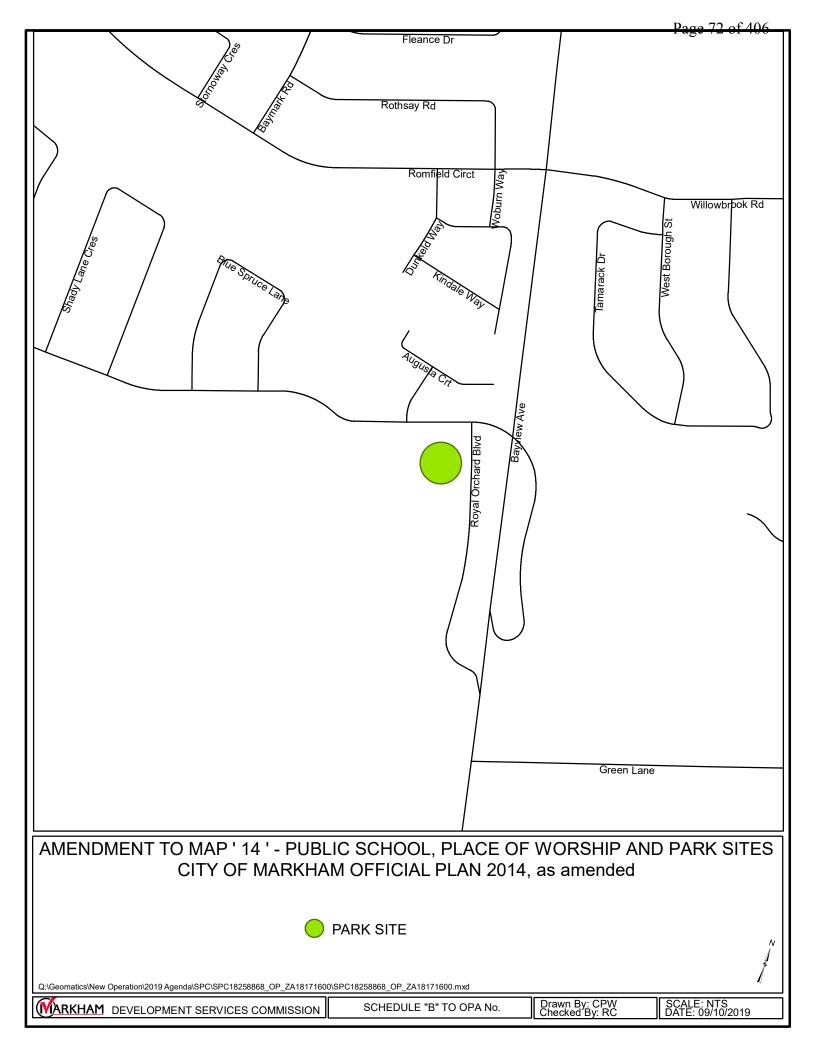
BUILDING ELEVATION PERSPECTIVE FROM BAYVIEW AVENUE.

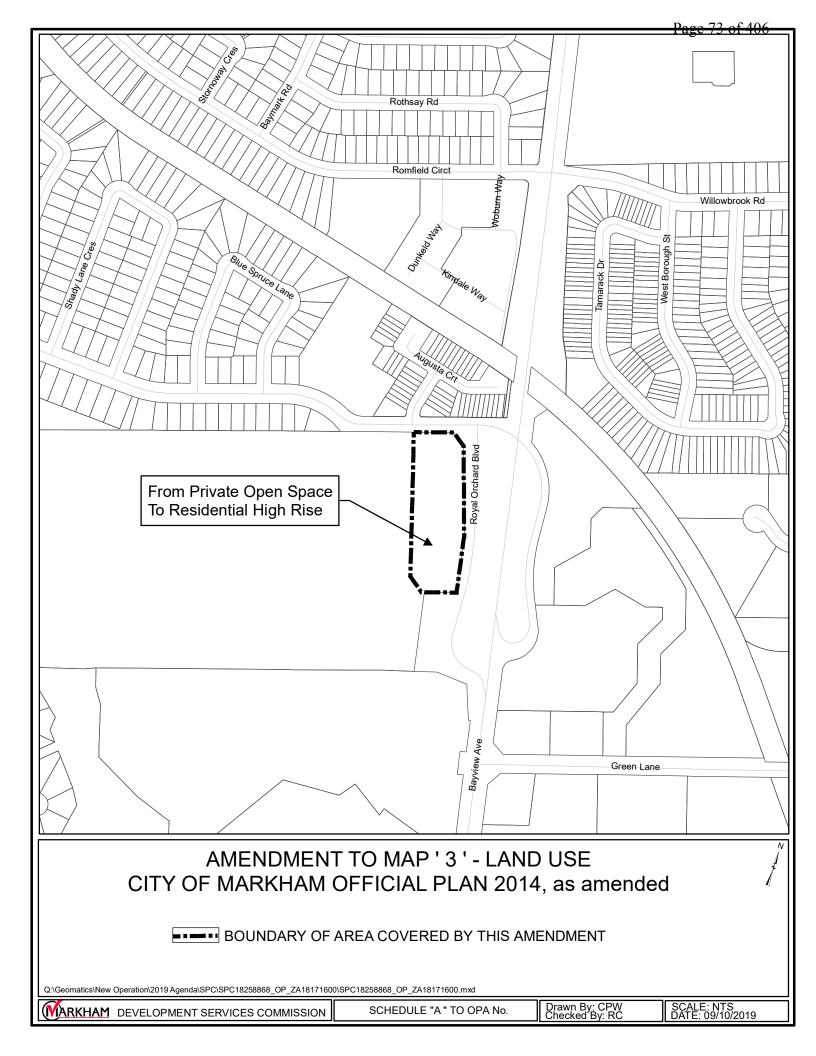
APPLICANT: THE LADIES GOLF CLUB OF TORONTO 7859 YONGE ST.

FILE No. SPC 18258868_OP_ZA 18171600 (RC)



DATE: 09/10/2019





Appendix 'C'

7859 Yonge Street Ladies Golf Club of Toronto SPC 18 258868

Recommended Conditions of Site Plan Approval

Prior to Staff endorsement of the site plan and elevation drawings, to commence preparation of the site plan agreement, the Owner shall submit:

- 1. Written confirmation from the Regional Municipality of York that their pre-approval conditions have been satisfied, as noted in Section A of their letter dated September 4, 2019;
- 2. An appraisal report of the land value of the subject property to determine the required cash-in-lieu of parkland payment, to the satisfaction of the City; and,
- 3. A Tree Compensation Strategy/Arborist Report, to the satisfaction of the Director of Planning and Urban Design.

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

- 1. Submit site plans, elevation drawings (including building materials, colours and details), that comply with all requirements of the City, and authorized public agencies, to the satisfaction of the Director of Planning and Urban Design;
- 2. Submit final plans that incorporate appropriate design features to ensure bird-friendly buildings;
- 3. Submit landscape plans, including streetscape details, 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;
- 4. Submit to the Director of Engineering, for review and approval, a detailed photometric analysis prior to the execution of the site plan agreement or the release of any letter of credit secured for this development. The Owner shall implement all the recommendations and requirements as provided in the analysis to the satisfaction of the Director of Engineering or his/her designate; and,
- 5. Continue to work with Staff to determine whether any additional sustainability features can be identified and incorporated into the proposed development, to the satisfaction of the Director of Planning and Urban Design.

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

Appendix 'C'

- 1. 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;
- 2. That the Owner agrees to implement Bird Friendly Measures and provide a detailed lighting plan which includes the installation of LED exterior lighting, to the satisfaction of the Director of Planning & Urban Design;
- 3. That provision for snow removal and storage, sidewalk alignment and maintenance be to the satisfaction of the General Manager of Operations and the Director of Engineering;
- 4. Provisions to ensure implementation of the recommendations of all approved technical reports;
- 5. Provisions for satisfying all requirements of City Departments and Public agencies;
- 6. That the Owner comply with all requirements of the City and authorized Public agencies, to the satisfaction of the Commissioner of Development Services; and,
- 7. That prior to receiving final site plan approval, and prior to the issuance of any building permits, the City receives written correspondence from York Region that all requirements and conditions provided in their comments on the Site Plan Application dated September 4, 2019 have been addressed to their satisfaction.



COLOUR RENDERING SITE PLAN

APPLICANT: THE LADIES GOLF CLUB OF TORONTO 7859 YONGE ST.

FILE No. SPC 18258868_OP_ZA 18171600 (RC)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: RC

Date: 09/10/2019

FIGURE No. 9



BUILDING ELEVATION PERSPECTIVE FROM BAYVIEW AVENUE.

APPLICANT: THE LADIES GOLF CLUB OF TORONTO 7859 YONGE ST.

FILE No. SPC 18258868_OP_ZA 18171600 (RC)



DATE: 09/10/2019

Appendix 'A'

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

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

Ladies Golf Club of Toronto

November 2019

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

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

This Official Plan Amendment was adopted by the Corporation of the Ci By-law No in accordance with the Planning Act, R.S.O.,	
amended, on the XX day of November, 2019.	,
Kimberley Kitteringham	Frank Scarpitti
CITY CLERK	MAYOR

THE CORPORATION OF THE CITY OF MARKHAM

BY-l	LAW	NO.	

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

THE 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. XXX 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 THIS DAY OF NOVEMBER, 2019.

Kimberley Kitteringham	Frank Scarpitt
CITY CLERK	MAYOR

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PART I - INTRODUCTION

(This is <u>not</u> an operative part of Official Plan Amendment No. XXX)

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, constitutes Official Plan Amendment No. XXX to the City of Markham Official Plan 2014, as amended. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to a 1.07 hectare (2.64 acre) eastern portion of the lands municipally known as 7859 Yonge Street ("Ladies' Golf Club of Toronto") as shown on Figure 9.18.22. The property is located south and west of Royal Orchard Boulevard. The subject lands are located within the Thornhill Planning District.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to re-designate a 1.07 hectare (2.64 acre) portion of the Ladies' Golf Club property from 'Private Open Space' to 'Residential High Rise' to facilitate a residential high-rise development that includes a twelve (12) storey apartment building and a fourteen (14) storey apartment building adjacent to Royal Orchard Boulevard, with a maximum site density of 3.7 FSI.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

This amendment will provide for a residential high-rise development on the subject lands that is compatible with, and provides an appropriate transition to, adjacent development. It will facilitate the development of two residential high rise buildings that are sympathetic to their surroundings including the historic "Ladies' Golf Club of Toronto" to the west. The proposed development will also include a public open space area adjacent to Royal Orchard Boulevard.

The maximum site density of 3.7 FSI is appropriate in this location and is comparable to adjacent development such as the three high rise towers across Bayview Avenue ("The Landmark of Thornhill Towers"). The increased site density represents good planning as the subject property is located adjacent to an arterial road with access to the transportation network and public transit. The property is sufficient in size to accommodate the proposed type of infill development.





PART II - THE OFFICIAL PLAN AMENDMENT

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

PART II – THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1 Map 3 Land Use of the Official Plan 2014, as amended, is hereby amended by re-designating a portion of the subject lands from 'Private Open Space' to 'Residential High Rise', as shown on Schedule "A" attached hereto.
- 1.2 Map 14 Public School, Place of Worship and Park Sites of the Official Plan 2014, as amended, is hereby amended by adding a park site, as shown on Schedule "B" attached hereto.
- 1.3 Section 9.18 of the Official Plan 2014, as amended, is hereby amended by:
 - a) Amending Section 9.18.1 to add a reference in Figure 9.18.1 to a new Section 9.18.22 as follows:

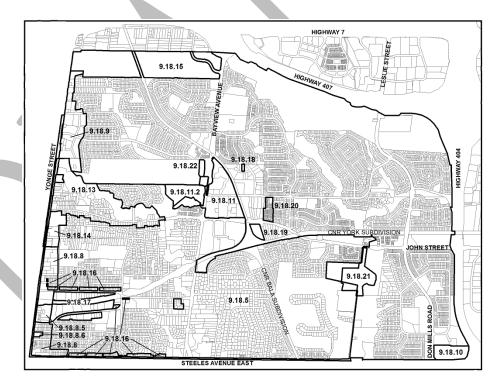


Figure 9.18.1

b) Adding a new subsection 9.18.22 and Figure 9.18.22 as follows:

"9.18.22 7859 Yonge Street

a) The total *floor space index* for all buildings shall not exceed 3.7.

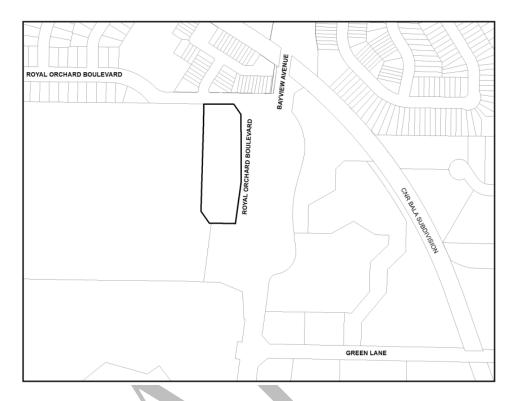


Figure 9.18.22"

2.0 IMPLEMENTATION AND INTERPRETATION

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 and other Planning Act approvals, in conformity with the provisions of this Amendment.

This Amendment to the City of Markham's Official Plan 2014, as amended, is exempt from approval by the Region of York. Following adoption of the Amendment, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

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

Appendix "B"



A By-law to amend By-law 2150, as amended (to delete lands from the designated area of By-law 2150) and to amend By-law 177-96, as amended (to incorporate lands into the designated area of By-law 177-96)

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

- 1. That By-law 2150, as amended, is hereby further amended as follows:
 - 1.1 By deleting the lands shown on Schedule 'A' attached hereto from the designated area of By-law 2150, as amended.
- 2. By-law 177-96, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands as shown on Schedule "A" attached hereto.
 - 2.2 By rezoning the lands outlined on Schedule 'A' attached hereto from:

from:

Special Uses Zone (O2) under By-law 2150

to

Residential Three *631 Holding [R3*631 (H)] Zone under By-law 177-96

and

Open Space (OS2) Zone Under By-law 177-96

2.3 By adding the following subsection to Section 7 – EXCEPTIONS

Exception 7.631	Ladies Golf Club of Toronto 7859 Yonge Street	Parent Zone R3
File		Amending By-
ZA 18 171600		law 2019-XX

Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the land shown on Schedule "A" attached to this By-law 2019-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.63	31.1 Special Zone Standards
The	following specific Zone Standards shall apply:
a)	Notwithstanding any further division or partition of any lands subject to this
	Section, all lands zoned R3*631 shall be deemed to be one <i>lot</i> for the
	purposes of this By-law
b)	For the purposes of this by-law, the easterly <i>lot line</i> shall be deemed the <i>front</i>
	lot line.
c)	The provisions of table B5 shall not apply
d)	The provisions of section 6.9.2 shall not apply
e)	Minimum required front yard:
	i) 12 metres
	ii) Within 75 metres of the southerly <i>lot line</i> – 4.5 metres
f)	Minimum required exterior side yard – 35 metres
g)	Minimum required interior side yard – 5 metres
h)	Minimum required rear yard – 11 metres
i)	Maximum number of dwelling units – 175
j)	Maximum floor space index (FSI) – 3.7
k)	Maximum building height:
	i) 222 metres above sea level, geodetic datum
	ii) For a portion of a building within 75 metres of the southerly <i>lot</i>
	line – 228.5 metres above sea level, geodetic datum
l)	Maximum Lot Coverage – 45%
m)	Minimum Lot Frontage – 19.2 metres
n)	Minimum Landscape Open Space – 25%
o)	Maximum <i>Gross Floor Area</i> of any floor above 207 metres above sea level,
	geodetic datum, in a portion of a <i>building</i> within 75 metres of the southerly
	lot line – 1000 square metres
p)	Maximum <i>Gross Floor Area</i> of any floor above 198 metres above sea level, geodetic datum, in a portion of a <i>building</i> greater than 75 metres from the
	southerly <i>lot line</i> – 1000 square metres
q)	Porches, balconies, and outdoor amenity space may encroach into the
4)	require yard:
	Front or Rear Yard – 3.5 metres
	Interior or Exterior Side Yard – to the lot line, provided they are
	contained wholly on the subject <i>lot</i>

3. SECTION 37 AGREEMENT

A contribution by the Owner to the City per residential unit in 2019 dollars, based on the total number of units, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

HOLDING PROVISION

4. For the purpose of this By-law the Holding Provision (H) is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding Provision (H) for the purposes permitted under this By-law until an amendment to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act. Prior to removing the Holding Provision (H), the following conditions must be met to the satisfaction of the City of Markham:

- a) That 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.
- 5. All other provisions of By-law 177-96, as amended, not consistent with the provisions of this by-law shall continue to apply.

Read a first, second and third time and passed on,	2019.
Kimberley Kitteringham Frank Scarpitti	
City Clerk Mayor	

AMANDA File No.: ZA 18 171600



EXPLANATORY NOTE

BY-LAW	2019-
---------------	-------

A By-law to amend By-laws 2150 and 177-96, as amended

7859 Yonge Street
CON 1 PT LOT 31 65R25941 PART 1
(Proposed Residential High Rise Development)

Lands Affected

The proposed by-law amendment applies to 1.07 hectares (2.64 acres) of land on the southwest corner of Royal Orchard Boulevard adjacent to Bayview Avenue, and municipally known as 7859 Yonge Street.

Existing Zoning

By-law 2150, as amended, currently zones the subject lands as Special Uses Zone (O2).

Purpose and Effect

The purpose and effect of this By-law is to delete the property from the designated area of By-law 2150, amend By-law 177-96 to incorporate lands into the designated area of By-law 177-96, and to rezone the subject property as follows:

from: Special Uses (O2) Zone under By-law 2150

to:
Residential*631 (R3*631) Zone
under By-law 177-96
and
Open Space (OS2) Zone
under By-law 177-96

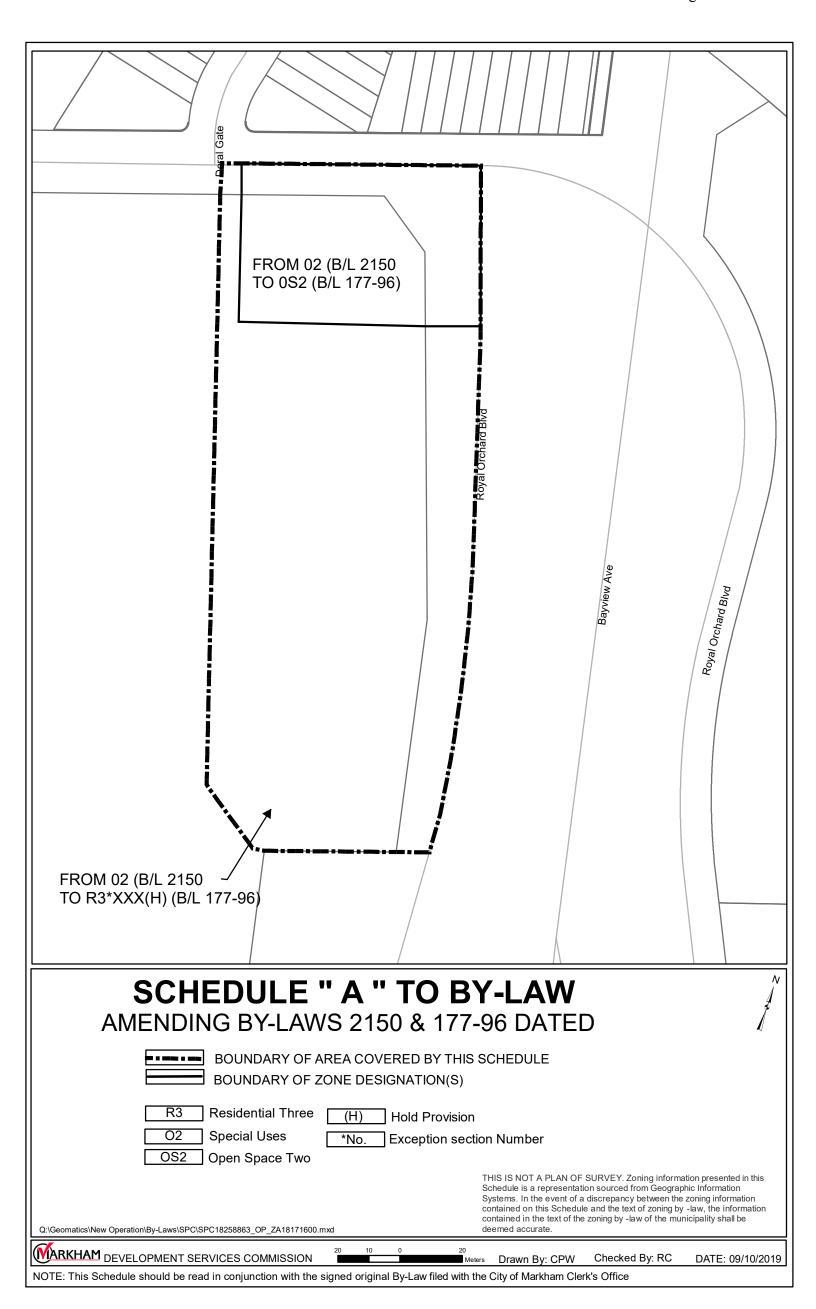
In order to permit the development of a twelve (12) storey residential apartment building and a fourteen (14) storey residential apartment building and a public open space area on the subject lands.

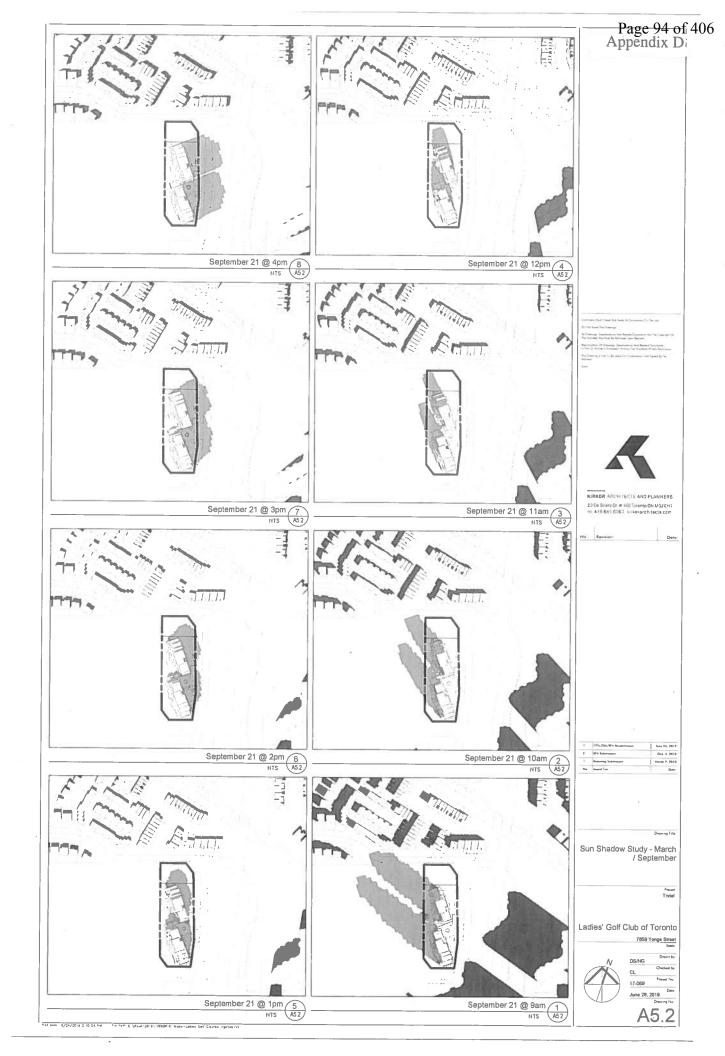
Note Regarding Further Planning Applications on this Property

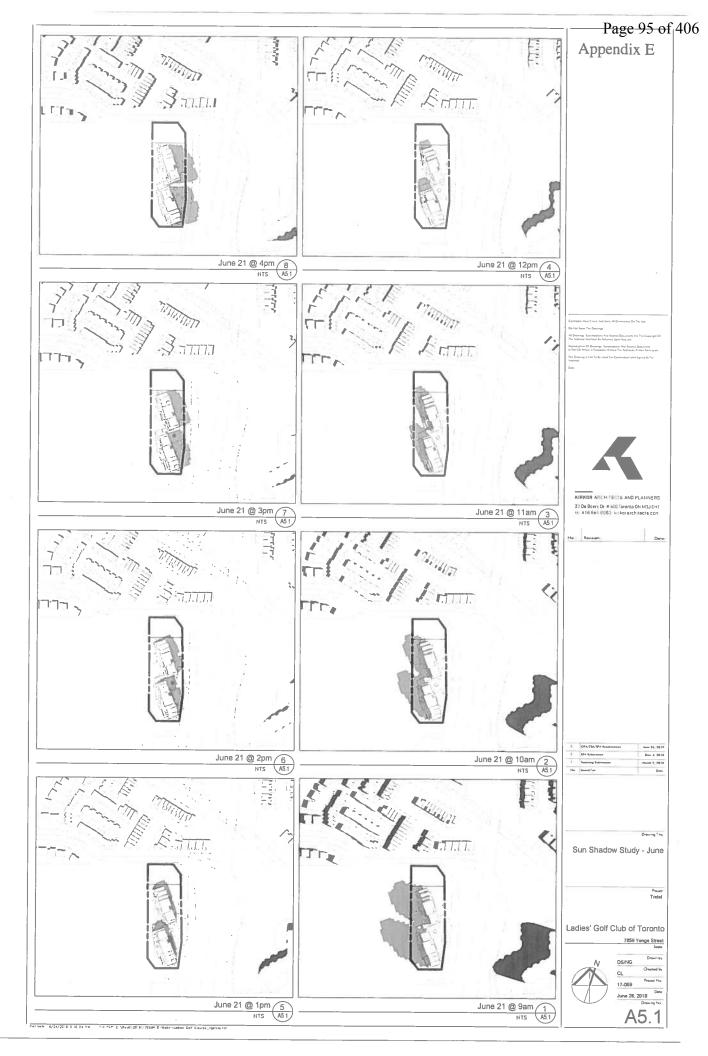
The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.

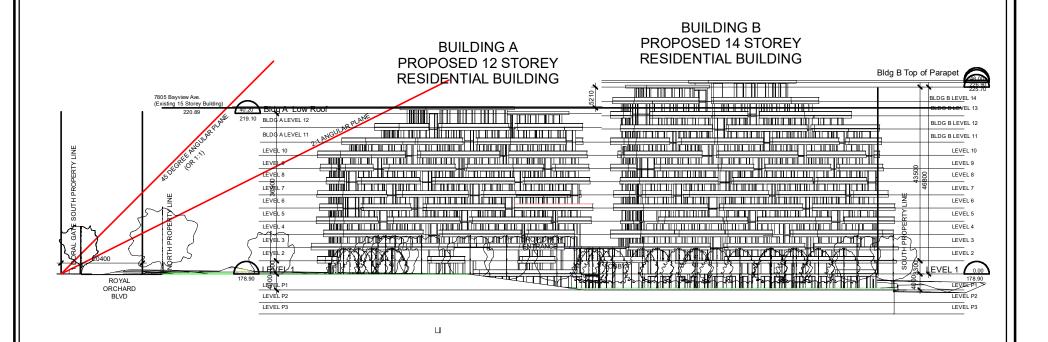
AMANDA File No.: ZA 18 171600











ANGULAR PLANE ILLUSTRATION

APPLICANT: THE LADIES GOLF CLUB OF TORONTO 7859 YONGE ST.

SPC 18258868 OP ZA 18171600 (RC) FILE No.

Q:\Geomatics\New Operation\2019 Agenda\SPC\SPC18258868_OP_ZA18171600\SPC18258868_OP_ZA18171600.mxd



Checked By: RC

DATE: 09/10/2019 FIGURE No.11

FRIENDS OF THE MARKHAM MUSEUM BOARD MEETING Meeting No. 81 Markham Museum, Mount Joy Staff Room May 8, 2019, 5:00 p.m.

In Attendance:	Regrets:
Doug Worsley, Vice Chair	Bill Crothers, Chair
Wendy Kadlovski, Treasurer	Sue Smitko
Lorne Smith	Anisa Anwar
Anna Masci	Athena Hurezeanu
Jill ten Cate	
Councillor Karen Rea	
Councillor Andrew Keyes	
Ex Officio:	Guests:
Cathy Molloy, Museum Director	Vivian Ng, Museum Youth Volunteer

1. CALL TO ORDER AND OPENING REMARKS

The meeting of the Friends of the Markham Museum Board was called to order at 5:03 p.m. with D. Worsley acting as Chair.

2. **DECLARATIONS**

Nil.

3. ADDITIONS/CHANGES TO THE AGENDA

Moved By: L. Smith

Seconded By: W. Kadlovski

THAT the agenda for the May 8, 2019 meeting be approved as distributed.

Carried. (3.1)

4. **REGRETS**

B. Crothers and S. Smitko sent their regrets.

5. ADOPTION OF MINUTES OF MEETING

Moved By: A. Masci Seconded By: J. Cate

THAT the minutes of the Friends of the Markham Museum meeting on April 10, 2019 be approved as amended.

Carried. (5.1)

6. BUSINESS ARISING FROM THE MINUTES

- a) AGM Discussion: The Board reviewed the AGM report which will be formally presented at the AGM on May 28.
- b) Disbursement Guidelines: The Board discussed the latest draft. Disbursement of funds is not specifically mentioned in the MOU. Will spend more time working on the

Friends of the Markham Museum Board May 8, 2019

Page 2

final version while consulting with the City's Legal department before submitting to Council for final approval.

7. **NEW BUSINESS**

Nil.

8. **DIRECTOR'S REPORT**

C. Molloy spoke briefly about recent events at the Museum. A new gate will soon be installed at the north side of the site that will be more secure, but also provide more convenient access to City staff and partner groups such as the Markham Little Theatre and Markham Historical Society using a pin pad or card swipe. Work continues on the new park to the north, which has required careful management to ensure continued access to our north driveway. The Museum will celebrate International Museum Day on May 18th and offer free admission to visitors along with special activities. This day will also be the last day of our extremely popular, award winning exhibition "Geared for Growing", so that we may begin installing our newly developed exhibition "Markham Moves". This exciting new exhibition will open to the public on June 8.

Moved by W. Kadlovski Seconded by A. Masci

THAT the Board receives the Director's report.

Carried. (8.1)

9. TREASURER'S REPORT

Moved by W. Kadlovski Seconded by A. Masci

THAT the 2018 Financial Statements, as presented, shall be submitted for approval at the Annual General Meeting.

Carried. (9.1)

10. YOUTH MEMBER REPORT

No report.

11. COMMITTEE REPORTS

a) Collections Committee: The committee submitted three reports (Attachments B, C and D).

Moved by A. Masci Seconded by J. Cate

THAT the list of artifacts for deaccession (attachment C) from the Saw Mill and Honey House Collection (in Chapman House) be approved for acceptance and submitted to the City of Markham for final approval.

Carried. (11.a)

- b) Development Committee: Artisan show on hold due to a date conflict. Partnership event with Markham Little Theatre is going strong and tickets are already being sold through Flato Markham Theatre's system. The event will be held on September 5.
- c) Executive Committee: Has not met recently.

Page 3

d) Book Marketing Committee: Book sales are slow. Spoke with a few Councillors who will put us in their newsletters.

12. MARKHAM HISTORICAL SOCIETY REPORT

Next Monday, May 13 is pie night, with guest speaker Maureen Jennings, the author of Murdoch Mysteries. Tour to Grand River on June 11, already sold out. Currently working on updating the logo and developing a mission statement. Later, we will create a website.

13. OTHER BUSINESS

Nil.

14. **NEXT MEETING**

The Chair informed the Board that the next meeting would be held on June 12 at 5 p.m. in the Mount Joy Staff Room at Markham Museum.

15. ADJOURNMENT

Moved by: W. Kadlovski

THAT the May 8, 2019 meeting of the Friends of the Markham Museum Board be adjourned.

Carried. (15.1)

Meeting adjourned 6:00 p.m.

ATTACHMENT A

COLLECTIONS COMMITTEE BRIEF April 17, 2019

The Collections Committee met on April 17, 2019 for discussion regarding donations to the Museum, support for a new acquisition and other business.

Exhibitions:

Staff confirmed the exhibition plans for the 2019/20 calendar year:

- Main Gallery: Geared for Growing: Markham's Agricultural History (produced in-house) October 2017 to May 2019 (extended)
- Mezzanine: From the Ground Up Ongoing end date to be confirmed
- Kinee Barn: related to the agricultural community dates not established.
- Markham Moves: exhibit extended to January 2021 and kid friendly.
- Markham Superheroes: 2020

Collections Management:

Staff provided updates regarding documentation, conservation, curatorial & archives services, and volunteer activities.

A major focus of the 2019/20 work plan for the curatorial area will be collection analysis and review of the Collection Policy and Procedure Manual.

Friends of the Markham Museum Board May 8, 2019

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Grant Updates:

- Provincial (CMOG) operating grant deadline is June 2019.
- Young Canada Works funding for two interns confirmed for 2019.
- Museum is requesting a further YCW internship for Collections Review.

Donations

The committee reviewed new proposed donations to the collection for the year 2019.

Permanent Collection

• Apple picking basket.

Other items presented for review included:

Permanent Collection:

- 1912 Mongolia School (SS 22) picture
- UHS iacket
- Markham Waxers jersey and Markham rugby sweatshirt

Teaching Collection:

n.a.

The Curator advised the committee that the museum is still in negotiations for the collection of Canadian glass oil lamps. That collection may be coming forward by the end of 2019..

Committee

It has been agreed to schedule additional meetings (July & August) for the deaccession of artifacts from the collection.

ATTACHMENT B

COLLECTIONS MANAGEMENT BRIEF April 17, 2019

The Collections Management Committee met on April 17, 2019 for review of artifacts selected for deaccession from the collection of Markham Museum, that will be presented to the City of Markham through the Friends of Markham Museum.

Artifacts for Discussion:

Members of the committee were presented by museum staff with a comprehensive list of artifacts from the Saw Mill and Honey House Collection (in Chapman House) that are slated for deaccession (indicated by "NO" pass). These assessed artifacts were discussed individually in detail by committee members and museum staff to ascertain that the items should be deaccessioned. The list also includes artifacts that are to remain within the collection.

Approval:

Motion by Jill Ten Cate, seconded by Bill Crothers that the list (attached) of artifacts for deaccession from the Saw Mill and Honey House Collection (in Chapman House) be submitted to the Friends of the Markham Museum for further approval, with final submittal to the City of Markham. **Motion carried.**

Friends of the Markham Museum Board May 8, 2019

Page 5

Closing comments:

Thanks were expressed to the staff for the professional submittal of the archival material that was reviewed.

Collections Review will continue at our next meeting, scheduled for July 16, 2019.

ATTACHMENT C



FRIENDS OF THE MARKHAM MUSEUM BOARD MEETING Meeting No. 82 Markham Museum, Mount Joy Staff Room

June 12, 2019, 5:00 p.m.

In Attendance:	Regrets:
Bill Crothers, Chair	Anisa Anwar
Doug Worsley, Vice Chair	Athena Hurezeanu
Wendy Kadlovski, Treasurer	Councillor Karen Rea
Lorne Smith	
Anna Masci	
Jill ten Cate	
Councillor Andrew Keyes	
Sue Smitko	
Ex Officio:	Guests:
Cathy Molloy, Museum Director	Vivian Ng, Museum Youth Volunteer

1. CALL TO ORDER AND OPENING REMARKS

The meeting of the Friends of the Markham Museum Board was called to order at 5:03 p.m. with B. Crothers presiding as Chair.

2. **DECLARATIONS**

Nil.

3. ADDITIONS/CHANGES TO THE AGENDA

Moved By: D. Worsley Seconded By: A. Masci

THAT the agenda for the June 12, 2019 meeting be approved as distributed.

Carried. (3.1)

4. REGRETS

A. Anwar sent her regrets.

5. ADOPTION OF MINUTES OF MEETING

Moved By: W. Kadlovski Seconded By: J. Cate

THAT the minutes of the Friends of the Markham Museum meeting on May 8, 2019 be approved as amended.

Carried. (5.1)

6. BUSINESS ARISING FROM THE MINUTES

Nil.

7. **NEW BUSINESS**

a) The Chair introduced and welcomed the two City Councillors to the Board. Councillor Karen Rea, ward 4, and Councillor Andrew Keyes, ward 5.

Friends of the Markham Museum Board June 12, 2019

Page 2

- b) For the 2019-2020 year, the Board officers will remain the same.
- c) The Committee Chairs will be as follows: D. Worsley, Collections Committee and W. Kadlovski, Development Committee.
- d) The Museum will be holding a welcome and orientation event for new summer staff, and have requested assistance from the Friends.

Moved by D. Worsley Seconded by W. Kadlovski

THAT the Board will support the Museum summer staff orientation event by purchasing food for the event, approximately \$300.

Carried. (7.d.1)

8. DIRECTOR'S REPORT

C. Molloy submitted a report (Attachment A)

Moved by W. Kadlovski Seconded by A. Masci

THAT the Board receives the Director's report.

Carried. (8.1)

9. TREASURER'S REPORT

The current bank balance is \$73,973. The disbursement guidelines are still in process. The Board discussed forming a committee to handle the disbursement of funds, ad hoc, until a policy is made.

Moved by L. Smith Seconded by W. Kadlovski

THAT the Guidelines for Disbursement of Funds be approved for submission to Council.

Carried. (9.1)

10. YOUTH MEMBER REPORT

No report.

11. COMMITTEE REPORTS

- a) Collections Committee: No report.
- b) Development Committee: Partnership event with Markham Little Theatre is going strong and tickets are already being sold through Flato Markham Theatre's system. The event will be held on September 5.
- c) Executive Committee: Has not met recently.
- d) Book Marketing Committee: Book sales are slow, generally a few per month. Councillors Rea and Hamilton have put notices in their newsletters about the book.

12. MARKHAM HISTORICAL SOCIETY REPORT

The mission statement is nearly complete, as well as a new logo and in the near future a new website. September 8 is the BBQ. Pie night was held recently with 65 people attending, a new record. The Grand River trip was also sold out with 50 people attending.

Friends of the Markham Museum Board June 12, 2019

Page 3

13. OTHER BUSINESS

Nil.

14. **NEXT MEETING**

The Chair informed the Board that the next meeting would be held on September 11 at 5 p.m. in the Mount Joy Staff Room at Markham Museum.

15. ADJOURNMENT

Moved by: S. Smitko

THAT the June 12, 2019 meeting of the Friends of the Markham Museum Board be adjourned.

Carried. (15.1)

Meeting adjourned 6:00 p.m.

ATTACHMENT A

Friends of the Markham Museum, Directors' Report

June 12, 2019

New flagpole installed at the front of the collections building.

New gate installed at the main north driveway. Key-pad/card-swipe installed in about 2 weeks New park at the north end of the site scheduled completion by the end of July

Programs

School programs doing well despite bussing issues.

Summer camps essentially sold out. There are a few spots in senior camps and waiting lists for most others.

Difficulty finding sufficient part time staff in the program department. Markham pays lower than most municipalities so turn over is very high, (once people have the experience they leave for higher paying jobs.)

Events

International Museum Day; over 1,500 in attendance. Attributed to growing audience that are active on social media and improved marketing at the Museum, (mostly via social media.)

Opening for 'Markham Moves'; over 400 attended the Museum that day.

YELP: Appreciation event for Markham Museum's greatest supporters as well as YELP Toronto's most active members and influencers. The event will be on Thursday, June 20 from 7-10PM. There will be many activities, local foods and beverages for everyone to enjoy! This is a 19+ event. **INVITE ONLY**

Dress code: Casual (the event will be indoors and outdoors so please dress accordingly). Please let Cynthia know if you plan to attend.

Friends of the Markham Museum Board June 12, 2019

Page 4

APPLEFEST 2019 – Museum staff are scaling back Applefest to one day in 2019. The event to be on Saturday, only. Attendance has been stagnant over the past couple of years with most attendance on the Saturday. It is getting more difficult to have the mills running for two days and many of the volunteers will only come for the afternoon on Sunday.

Exhibits

Markham Moves opened on June 8th and very well received by visitors. The components of the exhibit will greatly enhance the Museum's curriculum based education and camp programs. It was an honour to have the Mayor officially open the exhibit and that there were so many Council members in attendance.

Capital Programs

2019

- 1. HVAC system in Mount Joy due to the complexities of the system and structure, it took two years and three consultants to plan. Planned to be complete in April, further complexities have delayed installation, now scheduled for the last three weeks in June.
- 2. Asbestos removal in attic of Mount Joy complete.
- 3. Saw mill animal proofed and completely cleaned of racoon poop.
- 4. The Church hall and stairway floor replaced in May.
- 5. Church transformer and electrical panel replaced.
- 6. Strickler Barn cleaned scheduled for June.
- 7. Mini-Putt and Mini-Train track repairs will be done over the summer

2020 Requests

- 1. Various small repair and upkeep projects throughout the site
- 2. Second phase of Strickler Barn project to allow human occupancy
- 3. Fairly major repairs in Cider Mill, Train Station and Collection Building

Ontario Museum Association

It seems that the meetings with Minister Tibollo were effective. There are no cuts to current museum funding via CMOG.

I will be at an all day OMA Council meeting this Friday in Hamilton.

FRIENDS OF THE MARKHAM MUSEUM BOARD MEETING Meeting No. 83 Markham Museum, Mount Joy Staff Room

September 18, 2019, 5:00 p.m.

In Attendance:	Regrets:
Bill Crothers, Chair	Anisa Anwar
Doug Worsley, Vice Chair	Athena Hurezeanu
Wendy Kadlovski, Treasurer	Councillor Karen Rea
Lorne Smith	Jill ten Cate
Councillor Andrew Keyes	Anna Masci
Sue Smitko	
Ex Officio:	Guests:
Cathy Molloy, Museum Director	

1. CALL TO ORDER AND OPENING REMARKS

The meeting of the Friends of the Markham Museum Board was called to order at 5:10 p.m. with B. Crothers presiding as Chair.

2. **DECLARATIONS**

Nil.

3. ADDITIONS/CHANGES TO THE AGENDA

Moved By: W. Kadlovski Seconded By: D. Worsley

THAT the agenda for the September 18, 2019 meeting be approved as distributed.

Carried. (3.1)

4. **REGRETS**

A. Hurezeanu, A. Masci, A. Anwar, Cllr. Karen Rea and J. Cate sent their regrets.

5. ADOPTION OF MINUTES OF MEETING

Moved By: W. Kadlovski Seconded By: S. Smitko

THAT the minutes of the Friends of the Markham Museum meeting on May 8, 2019 be approved as amended.

Carried. (5.1)

6. BUSINESS ARISING FROM THE MINUTES

Nil.

7. **NEW BUSINESS**

Nil.

Friends of the Markham Museum Board September 18, 2019

Page 2

8. **DIRECTOR'S REPORT**

C. Molloy submitted a report (Attachment A)

Moved by W. Kadlovski Seconded by D. Worsley

THAT the Board receives the Director's report.

Carried. (8.1)

9. TREASURER'S REPORT

The current bank balance is \$77,038. Recent donation of \$1000 from John Housser. Received an invoice for the completed restoration of a painting of Peter Reesor. In 2015 we received a \$6000 donation to help cover the cost.

Moved by D. Worsley Seconded by S. Smitko

THAT the Board approve the expense of \$8685 for the restoration of the Peter Reesor portrait.

Carried. (9.1)

10. YOUTH MEMBER REPORT

No report.

11. COMMITTEE REPORTS

a) Collections Committee: The committee submitted a report reports (Attachment B).

Moved by D. Worsley Seconded by W. Kadlovski

THAT the Collections Management Committee recommends that the Barkey Chest artifact for accession be approved for acceptance by the Friends of the Markham Museum.

Carried. (11.a)

- b) Development Committee: Partnership event with Markham Little Theatre went very well, we raised a small amount of funds but also exposed a lot of MLT patrons to the Museum and vice versa. Other events are in early exploration stages.
- c) Executive Committee: Has not met recently.
- d) Book Marketing Committee: Has not met recently.

12. MARKHAM HISTORICAL SOCIETY REPORT

The MHS BBQ on September 8 was well attended with 45 people enjoying the evening. MHS will be serving apple fritters once again at Applefest on September 28. MHS is celebrating 50 years this year with a new logo and a new website.

13. OTHER BUSINESS

a) C. Molloy pointed out that 2021 will be the Museum's 50th anniversary.

14. NEXT MEETING

Friends of the Markham Museum Board September 18, 2019

Page 3

The Chair informed the Board that the next meeting would be held on October 9 at 5 p.m. in the Mount Joy Staff Room at Markham Museum.

15. ADJOURNMENT

Moved by: D. Worsley

THAT the September 18, 2019 meeting of the Friends of the Markham Museum Board be adjourned.

Carried. (15.1)

Meeting adjourned 6:13 p.m.

ATTACHMENT A

Friends of the Markham Museum, Directors' Report

September 18, 2019

New gate installed at the main north driveway. Key-pad/card-swipe installed.

New park at the north end of the site opened yesterday.

Front door of Mount Joy permanently locked due to some security issues over the summer.

Challenges over the summer with two full time staff with substantial time-off required.

Programs:

We had one of our best camp summers with a very strong summer camp team. Our new Science under the Big Top" Camp for 4-8 year olds got great reviews. We trialed a hot lunch program during 4 weeks of camp and based on the great feedback from parents we will be running it again next year for every week of camp. We are now prepping for a busy 10 weeks of camp in 2020.

The pottery studio was very busy with summer with the addition of Teen Wheel Throwing Camp. The camp instantly sold out with a large waitlist. We will be adding additional teen camps to our year round school break programming and for the summer of 2020.

This fall we are focusing more on Birthday Parties as we have noticed a drop in participants in some of our preschool public programs. We have freed up the space on weekends to allow up to three birthday parties per day on the weekends.

Program staff are tracking a potential job action with Ontario Education workers.

Curatorial:

Markham Moves is proving to be even more popular than Geared for Growing. News media as a result of the opening, increased awareness and visitor numbers.

MM hosted summer meeting of the York Durham Association of Museums and Archives Summer staff:

- Fleming College intern Kinnee Barn Enhancements to support simple machines schools program and create a permanent agriculture exhibition as recommended by our advisors during the collections review stakeholder meetings in 2017.
- Western U intern Textile Studio intro area updated to improve visitor flow and added a section on natural dyes.

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- Georgian College intern – assisted with exhibition projects & researched and updated information in general tour binder (co-supervised with programs).

ATTACHMENT B

COLLECTIONS MANAGEMENT BRIEF July 17, 2019

The Collections Management Committee met on July 17, 2019 for review of artifacts selected for accession to the collection of Markham Museum, that will be presented to the Friends of Markham Museum.

Artifacts for Discussion:

Members of the committee were presented by museum staff with a list of artifacts (Barkey Chest and "Favourite" Stevens Rifle) that are slated for accession. These assessed artifacts were discussed individually in detail by committee members and museum staff to ascertain that the items should be accessioned. The rifle does not require approval for accession.

Approval:

Motion by Bill Crothers, seconded by Jill Ten Cate that the Barkey Chest for accession be submitted to the Friends of the Markham Museum for approval. Motion carried.

Closing comments:

Thanks were expressed to the staff for the professional submittal of the archival material that was reviewed.

Collections Review will continue at our next meeting, scheduled for September 18, 2019.

- Two local students supported by YCW grants delivered bi-weekly object based programming for camps, maintained exhibitions and developed small outreach displays for the Civic Centre – Alma Walker: Queen of Markham presently on display will be followed by Godin: Musical Masters in 2020.

Events and Business Development:

Applefest is the host for Markham 225, with free admission and programming after 4 p.m. A press conference was held at the Museum today. A highlight was the attendance of Anwar Knight of CTV News; he broadcast weather reports live from the Museum.

Weekend events, primarily weddings, sold out at the beginning of the season, with only one wedding cancellation over the summer.

We are currently investigating corporate events to keep rentals occurring from November to April. An event held with YELP proved that with unique programming, bookings all year are possible Adult program research; Cynthia attended adult programing events around Markham and will put together some ideas/proposal for November/December.

Scaryfest planning going well, marketing initiated.

Capital Programs

- 1. HVAC system in Mount Joy, due to the complexities of the system and structure, took two years and three consultants to plan. Further complexities delayed work until after camp season. Install of new system is current and will be complete mid-October.
- 2. Mini-Putt, Pavilion, Harness Shop delayed with the leave of Maintenance. Asset Management has assumed the projects. The Museum is greatly appreciative of the work that being done by Asset Management in Dan's absence.
- 3. Strickler Barn Structural repairs completed over the summer. It is now safe for people to enter
- 4. Items from the Museum 'poop' budget include the cleaning of the saw mill, steam tractor shed, Strickler Barn and Harness Shop.

Ontario Museum Association

A meeting of OMA Council scheduled for this Friday at Markham Museum. Thank you to all Friends that plan to attend.

Cathy Molloy is currently Treasurer and her name will be on OMA AGM to be elected as Vice President for the first year of a two year term.

FRIENDS OF THE MARKHAM MUSEUM BOARD EXTRACT

DATE: May 8th, 2019

TO: Development Service Committee

EXTRACT CONTAINING ITEM 11a OF THE FRIENDS OF MARKHAM MUSEUM MEETING HELD ON May 8th, 2019.

11 a) COLLECTIONS COMMITTEE

Moved By: A. Masci Seconded By: J. Cate

THAT the list of artifacts for deaccession (attachment C) from the Saw Mill and Honey House Collection (in Chapman House) be approved for acceptance and submitted to the City of Markham for final approval.

CARRIED (11.a.)

Attachment C

Honey Hou	use Colle	ection (in Chapman	House)			
Points	Pass	Accession #	Common Name	Location	Source Info	Teaching?
-5	No	M.1984.41.6	Coal Scuttle	CPH2 Master Bedroom	Markham Museum Collection	
15	No	M.1997.14.194	Tin Pot	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	Yes
10	No	M.1997.14.197	Can	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
20	No	M.1997.14.198	Coal Scuttle	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
15	No	M.1997.14.199	Honey Can	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	Yes
30	No	M.1997.14.200.a&b	Honey Can	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
0	No	M.1997.14.203	Honey Can	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
10	No	M.1997.14.204.a&b	Honey Can	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
20	No	M.1997.14.209.a.1-3	Weight	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
20	No	M.1997.14.209.b&c	Scale	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
15	No	M.1997.14.219.1	Box	CPH2 Parlour	Ramer, Irene Mae Thurston	
15	No	M.1997.14.219.2.a-p	Lids	CPH2 Parlour	Ramer, Irene Mae Thurston	
25	No	M.1997.14.234.1-3	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
35	No	M.1997.14.238.2-7	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
20	No	M.1997.14.242.1-2	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
20	No	M.1997.14.243.1-2	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
20	No	M.1997.14.245	Hammer	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
35	No	M.1997.14.249	Sprayer	CPH2 Parlour	Ramer, Irene Mae Thurston	Yes
10	No	M.1997.14.252.3-33	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
5	No	M.1997.14.261	Scraper	CPH2 Parlour	Ramer, Irene Mae Thurston	
20	No	M.1997.14.262	Scraper	CPH2 Parlour	Ramer, Irene Mae Thurston	
20	No	M.1997.14.264	Knife	CPH2 Parlour	Ramer, Irene Mae Thurston	
30	No	M.1997.14.268	Sprayer	CPH2 Parlour	Ramer, Irene Mae Thurston	
20	No	M.1997.14.293	Leather Punch	CPH2 Parlour	Ramer, Irene Mae Thurston	
20	No	M.1997.14.296	Hammer	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
20	No	M.1997.14.301	Scraper	CPH2 Parlour	Ramer, Irene Mae Thurston	
10	No	M.1997.14.303.a&b	Box	CPH2 Parlour	Ramer, Irene Mae Thurston	
20	No	M.1997.14.321	Hand Drill	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
20	No	M.1997.14.322	Saw	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
0	No	M.1997.14.327	Hook	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
25	No	M.1997.14.328	Shovel	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	Yes
5	No	T.2018.0.140	Bucket	CPH2 Master Bedroom	Markham Museum Collection	
20	No	T.2018.0.146	Bucket	CPH2 Master Bedroom	Markham Museum Collection	
15	No	T.2018.0.148	Can	CPH2 Master Bedroom	Markham Museum Collection	
15	No	T.2018.0.149	Can	CPH2 Master Bedroom	Markham Museum Collection	
20	No	T.2018.0.190.1-2	Can	CPH2 Master Bedroom	Markham Museum Collection	
40	Yes	M.1997.14.205	Bucket	CPH2 Master Bedroom	Ramer, Irene Mae Thurston	
45	Yes	M.1997.14.222	Canteen	CPH2 Parlour	Ramer, Irene Mae Thurston	
45	Yes	M.1997.14.235	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
40	Yes	M.1997.14.236	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
50	Yes	M.1997.14.237	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
40	Yes	M.1997.14.240	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
40	Yes	M.1997.14.241	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
40	Yes	M.1997.14.250	Can	CPH2 Parlour	Ramer, Irene Mae Thurston	
45	Yes	M.1997.14.299	Electric scraper	CPH2 Parlour	Ramer, Irene Mae Thurston	
40	Yes	T.2018.0.139	Honey Press	CPH2 Master Bedroom	Markham Museum Collection	

Object must score 40 or higher to be considered for acquisition or to be kept in the Permanent Collection.

CPH = Chapman House



Report to: General Committee Meeting Date: December 2, 2019

SUBJECT: Award of Tender for the Supply and Delivery of Unleaded

Fuel (E10) and Biodiesel Fuel (B5 & B20) for a term of 5

years (2020-2024)

PREPARED BY: Raymond Law, Sr. Manager – Business, Fleet & Public

Realm, Ext 4852

Melita Lee, Senior Buyer, Ext 2239

RECOMMENDATION:

1. That the report entitled "Award of Tender for the Supply and Delivery of Unleaded Fuel (E10) and Biodiesel Fuel (B5 & B20) for a term of 5 years (2020-2024); and,

- 2. That the contract for Tender 160-T-19 Supply and Delivery of Unleaded Fuel (E10) be awarded to the lowest priced bidder, Suncor Energy Products Partnership, in the estimated annual amount of \$489,039.00, inclusive of HST; and,
- 3. That the contract for Tender 160-T-19 Supply and Delivery of Biodiesel Fuel (B5 & B20) be awarded to the lowest priced bidder, Suncor Energy Products Partnership, in the estimated annual amount of \$369,522.00, inclusive of HST and,
- 4. That the term of the contract be 5 years (January 1, 2020 December 31, 2024); and,
- 5. That the 2020 estimated costs of \$858,561.00 (\$489,039.00 + \$369,522.00) be funded from accounts as listed in the Financial Considerations section; and,
- 6. That the Purchase Order be adjusted in the future years up to the approved operating budget as approved by Council; and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to award the contract for the Supply and Delivery of Unleaded Fuel (E10) and Biodiesel Fuel (B5 & B20) for a term of 5 years (2020-2024).

BACKGROUND:

York Region, on behalf of the York Region Public Buyers Co-operative, issued a tender for the Supply & Delivery of Gasoline and Diesel Fuels, which closed on October 16, 2019. The participating agencies were:

The Regional Municipality of York
City of Richmond Hill
City of Vaughan
Town of Aurora
City of Vaughan
Town of Newmarket

Town of East Gwillimbury Town of Whitchurch-Stouffville

York Regional Police

The tender requested pricing for the supply and delivery of the various fuel types, however, the City of Markham only utilizes Unleaded fuel (E10) and Biodiesel fuel (B5 & B20) for City vehicles and equipment.

Additionally, the pricing for this tender was based on Petro-Canada's Terminal Rack Pricing on Gasoline and Distillates for Resellers and Wholesale Customers for Toronto, on Friday, September 6, 2019. The daily rack rate is known as "daily posted rack" or "unbranded rack." The price is set each business day, effective the next day, for freight on board (FOB) or pick-up of product at terminals.

Bidders were requested to provide an adjustment (mark-up or discount) to the daily rack rate on September 6, 2019, which will remain the same throughout the term of the contract. However, the unit price of the fuel will fluctuate from day to day.

Tender Information (160-T-19 York Region Buyers Co-operative CRFT-201902)

Bid closed on	October 16, 2019
Number picking up bid document	9
Number responding to bid	5

Pricing Summary (Award to Suncor Energy Products Partnership)

	Unleaded Fuel (E10)	Biodiesel Fuel (B5 & B20)
Daily Rack Rate (As of Sept 6/19)	\$0.6700	\$0.7560
Fixed Mark-Up or Discount	-\$0.0339	-\$0.0509
Total Net Cost	\$0.6361	\$0.7051
Provincial Fuel Tax	\$0.147	\$0.143
Federal Excise Tax	\$0.10	\$0.04
Federal and Provincial Carbon Taxes*	\$0.0442	\$0.0537
Total Before HST	\$0.9273	\$0.9418
Total Incl. HST (1.0176%)	\$0.9436	\$0.9584
Estimated Annual Quantity (litres)	478,223	340,855
Bid Price	\$451,251.22	\$326,675.43

^{*} The Federal and Provincial Carbon taxes were effective as of April 1, 2019, with future increases effective as of April each year to 2022. Staff will continue to monitor the

opportunities expected in 2020 for municipalities through the Climate Action Incentive Program to offset the cost of this fuel charge.

Under this contract, the City will receive a discount of \$0.0339 per litre for Unleaded fuel (E10) and \$0.0509 for Biodiesel fuel (B5 & B20) off the daily rack rate. Compared to the previous contract, the City's discount has increased by \$0.033 per litre (\$0.0339 vs \$0.0009) for Unleaded fuel (E10) and an increased discount of \$0.0459 per litre (\$0.0509 vs \$0.005) for Bio-diesel fuel (B5 and B20).

FINANCIAL CONSIDERATIONS

2020 Budget and Award Amounts

	Unit price per litre (incl. HST)	Volume (litres)	Total
750-752-4300 Gasoline	1.023	478,223	\$ 489,039
750-752-4302 Diesel Fuel	1.084	340,855	\$ 369,522
Total		819,078	\$ 858,561

The price per litre quoted through the tender process is based on fuel prices at the time of bid issuance and are used for comparison purposes only. As fuel prices fluctuate throughout the year, the 2020 budget requirements were developed based on estimated 2020 fuel rates. Staff will continue to monitor fuel usage and rates on a monthly basis and report to Council through the year-to-date review of operations and year-end projection reports.

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The use of Unleaded fuel (E10) and Biodiesel fuels (B5 & B20) is aligned with the City's environmental strategic priorities. E10 fuel is the designation for petrol fuel that can contain up to 10 per cent bioethanol. Bioethanol in E10 is a substitute for fossil fuel and is more environmentally friendly as it reduces the greenhouse gas emissions by more than 70 per cent. Ethanol has the added benefit of a providing a cleaning effect for fuel systems, a more complete combustion cycle, and reducing the build up of carbon deposits on internal components – allowing vehicles to run cleaner overall. Similarly, B5 and B20 are the designations for diesel fuel that can contain up to 5 or 20 per cent biodiesel by volume, respectively. Unlike fossil fuels, biodiesel is a renewable resource, made from animal and vegetable fat. Biodiesel is reported to reduce greenhouse gas emission by up to 78 per cent, produce less particulate matter, carbon monoxide, unburned hydrocarbons, and sulfur dioxide when used in place of diesel fuel. Biodiesel is not suitable for use in extremely cold temperatures as it will gel. For that reason B20 is used throughout the year except during the cold temperature months, when B5 is used.

RECOMMENDED BY:

Morgan Jones Director, Operations

Brenda Librecz Commissioner, Community & Fire Services

ATTACHMENTS:

Not applicable.



Report to: General Committee Meeting Date: December 2, 2019

SUBJECT: Status of Capital Projects as of October 31, 2019

PREPARED BY: Sandra Skelcher – Senior Manager, Financial Planning &

Reporting (Ext. 3880)

Jemima Lee – Senior Financial Analyst (Ext. 2963)

RECOMMENDATION:

1) That the report dated December 2, 2019 titled "Status of Capital Projects as of October 31, 2019" be received; and,

- 2) That the amount of \$2,286,734 from the closure of capital projects be transferred to the sources of funding as listed on Exhibit A; and,
- 3) That the closure of projects as outlined on Exhibit B and C be approved; and
- 4) That the Non-Development Charge Capital Contingency Project be topped up from the Life Cycle Replacement and Capital Reserve Fund by \$971,256 to the approved amount of \$250,000; and,
- That the Engineering Capital Contingency Project be topped up from the City-Wide Hard Development Charges Reserve by \$67,679 to the approved amount of \$100,000; and,
- That the Design Capital Contingency Project be topped up from the Development Charges Reserve by \$99,952 to the approved amount of \$100,000; and,
- 7) That the Planning Capital Contingency Project be topped up from the Development Charges Reserve by \$8,987 to the approved amount of \$50,000; and,
- 8) That the Waterworks Capital Contingency Project be topped up from the Waterworks Stabilization/Capital Reserve by \$27,731 to the approved amount of \$100,000; and,
- 9) That the following new capital projects, initiated subsequent to the approval of the 2019 capital budget, be received:

19285 – Yonge Street Highway 7 Transit Planning Advisory – Budget of \$25,000 funded from Development Charges Reserve.

19289 – Supply and Install Oil/Water Separator – Fire Station 94 – Budget of \$20,000 funded from the Non-DC Capital Contingency.

19290 – Centennial Community Centre Fan Wheel – Budget of \$23,073 funded from the Non-DC Capital Contingency.

19292 – Berczy Park Washroom Renovation – Budget of \$20,148 funded from the Non-DC Capital Contingency.

19297 – Pan Am Daktronics – Budget of \$77,826 funded from the Non-DC Capital Contingency, and further,

10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Below is a summary of funds to be returned to original sources from closed capital projects. Section A of this report highlights capital projects with surplus funds of more than 50% of the approved budget or in excess of \$100,000:

1)	Life Cycle Replacement and Capital Reserve	\$1,322,219
2)	Development Charges	\$543,856
3)	Waterworks Stabilization/Capital Reserve	\$53,055
4)	Other Reserves and Reserve Funds	<u>\$367,604</u>
	Total	\$2,286,734

PURPOSE:

The purpose of this report is to provide an update on the status of capital projects as of October 31, 2019, and advise Council of the net transfer of funds to reserves.

OPTIONS/ DISCUSSION:

In an effort to promote timely closure of projects and the return of surplus funds, Staff conducted a status review of all open capital projects as of October 31, 2019. As a result, 109 projects are identified for closure, with a total budget remaining of \$2,286,734 to be returned to the original sources of funding.

A detailed listing of projects to be closed and the funding amounts to be transferred are included in the following exhibits:

- Exhibit A Summary of funding from closed capital projects to be returned to funding sources as of October 31, 2019
- Exhibit B Details of capital projects to be closed with funding to be returned to funding sources as of October 31, 2019
- Exhibit C Summary of capital projects to be closed that are fully expended as of October 31, 2019

Report to: General Committee Meeting Date: December 2, 2019

A. CAPITAL PROJECT CLOSURES

Capital projects to be closed are listed in Exhibits B and C. The following four sections provide details of the capital projects listed in Exhibit B with surplus funds of more than 50% of the approved budget or in excess of \$100,000 that will be returned to the applicable funding sources.

1) Life Cycle Replacement & Capital Reserve Fund

The closure of capital projects identifies funds in the amount of \$1,322,219 to be returned to the Life Cycle Replacement & Capital Reserve Fund.

a) Engineering

Project 17042 – Intersection Improvements – Budget of \$450,495 with remaining funds of \$254,040 (56% of project budget). This project is 67.5% funded through the Development Charges Reserve and 32.5% funded through the Life Cycle Replacement & Capital Reserve Fund. Refer to project status under Development Charges Reserves.

b) Operations - Parks

Project 18227 – Floodlights, Poles & Cross Arms Replacement – Budget of \$65,800 with remaining funds of \$65,800 (100% of project budget). The project was not initiated due to change in scope requirements to be compliant with most current lighting standards. This project has been re-submitted as part of the 2020 Capital Budget with an updated scope.

c) Operations - Parks

Project 18233 – Planter Replacement – Budget of \$236,800 with remaining funds of \$236,800 (100% of project budget). The project was not initiated. The replacement planters planned on Regional right-of-way are still in negotiation for cost sharing with the Region to an appropriate level to only reflect planter replacement and not surrounding path surfacing. This project will be re-requested in 2021 pending formation of an agreement with the Region.

d) Operations - Parks

Project 19184 – Bleachers (Metal) Replacement – James Edward Park – Budget of \$11,000 with remaining funds of \$6,671 (61% of project budget). The footing replacement of the bleachers were not required based on condition assessment.

e) Recreation

Project 18130 – Camp Chimo Site Improvements – Budget of \$26,900 with remaining funds of \$19,352 (72% of project budget). The window installation originally planned was not done due to Toronto and Region Conservation Authority (TRCA) restrictions.

Report to: General Committee

f) Recreation

Project 18136 – Crosby Community Centre Exterior Masonry Repairs – Budget of \$61,400 with remaining funds of \$37,095 (60% of project budget). A change in scope of work resulted in block wall not being replaced, but resurfaced with concrete instead.

g) Recreation

Project 18148 – Milliken Mills Community Centre Library Lighting Replacement – Budget of \$36,600 with remaining funds of \$22,913 (63% of project budget). The replacement of light dimmers originally budgeted for were not required based on condition assessment.

h) Recreation

Project 18157 – Mount Joy Plate & Frame Heat Exchanger – Budget of \$11,200 with remaining funds of \$11,200 (100% of project budget). The heat exchanger replacement will be added to the scope of the condenser replacement project at Mount Joy under project 18154.

i) Recreation

Project 18191 – Water Street Senior Centre - Painting – Budget of \$33,200 with remaining funds of \$21,650 (65% of project budget). The evening labour costs originally included in the budget were less than anticipated.

- j) Sustainability Asset Management Facility Assets Project 17186 – Other Facility Improvements – Budget of \$43,700 with remaining funds of \$22,002 (50% of project budget). The demolition costs anticipated for Elson Miles Barn were less than budget.
- k) Sustainability Asset Management Facility Assets
 Project 18093 Fire Facility Improvements Budget of \$376,633 with remaining funds of \$138,023 (37% of project budget). The budget dedicated to fire station signs (\$30k) was used as these components were completed under a separate dedicated Fire Station Signs project. The salary recovery budgeted (\$60k) was also not fully utilized as Department staff was used to complete some of the work. Lastly, the use of provisional items were lower than anticipated.
- Sustainability Asset Management Facility Assets
 Project 18098 Parking Lot Light Replacement Budget of \$91,800 with
 remaining funds of \$53,182 (58% of project budget). The replacement of some
 parking lot lights were deferred based and condition assessment.
- m) Sustainability Asset Management Facility Assets
 Project 18099 Recycling Depot Improvements Budget of \$76,500 with
 remaining funds of \$44,130 (58% of project budget). The siding work was
 deferred due to ongoing discussions on material.

Report to: General Committee

Return of Funds to the Life Cycle Replacement & Capital Reserve Fund

In addition to the above list, contract awards greater than \$25,000 with surplus funds are returned to the original funding source(s).

Since the last Status of Capital Projects report tabled at General Committee in June 2019, \$881,415 has been returned to the Life Cycle Replacement & Capital Reserve Fund from contract awards.

2) <u>Development Charges (DC) Reserves</u>

The closure of capital projects identifies funds in the amount of \$543,856 to be returned to Development Charges (DC) Reserve Funds.

a) Engineering

Project 17042 – Intersection Improvements – Budget of \$450,495 with remaining funds of \$254,040 (56% of project budget). This project is 67.5% funded through the Development Charges Reserve and 32.5% funded through the Life Cycle Replacement & Capital Reserve Fund. The scope of project work was reduced due to the cancellation of the John/Henderson intersection.

3) Waterworks Stabilization/Capital Reserve

Funds in the amount of \$53,055 will be returned to the Waterworks Stabilization/Capital Reserve resulting from the closure of capital projects.

a) ES – Water & Wastewater

Project 19244 – CI Watermain Rehabilitation – Langstaff Area – Budget of \$35,600 with remaining funds of \$35,600 (100% of project budget). The initial field investigation for this project identified two pressure reducing valves owned by the Region requiring replacement. However, the Region assumed responsibility for the repair, and therefore, this project is no longer required.

4) Other Reserves and Reserve Funds

Funds in the amount of \$367,604 will be returned to other Reserves and Reserve Funds resulting from the closure of capital projects.

a) Recreation & Library

Project 10566 – East Markham Community Centre & Library – Budget of \$75,635,889 with remaining Non-DC Growth funds of \$259,513 (0.3% of project budget). The use of contingency and provisional items were lower than anticipated.

Report to: General Committee Meeting Date: December 2, 2019

B. CAPITAL CONTINGENCY PROJECTS

In accordance with the Capital Budget Control Policy, the five (5) capital contingency projects are topped up to the maximum approved funding amount through the semi-annual Status of Capital Projects Report to Council.

Non-DC Capital Contingency

The Non-DC Capital Contingency Project was approved to a maximum of \$250,000. Currently, the account has a negative balance of (\$751,256). Thereby a top-up of \$971,256 is required from the Life Cycle Replacement & Capital Reserve Fund.

For this period, Staff undertook four emergency building and structural repairs. Of the \$971,256 drawn from the Non-DC Capital Contingency Project, \$325,612 (34%) was related to the following emergency projects:

a) Sustainability Asset Management – Facility Assets Project 19086 – Salt Barn - \$262,391 – Funding was required for the construction of a new salt storage facility to store committed pre-scheduled October 2019 salt delivery. A condition assessment of one of the three existing salt facilities at the Operations yard resulted in a decision to construct a new facility due to extensive structural repairs required for the old structure.

b) Recreation

Project 19290 – Centennial Community Centre Cooling Fan Wheel – \$23,073 – The fan wheel of the rooftop cooling unit was damaged during a routine inspection and needed to be replaced immediately to maintain air quality and circulation in the facility

- c) Sustainability Asset Management Facility Assets
 Project 19292 Berczy Park Washroom Renovations \$20,148 The public washroom facilities required repair due to fire damage.
- d) Sustainability Asset Management Facility Assets
 Project 19289 Supply and Install Oil/Water Separator at Fire Station 94 \$20,000
 The supply and installation of a damaged oil/water separator at the station was required to prevent sewer gas from entering the building.

Further, use of the contingency account was necessitated by the following nonemergency projects:

a) Recreation

Project 19297 - Pan Am Daktronic Controllers and Computer Replacement - \$77,826 - The controllers and computer system supporting the display board in the Pan Am Centre pool required replacement outside of warranty.

Report to: General Committee

b) Recreation

Project 19131 – Milliken Mills Community Centre Pool Mechanical Replacement – \$61,114 – An external consultant recommended replacement of existing pool filters and corresponding components with a newer regenerative filter system, which cost more than budget, but has proven to achieve operational savings over the life of the asset.

c) Recreation

Project 19110 – Arena Ice Plant Monitoring System – \$59,398 – The existing monitoring system budgeted for replacement was discontinued, and the newer model installed as the replacement, required new controllers and a new operating platform.

d) Arts Centres

Project 18016 – Gallery HVAC Cooling Tower, Chiller and Exhaust Fan – \$44,239 – The project award was higher than budget due to additional costs associated with on-site assembly of equipment within a confined space.

e) Engineering

Project 18339 – Construction of Pan Am overflow parking lot – \$42,408 – A geotechnical engineer examining the site recommended repair and replacement of the soft and cracked asphalt, laid in November 2018 during poor weather conditions, to improve structure strength of the lot.

f) Recreation

Project 19154 – Rouge River Community Centre Mechanical Unit Replacement – \$40,963 – The removal and replacement of four out of five rooftop units instead of the one budgeted for, were warranted due to condition assessment.

g) Operations - Parks

Project 19201 – Replacement of Rougehaven Parkette and Roxbury Park Shade Structures – \$38,329 – The replacement cost was underestimated for the removal and disposal of existing wood structures and installation of new steel structures.

h) Operations - Parks

Project 19203 – Stairway Replacement – Ponoma Mills Park – \$36,997 – The complexity and difficulty in accessing stairway location for replacement were underestimated.

i) ITS

Project 18073 – Road Occupancy Permit Mapping - \$35,000 – Additional features were required for the Municipal Consent application.

j) Theatre

Project 19009 – Highway 7 Theatre Electronic Sign - \$33,563 – A consultation with IT Services recommended using a fibre-optic cable instead of a wireless connection as originally budgeted.

Report to: General Committee Meeting Date: December 2, 2019

k) Operations - Fleet

Project 19207 – Corporate Fleet Replacement – Non-Fire - \$26,965 – The contract awarded was higher than budget based on market price for the 16 foot rotary mower.

The remaining draws totaling \$148,842 were each under \$20,000.

Engineering DC Capital Contingency

The Engineering DC Capital Contingency Project was approved to a maximum of \$100,000. The project currently has a balance of \$32,321 thereby requiring a top up of \$67,679 from the City-Wide Hard DC Reserve.

The use of the contingency account was necessitated by the following projects:

a) Engineering

Project 18045 – John Street MUP Design - \$32,741 – An additional field investigation was needed to complete the geotechnical report which required recommendations on slope stability, utility relocation, road reinstatement, retaining wall construction and additional bore hole samples. The initial budget for the report only accounted for a preliminary design report.

b) Engineering

Project 19041 – Markham Centre Trails Environmental Assessment for Areas 1, 2, and 4 - \$30,410 – The contract awarded for the project was higher than budget.

The remaining draw was under \$5,000.

Design DC Capital Contingency

The Design DC Capital Contingency Project was approved to a maximum of \$100,000. The project currently has a balance of \$48 thereby requiring a top up of \$99,952 from the Parks Development DC Reserve.

The use of the contingency account was necessitated by the following project:

a) Design

Project 12026 – Angus Glen West Village Parks Development Reimbursement - \$67,759 – Design changes and a delay in construction of parks caused an increased scope of work resulting in a higher cost.

b) Design

Project 16021 – Boxgrove Rizal Avenue Neighbourhood Park - Construction - \$29,931 – Sunken spots in the park were required to be regraded to eliminate standing/pond water, including construction of fencing to maintain closure throughout the winter months.

Report to: General Committee

The remaining draw was under \$2,500.

Planning DC Capital Contingency

The Planning DC Capital Contingency Project was approved to a maximum of \$50,000. The project currently has a balance of \$41,013 thereby requiring a top up of \$8,987 from the Admin Capital Growth Studies DC Reserve.

The use of the contingency account was necessitated by the following project:

a) Sustainability Asset Management – Facility Assets
Project 19293 – 14th Avenue Parking, Gates, Lighting - \$8,987 – The contract awarded for the project was higher than budget.

Waterworks Capital Contingency

The Waterworks Capital Contingency Project was approved to a maximum of \$100,000. The project currently has a balance of \$72,269 therefore requiring a top up of \$27,731 from the Waterworks Stabilization/Capital Reserve.

The use of the contingency account was necessitated by the following project:

ES – Waterworks
 Project 19248 – Sanitary Sewers Laterals Inspection - \$27,731 – The unit cost for flushing sanitary sewers was underestimated.

C. STATUS OF OPEN CAPITAL PROJECTS

After the closure of 109 projects, there are 546 open capital projects with a total budget of \$743.4M as of October 31, 2019. The term "open" refers to approved projects that have not started, or are at various stages of project completion, and includes 21 pre-approved 2020 capital projects with a total budget of \$24.3M.

In comparison, the November 2018 status update, reported 556 open projects with a total budget of \$710.4M.

Of the 546 open capital projects as at October 31, 2019, 78% of the projects were approved in 2017 to 2019. (Refer to TABLE A).

TABLE A

Project	# of open	% of open	Unencumbered	% of Unencumbered
approval year	projects	projects	\$ in M	\$
2019	266	49% 7	\$95.2	58%
2018	101	18% - 78%	\$18.2	11%
2017	61	11% 📙	\$16.7	10%
2016	41	8%	\$4.7	3%
2015 and prior	77	14%	\$28.3	17%
	546	100%	\$163.1	100%

The following summarizes the status of open capital projects:

TABLE B

(in millions)	Q3 2019	Q3 2018
Encumbered/Committed	\$ 580.3 78%	\$ 604.0 85%
Unencumbered/Uncommitted	\$ 163.1 22%	\$ 106.4 15%
Total Open Capital	\$ 743.4	\$ 710.4

Encumbered/Committed

The total 2019 encumbered amount of \$580.3M includes expenditures of \$488.4M (84%) and commitments of \$91.9M (16%). (Expenditures refer to payments issued for goods/services received and commitments refer to purchase orders on file with the Procurement Department).

Unencumbered/Uncommitted

Major projects, defined as multi-year, one-time projects account for \$97.4M (59% of \$163.1M) of the total unencumbered amount which includes the following projects:

- o Rodick Road Reconstruction and Extension Miller to 14th Avenue
- o Storm sewer, sanitary sewer and watermain construction and replacement
- Whistling Cessation Program
- o Official Plan and Secondary Plan engineering studies
- o Hwy 404 mid-block crossing, North of Hwy 7
- West Thornhill flood control implementation
- o Enterprise Asset Management and Digital Markham Strategic implementation
- o Box Grove Community, Kirkham Drive, and Wismer Community park construction
- o Sidewalk program, multi-use pathways and intersection improvements

FINANCIAL CONSIDERATIONS

The net amount of \$1,111,129 as summarized in the following table will be transferred to Reserves and Reserve Funds as a result of closing capital projects, return of surplus funds from open projects and top-up of capital contingency projects.

	Funding Returns from Closed Projects (A)	Contingency Projects Top up from Reserves (B)	Net Change to Reserves (C)=(A)+(B)
Life Cycle Replacement & Capital Reserve	\$1,322,219	(\$971,256)	\$350,963
Development Charge Reserves	\$543,856	(\$176,618)	\$367,238
Waterworks Stabilization / Capital Reserve	\$53,055	(\$27,731)	\$25,324
Other Reserves	367,604	-	\$367,604
Net Change to Reserves & Reserve Funds	\$2,286,734	(\$1,175,605)	\$1,111,129

Since the last report on Status of Capital Projects tabled at General Committee in June 2019, \$881,415 has been returned to the Life Cycle Replacement & Capital Reserve Fund from contract awards.

BUSINESS UNITS CONSULTED AND AFFECTED:

All business units managing capital projects have been consulted in the development of this report.

RECOMMENDED BY:

Joel Lustig Trinela Cane
Treasurer Commissioner, Corporate Services

ATTACHMENTS:

- Exhibit A Summary of funding from closed capital projects to be returned to original funding sources as of October 31, 2019
- Exhibit B Details of capital projects to be closed with funding to be returned to original funding sources as of October 31, 2019
- Exhibit C Summary of capital projects to be closed that are fully expended as of October 31, 2019

Exhibit A

SUMMARY OF FUNDING FROM CLOSED CAPITAL PROJECTS TO BE RETURNED TO ORIGINAL FUNDING SOURCES AS OF October 31, 2019

	Amount to be	Transferred
1. LIFE CYCLE REPLACEMENT AND CAPITAL RESERVE		1,322,219
2. DEVELOPMENT CHARGES		543,856
3. WATERWORKS STABILIZATION/CAPITAL RESERVE		53,055
4. OTHER RESERVES & RESERVE FUNDS		
Non-DC Growth	272,806	
Development Fees Reserve	51,373	
Trees for Tomorrow	32,039	
MECO	10,361	
Design Heritage Property Grant Reserve	1,026	
		367,604
TOTAL TO BE TRANSFERRED		2,286,734

DETAILS OF CAPITAL PROJECTS TO BE CLOSED WITH FUNDING TO BE RETURNED TO FUNDING SOURCES AS OF October 31, 2019

Return Remaining Funds to: Development Other Reserves & Waterworks Remaining Budget Project Name/Group Actual Life Cycle Department Project # Budget Charges Reserve **Reserve Funds Community & Fire Services** 471,693 406,993 64.700 64.700 ES - Infrastructure 16218 Pedestrian Bridge Rehab (7 Structures) - Design & Const. 0 0 0 209.273 13.392 18267 Culverts Replacement (11 Structures) - Construction 222.665 13.392 0 0 0 ES - Waste Management 16227 Textile Recycling 130,100 101,240 28,860 28,860 0 0 0 ES - Waterworks Sanitary Sewage Pumping Stations - Condition Inspection 61,100 53,759 7,341 0 0 7,341 0 18297 35,600 35,600 Ω Ω 35,600 0 19244 CI Watermain Rehabilitation - Langstaff Area 25.000 14.886 10.114 0 0 10.114 0 19250 Sewer Push Camera Replacement 38,532 0 Fire 15140 Fire Station Signs - Phase 1 of 4 40,700 2,168 2,168 0 0 18115 Replacement of Equipment due to Staff Retirements 101,194 88,102 13,092 13,092 0 0 0 18116 97.800 76.953 20,847 20,847 Rescue Equipment Ω 0 0 Operations - Fleet 18252 New Fleet-Parks 27.800 25.285 2.515 Ω 2.515 n 0 **Operations - Parks** 18225 Fence (Backstop and Outfield) Replacement 37,800 20,148 17,652 17,652 0 0 0 18227 Floodlights, Poles & Cross Arms Replacement 65,800 65,800 65,800 0 0 0 18228 Gazebo Refurbishment 15,976 14.246 1,730 1,730 Ω 0 Ω 18230 181.587 122.348 59.239 27.201 0 0 32.039 Markham Trees for Tomorrow 18233 Planter Replacement 236,800 0 236,800 236,800 Λ 0 0 18237 Relamping & Fixtures Refurbishment 37,800 21,986 15,814 15,814 0 0 0 18239 Replacement of Boulevard/Park Trees 200,508 199,179 1,329 1,329 Ω 0 0 19184 Bleachers (Metal) Replacement-James Edward Park 11.000 4,329 6.671 6,671 n 0 Ω 18211 Parking Lots - Localized Repairs 112,300 98,263 14,037 14,037 0 Operations - Roads 0 0 Operations - Utility Inspection & 16215 German Mills Meadow & Natural Habitat-Equipment Maint. 187,391 0 0 Survey 206,600 19,209 19,209 0 18257 Survey Monument Replacement 1,586 28,100 26,514 1,586 0 0 0 **Recreation Services** 10566 East Markham Community Centre & Library 75.635.889 75.376.376 259.513 0 0 0 259.513 16138 Sport Development Initiatives 72.927 70.456 2.471 2.471 0 0 17119 Thornhill Sanitary Physical Assessment 53,000 51,284 1,716 1,716 0 0 0 1,646 18128 Armadale C.C. Lobby Furniture and Lighting Retrofit 17,500 15,854 1,646 0 0 0 18130 Camp Chimo Site Improvements 26.900 7.548 19.352 19.352 n n 0 18136 Crosby C.C. Exterior Masonry Repairs 61,400 24.305 37,095 37,095 0 0 0 18146 Milliken Mills C.C. Pool Dehumidifier 112,650 104,265 8,385 0 0 0 8,385 Milliken Mills CC Arena Dehumidifiers 3,776 18147 66,721 62,945 3,776 Λ 0 0 18148 Milliken Mills CC Library Lighting Replacement 36,600 13,687 22,913 22,913 0 0 0 18154 Mt Joy Condenser 87,928 79,935 7,993 7,993 n n 0 18157 Mt Joy Plate & Frame Heat Exchanger 11,200 11,200 11,200 0 0 0 18161 Pan Am Centre Gymnasium Floor Refinishing 25,300 18,266 7,034 7,034 0 0 0 18167 Recreation Fitness Equipment 144,000 142,987 1,013 1,013 0 0 0 Thornhill C.C Lighting Retrofit To LED 56,394 0 18176 61,096 4,702 4,702 0 18178 Thornhill C.C Washroom Renovation 127,607 123,565 4,042 4,042 n n 0 Thornhill C.C. Arena Changeroom Refurbishments 88,087 5,265 5,265 0 0 18179 93,352 0 Thornhill C.C. Fitness Changeroom Floor Replacement 22,400 15.445 6.955 6.955 0 0 0 18184 269.841 1.977 18186 Thornlea Gymnasium HVAC 291.458 21.617 19.640 0 0 18191 Water Street Senior Centre - Painting 33,200 11,550 21,650 21,650 n 0 Community & Fire Services Total 79,329,051 78,242,217 1,086,835 729,351 2,515 53,055 301,913 **Corporate Services** ITS 18070 Theatre - Ticketing System Replacement 62.350 37.593 24.757 24.757 n n 0 SAM - Facility Assets 16191 Corporate Accommodations 348.100 346.354 1,746 1.746 0 0 0 17179 Corporate Security Operations & System Upgrades 369,866 353,699 16,167 16,167 0 0 0 17186 Other Facility Improvements 43,700 21,698 22,002 22,002 Λ 0 0 17190 Roofing Replacement Projects 675.764 604.110 71.654 71.654 0 0 0 18085 8100 Warden Facility Improvements 57,832 52,574 5,258 5,258 n n 0 18093 Fire Facility Improvements 376,633 238,610 138,023 138,023 0 0 0 18095 Municipal Building Backflow Prevention Testing 20,400 14,362 6,038 6,038 0 0 0 18098 91.800 38.618 53.182 53.182 0 Parking Lot Light Replacement n Ω 32,370 44,130 0 18099 Recycling Depot Improvements 76,500 44,130 0 Satellite Community Centre Improvements 127,885 115,206 12,679 12,679 0 0 0 18102 18104 Crosby Arena Canopy Installation 28,332 20,833 7,499 7,499 0 0 0 19071 110,691 33.209 **Building Condition Audit Program** 143,900 33,209 n Ω Ω 0 **Corporate Services Total** 2.423.062 1.986.720 436.342 436.342 0 0 **Development Services** 0 0 **Arts Centre** 18017 Gallery McKay House Maintenance 43,700 40,241 3,459 3,459 0

					_	Return Remaining Funds to:			
							Development	Waterworks	Other Reserves &
Department	Project #	Project Name/Group	Budget	Actual	Remaining Budget	Life Cycle	Charges	Reserve	Reserve Funds
Design	15008	Southwest Cathedral Monarch Memorial Park - Design	85,300	60,223	25,077	2,508	22,569	0	0
	15305	SW Cathedral Monarch Memorial Park- Construction	846,637	767,810	78,827	0	70,945	0	7,882
	16010	Berczy Beckett East Parkette - Construction	374,349	355,176	19,173	0	17,256	0	1,917
	16012	Berczy Beckett NE Parkette - Construction	197,710	162,781	34,929	0	31,436	0	3,493
	16014	Berczy Beckett Neighborhood Park - Construction	665,240	608,209	57,031	5,703	51,328	0	0
	16017	Berczy Beckett NW Parkette - Construction	231,042	206,270	24,772	2,477	22,295	0	0
	16023	Cornell Madison Rouge / Riverlands - Construction	352,800	329,720	23,080	2,308	20,772	0	0
	17002	Cornell Rouge Riverlands (Phase 2 of 2)	83,327	81,323	2,004	200	1,804	0	0
	17003	Angus Glen West Village Parkette - Design & Construction	93,813	72,289	21,524	2,153	19,371	0	0
Engineering	16044	Intersection Improvements	478,471	470,883	7,588	0	7,588	0	0
	17042	Intersection Improvements	450,495	196,455	254,040	82,564	171,475	0	0
	18043	Downstream Improvement Work Program	846,849	779,576	67,273	23,545	43,728	0	0
	18055	Traffic Assets Replacement - Annual	103,618	99,327	4,291	4,291	0	0	0
	19045	Smart Commute Markham - Richmond Hill	76,300	75,000	1,300	0	1,300	0	0
Museum	15113	Museum Annual Building Maintenance Program	165,511	150,851	14,660	14,660	0	0	0
	17022	Museum - Locust Hill Train Station	126,963	118,115	8,848	8,848	0	0	0
	18001	Museum - Baptist Church	37,000	33,688	3,312	3,312	0	0	0
Planning	9068	Markham Centre - Finalize Streetscape Details	87,217	71,717	15,500	0	15,500	0	0
· ·	14007	Secondary Plan Program - Phase 2 of 10	500,000	451,142	48,858	0	43,972	0	4,886
	14011	Unionville Charrette Implementation	100,000	53,513	46,487	0	0	0	46,487
	17031	Designated Heritage Property Grant Program (Yr 1 of 3)	44,548	43,025	1,523	497	0	0	1,026
Development Services Total			5,990,890	5,227,333	763,557	156,526	541,341	0	65,691
TOTAL	75	projects	87,743,003	85,456,270	2,286,734	1,322,219	543,856	53,055	367,604

Exhibit C

SUMMARY OF CAPITAL PROJECTS TO BE CLOSED THAT ARE FULLY EXPENDED AS OF October 31, 2019

Commission	Department	Project #	Project Name/Group	Budget
Community & Fire	Services			
	ES - Stormwater	18276	Storm Sewer Pipes - Rehabilitation	424,108
	ES - Waste Management	19240	Incremental Growth Related Waste Management Vehicles	100,000
	ES - Waterworks	17325	West Thornhill Phase 2C&2D - Flood Control Implementation Watermain Design	189,955
	Fire	19090	Air Cylinder Replacement - 1 hour	10,659
		19091	Bunker Gear Replacement	9,000
		19095	Radio Repeaters	46,037
		19096	Rapid Intervention Crew Rescue Packs Replacement	17,223
	Markham Public Library	18195	Customer Service Improvement (E-Resources) -Phase 4 of 5	51,192
	Operations - Fleet	19211	New Fleet - Fire (Ground Cover Firefighting)	42,841
	Operations - Parks	18235	Playstructure Rubberized Surface Replacement	52,900
		19193	Planter Replacement	19,193
	Operations - Roads	18200	Asphalt Resurfacing	2,512,319
	·	18309	2018 Concrete Restoration	1,929,322
		18311	2018 Pavement Preservation	499,999
		18313	2018 Steel	28,888
	Recreation	17319	Thornhill Entrance Revitalization Project	498,023
		18122	Angus Glen C.C. Duct Insulation	64.821
		18124	Angus Glen C.C. Pool Deck Drain Pipes	53,500
		18132	Clatworthy Arena Compressors	151,376
		18158	Old Unionville Library Refurbishments	82,000
		18185	Thornhill Fitness Centre Dectron Replacement	28,508
		18187	Thornlea Gymnasium Refurbishments	47,094
		19114	Camp Chimo Canoe Dock	5,100
Community & Fire	Services Total			6,864,058
Corporate Services				
	ITS	15308	Finance - Budgeting Software	9,105
		18071	Library - Web Based Discovery & eResource Mgmt Solution	47,793
		18319	Core IT Infrastructure Internal Charges 1 Staff	101,760
	SAM - Facility Assets	14242	Corporate Accommodations	892,560
		16193	Fire Facility Improvements	245,668
		17178	Corporate Accommodations	58,805
	SAM - Sustainability Office	14065	Integrated Community Energy Plan	170,964
Corporate Services	s Total		, ,	1,526,655
Development Serv	rices			
	Engineering	16052	Verclair Crossing at Rouge River (Construction)	8,100,964
		17195	Flood Risk Mitigation – Lot 28 Concession 6	0
	Theatre	18007	Facility Electrical Assessment & Replacement	20,700
		18008	Facility Maintenance	92,173
Development Serv	vices Total			8,213,837
TOTAL		34	projects	16,604,550



Report to: General Committee Meeting Date: December 2, 2019

SUBJECT: Waste Management Collection Services Contract

PREPARED BY: Claudia Marsales, Senior Manager, Waste & Environmental

Services – Ext 3560

RECOMMENDATION:

1) That the report entitled 'Waste Management Collection Services Contract' be received; and,

- 2) That Staff be authorized to issue a 'Request for Proposal' (RFP) for the provision of long-term residential and multi-residential waste management collection services for the City of Markham; and,
- That Staff report back to Council on the RFP results and subsequent process to finalize a long-term contract for waste management collection services; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

n/a

PURPOSE:

The purpose of this report is to obtain approval to issue an RFP for long-term waste management collection services.

BACKGROUND:

Waste and recycling collection is one of the City's most visible services. Miller Waste Systems has been the City's collection provider for many years, providing residents with excellent and reliable collection services.

The current Miller Waste contract provides waste management collection services for all single-family units, apartment buildings, condominiums, BIA's, white goods, municipal facilities, depots, and leaf and yard waste materials. The current Miller Waste contract also includes many service enhancements such as collection of blue boxes at super mail boxes, and the front door Assisted Collection Service for residents in need.

In 2010, Council approved an 8-year collection services contract with Miller Waste (with an expiry date of November 30, 2018). In light of the uncertainty created by new Provincial waste management legislation enacted in 2016 (discussed more fully below),

Report to: General Committee

Staff obtained Council approval to extend the Miller Waste contract for up to two (2) successive one-year renewal terms:

- December 1, 2018 November 30, 2019
- December 1, 2019 November 30, 2020

At the May 6, 2019 General Committee meeting, the Staff Report entitled "Waste Management Collection Services Contract Process" was presented recommending an RFP process be started to secure a long-term collection contract. General Committee directed Staff to report back with more information following the Governance Review by the Provincial Government, or as potential changes resulting from the review become clearer.

The following direction was provided by General Committee:

General Committee directed Staff to report back with more information following the Governance Review by the Provincial Government, or as potential changes resulting from the review become clearer.

General Committee directed Staff to follow up on the letter from Miller Waste.

On June 11, 2019 General Committee approved an additional six (6) months contract extension to the Miller Waste contract. The Miller Waste contract now terminates on May 31, 2021.

In October 2019, the Province announced the conclusion of the Governance Review process.

According to Miller, the waste collection fleet is now operating past its 8-year lifecycle and there is no option to extend the existing collection fleet past 2021 due to its age (which will be 10 years old at the end of the second renewal term), without a significant cost impact to the City.

The 2019 waste collection contract value is \$9,426,017 (incl. HST).

Impact of Provincial waste management legislation on waste collection contract

In 2016, the Province of Ontario passed new waste management legislation (Waste-Free Ontario Act), introducing the biggest change to municipal Blue Box recycling programs since 1989, with potential impact to all municipal Blue Box collection services.

In 2017, the Association of Municipalities of Ontario (AMO) recommended that municipalities not enter into long-term contracts for Blue Box collection or processing.

They recommended shorter-term extensions with annual renewal options and early termination clauses for Blue Box service contracts in order to take advantage of increased program funding when and if it becomes available. The proposed new Blue Box program, if established, could provide the opportunity for municipalities to be fully compensated for costs related to Blue Box collection, material processing, recycling depots, and public space recycling services

Markham was one of many municipalities with a collection contract set to expire during the transition discussions. Consequently, Staff recommended proceeding with short-term contract extensions of the Miller waste contract at that time.

Province announces new transition plan

In August, 2019, the Minister of the Environment, Conservation and Parks issued an official Direction letter to Stewardship Ontario outlining the next steps and timelines to transition the financial and operational responsibility for the Blue Box program from all Ontario municipalities to product producers.

The Direction letter ordered Stewardship Ontario to finalize a transition plan for approval by December 31, 2020, with the transition of the Blue Box program to occur between 2023 and 2025. It is expected this plan will provide details municipalities require about future collection services. However, based on the history of the Blue Box transition program, there is a high probability that the transition timeline could be further delayed.

With so many unknowns about the future of the Blue Box program (including timelines), and the fact that the current Miller Waste collection fleet is now operating past its 8 year lifecycle, Staff recommend proceeding with a long-term waste management collection contract process (which will include flexible contract terms in favour of the City to accommodate potential changes in the Blue Box program).

OPTIONS/ DISCUSSION:

A competitive RFP process is one of the best methods for ensuring quality of service, and ensuring that prices reflect current market pricing.

An RFP is a public invitation to vendors to submit proposals in response to clearly defined specifications. Vendors are invited to respond to the RFP and propose how they will meet the specified needs and requirements, and are required to detail (at a minimum) their experience/expertise, references, financial capability, services, products/equipment and cost.

The RFP process complies with the City's Purchasing By-Law #2017-8 to obtain competitive bids for goods and services over \$100,000. The RFP process complies with the City's obligations under the CETA (Canada-European Union Comprehensive Economic and Trade Agreement) and CFTA (Canadian Free Trade Agreement) trade

agreements, which apply to public sector procurements above a certain dollar threshold. Single/Sole source non-competitive contract awards ("limited tendering") are permitted under CETA and CFTA only under limited exceptions, which would not apply to the City's procurement of long-term waste management collection services.

The RFP process brings structure, transparency and accountability to the public procurement process while providing the flexibility to weigh experience/expertise, safety record, services, equipment, references, innovation and value in addition to cost as part of the evaluation criteria and award decision. Each evaluation criteria is assigned a maximum score. The evaluation team reviews each submission and assigns a score for each evaluation criteria. At the end of the process, it is the highest ranked proposal that would be recommended for contract award.

The RFP process can be fairly complex and time consuming to prepare and manage, requiring a significant investment in Staff resources. In addition, lead-time of a minimum of 12 months is required to transition from contract award to the start of a new waste collection service. This timeframe takes into account the time required to order and obtain a new waste collection fleet and other transition issues such as route reconfigurations and transfer station logistics.

Table #1 below provides the key dates for the contract process. Any slippage of the schedule could affect the ability to complete the process, secure a new waste collection fleet, and have a vendor in place by the June 1, 2021, deadline. It is estimated that an 18-month timeline is needed to complete the full process. This allows sufficient time for the development of RFP specifications, preparation of contract documents, contract award by Council and lead-time for the selected vendor to obtain new waste collection vehicles. Delivery of new waste collection vehicles can take up to 12 months after contract award by Council.

Table #1
Anticipated Contract Process

Time pated Contract Trocess						
Contract Renewal Process	Key Dates					
Issue RFP documents	Dec - Jan 2019					
RFP closes - Bid evaluation process	Jan - Feb 2020					
Report for Council approval – award contract	April 2020					
New waste collection contract begins	June 1 2021					

Staff Team will Oversee RFP Process

An in-house Staff team will be established to prepare, issue and evaluate the RFP, and oversee the process. In order to proceed with a competitive RFP process there is preliminary work that must be completed to create a credible RFP document that will elicit high quality proposals and competitive prices. The in-house Staff technical team will be led by the Director of Environmental Services and include Staff from Waste Management, Finance, and Legal.

CONCLUSION:

Waste and recycling collection is one of the City's most visible services and largest contract. Markham residents are proud and passionate about their recycling and waste collection programs and demand a high level of service, including good housekeeping practices, clean vehicles and reliable service.

As a result of the new waste management legislation and proposed changes to the Blue Box program, all Ontario municipalities are facing uncertainty when renewing their waste collection and processing contracts.

Staff is recommending proceeding with a long-term waste collection contract RFP based on the following:

- According to Miller Waste, there is no option to extend the existing collection fleet past 2021 due to its age (10 years) without a significant cost impact to the City;
- The Ministry of Environment, Conservation & Parks has provided only transition guidelines and has not prepared new waste regulations on the transition process;
- Critical public services must continue to be provided.

Staff is recommending proceeding with an RFP process to select a vendor, which provides the best overall value to the City. The RFP process provides flexibility, and signals to the marketplace transparency, accountability and fairness in the award of contracts for public goods and services.

FINANCIAL CONSIDERATIONS

Complies with City Purchasing By-law #2017-8

HUMAN RESOURCES CONSIDERATIONS

None

ALIGNMENT WITH STRATEGIC PRIORITIES:

None

BUSINESS UNITS CONSULTED AND AFFECTED:

Staff from Purchasing and Legal has been consulted.

RECOMMENDED BY:

Phoebe Fu Director, Environmental Services Brenda Librecz Commissioner, Community & Fire Services

ATTACHMENTS:

None

MEMORANDUM

DATE: December 2, 2019

TO: Mayor and Members of Council

FROM: Mark Visser, Senior Manager, Financial Strategy and Investments

Joel Lustig, Treasurer

RE: Installation and Operation of Two Seasonal Tennis Bubbles over the Tennis

Courts at Reesor Park

Item No. - General Committee, December 2, 2019

RECOMMENDATION:

That Council approve the execution of a lease agreement with a new corporation to be incorporated by Karl Hale (the "**Tenant**") over a 25 year period from October 2020 to April 2045 to acquire, install, operate and maintain two seasonal tennis bubbles over the tennis courts at Reesor Park annually for 7 months from early October to the end of April;

- That a new capital project be established for the City's portion of infrastructure costs in the amount of \$936,300 (inclusive of HST) to be funded 90% from Development Charges and 10% from the Non-Development Charges growth reserve, to be fully offset by annual lease revenue;
- That the Mayor and Clerk be authorized to execute a lease agreement with the Tenant for the lease by the City to the Tenant of that part of Reesor Park forming the existing tennis courts and clubhouse for the installation, operation, and maintenance of two seasonal tennis bubbles on terms acceptable to the Chief Administrative Officer, provided the form of such lease agreement is satisfactory to the City Solicitor and the Chief Administrative Officer (the "Lease");
- 4) That Council support in principle the designation of the proposed tennis bubbles to be installed and operated by the Tenant pursuant to the Lease a municipal capital facility; and
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

In April of 2019, the City received an unsolicited proposal to build two seasonal tennis bubbles over an existing Markham tennis facility. The proposal came from Karl Hale, one of Canada's leading teaching professionals and tournament director of the Rogers Cup in Toronto. Since that time, staff from Recreation, Sustainability & Asset Management, Operations, Finance, Fire and Building have been investigating the feasibility of the opportunity.

As the City's Integrated Leisure Master Plan identifies the need for an additional indoor tennis facility, staff determined that it was worthwhile to investigate the feasibility of the proposal.

Staff conducted a study of three sites for installing tennis bubbles. Based on this study, staff identified the Markham Tennis Club site located in Reesor Park as the preferred location. The Markham Tennis Club site for the proposed tennis bubbles are shown in the map below. Other sites considered were the Pomona Valley Tennis Club (located near Bayview and John) and the German Mills Tennis Club (located near Don Mills and Simonston Blvd).

The Pomona Valley Tennis Club has 6 courts. However the Toronto and Region Conservation Authority (TRCA) did not support the building of a seasonal bubble in the flood plain at this location. The German Mills Tennis Club has only 4 courts and the property is not owned by the City.

Staff from Recreation, Sustainability and Asset Management, and Finance have had several meetings with Karl Hale to negotiate a proposal for the installation and operation of tennis bubbles on the Lands. Based on the analysis that has been completed, staff are confident that an agreement can be reached that meets both parties' needs.

DISCUSSION:

State of Tennis in Canada and Markham

There are currently 750 accessible covered courts in all of Canada, which results in one court for every 50,000 people. Comparatively, in Europe there is one covered court for every 15,000 people. With a number of rising Canadian stars on the ATP and WTA tours, tennis is continuing to grow nationwide, especially among youth and teens.

The City of Markham currently provides 61 public tennis courts; 30 of which are operated by 6 tennis clubs. The municipal tennis court supply has increased by six courts since the 2010 Integrated Leisure Master Plan was prepared, including the indoor four-court tennis facility at the Angus Glen Tennis Centre. The City's currently provides one public court per 5,800 residents, which is similar to the municipal comparator group. In addition, there are four privately owned tennis facilities: Mayfair Clubs (Parkway and East locations), Bayview Golf and Country Club

and Adventure Valley. There are 30 privately owned courts in total, 24 of which are indoor (18 indoor at Mayfair, 6 seasonal at Bayview Golf and Country Club)

As the outdoor tennis season typically runs between May – September, seasonal tennis bubbles over an existing court from October to April would allow for year round use of the facility and makes good use of an existing asset.

Site Considerations

The lands where the proposed tennis bubbles will be situated comprise 6 existing tennis courts which are owned by the City and operated by the Markham Tennis Club under the Tennis Club Policy and annual permit.

The lands are located within Reesor Park in Ward 4 on Wooten Way North which is west of Ninth line and north of Hwy 7 as shown in the map below:



The site features six outdoor courts (3 on the north and 3 on the south side) and a clubhouse which contains two washrooms, a kitchenette and viewing area.



Operations are Monday to Sunday 8AM to 10PM from May to September and closed during the Fall and Winter months (October to April), with club hours and public access times as per the Tennis Club policy.

Requirements

Under the proposal negotiated between Staff and Karl Hale, two separate tennis bubbles will be constructed on the existing tennis courts at Reesor Park.

In order to accommodate the 2 proposed tennis bubbles, a walkway to connect the two tennis bubbles will need to be built for use between early October and the end of April.

As the 2 tennis bubbles would be new features added to the current field of play, a grade beam surrounding each separate playing surface will need to be built as part of the infrastructure. Existing fencing around the tennis courts will need to be modified to allow the domes to shed snow.

A pathway from the current tennis club parking lot on the north side of Reesor Park will need to be constructed to connect directly to the clubhouse located at the southeast tennis court site. This will include the lighting and grading of the pathway and the replacement of the culvert that currently exists. In addition to the new pathway, the existing pathway on the west side of the courts will need to be relocated to allow space for the HVAC units for the two bubbles. Several

trees will need to be removed and replaced. Options for Fire Route access are being considered and staff will select the route that provides compliance with the Building Code and the lowest total cost to the City. Finally, as the existing clubhouse is currently not utilized during the fall/winter season, winterization and fire proofing of the clubhouse would also need to take place.

The existing parking lot location on the north east side of Reesor Park is adequate to accommodate the users of the tennis bubbles.

A satellite view of the proposed pathways concept is shown below, but is subject to change based on detailed design and site considerations:



Staff have also considered the benefits of outsourcing the acquisition, installation, operation and maintenance of the tennis bubbles to an independent third party instead of the City undertaking this endeavor. The main benefits of engaging a third party are as follows:

- 1) Cost Avoidance outsourcing the acquisition, installation, operation and maintenance of the tennis bubbles to an independent third party allows the City to forego the upfront costs of acquiring the two tennis bubbles, the grade beam and fencing work surrounding the structure. This is estimated to cost in the range of \$1.2 to \$1.5M. If, as expected, Bill 108 results in less capital funding for recreation facilities, partnerships can be a financially prudent method of providing amenities to Markham residents.
- 2) Risk Avoidance The City would defer all responsibility associated with booking of court time and associated revenue to the third party, thereby avoiding any potential revenue risks.
- 3) ILMP Recommendations The Integrated Leisure Master Plan contains the following recommendation: "Engage the local tennis community (P3) to facilitate the development of an additional indoor tennis facility (eg. seasonal bubble) in response to demonstrated demand, favourable site conditions and sustainable partnership conditions. A variety of different funding and operating models should be considered. Financial sustainability and community access will be important considerations." Engaging a third party to build and operate the proposed tennis bubbles would meet these requirements.

Background on Karl Hale

The following is a summary of information on Karl Hale based on due diligence conducted by staff:

- Over 35 Years in tennis industry
- Recognized as one of the most respected people in the tennis business as a player, coach, administrator and event organizer
- o Rogers Cup Director since 2006. World's largest 1 week professional tennis event
- o President PTR (Professional Tennis Registry) 20,000 tennis coaches worldwide
- o Board member TPA (Tennis Professional Association) 5,000 coaches in Canada
- o Former Davis Cup Player and coach
- o Former #1 in the world over 40
- o Level 4 coach (highest in Canada, approximately 30 coaches have this standing)
- o Raised over \$3,000,000 from charity events to build schools in Jamaica and NYGH North York General Hospital
- O Manages the bubble at the Donalda Club for the past 17 years including all operational aspects (also facilitated the addition of 2 new courts and a new 6 court bubble)
- O The City is in receipt of a letter from the proponent's financial advisor confirming his viability to complete the acquisition, installation, operation and maintenance of the seasonal tennis bubbles.

Karl Hale Proposal: Karl Hale proposes to incorporate a new corporation (the "**Tenant**") to operate a new tennis centre in the proposed seasonal tennis bubbles. The following is the description he has provided of the proposed tennis centre:

- Self-sustaining facility with no additional ongoing maintenance or operational costs to the City.
- This will be a leading tennis centre:
- Endorsed by Tennis Canada
- A charity event to raise funds for the community
- Exhibitions year round with top Canadian players and some international players
- The Tenant opening launch event with players from Rogers Cup
- Wheelchair tennis tournaments
- Hosting International Tennis Events
- Hosting Tennis Canada Events
- Hosting Ontario Tennis Association Events
- Top junior program
- Lower membership rates for Markham residents will be offered

Based on Karl Hale's experience and stature in the tennis world and his proposal for the tennis centre to be established, staff have determined he would be a good partner for this facility.

Community Consultation

Staff held a community consultation in conjunction with the Ward 4 Councillor and the preferred tennis bubble supplier for the Tenant on November 20th at Reesor Park Public School to discuss the potential impact to local residents of a seasonal tennis bubbles to the area.

Approximately 190 households located along the perimeter streets surrounding Reesor Park and the Reesor Park Public School were invited to attend. Approximately 30 people attended the meeting, 13 of which were residents of the area with the remainder of those attending being from the Markham tennis community.

At this meeting, a presentation was made on the proposed tennis bubbles including the conceptual view of the structure, the sound impact of the HVAC units, lighting and pathways. This was followed by a question and answer period for the residents to voice any concerns with respect to the tennis bubbles.

Consultation Feedback and Tennis Bubble Considerations

Of those residents attending there was very little opposition to the tennis bubbles. The community made a number of suggestions which are summarized below along with Staff responses:

1) <u>Noise levels:</u> the noise levels resulting from the two air support units for the two tennis bubbles and the potential noise from players both inside and leaving the bubbles were expressed as concerns for residents.

Staff response: an exhibit was presented that showed the scale of decibel levels relative to common sounds heard in the external environment. It was illustrated that at over 100 feet, the decibel level would be minimal to the point that the noise would be no different than typical suburban area background noise. Within 10 feet of the bubble air support unit, the sound level would be similar to that of a busy open office. It was also confirmed that the air support units would be strategically placed on the west side of the tennis bubbles leaving sufficient distance so as to minimize disturbance to the surrounding residents. The noise from players inside of the tennis bubble was also confirmed to be minimal and in fact less than the noise heard today from the summer club, since the courts would be completely enclosed. Finally, the potential noise from people exiting the facility was also deemed to be minimal due to the proximity of the bubble relative to residents. Furthermore, to help discourage loitering outside of the tennis bubble, the lighting of the pathway would shut off daily after operating hours. It was also pointed out that the neighbouring residents are currently close to the school and so the noise from the players leaving the bubble would be considerably less than noise from the school.

2) <u>Lighting of the bubble and new pathways:</u> There was concern expressed concerning the lighting during the evening for both the tennis bubbles and the new pathway lighting that will be installed leading from the parking lot to the tennis bubbles.

Staff response: Due to the opaque material of the tennis bubbles, it was stated that the light from inside the tennis bubbles would not be visible to residents looking from the outside and that the current outdoor lighting over the courts would not be used during the tennis bubble season. Furthermore, it was pointed out that during the late evenings, residents looking out from their houses at the bubbles would find it difficult to even see the structures themselves. In regard to the lighting of the pathways, it was confirmed that the lighting used would be specific to pathway lighting and as such would be dark sky compliant to keep the pathway lit while not emanating additional light upwards into the external environment. The pathway would be paved, lit and maintained during the winter months.

3) Parking and traffic concerns: The question of whether or not there would be sufficient parking during the tennis bubble season was raised as well as concerns over additional traffic caused by the tennis bubbles.

<u>Staff response:</u> The existing parking lot on the north side of Reesor Park currently accommodates 35-40 cars and given the fact that a maximum of 24 players would be using the tennis

- bubbles (6 courts X 4 players/court), it was confirmed that the existing parking would be sufficient to handle the anticipated capacity. In terms of traffic, it was confirmed that the increase in traffic would be negligible.
- 4) Membership Model and overall operating model impact to the City: Clarification was sought in terms of the operating model by which the seasonal tennis bubbles would employ and what the impact would be to taxpayers as a result of the costs associated with building and operating the tennis bubbles. The distinction between the current arrangement with the Markham Tennis Club and the City during the summer months of March to September was also requested.
- <u>Staff response</u>: Staff drew the distinction between a drop-in model (currently used at the City's only indoor tennis facility in Angus Glen) and the membership model that the seasonal tennis bubbles at Reesor Park would operate under. The membership model is consistent with other city programs and there was an assurance made that the operating model employed for this tennis bubbles would be sustainable in the long term and would have a net positive return resulting in \$0 in subsidy required from the City. Under the membership model, the tennis bubbles at Reesor Park would be open to any individuals willing to purchase a membership at a pre-determined price followed by a set hourly rate for available court time. The 2019 ILMP study, which helps to govern the City's decisions concerning the building of new facilities, identified the need for an indoor tennis facility in Markham based on an increasing demand. The fact that the City's only indoor facility at Angus Glen was experiencing excess demand for court usage during the winter months further supports the need for additional indoor tennis in Markham. Clarification was made that the tennis bubble operation would not be related to the Markham Tennis Club. The facility would not be for exclusive use of the Markham Tennis Club members during the winter months, but available to any Markham residents willing to purchase a membership for the winter season.
 - 5) <u>Tree removal:</u> The subject of potential tree removal adjacent to the tennis bubbles was raised as well as the need to address any other potential tree removal in the area resulting from the pathways.
- Staff response: While the removal of trees in order to accommodate the tennis bubbles and pathway is considered minimal, staff did acknowledge that the potential removal of a few trees located along the east and west side of the courts could occur. In response, staff will ensure that replacement trees are planted in compliance with the City's Tree Bylaw and replacement requirements based on the size of the tree.
 - 6) <u>Connectivity of pathway:</u> With the new pathway being built to connect the parking lot on the north end of Reesor Park to the existing clubhouse, it was suggested that the City look into connecting the rest of the pathways surrounding the tennis courts running east

towards Wooten Way N and along the west side of the courts to the school parking lot for greater accessibility.

<u>Staff response:</u> Staff committed to further investigating the possibility of creating a continuous paved pathway to connect all of the vessels surrounding the tennis court from the north end parking lot down to the school parking lot.

In summary, in staff's opinion the responses provided satisfied the residents' concerns.

FINANCIAL CONSIDERATIONS:

Based on negotiations with Karl Hale, the installation of tennis bubbles on the Lands will require capital investment from both the proponent and the City of Markham.

Karl Hale has proposed that the Tenant will be responsible for acquiring, installing, disassembling, maintaining and repairing the tennis bubbles and related equipment, the grade beams to hold the bubbles in place, alterations to the fencing to reduce the build-up of snow around the perimeter of the bubbles, and related City permit fees. It is estimated that these costs will be in the \$1.2M to \$1.5M range.

The City will be responsible for the up-front capital costs related to servicing the site, including the winterization and fireproofing of the clubhouse, adding a fire access route and creating a pathway and lighting from the parking lot to the tennis courts. The following table outlines the work and expected costs (inclusive of HST):

Capita		
i)	Pathway North to South on East side (lighting, grading)	\$260,000
ii)	Moving of pathway on west side	\$200,000
iii)	Site servicing (Gas line)	\$160,000
iv)	Winterization of clubhouse	\$100,000
v)	Fire proofing	\$160,000
vi)	Fire access route	\$185,000
vii)	Site Survey and Geotechnical requirements	\$23,000
vii)	Architect and Engineering Consulting Fees	\$100,000
viii)	Separate metering for utilities	\$7,000
ix)	Tree removal, stumping and replanting	\$41,300
Total (Capital Site Costs	\$936,300

As these costs are related to extending the usability of a community facility for an additional 7 months of the year, it is recommended that a new capital project be established for the City's portion of infrastructure costs in the amount of \$936,300 (inclusive of HST) to be funded 90% from Development Charges and 10% from the Non-Development Charges growth reserve, to be fully offset by annual lease revenue.

It is also expected there will be nominal operating costs for snow clearing of the newly created pathway and hydro costs for the pathway lighting.

Should this proposal be approved, renovations of the clubhouse are planned to commence in early Q1 2020, with the facility target opening date in October 2020.

Lease Terms

Staff are currently negotiating the terms of a lease with the tenant. After the lease is finalized, staff will report out the terms of the lease in a public Council session.

Municipal Capital Facility

The Municipal Act authorizes a municipal council to pass a by-law authorizing the municipality to enter into a Municipal Capital Facility Agreement with any person for the provision of municipal capital facilities and to exempt from property taxes land on which such municipal capital facilities are located.

As the City will be entering into an agreement with the Tenant to provide a seasonal tennis facility which complements the existing recreation services in the City, Staff will determine whether the proposed the seasonal tennis bubbles can be declared a municipal capital facility ("MCF"), similar to what was completed in 2016 for the seasonal soccer dome which is located at the Mount Joy Community Centre.

In the absence of the City declaring the Tenant seasonal tennis bubbles a MCF, staff estimate the facility would have a property tax liability of \$25,000 - \$29,000 for the seven months of the year that in would be in operation. The City's proportionate share of the taxes would be approximately \$3,300 - \$3,800.

Staff will report back in the first quarter of 2020 with a recommendation on whether the tennis bubbles shall be declared a MCF.

Summary

It is recommended that staff be directed to finalize negotiations with the Tenant and enter into a lease agreement between the City and the Tenant of the Lands. The proposed lease will contain

terms acceptable to the Chief Administrative Officer and City Solicitor and will address the acquisition, financing, installation, operation, and maintenance of tennis bubbles on the Lands from early October to the end of April for a term of 25 years.

NOTICE OF PUBLIC MEETING

A Public Meeting will be held by the Development Services Committee of the City of Markham to consider a proposal to amend or replace the following fee by-laws:

- Building By-law 2019-20, being a by-law respecting construction, demolition and change of use permits and inspections, and
- Development By-law 211-83, being a by-law to prescribe a tariff of fees for processing of planning applications.

Information will be presented explaining the proposed fee changes. Any person may make a representation regarding the proposed changes at this meeting.

DATE: Tuesday, December 3, 2019 | **TIME:** 7:00 p.m. **PLACE:** Council Chambers, Anthony Roman Centre, 101 Town Centre Boulevard Markham, Ontario, L3R 9W3

BUILDING BY-LAW

The City of Markham proposes to repeal By-law 2019-20 enacted under section 7 of the Building Code Act, and to enact a new building by-law for the issuance of permits and related matters, including the establishment of a revised fee schedule.

The City reviews and adjusts building permit fees annually to ensure they meet but do not exceed the anticipated reasonable costs to administer and enforce the Act within its jurisdiction. The City's fee model includes a thorough analysis of the direct and indirect costs associated with the administration and enforcement of the building code. The proposed amendment will adjust fees to reflect anticipated costs in 2020.

Purpose and Effect of the Proposed Changes

- An increase of 5% from the 2019 fees, to reflect the anticipated costs of administering and enforcing the building code and to maintain a reserve;
- An increase in certain administrative fees for compliance letters, zoning inquiries and dormant inspections.

DEVELOPMENT BY-LAW

Under the Planning Act, a municipality can charge fees for anticipated costs in providing a service. The projected costs for administering planning applications have increased from the previous year.

The City proposes to amend By-law 211-83 to increase the majority of the fees to ensure costs are covered and to maintain an adequate reserve. Other minor changes to the structure of the by-law are also being proposed.

ADDITIONAL INFORMATION

Additional information relating to the Building By-law is available from:

Chris Bird, Director Building Standards (905.475.4716) and for the Development Fee by-law is available from

Biju Karumanchery, Director, Planning & Urban Design (905.477.7000, extension 4713).





November 25, 2019

Mayor Scarpitti and Members of the Development Services Committee City of Markham 101 Town Centre Boulevard Markham, Ontario L3R 9W3

Mayor Scarpitti and Development Services Committee Members,

Re: 2020 Development Fee and Building Fee By-law Update

With more than 1,500 member-companies, BILD is the voice of the land development, home building and professional renovation industry in the Greater Toronto Area and Simcoe County. Our industry is essential to the City of Markham's long-term economic strength and prosperity. In 2018 alone, the residential construction industry in Markham generated over 13,000 on-site and off-site jobs in new home building, renovation and repair – one of the City's largest employers. These jobs paid \$842 million in wages and contributed \$1.7 billion in investment value to the local economy.

BILD is in receipt of the City of Markham report to Development Services Committee dated November 25, 2019 that introduces increases to the City's Development and Building Fees. We are aware that a public meeting regarding the proposed fees may be held on December 3, 2019, subject to the Committee's authorization. In advance of a scheduled public meeting, BILD, on behalf of its York Chapter members would like to provide the Committee members and City staff with our initial thoughts and position of the matter.

While the fee increases will affect both the Building fees and the Development fees, our comments are directed primarily at the proposed Development fee increases which we consider to be alarmingly high, especially given the year-over-year double digit increases our members have witnessed in the City. In this report, Development Services staff are recommending a 10% increase for planning and urban design fees as well as a 10% increase for engineering fees for the 2020 year. This follows a 10% increase approved by Council in 2019. Prior to this, a 19% increase was approved by Council in 2018. Should the 2020 rate schedule be adopted, the industry would see a compounded increase of 39% in these fees, relative to 2017 rates. Again, these unprecedented increases in cost are not sustainable in current market conditions and only further challenges affordability, all while units in Markham presently face one of the highest fee structures in the GTA.¹

While BILD and members appreciate being notified of staff's intentions to further increase fees for 2020, insufficient time and information was provided to meaningfully discuss and understand these changes. We continue to be concerned with the justification for these increases to resolve historic revenue and expenditure deficits and maintain adequate reserve balances. As expressed previously to Council and staff, we object to this in principle and submit that it is not reasonable to expect new homeowners and businesses of Markham to compensate for the shortcomings of the City's historical fee structure. We do however appreciate that increased fees can be expected and submit that a more reasonable fee increase

 $^{^{\}rm I}$ Government Charges and Fees on New Homes in the Greater Toronto Area, Altus - May 2018

tied to inflation, and similar to the Building fee increase, would be appropriate for the Development Fee increases. We are aware that some significant development has been slow to materialize, but believe a low or nil reserve is expected in this case and will be replenished in the forthcoming years as this development proceeds.

We respectfully ask that Committee to defer the public meeting and not impose further increases to the development fees in 2020 until there is sufficient time for material discussions between BILD, its members and staff to take place.

Sincerely,

Carmina Tupe, MCIP, RPP

Planner, Policy and Government Relations BILD

CC: Arvin Prasad, City of Markham

Mike McLean, BILD York Chapter Co-Chair Gabe DiMartino, BILD York Chapter Co-Chair

BILD York Chapter Members

Suggested Draft Resolution for Consideration of the Development Services Committee

- 1) That the Record of the Public Meeting held on December 3, 2019, with respect to the proposed amendments to the Development and Building Fee By-laws be received; and,
- 2) That the amendment to By-law 211-83, as amended, "Tariff of Fees for the Processing of Planning Applications," substantially in the form attached as Attachment A, be enacted; and,
- 3) That By-law 2017-150 as amended be repealed and the attached "By-law respecting Construction, Demolition and Change of Use Permits and Inspections," attached as Attachment "B", be enacted; and,
- 4) That the By-laws come into force and take effect on January 1, 2020; and further,
- 5) That Staff be authorized and directed to do all thing necessary to give effect to this resolution.

(By-law 2019-XXX and 2019-XXX)



Report to: Development Services Committee Meeting Date: November 25, 2019

SUBJECT: Development Fee and Building Fee By-law Update (All

Wards)

PREPARED BY: Chris Bird, Director of Building Standards, Ext. 4716

Biju Karumanchery, Director of Planning & Urban Design,

Ext.4713

Brian Lee, Director of Engineering, Ext. 7507

Joel Lustig, Treasurer, Ext. 4715

Matthew Vetere, Manager, Budgeting, Financial Services,

Ext.2463

John Yeh, Manager, Strategy and Innovation, Ext. 7922

RECOMMENDATION:

1. That the Report titled "Development Fee and Building Fee By-laws Update (All Wards" dated November 25, 2019 be received; and

- 2. That the proposed amendments be referred to the Development Services Committee Public Meeting to be held on December 3, 2019; and further,
- 3. 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 explain the proposed increases to the 2020 development fees that are applied to offset the projected costs associated with staff review, inspections, processing of applications, overall file management and to maintain financial reserves for Building, Engineering and Planning and Urban Design departments. The proposed fees will be enacted through amendments to the <u>Development Fee By-law 211-83</u>, as amended, and to <u>Building By-law 2019-20</u>, as amended. These by-laws set fees to be paid by applicants for building permit applications and for development applications that require planning, urban design and engineering review. These by-laws are updated annually.

The recommended increase in fees included in the Building By-law for 2020 is 5% for fixed fee categories (building permits). Within the Development Fee By-law, the recommended fee increase for Planning and Urban Design is 10% and similarly for Engineering the recommended fee increase is 10%. This report seeks authorization to refer the proposed amendments to a Development Services Committee Public Meeting to be held on December 3, 2019.

BACKGROUND:

The Development Fee By-law and the Building By-law are reviewed each year to recover the anticipated reasonable costs associated with the administration of *Planning Act* applications, the associated technical review and on-site inspection, and building permits and building code inspection and enforcement under the *Building Code Act*. The annual adjustments fall into one or more of the following categories:

- overall adjustments driven by a moving average of indirect and direct costs
- adjustmentsto provide opportunities to balance reserve accounts;
- refinements to existing fees to better reflect actual and anticipated costs of providing the related services; and
- new fees to capture new or previously underfunded services.

A fee model was established in 2005 in order to calculate the annual adjustments necessary to ensure the City's Building, Engineering and Planning and Urban Design Departments remain adequately funded by building permit and development fees, respectively. The model is designed to cover direct and indirect costs. In addition, transfers to a reserve for Building and a combined reserve for Planning and Urban Design and Engineering (Development Reserve) are included, as well as annual capital costs.

OPTIONS/ DISCUSSION:

New Forecasting Model

Historically, staff has used a fee model with built-in financial assumptions based on historic development activity. The opportunity has arisen to refine the model so that the model is more responsive to the changing nature of development in Markham especially with regards to an increasingly diverse housing mix including medium and high density, and increasing intensification and redevelopment, which characterize development activity in the City today. The proportion of residential to non-residential applications has also changed over time and is anticipated to continuing evolving. Projecting future activities based on past trends is no longer reliable. A new model using factors such annual growth projections, long-term development patterns, available developable land, permitted zoning and density, market absorption, anticipated development activity, etc. is being developed. This work is ongoing and anticipated to be operational later in 2020. The development industry will be consulted regularly.

Bill 108

The Provincial Government has introduced a number of legislative changes that affect the development industry and how municipal governments manage growth. Reduced development activity is to be expected for the remainder of this year and into 2020 due to the introduction of Bill 108, *More Homes, More Choice Act, 2019* (Bill 108). Bill 108 requires that a new community benefits charge replaces soft services development charges, parkland contributions and Section 37 charges. The proposed community benefits charge is to be capped based on a percentage of the appraised value of the land that is subject to an application. The proposed regulation implementing the community benefits charges has not yet been enacted by the Province, and is not yet in force. As the regulations and their interpretation are unknown at this time, it is expected that the

development industry may be waiting to make applications or scale down the number of applications until there is clarity with respect to implementing the Bill 108 regulations. This may be a factor contributing to lower than expected development activity in the City.

Forecasting Revenue for 2020

Based on uncertainty related to Bill 108, it is very difficult to forecast development activity over the next year and the potential revenue the City will receive. Staff are working on developing a much more reliable model to forecast growth and revenue. Early conservative estimates of growth in 2020 show a pattern similar to growth numbers experienced in 2019.

Proposed Fee Increases

Development Services staff recommends that the 2020 proposed increases for Building fees be 5% and 10% for Planning and Engineering fees. These increases are intended to support the goal of maintaining adequate reserve balances equivalent to 1.5 times the annual fee funded operating costs in the event of an economic downturn. For 2020, the goal of the Building Reserve would be $$14.30M ($9.54M \times 1.5)$ and for the Development Reserve the goal would be $$27.92M (($9.95M + $8.66M) \times 1.5)$.

The following two tables have been updated based on the projected unit counts and outline the following:

- 2019 year-end projection
- Revenues based on projected residential permits
- Expenses
- Projected year-end reserve balance

1. Building Permit Fees

BUILDING Reserve Forecast (\$ millions)				
Building	2019 YE Projection	2020		
Revenues	6.540	7.140		
Less: Expenditures	8.803	9.535		
Transfer to/(from) Reserve	(2.263)	(2.395)		
Capital Investment and Interest	0.200	0.300		
Building Reserve Beginning Balance	12.940	10.477		
Building Reserve Ending Balance	10.477	7.782		
2018 Approved/ 2019 - 2021	5.00%	5.00%		
Proposed Building Fee Increase				
Estimated Residential Permits/Year	1,847	1,757		

Based on the 2018 results which included a surplus of \$3.40M, the reserve balance at the end of 2018 was \$12.94M which was the opening balance for 2019.

For the 2019 Budget, it was anticipated that there would be a draw from reserves of (\$1.38M), however, the current year end forecast is for a draw from reserves of (\$2.26M), (\$0.88M) more than budgeted. This will result in a reserve balance at the end of 2019 of \$10.48M.

The 2020 Budget, which includes projected activity and a proposed Building fee increase is 5.0%, includes a draw from the reserve of (\$2.40M) further reducing the reserve to \$7.78M, which is half the goal of the reserve balance of \$14.30M.

Proposed Building By-law Changes:

Highlights of proposed Building By-law amendments:

- Fees listed in Table 1 of Schedule A from Appendix 'A' have been increased by 5%
- Administrative fees for compliance / zoning requests and dormant inspections have increased
- Updated Schedule B to reflect changes to the requirements for submission content for permit applications.

2. Development Fees (Planning and Urban Design and Engineering)

DEVELOPMENT Reserve Forecast (\$ millions)				
Planning and Urban Design	2019 YE Projection	2020		
Revenues	6.200	10.569		
Less: Expenditures	8.417	9.954		
Transfer to/(from) Reserve	(2.217)	0.615		

2019 Approved/ 2020 Proposed	10.00%	10.00%
Planning Fee Increase		

Engineering	2019 YE	2020
	Projection	
Revenues	6.500	8.787
Less: Expenditures	7.753	8.662
Transfer to/(from) Reserve	(1.253)	0.125

2019 Approved/ 2020 Proposed	10.00%	10.00%
Engineering Fee Increase		

Development Reserve Beginning	0.267	(3.443)
Balance		
Planning Transfer/Draw (from	(2.217)	0.615
above)		
Engineering Transfer/Draw (from	(1.253)	0.125
above)		
Capital investment and Interest	(0.240)	(0.240)
Development Reserve Ending	(3.443)	(2.943)
Balance		

Based on the 2018 results which included a surplus of \$5.68M in Planning and \$2.63M in Engineering, the reserve balance at the end of 2018 was \$0.27M which was the opening balance for 2019.

For the 2019 Budget, it was anticipated that there would be a surplus to reserves of \$2.08M in Planning and \$0.68M in Engineering. The current year end forecast is now for both departments to draw from reserves of (\$2.22M) in Planning and (\$1.25M) in Engineering. This will result in the reserve returning to a deficit position at the end of 2019 of (\$3.44M).

The 2020 Budget, which includes projected activity and proposed fee increases of 10.0% in Planning and Engineering, includes a transfer to the reserve of \$0.62M for Planning and \$0.13M for Engineering resulting in a reduction in the reserve deficit of \$0.74M to (\$2.943M). While this is trending favourably, the reserve is still in a deficit position and significantly short of the goal of \$27.92M.

Proposed Development Fee By-law Changes:

Highlights of proposed Development Fee By-law amendments:

- Fees listed in Schedule A from Appendix 'B' have been increased by 10%
- Minor changes to the development fee by-law to provide a clearer understanding of the provisions
- Simplify the ability of staff and applicants to interpret and apply the provisions consistently, to a variety of application types

Consultation with the Development Industry Representatives

Prior to recommending the fee increase to Council at the end of 2018, staff consulted with representatives in the development industry. Representatives of the development industry requested the City to find efficiencies in the review process and staff agreed to explore opportunities for process improvement. The section below outlines the Development Review Process Improvements. Similarly, staff met with representatives of the development industry on November 11, 2019 to discuss 2020 fee increases. Concern was expressed about the cumulative impact of annual fee increases. Staff agreed with representatives of the development industry to continue the dialogue in 2020 regarding development activity and fees.

Development Review Process Improvements Implemented

Continuous Improvement in the development review process is an ongoing priority to achieve improved timelines, improved customer experiences, and efficiencies while ensuring excellence in the built environment. In 2019 staff undertook an initial review of the City's development review process in Planning & Urban Design and Engineering. This has led to process improvements such as the following. (See Appendix 'C' for the full list.)

Planning & Urban Design:

- Pilot the sharing of draft agreements to enable developers to begin understanding the financial and site specific implications, and have necessary discussions with staff, prior to the finalization of the agreement
- Streamlined preparation of tree preservation conditions and tree inspections for Committee of Adjustment applications
- Soft launch of site plan review and approvals through ePLAN online application submission
- Submission and processing of Pre-Consultation Requests, Townhouse Siting Applications, Draft Plan of Condominium and Site Alteration Permits available through ePLAN
- A customized Parkland Calculation template was prepared to calculate parkland and cash-in-lieu requirements for all types of development applications. This template, with embedded formulas in the background, eliminates potential human errors. The chart is also designed to be circulated to the following departments for approval on specific matters as listed below. This chart will then be attached to draft memo to Legal for Agreements and saved on Amanda for future reference.
 - o Planning (unit numbers, GFA and land area)
 - o Real Property (Land value for cash-in-lieu)
 - o Urban Design (parkland requirement calculations)
 - o Finance (confirmation of calculations)
- Site Alteration Permit for Tree Removals prior to Agreement Execution: For
 Draft Plan of Subdivision and Site Plan applications that have been through
 several cycles of review and if tree removal /preservation is acceptable to Urban
 Design staff, Letters of Credit will be collected for tree compensation through site
 alteration permits and the actual compensation value will be reconciled at the time
 of site plan/subdivision agreements. Urban Design is working with Engineering
 and Legal staff to draft standard conditions for Letters of Credit collection, draws
 and release.

Engineering:

- Clarified the roles and responsibilities between groups within the Engineering Department regarding the review and acceptance of photometric/streetlighting assessments
- Clarified roles and responsibilities between groups within the Engineering Department regarding the review and acceptance of traffic control signal design

- Streamlined and clarified what type of works can be reviewed and approved under the site alteration review process and to clarify the roles and responsibilities between groups within the Development Services Commission regarding the review and acceptance
- Delegation of authority to Director of Engineering for acceptance for maintenance and assumption of subdivision which eliminates the need for a staff report to Council so that the process can take place when a subdivision meets all conditions

A broader review of the City's development review process for official plan amendments, zoning by-law amendments, plans of subdivision, and site plans is currently being finalized as part of the Provincial Audit and Accountability Fund to identify recommendations for improved efficiencies and cost savings. The City entered into an agreement with the Province for eventual reimbursement of \$150,000 subject to the completion of as assessment of the development review process by an independent third-party consultant. KPMG LLP was retained in September 2019 to undertake the assessment and results will be presented at the December 9, 2019 Development Services Committee meeting.

FINANCIAL CONSIDERATIONS

The Finance Department has been working closely with Development Services Commission staff to ensure proper direct and indirect cost recovery and to incorporate the results into the proposed 2020 operating budget. The fee adjustments recommended in this report for 2020, 5% for Building, 10% for Planning & Urban Design and 10% for Engineering will assist in providing increased funding for projected direct and indirect costs, though Building and Development reserves will further decline. Finance and Development Services staff will monitor financial performance against budget in 2020 and report back to Development Services Committee if any midyear adjustments to the Fee By-laws need to be contemplated along with a future year forecast.

Summary of Reserve Balances

Markham has experienced strong building activity over the past several years resulting in an appropriate reserve level for Building. This reserve has been utilized by the Building Department to invest in new processes and technologies, such as ePLAN project and a comprehensive zoning by-law project, and to withstand cyclical downturns without abrupt changes to capacity and service levels. However, the combined reserve balance for Planning & Urban Design and Engineering does not reflect the level of activity and remains in a deficit position. The following table provides a history of the balances in Building and the Development reserves:

Reserve Balances Surplus/ Deficit (\$ millions)				
Year End	Building	Development		
2008	2.412	(1.716)		
2009	0.540	(5.632)		
2010	(0.090)	(1.476)		
2011	6.630	(2.455)		
2012	11.887	(0.907)		
2013	13.846	(3.959)		
2014	11.890	(8.630)		
2015	9.628	(10.668)		
2016	10.219	(10.741)		
2017	9.355	(7.768)		
2018	12.940	0.267		
2019 Forecast	10.477	(3.443)		
2020 Forecast	7.782	(2.943)		

HUMAN RESOURCES CONSIDERATIONS

Recoveries are direct and indirect costs are consistent with Provincial legislation

ALIGNMENT WITH STRATEGIC PRIORITIES:

Growth Management and Municipal Services delivery

BUSINESS UNITS CONSULTED AND AFFECTED:

Development Services Commission departments, Financial Services, and Legal Services

RECOMMENDED BY:

Chris Bird Biju Karumanchery

Director of Building Standards Director of Planning & Urban Design

Loy Cheah Arvin Prasad

Acting Director of Engineering Commissioner of Development Services

Joel Lustig City Treasurer

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ATTACHMENTS:

Appendix 'A' – Draft of amendment to Building By-law 2019-xx

Appendix 'B' – Draft of amendment to Development Fee By-law 2019-xx Appendix 'C' – Development Review Process Improvements



BY-LAW 2019-XXX

Being a By-law respecting Construction, Demolition, Change of Use Permits and Inspections

WHEREAS Section 7 of the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, authorizes municipal council to pass by-laws respecting construction, demolition and change of use permits, inspections and related matters;

AND WHEREAS the Council of The Corporation of the City of Markham desires to repeal By-law 2019-20 and to enact a new building by-law for the issuance of permits and related matters, including the establishment of a fee schedule;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1. This By-law may be cited as the "Building By-law".

2. **DEFINITIONS**

2.1. In this By-law:

"Act" means the Building Code Act, 1992, S.O. 1992, c. 23, as amended;

"applicant" means the *owner* of a building or property who applies for a *permit* or any person authorized to apply for a *permit* on the *owner*'s behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation;

"Building Code" means the regulation made under Section 34 of the Act;

"certified model" means a unique building design for a detached or semidetached unit that has been reviewed by the *chief building official* for compliance with the *Building Code* and is intended for construction pursuant to a *permit* issued under the *Act*. A *certified model* approval is not itself a *permit*;

"City" means The Corporation of the City of Markham.

"chief building official" means the chief building official appointed by by-law by Council for the purposes of enforcement of the Act, the Building Code and this By-law;

"complete application" means an application that meets the requirements set out in the building code for applications where the *chief building official* is required to make a decision within a prescribed time period, and further that meets the requirements set out in Section 4 and Schedule B of this By-law;

"conditional permit" means a permit issued under Subsection 8(3) of the Act;

"construct" means construct as defined in Subsection 1(1) of the Act;

"demolish" means demolish as defined in Subsection 1(1) of the Act;

"electronic submission" means the filing of a pre-application review or an application for a building permit, certified model or alternative solution,

including all required forms, documents and drawings, submitted through an online application procedure approved by the *chief building official*.

"owner" means, in respect of the property on which the construction is to take place, the registered owner of the land and, except for *conditional permits*, may include a lessee, mortgagee in possession and the person acting as the owner's authorized agent;

"partial permit" means a permit issued by the chief building official to construct part of a building;

"permit" means permission or authorization given in writing by the *chief building official* to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the *Act* and *Building Code*;

"permit holder" means the owner to whom the permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred;

"pre-application review" means the review of forms, documents and drawings which precedes the acceptance of a permit application to determine if it qualifies for an *electronic submission* for a permit;

"Registered Code Agency" means a registered code agency as defined in Subsection 1(1) of the Act;

"revised submission" means additional information filed with the *chief building official* which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a permit has already been issued and for which approval by the *chief building official* is required;

"sewage system" means a sewage system as defined in Subsection 1.4.1.of Division A of the *Building Code*;

"supplementary submission" means a resubmission of information in relation to building permit documents previously reviewed or issued, that requires additional review to determine *Building Code* compliance;

"zoning preliminary review" means a review of plans and other documents to determine, prior to building permit or *Planning Act* applications, whether proposed designs comply with applicable zoning by-laws;

2.2. Terms not defined in this By-law shall have the meaning ascribed to them in the *Act* or the *Building Code*.

3. CLASSES OF PERMITS

3.1. Classes of *permits* required for the construction, demolition or change of use of a building shall be set out in Schedule A to this By-law.

4. REQUIREMENTS FOR PERMIT APPLICATIONS

General Requirements

- 4.1. Every *permit* application, *certified model* application and application for an alternative solution must meet the requirements of this Section and Section 6 and shall:
 - 4.1.1. be made by an *applicant*;
 - 4.1.2. be submitted to the *chief building official* on forms prescribed by the Province of Ontario or when no form is prescribed, on a form prescribed by the *chief building official*;
 - 4.1.3. be accompanied by the required fees calculated in accordance with Schedule A;

By-law 2019-XXX Page 3

- 4.1.4. unless otherwise determined by the *chief building official*, be in the form of an *electronic submission*;
- 4.1.5. unless otherwise determined by the *chief building official*, shall not be accepted until a *pre-application review* has been completed to the satisfaction of the *chief building official*; and
- 4.2. To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the building code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.
- 4.3. An application for a *permit* may be refused by the *chief building official* where it is not a *complete application*.
- 4.4. The *chief building official* may, as the chief building official deems appropriate, provide prescribed forms in an electronic format and may allow for the electronic submission of completed *permit* application forms.
- 4.5. Notwithstanding Subsection 4.4, completed forms generated electronically shall be accepted subject to the endorsement by the *applicant*.
- 4.6. When filing an application, the *owner* and the *applicant* shall provide an electronic address(s) for the purpose of receiving communications from the *chief building official* regarding the construction, demolition or change of use associated with a permit application or issued *permit*. The owner or authorized agent of the owner shall inform the *chief building official* immediately in writing when the electronic address(s) provided change or become not functional.

Applications for *Permits* to Construct

- 4.7. Every application for a *permit* to *construct* a building shall:
 - 4.7.1. identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building *permit* application is made;
 - 4.7.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this bylaw; and
 - 4.7.3. be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the *chief building official* to be unnecessary.

Applications for Permits to Demolish

- 4.8. Every application for a *permit* to *demolish* a building shall:
 - 4.8.1. identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a *permit* to *demolish* is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
 - 4.8.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law; and
 - 4.8.3. be accompanied by proof satisfactory to the *chief building official* that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.

Applications for Permits to Construct Part of a Building

- 4.9. In addition to the requirements of Subsection 4.7, every application for a *partial permit* shall:
 - 4.9.1. require a *permit* application for the entire project; and
 - 4.9.2. be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which application for a *partial permit* is made, together with such information pertaining to the remainder of the work as may be required by the *chief building official*.
- 4.10. The *chief building official* may issue a *partial permit* when the *chief building official* determines it is appropriate to expedite substantial construction before a *permit* for the entire building is available and where the relevant provisions of this By-law and the *Act* are met.
 - 4.10.1. When determining whether to issue a *partial permit*, the *chief building official* shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.
- 4.11. The *chief building official* shall not, by reason of the issuance of a *partial permit* pursuant to this By-law, be under any obligation to grant any additional *permits*.

Applications for Conditional Permits

- 4.12. An application for a *conditional permit* cannot be filed until plans review of the scope of work is complete.
- 4.13. In addition to the requirements of Subsection 4.7, where a *conditional permit* is requested, the *applicant* shall:
 - 4.13.1. complete an application on a form prescribed by the *chief building official*; and
 - 4.13.2. submit documents and drawings prescribed in Schedule B of this By-law.
- 4.14. The *chief building official* may, at his or her discretion, issue a *conditional permit* where unreasonable delays are anticipated in obtaining all necessary approvals and where the relevant provisions of this By-law and the *Act* are met.

Applications for Permits for Change of Use

- 4.15. Every application for a *permit* for a change of use shall;
 - 4.15.1. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law;

Application for a *Certified Model*

- 4.16. An applicant may file an application for a certified model.
- 4.17. Every application for a *certified model* shall;
 - 4.17.1. be made on an application form prescribed by the *chief building official;* and
 - 4.17.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 of this By-law.
- 4.18. Plans and specifications forming part of each *certified model* application shall be deemed to form part of the *permit* documents of each *permit* subsequently issued under the *Act*.

Abandoned Electronic Submissions and Permit Applications

- 4.19. Where an electronic submission has not been completed within 20 business days of creation, the electronic submission may be deemed by the *chief building official* to have been abandoned.
- 4.20. Where an application for a *permit* remains incomplete and inactive for six months after the *applicant* has been advised in writing of all the reasons for refusal, the application may be deemed by the *chief building official* to have been abandoned and written notice of the cancellation thereof shall be given to the *applicant*.

Revisions to *Permits*

- 4.21. After the issuance of a *permit* under the *Act*, the *applicant* shall give notice to the *chief building official* in writing of any material change to a plan, specification, document or other information upon which a *permit* was issued, together with the details of such change, which change shall not be made without the prior written authorization of the *chief building official*.
- 4.22. Application for authorization of any substantial change shall constitute a *revised submission* or a *supplementary submission*.

5. PLANS AND SPECIFICATIONS

- 5.1. As part of the application for a *permit* and in addition to the requirements of Section 4 of this by-law, every *applicant* shall submit to the *chief building official* the following:
 - 5.1.1. sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction, demolition, or change of use conforms to the *Act*, the *Building Code*, and any other applicable law;
 - 5.1.2. Where a site plan is required to satisfy Section 5.1.1, the site plan shall reference a current plan of survey certified by a registered Ontario Land Surveyor and shall include:
 - 5.1.2.1. lot size and dimensions of the property;
 - 5.1.2.2. setbacks from existing and proposed buildings to property boundaries and to each other;
 - 5.1.2.3. existing and finished ground levels or grades; and
 - 5.1.2.4. existing rights of way, easements and municipal services; and
 - 5.1.2.5. a copy of a current plan of survey, unless the *chief* building official waives this requirement.
- 5.2. As part of an application for a *certified model*, every applicant shall submit to the *chief building official* sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction conforms to the *Building Code*.
- 5.3. Plans, specifications and other documents submitted by an *applicant* shall:
 - 5.3.1. be fully coordinated among design disciplines and intended for construction, demolition or change of use;
 - 5.3.2. be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;
 - 5.3.3. be submitted on paper or other suitable and durable material; and
 - 5.3.4. contain information and text that is clear and legible.
- 5.4. Unless otherwise deemed necessary by the *chief building official*, every application shall be accompanied by two sets of plans, specifications,

- forms, documents and other information required to facilitate the administration and enforcement of the Building Code.
- 5.5. On completion of the construction of a building, the *chief building official* may require the applicant to submit a set of as constructed plans, including a plan of survey showing the location of the building.
- 5.6. Plans and specifications submitted in accordance with this By-law or otherwise required by the Act become the property of the City and will be disposed of or retained in accordance with relevant legislation or by-law.

6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

- 6.1. Where approval for an alternative solution under the *Building Code* is being sought, the *applicant* shall submit:
 - 6.1.1. an application on a form prescribed by the *chief building official*;
 - 6.1.2. supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and
 - 6.1.3. payment of the required fee prescribed by Schedule A.

7. FEES AND REFUNDS

- 7.1. The *chief building official* shall determine the required application fees in accordance with Schedule A to this By-law.
- 7.2. The *chief building official* shall not issue a *permit* until fees required by this By-law have been paid in full by the *applicant*.
- 7.3. In addition to the fees paid at the time of building *permit* application, when an applicant makes supplementary submissions and revised submissions, the *applicant* shall pay the prescribed fee which shall be calculated in accordance with Schedule A.
- 7.4. In the case of withdrawal or abandonment of an application, or refusal or revocation of a permit, and upon written request by the applicant, the chief building official may refund any unearned fees which shall be calculated in accordance with Section 4 of Schedule A.

8. TRANSFER OF PERMITS

- 8.1. Upon change of ownership, *permit* applications and *permits* must be transferred to the new owner with the approval of the chief building official.
- 8.2. To transfer a *permit* application or *permit*, the new *owner* shall complete and submit an application form in accordance with the requirements of Section 4 of this by-law and pay the required fee as prescribed by Schedule A.
- 8.3. Upon the transfer of the *permit* by the *chief building official*, the new *owner* shall be the *permit holder* for the purpose of this By-law, the *Act* and the Building Code.

9. **NOTICES FOR INSPECTIONS**

- 9.1. Inspection notices required by the building code and this By-law shall be made in writing, by telephone using the City's permit inspection request line or online inspection request procedure which have been prescribed for this purpose.
- 9.2. Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the *Building* Code.

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- 9.3. The person to whom the *permit* has been issued shall notify the *chief* building official or a Registered Code Agency where one is appointed, of each stage of construction for which a notice is prescribed by the *Building* Code.
- 9.4. Notwithstanding Section 10 of this By-law, the person to whom the *permit* has been issued shall notify the chief building official of the date of completion of the building or demolition work no more than two days after that date.
- 9.5. In addition to the notices prescribed in Article 1.3.5.1 of Division C of the Building Code, the person to whom a permit has been issued shall give the chief building official notice of the readiness for inspection for the following stages of construction, where applicable:
 - 9.5.1. commencement of construction of the building
 - 9.5.2. commencement of construction of:
 - 9.5.2.1. masonry fireplaces and masonry chimneys,
 - 9.5.2.2. factory-built fireplaces and allied chimneys,
 - 9.5.2.3. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys
 - 9.5.3. substantial completion of interior finishes

10. REGISTERED CODE AGENCIES

- 10.1. The *chief building official* is authorized to enter into and sign contracts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for *permits* prescribed in Article 1.3.1.3. of Division C of the Building Code.
- 10.2. A Registered Code Agency may be appointed to perform one or more of the specified functions described in Section 15.15 of the Act.

11. FENCING CONSTRUCTION SITES

- 11.1. Where, in the opinion of the chief building official, a construction or demolition site presents a hazard to the public, the chief building official may require the *permit holder* to erect such fencing to the standards and specifications that the *chief building official* deems to be appropriate in the circumstances.
- 11.2. When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the *chief building official* shall have regard to:
 - 11.2.1. the proximity of the construction site to occupied dwellings;
 - 11.2.2. the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;
 - 11.2.3. the hazards presented by the construction activities and materials;
 - 11.2.4. the feasibility and effectiveness of site fencing; and
 - 11.2.5. the duration of the hazard.
- 11.3. When the *chief building official* is of the opinion that fencing is required, the *permit holder* shall, prior to the issuance of any construction or demolition permit, erect or cause to be erected fencing to the following minimum standards:
 - 11.3.1. Minimum of 1800 mm in height
 - 11.3.2. Maximum of 2300 mm in height
 - 11.3.3. Full height screening with a minimum opaqueness of 90%, and

- 11.3.4. Fencing must be located entirely within the subject property lines unless otherwise authorized.
- 11.4. For the purposes of this Section, construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

12. OFFENCES AND PENALTIES

12.1. Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine as provided for in the *Act*.

13. SEVERABILITY

13.1. Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

14. MISCELLANEOUS

- 14.1. All Schedules shall be and form part of this By-law.
- 14.2. A reference to the singular or to the masculine shall be deemed to refer to the plural or feminine as the context may require.

15. REPEAL AND TRANSITION

- 15.1. By-law Number 2019-20 is hereby repealed upon the date that this by-law comes into force.
- 15.2. Notwithstanding Sections 15.1 and 16.1 of this by-law, for any *complete application* received prior to the effective date of this by-law, the provisions of By-law Number 2019-20 shall remain in force and effect for the purpose of that application.
- 15.3. Applications that are not *complete applications* as defined in this by-law, shall be subject to the within by-law irrespective of the date the initial application was made.

16. EFFECTIVE DATE

16.1	. This b	y-law	shall	come	into	force	on the	1^{st}	day	of.	Januar	y 2020.	

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS XXth DAY OF MONTH, 2019.

KIMBERLEY KITTERINGHAM FRANK SCARPITTI
CITY CLERK MAYOR

Appendix 'A'

By-law 2019-XXX Page 9

SCHEDULE A

CLASSES OF PERMITS, FEES AND REFUNDS

1. FEES

- 1.1 All fees shall be paid in full at the time of acceptance of the permit application.
- 1.2 The fee for the *pre-application review* of applications shall be \$100. This fee is non-refundable and a credit for this fee will be applied to the total building *permit* fee.

2. CALCULATION OF PERMIT FEES

- 2.1 *Permit* fees shall be calculated on the basis of:
 - 2.1.1 the flat rate where indicated in Column 5 of Table 1 of this Schedule;
 - 2.1.2 the product of the applicable fee multiplier in Column 4 of Table 1 of this Schedule and the related floor area or other measure specified in Column 3; or
 - 2.1.3 where a fee is not listed in Table 1, \$30 for each \$1,000 or part thereof of the construction value prescribed by the chief building official
- 2.2 Except for classes of *permits* subject to flat rates, fees shall be based on the appropriate measure of the floor area of the project.
- 2.3 Except where otherwise exempt, in addition to the fees calculated according to Subsections 2.1 and 2.2 fees shall also be assessed according to the number of plumbing fixtures and the size of supply piping and drainage piping as applicable.
- 2.4 Section B of Table 1 of this Schedule applies where the scope of work does not affect any exterior wall or exterior roof assembly in existing construction.
- 2.5 Fees charged for the review of *certified models* shall be calculated using a fee multiplier equivalent to that applicable to Single or Semi Detached Dwellings determined in accordance with Subsections 2.9 to 2.11 of this Schedule.
- 2.6 In addition to the fees calculated in accordance with Table 1 paid at the time of building *permit* application, fees for *supplementary submissions* and *revised submissions* shall be calculated at \$120/hour spent determining compliance with the Building Code, applicable law and submission standards.
- 2.7 Where *supplementary submissions* or *revised submissions* include certification of applicable law compliance, which compliance or applicability was incorrectly declared at the time of *permit* application, a fee of \$250 for each applicable law certification shall apply. Where an application form other than an applicable law checklist is required to be revised to reflect incorrectly declared information, a fee of \$250 applies.
- 2.8 In addition to the fees calculated in accordance with Table 1, each application for consideration of an alternative solution shall be accompanied by a non-refundable fee of \$2,000. Additional fees for outside consultants are due when applicable. Where a *supplementary submission* is made for an alternative solution, a flat fee of \$500 will apply and is due at the time of resubmission.
- 2.9 When calculating fees based on floor areas, floor area is measured to the outer face of exterior walls and to the centreline of party walls or demising walls, except when calculating interior partition work. When measuring floor area for interior partitioning, corridors, lobbies, washrooms, lounges, and other similar facilities are to be included and classified according to the

- major occupancy classification for the floor area with which they are associated. Where these areas are constructed in a shell-only building, fees shall be calculated at the applicable partitioned rate in Table 1.
- 2.10 When measuring floor area, no deductions shall be allowed for floor openings required for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from measured floor area.
- 2.11 Where incorporated with an application for a class of dwelling described in Rows A6 or A7 of Table 1, no additional fee is required for decks, fireplaces, unfinished basements, attached garages, heating or plumbing systems.
- 2.12 Where incorporated with an application for a class of permit described under Section A and B of Table 1, no additional fee shall be levied for the scope of work described in Sections D and G of Table 1 that form part of the work proposed under the application.
- 2.13 For any permit application for a class of permit described under Section B of Table 1, floor area used for the calculation of fees shall be the lesser of:
 - 2.13.1 the area contained within a single rectangle encompassing all of the proposed work, or
 - 2.13.2 the actual area of the tenant space;
- 2.14 The occupancy classifications used in this By-law are based on the *Building Code* occupancy classifications. For mixed occupancy classifications, the total payable fee shall be calculated by applying the fee multiplier for each occupancy prescribed in Table 1 to the floor area measured for each individual occupancy and taking the sum of the fees calculated for each occupancy.
- 2.15 For *permits* for change of use, the fee multiplier for the proposed occupancy will be applied to the entire floor area subject to the change of use.
- 2.16 Where a change of use *permit* is denied, the fees paid may be credited to a building *permit* which incorporates the construction required to accommodate the change of use.
- 2.17 Except for temporary buildings on construction sites for offices, fees for temporary buildings, including tents, stages and bleachers, apply to buildings erected for less than 12 weeks.
- 2.18 The permit fee for the remediation, restoration, or demolition of premises used for the production of illicit substances is \$5,000. Administrative fees in accordance with Section 5 of this Schedule are in addition to this fee.

3. MINIMUM FEE

- 3.1 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group C residential occupancies in Sections A, B, D, and E of Table 1 shall be \$100;
- 3.2 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group A, B, D, E and F occupancies in Sections A, B, D, and E of Table 1 shall be \$500.

4. CALCULATION OF REFUNDS

4.1 Pursuant to Section 7 of this By-law, refunds shall be calculated as follows:

Refund = [Permit Fee Paid] – [Total Permit Fees Payable x % Permit Fee Earned]

- 4.2 The proportion of the total *permit* fee payable is earned according to the following schedule:
 - 4.2.1 10% if administrative functions only have been performed;
 - 4.2.2 20% if administrative functions and zoning review have been performed;
 - 4.2.3 50% if administrative functions, zoning review and all or part of the *Building Code* review have been performed; and
 - 4.2.4 60% if all administrative functions and reviews have been completed and the building permit has been issued or is available to be issued.
- 4.3 No refund is available for:
 - 4.3.1 Flat fees prescribed in Column 5 of Table 1;
 - 4.3.2 minimum fees prescribed in Section 3 of this Schedule;
 - 4.3.3 fees in the amount of \$500 or less;
 - 4.3.4 reduced area of work where the scope of work is reduced more than 2 business days after the application is filed;
 - 4.3.5 incorrect work area declaration at the time of application;
 - 4.3.6 where a permit is revoked, except where a permit is issued in error, or the applicant requests revocation no more than six months after the permit is issued;
 - 4.3.7 applications or permits where construction or demolition has commenced;
 - 4.3.8 applications cancelled more than 2 years after the *permit* application date; or
 - 4.3.9 administrative fees listed in Section 5 of this Schedule.
- 4.4 Pursuant to Section 10 of this by-law, 20% of the applicable permit fee paid shall be refunded where an application was made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, those services are fully paid for by the applicant and have been completed in accordance with the building code, and the Final Certificate as defined by the *Building Code Act* has been submitted to the Chief Building Official.

5. ADMINISTRATIVE FEES

- 5.1 To offset additional investigative and administrative costs, a non-refundable fee of \$300 shall be paid where any Order to Comply is issued pursuant to Section 12 or Section 13 of the *Act* and an additional fee of \$1,000 shall be paid where any Stop Work Order is issued pursuant to Section 14 of the *Act*. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.
- 5.2 To offset additional costs associated with the investigation, inspection, administration and rectification of unsafe buildings pursuant to Section 15.9 of the *Act*, a non-refundable fee of \$500 shall be paid where any Unsafe Order is issued, and an additional non-refundable fee of \$1,000 shall be paid where any Order respecting Occupancy is issued. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.
- 5.3 Once a permit application has been accepted, the non-refundable fee to transfer the application to a new permit applicant is \$100.

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- 5.4 To transfer a *permit* from one *permit holder* to another, a non-refundable fee of \$150 shall be payable.
- 5.5 Except as provided in Section 5.7, for written requests for information concerning a property's compliance with the *Building Code* and applicable law, the non-refundable fee shall be \$150.
- 5.6 For written requests for information to support Provincial license applications unrelated to a current *permit* or *permit* application, the non-refundable fee shall be \$500. Where there is a current *permit* or *permit* application, the non-refundable fee shall be \$250.
- 5.7 For the reproduction of documents, the fee shall be \$10 plus 110% of the cost of reproduction, plus a fee for *City* staff preparation time at \$100/hour.
- 5.8 Where a requested inspection reveals an infraction which was identified at a previous inspection and not remedied, an additional fee of \$150 shall be payable prior to subsequent inspections being scheduled.
- 5.9 Where an inspector determines that work for which an inspection has been requested is not sufficiently complete to allow proper inspection, an additional fee of \$150 shall be payable prior to subsequent inspections being scheduled.
- 5.10 For phased projects, in addition to the *permit* fee for the complete building, an additional fee of \$750 shall be payable for each phase not applied for at the time of the initial *permit* application.
- 5.11 For *conditional permits*, the conditional permit fee shall be the total *permit* fee for the proposed construction plus a non-refundable additional 10% of that fee.
 - 5.11.1 A minimum additional fee of \$3,000 and a maximum additional fee of \$6,000 applies to *conditional permits*.
 - 5.11.2 Where the *conditional permit* expiration date is extended at the request of the applicant, a non-refundable fee equal to the original conditional permit fee shall apply to each extension.
 - 5.11.3 In addition to the non-refundable fee, a letter of credit is required for every *conditional permit* or phased *conditional permit*.
- 5.12 Notwithstanding Subsection 2.6 of this Schedule, for changes of house models, an additional fee of \$300 plus the fee in Table 1 corresponding to new home construction for any resulting increase in floor area shall be payable. Where the floor area is reduced, no refund applies.
- 5.13 Where a permit is issued and construction has not seriously commenced within 12 months, the non-refundable fee to extend the permit will be \$200 or the permit fee paid, whichever is less.
- 5.14 When a *permit* is suspended or is deemed incomplete and an inspection is subsequently requested, an additional fee shall be required to be paid to re-activate the permit prior to any such inspection. For housing permits the re-activation fee is \$200 and for non-housing permits the fee is \$500.
- 5.15 Pursuant to Section 10 of this by-law, where an application is made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, and those services are fully paid for by the applicant, the applicable fee shall be reduced by 20% at the time a complete application is filed with a Plan Review Certificate as defined by the *Building Code Act*.
- 5.16 For review and approval of spatial separation agreements required by Division B of the *Building Code* a fee of \$500 per lot applies.

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- 5.17 Fees for Zoning Preliminary Reviews will be as follows:
 - 5.17.1 \$250 for low rise residential (including singles, semis (per unit), townhouse (per unit), decks, porches, sheds, and driveways);
 - 5.17.2 \$500 for interior alterations (including parking calculation) (per unit);
 - 5.17.3 \$500 for multiple-unit residential projects and non-residential projects (per building); and
 - 5.17.4 \$250 per proposed lot where the review is in support of a land division application.
- 5.18 The non-refundable fee shall be \$50 for written requests for information concerning a property's zoning designation, permitted uses and development standards.

		TABLE 1 - Calculation of Permit Fees		
1		3 ancy Classification and Work Description	4 \$/m²	5 Flat Fee
A1		gs, additions to existing buildings, including Mezzanines or new in Transportation Terminals		
A2	Group A Assembly	Portable classrooms (each) (new or relocated)		\$590
A3 A4		Outdoor Pool All Other Assembly Occupancies	\$13.43 \$23.11	
A5	Group B: Institutional		\$25.02	
A6 A7	Group C: Residential	Single Detached Dwelling (SDD) Multiple Unit buildings less than 4 storeys high	\$17.47 \$21.70	
A8 A9		Multiple Unit buildings greater than 3 storeys, less than 7 storeys Multiple Unit buildings greater than 6 storeys high	\$21.70 \$16.12	
A10		Repeat of Previously approved Certified Model	\$14.32	2.7
A11 A12	-	Hotel / Motel Unfinished Basement / Foundations	\$23.11 \$5.96	
A13		Detached or semi-detached garage/carport		\$561 \$1.350
A14 A15		Garage incorporating a dwelling unit (GDU) Repeat of previously approved GDU		\$1,350 \$1,014
A16		Accessory utility building (ie. Garden shed, Gazebo) less than 20 m ²		\$122
A17 A18		Accessory utility building (ie. Garden shed, Gazebo) 20 m² or greater Deck / Balcony / Covered Porch (each)		\$561 \$122
A19 A20	Group D: Business and Personal Services	Shell Only (including unfinished basement) Partitioned / Finished / Mezzanine	\$14.90 \$19.23	
A21		Temporary Real Estate Sales Office		\$1,237
A22 A23	Group E: Mercantile	Shell Only (including unfinished basement) Partitioned / Finished / Mezzanine	\$12.52 \$16.40	
A24	Group F: Industrial	Shell Only (including unfinished basement)	\$9.69	
A25 A26		Partitioned / Finished / Mezzanine Gas Station / Canopy, Car Wash	\$13.41 \$12.38	
A27 A28		Repair garage Parking Garage (underground, open air)	\$13.41 \$6.12	
A29		Farm Building	\$5.30	
A30 A31	All Occupancies	Rack Storage Systems regulated by the Building Code Permanent Tent / Air supported structure	\$9.69 \$6.93	
A32		Repair / reclad wall or replace roof structure	\$1.78	
A33 A34		Ceiling (new or replacement) Mechanical Penthouse	\$0.48 \$9.69	
A35 A36		Temporary Building (Tent, Stages) Shoring (/m of length)	\$14.91	\$250
A37	Desired Observe	Underpinning (/m of length)	\$14.91	
A38 A39	Designated Structures	Communication Tower Crane Runway		\$358 \$532
A40 A41		Exterior Storage Tank Pedestrian Bridge (/m of length)	\$41.29	\$358
A42		Retaining Wall (/m of length)	\$20.65	
A43	Section B: ALTERATION or repair to	Sign regulated by the Building Code existing construction and CHANGE OF USE(as defined by the Onta	rio Building Co	\$358 (de)
	Group A: Assembly	Restaurant	\$9.65	
B2 B3	Group B: Institutional	All other assembly occupancies	\$6.67 \$6.67	
B4 B5	Group C: Residential	Accessory Apartment All other Residential occupancies	\$12.63 \$6.67	
В6		Exterior door or door from garage into dwelling	\$0.07	\$396
B7 B8		Below grade stair Elevator (Housing Permits only)		\$396 \$396
В9	Group D: Business and Personal Service Group E: Mercantile		\$6.67 \$9.65	
B11		Restaurant All other mercantile occupancies	\$6.67	
	Group F: Industrial All Occupancies	Electromagnetic Locking Device (\$590 + \$120/additional device)	\$6.08 \$120	\$590
B14		Parking Structure Repair	\$1.78	-
B15 B16		Balcony Guard Replacement (/m of length) Window Replacement or Enlargement (each)	\$2.16 \$7.45	
	Section C: DEMOLITION Group C: Residential Housing	Single / Semi-detached dwelling		\$600
C2	Group C: Residential Housing	Accessory building		\$200
C3	All Other Occupancies Section D: MECHANICAL and FIRE PROTEC	Complete / Partial / Interior Demolition (\$990 minimum fee) CTION WORK (Proposed as stand alone work)	\$0.18	
D1 D2	All Occupancies	Heating, ventilation, air conditioning Fire Alarm System (per storey)	\$1.16 \$389	
D3		Replacement Annunciator/Control Panel only (per storey served)	\$389	
D4 D5		Sprinkler System In-rack sprinkler System	\$1.16 \$1.16	
D6		Standpipe System (per riser)	\$1.16	
D7 D8		Emergency Power Emergency Lighting (per storey)	\$200	\$746
D9 D10		Fireplace / Woodstove		\$122 \$196
D10 D11		Heating plant replacement Special Ventilation Systems (each)		\$196 \$590
E1	Section E: PLUMBING Residential Service Connections	Service Connection (per lot)		\$122
E2	All Occupancies	Each fixture	\$18.00	
E3 E4		Each Appliance Each Rain Water Hopper	\$18.00 \$18.00	
E5 E6		Conversion from Septic System to sewer Backflow preventer (\$300 +\$100/additional device)	\$100	\$237 \$300
E7		Water service (/length in m)	\$18.50	\$500
E8 E9		Building storm drain, building storm sewer (/length in m) Replacement or re-lining of water distribution piping (/length in m)	\$18.50 \$18.50	
E10		Each Manhole	\$52.50	
E11 E12		Each Catchbasin Each Area Drain	\$52.50 \$52.50	
E13	Section F: ON-SITE SEWAGE SYSTEMS (Pr	Each Backwater Valve / Sump Pump / Sewage Ejector opposed separately or in conjunction with other construction)	\$122	
F1	A CONTRACTOR OF THE CONTRACTOR	New System		\$1,770
F2 F3		Replacement of Leaching Bed Replacement of Septic Tank or Minor Repair of Part of a System		\$949 \$590
F4		Evaluation of System (no alterations required)		\$237
F5	Section G: GREEN ENERGY SYSTEMS (Pro			\$237
G1 G2		Solar domestic hot water systems (serving individual dwellings) Solar domestic hot water systems (serving all other buildings)		\$122 \$647
G3		Solar photovoltaic systems (serving individual dwellings)		\$122
G4 G5		Solar photovoltaic systems (serving all other buildings) Geothermal Systems		\$647 \$392
G6		Wind Turbines (per turbine)		\$260
G7		Drain water heat recovery unit (serving individual dwellings)	90.7	\$122

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Schedule B

Documents & Drawings Required For A *Complete Application* (Paper or Digital Media).

All digital media must comply with the Submission Standards approved by the Chief Building Official.

Row	Class of Permit	Documents and Drawings Required
1	All Permits	Documents a. Building Permit Application Form * (not required for electronic submissions) b. Applicable Law Checklist * c. Permit Applicant Authorization Form *
2	Permit to Construct Housing Detached Houses, Semidetached Houses, Duplex/Triplex/Fourplex, Townhouse blocks less than 4 storeys, Accessory buildings New Buildings Additions Alterations Accessory Buildings	Documents a. Schedule 1 * b. Schedule 2 * c. Energy Efficiency Design Summary Form * d. Plumbing Data Form * (for alterations only) e. Approval documents required by an applicable law f. TARION Letter of Confirmation g. Heat loss / heat gain / duct calculations (per dwelling unit) h. Residential Mechanical Ventilation Summary Drawings a. Site Plan b. Municipally Approved Site Grading Plan c. Architectural Drawings (including block floor plans for each floor, block roof plans and block elevations for townhouse blocks) d. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) e. Structural Drawings f. Roof truss / Pre-engineered floor system shop drawings g. HVAC Drawings h. On-site Sewage System Drawings (including On-Site Sewage System Statement of Design)
3	Permit to Construct Non-Housing – New Construction Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings New Buildings Additions Change of Use	Documents a. Building and Land Use Declaration Form * b. Schedule 1 * c. Schedule 2 * d. Commitment to General Review * e. Energy Efficiency Form * f. Plumbing Data Form * g. Approval documents required by an applicable law h. Subsurface Investigation Report i. Heat loss / heat gain / duct calculations j. Mechanical equipment and design specifications k. Construction Site Fire Safety Plan (for mid-rise wood construction projects) Drawings a. Site Plan b. Municipally Approved Site Servicing Plan c. Architectural Drawings, including: i. Building Code Compliance Matrix ii. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) d. Structural Drawings e. Electrical Drawings f. Roof truss / Pre-engineered floor system shop drawings g. Mechanical Drawings (HVAC, plumbing, fire protection systems) h. On-site Sewage System Drawings (including On-Site Sewage System Statement of Design

Row	Class of Permit	Documents and Drawings Required
4	Permit to Construct	Documents
	Non-Housing – Alterations Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings • Alterations • Tenant Improvements	a. Building and Land Use Declaration Form * b. Schedule 1 * c. Commitment to General Review * d. Energy Efficiency Form * e. Plumbing Data Form * f. Approval documents required by an applicable law g. Heat loss / heat gain / duct calculations h. Mechanical equipment and design specifications Drawings a. Site Plan b. Key Plan c. Architectural Drawings, including: i. Building Code Compliance Matrix ii. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) d. Structural Drawings e. Electrical Drawings f. Mechanical Drawings
		f. Mechanical Drawings (HVAC, plumbing, fire protection)
5	Permit to Construct Temporary Event Structures Tents, stages, bleachers	Documents a. Temporary Event Structure Authorization Form * b. Commitment to General Review * c. Approval documents required by an applicable law d. Documentation confirming flame spread rating of tent material Drawings a. Site Plan b. Shop Drawings
6	Permit to Demolish	Documents a. Commitment to General Review * b. Approval documents required by an applicable law c. Environmental Building Audit Drawings a. Site Plan including existing building to be demolished, construction fencing and gate access locations b. Demolition Plan prepared in accordance with O.Reg. 260/08 c. Temporary shoring design for residential infill projects where extent of excavation is within 1.2 m of the property line or where otherwise determined by the chief building official
7	Conditional Permit	Documents a. Conditional Permit Addendum Form * b. Deed c. Construction Schedule

Notes:

- Documents marked with an asterisk (*) are available from the chief building official.

 The chief building official may waive the requirement for any specified documents or drawings where the scope of work, applicable law or building code does not, in the opinion of the chief building official, necessitate its submission.

Appendix 'B'



A by-law to amend By-law 211-83, as amended (A by-law to prescribe a Tariff of Fees for the Processing of Planning Applications)

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1.	By-law 211-83, as amended, be and the same is hereby further amended as follows:		
	1.1	By deleting Schedule 'A' to By-law 211-83, as amended, and substituting Schedule 'A' attached hereto.	
2.	All other provisions of By-law 211-83, as amended, not inconsistent with the provisions of this by-law hall continue to apply.		
3.	This B	ais By-law comes into force and takes effect on January 1, 2020.	
		ST, SECOND, AND THIRD TIME AND PASSED THIS CEMBER, 2019.	

MAYOR

CITY CLERK

ATTACHMENT - "A"

SCHEDULE 'A' TO BY-LAW 2019-

TARIFF OF FEES FOR PROCESSING OF PLANNING APPLICATIONS GENERAL TERMS

1.0. Fee Acceptance

- 1.1. Fees shall only be accepted in conjunction with the filing of an application containing all submission requirements as determined by the Director of Planning and Urban Design or designate and/or Director of Engineering or designate.
- 1.2. Applicants shall not be permitted to "pre-pay" application fees upon submission of an incomplete application in order to lock in fees and avoid future fee increases.

2.0. Fee Calculation

- 2.1. For each development application type, fee shall be calculated, and may include Development Application Fees, Supplementary Fees, and Miscellaneous Fees as listed in this by-law. Unless otherwise stated, fee subsections ending in roman numerals (ie. i), ii), iii), etc) form part of the overall subsection fee, and shall be applied cumulatively with the other fees ending in roman numerals within that subsection.
- 2.2. Fees shall be calculated at the rate in effect on the date paid. Applications for which fees have been paid in part, prior to the effective date of this by-law, shall be required to pay any additional fees established by this by-law.

3.0. Fee Payable in stages

- 3.1. Unless otherwise noted, fees are payable at time of application.
- 3.2. Where the fee payable in respect of an application is payable in stages, the fee owing at each stage shall be the fee, for such stage, in effect on the date the payment is made. No additional fee or increase in fee is payable in respect of stages for which a fee has already been paid.
 - 3.2.1. Where payment in full of all fees applicable to an application has been made, no additional fee, where established by this by-law, shall be payable.
 - 3.2.2. Other City of Markham fees may be applicable.

4.0. Fee Adjustments

- 4.1. Adjustments are made to fees to reflect changes in the total number of Units/Lots/ Parcels/ GFA/ Land Area/Estimated Cost of Works, Consultants Review Fees, etc.,
- 4.2. Adjustments to the total fee payable will be required at each payment stage.

5.0. Reimbursement of fees:

- 5.1. Fees shall be reimbursed upon applicant withdrawing the application, as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate:
 - 5.1.1. Refund percentage is based on all fees received.
 - 5.1.2. HST refund is calculated based on percentage of fee to be refunded.
 - 5.1.3. Refund percentage (%) is based on the application stage as follows:
 - 5.1.3.1. Prior to circulation of application 75%
 - 5.1.3.2. From circulation to completion of preliminary report and/or holding of a public meeting, if required
 - 5.1.3.3. Prior to Committee receiving recommendation report and/or prior to Site Plan Endorsement (*Not applicable to Committee of Adjustment Applications*)
 - 5.1.3.4. After Site Plan Endorsement and/or after Recommendation No refund Report/ Memorandum received by Committee

Notes:

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Appendix 'B'

- a) For all application fees calculated, **add HST** as applicable.
- b) All cheques shall be payable to 'City of Markham'.
- c) For assistance contact City of Markham, Development Services Commission, 101 Town Centre Blvd., Markham, Ontario, L3R 9W3.

 Telephone: + (905) 475.4861 Fax: + (905) 479.7768 Email: dsc@markham.ca

DEVELOPMENT APPLICATION FEE

Table 1 Official Plan/Secondary Plan Amendment		Fee	Rate
1.1	Minor amendment (1)	\$28,193	Per Application
1.2	Major Amendment (2)	\$74,839	Per Application

- 1 An application for a minor, site specific and small scale amendment or exception to Official Plan policies and designations, having limited impact or policy implications beyond the subject lands as determined by the Director of Planning and Urban Design.
- An application to amend the Official Plan that is more significant in scale and scope than a minor official plan amendment, and which may have greater impact or policy implications beyond the subject lands as determined by the Director of Planning and Urban Design. Applications relating to more than one property would normally be in this category. A site specific application could also fall in this category, if considered to represent large scale redevelopment or significant change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category.

Table 2	able 2 Zoning By-Law Amendment		Rate
1.1	Minor Amendment (1)	\$26,136	Per Application
1.2	Major Amendment (2)	\$52,575	Per Application
1.3	Removal of "H" (Holding) Provision	\$8,833	Per Application

- 1 An application for minor and small scale zoning amendment having no significant impact on adjoining lands as determined by the Director of Planning and Urban Design. Minor applications must be site specific and include:
 - Request for additional permitted use within an existing building with no significant impact on existing development standards;
 - Changes in development standards to accommodate a residential severance to create one single detached lot within an existing subdivision;
 - Application for Temporary Use.
- 2 An application that is more significant in scale and scope than a minor zoning amendment and which may have greater impact beyond the subject lands, as determined by the Director of Planning and Urban Design. Major applications include:
 - Applications relating to more than one property;
 - A site specific application if considered to represent large scale redevelopment;
 - Any change in use and / or zone category;
 - An application involving significant changes to the development standards or general provisions of the by-law.

Table 3	Plan Of Subdivision	Fee	Rate
1	Draft Plan of Subdivision		
1.1	Planning Review		
1.1.1 i)	Base fee	\$40,293	Per Application
1.1.1 ii)	Unit Fee (1)	\$2,093	Per Unit/Lot
1.1.1 iii)	Land Area (2)	\$20,752	Per Hectare
1.2	Urban Design Review		
1.2.1	Community Planning Review		
1.2.1 i)	Unit Fee (1)	\$399	Per Unit/Lot
1.2.1 ii)	Land Area (2)	\$20,752	Per Hectare
1.2.2	Landscape Review		
1.2.2 i)) Base Fee (9)		Per Application
1.2.2 ii)	Calculated Fee (the greater of) (3)	\$690	Per Unit/Lot (4)
Or		14.5%	Construction Cost (5)
1.3	Engineering Review		
1.3.1	Calculated Fee (the greater of) (6)	\$2,057	Per Unit/Lot
Or		12.1%	Construction Cost (8)
2	Extension of Draft Plan Approval	\$8,833	Per Application
3	Revision of Draft Approved Plan and/or Draft Plan Conditions (7)		
3.1	Minor (does not require report to Committee)	\$5,469	Per Application
3.2	Major (requires report to Committee)	\$17,303	Per Application
4	Request for Subdivision Agreement		
4.1 i)	First Phase of subdivision	\$57,959	Per Agreement
4.1 ii)	Subsequent Phases	\$40,717	Per Agreement

- 1 Unit fee applicable to Single Detached, Semi Detached and/or Freehold Townhouse units. To be collected as follows:
 - 40% collected at submission of application
 - 60% collected at execution of agreement
- 2 Applicable to blocks created for Residential, Mixed-Use, Institutional, Commercial or Industrial uses. (Excludes park blocks, valley lands, hazard lands, environmental buffer blocks, storm water management blocks, open space areas and public roads to be conveyed into public ownership). To be collected as follows:
 - 40% collected at submission of application
 - 60% collected at execution of agreement
- 3 Payable at the execution of agreement
- 4 Up to 100 units/lots on a plan of subdivision
- 5 Estimated cost of construction of landscape works
- 6 To be collected as follows:
 - 60% collected at submission of engineering drawings
 - 40% collected at execution of a pre-servicing agreement (if applicable) or a subdivision agreement
- 7 At the request of the owner
- 8 Estimated cost of internal and external works within the Plan of Subdivision, as prepared by the Consulting Engineer. Includes erosion and sediment controls, underground and above-ground works, streetlights, etc. plus a 10% contingency added to the estimate
- 9 Payable at first submission of Landscape drawings for each phase of the draft plan of subdivision

Table 4	Plan of Condominium	Fee	Rate
1.1 Condominium Fee (1)		\$44,105	Per Application
1.2	1.2 All other Condominium Types other than those above		Per Application
1.3	1.3 Extension of Condominium Draft Approval		Per Application
1.4	1.4 Revision of Condominium Draft Approved Plan (2)		Per Application

- 1 Includes standard, common element (POTL), and vacant land condominium application types
- 2 Includes Draft Plan Conditions and amalgamation of multiple condominiums where requested by the owner

Table 5.1	Site Plan Applications (Residential/Mixed Use)	Fee	Rate
1	Residential (15)		
1.1	Small Developments (1)		
1.1 i)	Planning Review fee	\$2,674	Per Unit
1.1 ii)	Urban Design Review (2)	\$908	Per Unit
1.1 iii)	Engineering Review Fee (2)	\$908	Per Unit
1.2	Large Developments (3)		
1.2.1	Planning Review		
1.2.1 i)	Base Fee	\$12,282	Per Application
1.2.1 ii)	Unit Fee (4) (5) (10)	\$2,093	Per Unit
1.2.1 iii)	GFA Fee (6) (10)	\$5.29	Per M ²
1.2.2	1.2.2 Urban Design Review		
1.2.2 i)	2.2 i) Base Fee		Per Application
1.2.2 ii)	Percentage fee (2) (7)	14.5%	Percent
1.2.2 iii)	Calculated GFA Fee (2) (11)	\$5.29	Per M ²
1.2.3	Engineering review (8)		
1.2.3 i)	Base Fee	\$8,954	Per Application
1.2.3 ii)	Percentage fee (2) (9)	13.3%	Percent
1.2.3 iii)	Calculated GFA Fee (2) (11)	\$5.29	Per M ²
1.3	Additions or Alterations		
1.3.1	Small Developments (1)		
1.3.1.1	Less than 50 square metres of GFA	\$182	Per Unit
1.3.1.2	50 to 100 square metres of GFA	\$908	Per Unit
1.3.1.3	Greater than 100 square metres of GFA		
1.3.1.3 i)	Planning Review fee	\$908	Per Unit
1.3.1.3 ii)	Urban Design Review	\$811	Per Unit
1.3.1.3 iii)	Engineering Review	\$811	Per Unit
1.4	Residential Driveways or parking area	\$182	Per Application

Table 5.2	Site Plan Applications (ICI) (17)	Fee	Rate
2	ICI without units accommodating overnight stay		
2.1	Planning Review		
2.1 i)	Base Fee	\$12,282	Per Application
2.1 ii)	GFA Fee (10) (11)	\$5.29	Per M ²
2.1.2	Urban Design Review	ψ3.23	7 61 111
2.1.1 i)	Base Fee	\$5,022	Per Application
		14.5%	Percent
2.1.1 ii)	Percentage Fee (7)		
2.1.1 iii)	GFA Fee (2) (14)	\$5.29	Per M ²
2.1.3	Engineering Review (8)	1	
2.1.3 i)	Base Fee	\$8,954	Per Application
2.1.3 ii)	Percentage Fee (9)	13.3%	Percent
2.1.3 iii)	GFA Fee (2) (14)	\$5.29	Per M ²
	ICI with units accommodating overnight or longer stay		
	2.2 (12)		
2.2.1	Planning Review		
2.2.1 i)	Base Fee	\$12,282	' '
2.2.1 ii)	Unit Fee (10)	\$2,093	
2.2.1 iii)	Calculated GFA Fee (10) (13)	\$5.29	Per M ²
2.2.2	Urban Design Review		
2.2.1 i)	Base Fee	\$5,022	· ·
2.2.1 ii)	Percentage Fee (7)	14.5%	Percent
2.2.1 iii)	2.2.1 iii) Calculated GFA Fee (2) (14)		Per M ²
2.2.3	.3 Engineering Review (8)		
2.2.3 i)	Base Fee	\$8,954	Per Application
2.2.3 ii)	Percentage Fee (9)	13.3%	Percent
2.2.3 iii)	ii) Calculated GFA Fee (2) (14)		Per M ²
2.3	Parking Lot or Outdoor Patio		
2.3.1	New Parking Lot or Outdoor Patio		
2.3.1 i)	Planning Review Fee	\$4,465	Per Application
2.3.1 ii)	Urban Design Review	\$908	Per Application
2.3.1 iii)	Engineering Review	\$908	Per Application
2.2.2	Expansion/Alteration of Existing Parking Lot or Outdoor		
2.3.2	Patio	42.226	D 4 1: .:
2.3.2 i)	Planning Review Fee	\$2,226	Per Application
2.3.2 ii)	Urban Design Review	\$908	Per Application
2.3.2 iii)	Engineering Review	\$908	Per Application
2.4	Façade Change (16)	¢oos	Dor Application
2.4.1	Minor (17)	\$908	Per Application
2.4.2 Table 5.3	Major Extension or Minor Amendment to Approved Plans	\$4,465 Fee	Per Application Rate
	Extension or Minor Amendment to Approved Plans	ree	Kate
3.5	Extension of Site Plan Endorsement or Site Plan	¢2.226	Dar Application
3.6	Approval/Agreement Minor Applications or Changes to Approved Plans (16)	\$2,226	Per Application
3.6 i)	Planning Review Fee	\$4,059	Per Application
3.6 ii)	Urban Design Review	\$4,039	Per Application
3.6 iii)	Engineering Review	\$908	Per Application
Table 5.4	Heritage Site Plan	Fee	Rate
		ree	nate
4.1	Heritage Site Plan Residential	Section 1	
		Section 1	
4.2.1	ICI - Institutional, Commercial, or Industrial Less than 50m2	\$1,271	Per Application
4.2.1	50m2 or greater	Section 2	Per Application
	-		Por Application
4.3	Façade changes (18) (19)	\$908	Per Application

- 1 Single Detached, Semi-Detached, Townhouse, and/or Apartment development with under 10 lots, blocks, or units total
- 2 Payable at the execution of agreement
- 3 Mixed Development or Single Detached, Semi-Detached, Townhouse, and or Apartment development with more than 10 lots, blocks, or units total
- 4 Unit fee applicable to Single Detached, Semi Detached, Townhouse and Apartment units
- 5 Applicable to buildings with common area(s)
- 6 Total GFA of building(s) minus GFA of overnight or longer stay unit(s)
- 7 Estimated cost of construction of landscape work
- 8 Includes Site Plan Works
- 9 Estimated cost of internal and external works
- To be collected as follows:40% collected at submission of application60% collected at execution of agreement
- 11 Total GFA of the development
- 12 Including but not limited to Hotels, Senior Homes, etc.
- 13 Applies to the GFA of the building, exclusive of the area of units identified in Table 5, section 2.2.1 ii)
- 14 Notwithstanding the definition of GFA, the subject fee shall include the GFA of areas underground dedicated to parking
- 15 Includes additions or alterations to developments of 11 units or greater
- 16 As Determined by the Director of Planning & Urban Design, Director of Engineering, or their Designates
- 17 Includes Heritage ICI Development 50m² or greater
- 18 When changes are funded in part or wholly by a Grant from Council
- 19 All other application types, including changes to approved drawings that are not subject to special provision 18, are subject to Table 5, Section 2.4

Table 6	Committee of Adjustment	Fee	Rate
1	Minor Variance		
1.1	Development Standards (1)	\$6,014	Per Application
1.2	Residential Small Scale (2)	\$2,553	Per Application
1.3	Variance with respect to use (3)	\$13,855	Per Application
1.4	Technical Variance (4)	\$2,093	Per Application
1.5	Multiple Variances (5)		
1.5 i)	Base Fee	\$10,043	Per Application
1.5 ii)	Unit Fee (6)	\$2,093	Per Unit
1.6	Heritage variance (7)		Per Application
2	Land Division		
2.1	Consent for creation of one or more lots		
2.1 i)	Base fee	\$13,855	Per Application
2.1 ii)	Unit Fee (8) (10)	\$2,093	Per Unit
2.1 iii)	Land Area Fee (9) (10)	\$20,752	Per Hectare
2.2	Other Consent (11)	\$7,260	Per Application
2.3	Change of Condition prior to final consent		Per Application
2.4	2.4 Re-Application of Provisionally approved Consent without completion		
	of conditions within One year timeframe (12) (13)	\$5,808	Per Application
3	Sign Fee (14)	\$36	Per sign

- 1 Additions, alterations, or new dwellings 50m2 or greater, or apartment, condominium, mixed use buildings or ICI
- 2 Additions, Alterations, or new single, semi-detached, or townhouse dwellings, or to accessory buildings, structures or decks less than 50m2
- 3 Includes residential, ICI, and where use and development standard variances are requested
- 4 To rectify and existing site condition, at the discretion of the Director of Planning and Urban Design or their designates
- 5 Multiple lots on a Draft Plan of Subdivision or registered M-Plan
- 6 Number of actual units or lots (any decimal number rounded off to the next greater number)
- 7 Applies to heritage buildings, or Heritage Properties where Heritage Staff or Heritage Markham has requested the implementation of a historic condition or feature, at the discretion of the Director of Planning or their Designate
- 8 Applies only to consents creating new residential lots, excluding apartments, condominiums, and mixed use buildings
- 9 Applies to all consents except those identified in Table 6, Section 2.1 ii)
- 10 Payable prior to finalization of consent
- 11 Includes consent for partial discharge of mortgage, easement, lease of 21 years or more, and validation of title
- 12 Application must be received within 6 months of the lapse of the original consent application
- 13 Proposed lot configuration and development must be identical to the lapsed application receiving provisional consent
- 14 One sign required on each public or private street upon which the subject site has frontage, as determined by the Secretary Treasurer of the Committee of Adjustment

7	Supplementary Fee	Fee	Rate
1	Electronic submission fee (1)	\$100	per application
2	Additional Public Meeting Fee (2) (3)	\$8,470	per meeting
3	Additional Report to Committee or Council (2) (3)	\$8,470	per report
4	Re-Circulation of Drawings (3)		
4.1	Minor Circulation (5)	\$545	per circulation
4.2	Major Circulation (2)	\$5,506	per circulation
5	Four or More Submissions (2) (6) (7)	\$6,716	per submission
6	More than two inspections (3) (8)	\$1,730	per inspection
7	Studies (4)		
7.1	Planning And Urban Design Studies		
7.1.1	Large Scale Major Studies (9)		per study
7.1.2	Update or Amendment to existing Study (10)		per study
7.2	2 Engineering Studies		
7.2.1	New Study (11)	\$35,756	per study
7.2.2	Update or Amendment to existing Study	\$11,979	per study
8	Hire/Retain a Consultant/Vendor (12)	(13)	
9	Third Party Appeal (14) (16)	(15)	
10	Request for Development Agreement (17)		
10.1	Planning		
10.1.1	Major	\$9,136	per agreement
10.1.2	Minor	\$1,827	per agreement
10.2	LO.2 Urban Design		
10.2.1	Major	\$9,136	per agreement
10.2.2	Minor		per agreement
10.3	B Engineering		
10.3.1	Major	\$9,136	per agreement
10.3.2	Minor	\$1,827	per agreement

- 1 Required for all applications submitted electronically
- 2 Due to revisions by owner/applicant
- 3 Payable prior to meeting, inspection, or circulations
- 4 Payable at submission of study
- 5 Includes Consent to Sever and Minor Variance Applications due to revisions or request for deferral by owner, and/or after 1 year from the original date of application submission due to inactivity
- 6 Payable at submission
- 7 Due to the owner/applicant's failure to revise drawings/plans/reports as requested by the City
- 8 Due to unaddressed deficiencies identified during earlier inspections
- 9 Includes review and approval of large scale major studies including but not limited to: Community Design Plans or Precinct Plans associated with a new secondary plan, major official plan amendment/Secondary Plan Amendment, Major Zoning or major site plan application on a large scale complex site
- 10 Includes review and approval of small scale studies at the discretion of the Director of Planning and Urban Design or their designates
- 11 Includes review and approval of large scale major studies including but not limited to: Master Transportation Study, Master Environmental Servicing Plan, Noise Study, Geotechnical Study, etc. associated with a new Secondary Planed, major Official Plan Amendment/Secondary Plan Amendment, major Zoning or major Site Plan application on a large scale complex site
- 12 Fees for the City to retain a consultant/Vendor for the review, implementation or monitoring related to an application, as determined by the Director of Planning and Urban Design and/or the director of Engineering, or their designate
- 13 Actual cost of Consultant/vendor plus an administrative fee in the amount of 30.2% of the actual cost of the consultant/vendor
- 14 City's cost to retain outside Legal Council, and other outside experts including but not limited to Planning, Urban Design, or Engineering consultants or experts as determined necessary by the City Solicitor and Commissioner of Development Services, where an approved development application is appealed to the Local Planning Appel Tribunal

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Appendix 'B'

- 15 Actual cost of legal counsel and consultants, plus an administrative fee in the amount of 31.5% of the actual cost of the consultant/vendor
- 16 Fees shall be payable in accordance with a Cost Acknowledgement Agreement between the City and the Applicant
- 17 Major or Minor application as determined by the Director of Planning and Urban Design or the Director of Engineering or their designates, and payable at the execution of the agreement

8	Miscellaneous Fees	Fee	Rate
1	Review and Comment on Minister's Zoning Order		
1.1	New Application	\$8,168	per application
1.2	Comment on extension of a temporary use	\$2,671	per application
2	Deeming By-law	\$8,833	per application
3	Exemption from Part Lot Control (1)	\$8,833	per M-Plan
4	Telecommunication Tower	\$21,296	per application
5	Model Home/Sales trailer agreement (2)	\$5,687	per agreement
6	Heritage Permit (3)	\$581	per application
7	Townhouse Siting	\$641	Per unit
8	Residential Service Connection (4)	28.6%	Percent
9	9 Site Alteration Permit		
9.1	Urban Design		
9.1 i)	Base Fee	\$5,917	per application
9.1 ii)	Area Fee	\$1,222	per hectare
9.2	Engineering		
9.2 i)	Base Fee	\$5,917	per application
9.2 ii)	Area Fee	\$1,222	per hectare
10	Construction Management Plan and/or Traffic Management Plan		
	Review and/or public Communication Plan/Report (5)	\$5,130	per application
11	11 Shoring and Hoarding Encroachment Plan (2)		per application
13	13 Miscellaneous Submission (6)		
13.1	Percentage Fee (7)		Percent
13.2	Hourly Rate for Estimate Hours	\$278	per hour
14	GIS Hourly Rate	\$121	per hour

- 1 Applicable to units that have not been captured through Draft Plan of Subdivision Application Fee
- 2 Payable at the execution of an agreement
- 3 For unauthorized work
- 4 Percent of the total cost of the engineering work required within the municipal road allowance
- 5 Payable at the submission of Plans
- 6 Not identified under a fee category as determined by the director of Planning and Urban Design or Director of Engineering or their designates
- 7 Estimated based on the cost of works

NOTES/DEFINITIONS

COMMITTEE OF ADJUSTMENT

Technical Variance: A minor variance related to an existing building or structure, but requires variance approval due to one or more minor siting errors. Determination of whether or not a variance is a Technical Variance is at the discretion of the Director of Planning and Urban Design, or designate.

Development Standards: Any requirement of a zoning by-law other than permitted use (i.e. yard setbacks, building height, lot coverage).

Use: Any requirement of a zoning by-law related to the types of uses permitted on a property.

PLAN OF CONDOMINIUM

Standard Condominium: A plan of condominium that consists of both individually owned units and common elements. Note that all condominiums that existed at the time that the Condominium Act, 1998 came into effect are deemed Standard Condominiums.

Phased Condominium: A form of Standard Condominium (*see above*) that permits individually owned units and common elements to be added to a condominium corporation in phases, over a maximum of ten (10) years.

Common Element Condominium: A plan of condominium that consist only of common elements (e.g. a laneway or a golf course), with no individually owned units. The owners of the common elements are owners of freehold parcels of tied land (POTLs) which are not part of the condominium property.

Vacant Land Condominium: A plan of condominium where individually owned units are effectively vacant lots upon which buildings will be located after the condominium is registered.

Amalgamated Condominium: A plan of condominium where two or more condominium corporations merge into one corporation.

Leasehold Condominium: A plan of condominium where individually owned units and common elements are leased by the landowner to purchasers who will never own the land. The purchasers buy a leasehold interest in the units and common elements for a fixed number of years.

ENGINEERING

Definitions of internal and external works for site plan applications:

<u>Internal works</u> - Include but are not limited to curbs, pavement, retaining walls, grading, water mains, sanitary sewers, storm sewers, manholes, catch basins and their leads, erosion and sediment controls and on site storm water management facilities (e.g., Oil Grit Separators (OGS), storage facilities, chambers, infiltration trenches/chambers, soakaway pits and bioretention systems).

<u>External works</u> - Include but are not limited to sanitary and storm sewer connections, manholes, water service, driveways, sidewalks, boulevard treatment and other road works (Pavement, curbs, catch basins and their leads, hydrants, streetlighting, hydro poles, traffic controls).

Site Alteration: Includes but not limited to, the removal of topsoil from land, placement or dumping of fill on land, the alteration of the grade of land or excavation by any means including the removal of vegetative cover, the compaction of soil or the creation of impervious surfaces, or any combination of these activities that would change the landform and natural vegetative characteristics of the land.

Residential Service Connection: A watermain, sanitary sewer or storm sewer that connects from a residential house/unit to a municipal watermain, sanitary sewer or storm sewer.

Engineering Plans: Technical plans that show sanitary, water and stormwater servicing schemes, grading, utilities location, erosion and sediment controls, shoring and construction details of the proposed development.

Water Supply Analysis Report: Provides detailed design for a water supply distribution system including mitigation measures to ensure adequate water supply flow and pressure for the proposed development.

Construction Management Plan: Technical plan that shows how construction works for a proposed development will be managed. The plan shows surface encroachment (e.g. vehicular lane, sidewalk, signage, utilities, trees and municipal easements), storage/loading areas, dewatering equipment, aerial/crane encroachment, vehicular and material access points, hoarding, traffic management, and possible impacts on properties (noise/vibration mitigation and construction condition surveys).

Traffic Management Plan: Shows how the alterations and disruptions to traffic caused by the construction activities of the proposed development, servicing infrastructure, or road shall be mitigated and managed.

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Shoring Encroachment and Hoarding Plan: Technical plan that shows the design and installation of a shoring system consisting of piles and tie-back system, location of the utilities/services and hoarding, and any significant features pertinent to the municipal right-of-way encroachment, to facilitate the construction of underground and aboveground structures that are close to or within the municipal right-of-way. This plan helps ensure construction works do not impede pedestrian and vehicular traffic in any significant manner and do not impact any underground and aboveground utilities or infrastructures.

Public Communication Plan/ Report: Outlines the planned public communication process and actions to inform the travelling public, project stakeholders, emergency response agencies, and directly impacted businesses and local residents about the planned construction activities and changes to traffic operations due to proposed temporary road closure and alterations and disruptions to traffic necessary to safely complete construction of proposed development, municipal services and roads. The Plan/Report may consist of any of the following elements: notices to the impacted residents, businesses and travelling public placed in print media, project road signs including detour routes, changeable message signage, notices to the public placed on Internet web pages, brochures, direct mail outs to impacted businesses and local residents, and public meetings. The Plan is modified throughout the project life cycle to address issues as they arise.

GENERAL

City: The Corporation of the City of Markham

Committee: Committee is a group of individuals appointed by Council, such as the Development Services Committee (DSC), Markham Heritage Committee, Committee of Adjustment or any other sub-committee; with a specific function to review, comment and/or approve the related development applications.

Heritage: Heritage designated building (Part IV designation) or any building located within the boundary of a Heritage Conservation District (Part V designation).

ICI: Institutional, Commercial, Industrial

Townhouse Siting: Review of the design aspects of townhouse blocks and ensures appropriate building placement and elevation treatments for specific townhouse blocks.

Gross Floor Area (GFA) of Building(s): Defined as the total floor area (inside the building envelope, including the external walls, and excluding the roof) above and below grade less area dedicated to underground parking.

Appendix 'C'

2019 Development Review Process Improvements Implemented by City of Markham Planning & Urban Design and Engineering Departments

Planning & Urban Design:

- Pilot the sharing of draft agreements to enable developers to begin understanding the financial and site specific implications, and have necessary discussions with staff, prior to the finalization of the agreement
- Streamlined preparation of tree preservation conditions and tree inspections for Committee of Adjustment applications
- Soft launch of site plan review and approvals through ePLAN online application submission
- Submission and processing of Pre-Consultation Requests, Townhouse Siting Applications, Draft Plan of Condominium and Site Alteration Permits available through ePLAN
- Updated Application Management and Data Automation (AMANDA) electronic application tracking procedures for Official Plan Amendments; Zoning By-law Amendment; Subdivision and Site Plan applications
- Updated "Development Application Procedure" Manual to reflect new processes associated with e-plan
- Committee of Adjustment report sign off process digitized
- Revamped training for Committee of Adjustment members, including training for 'on the spot' amendments of applications to reduce deferrals.
- Updated / standardized site plan agreement template (to be launched shortly)
- A customized Parkland Calculation template was prepared to calculate parkland and
 cash-in-lieu requirements for all types of development applications. The chart is also
 designed to be circulated to the following departments for approval on specific matters as
 listed below. This chart will then be attached to a draft memo to Legal for Agreements
 and saved on AMANDA for future reference.
 - o Planning (unit numbers, GFA and land area)
 - o Real Property (Land value for cash-in-lieu)
 - o Urban Design (parkland requirement calculations)
 - o Finance (confirmation of calculations)
- For minor variance and severance applications, Urban Designers are not required to
 provide Planners with written comments. Comments will be discussed at team meetings
 and the Planner assigned to the file will prepare the comments and approval conditions.
 The tree preservation matters will be handled by Operations. This can potentially reduce
 the circulation time and help Urban Design staff to focus their efforts on more complex
 applications.
- Site Alteration Permit for Tree Removals prior to Agreement Execution: For Draft Plan of Subdivision and Site Plan applications that have been through several cycles of review and if tree removal /preservation is acceptable to Urban Design staff, Letters of Credit will be collected for tree compensation through site alteration permits and the actual compensation value will be reconciled at the time of site plan/subdivision agreements.

Appendix 'C'

Urban Design is working with Engineering and Legal staff to draft standard conditions for Letters of Credit collection, draws and release.

Engineering:

- Streamlined and clarified the process when business owners request to upsize or replace their service connections so as to not require them to go through the site plan review process. Clarifies roles and responsibilities between Engineering and Waterworks.
- Clarified the roles and responsibilities between groups within the Engineering Department regarding the review and acceptance of photometric/streetlighting assessments
- Clarified roles and responsibilities between groups within the Engineering Department regarding the review and acceptance of traffic control signal design
- Review of municipal stormwater management facilities added to Transfer of Review
 Agreement with the Ministry of the Environment, Conservation and Parks (MECP) to
 minimize delays to approval and construction. Previous process involves developers
 making direct submissions to MECP for stormwater management facilities (e.g. storm
 water management ponds, underground storage tanks) which can take many months.
- Streamlined and clarified what type of works can be reviewed and approved under the site alteration review process and to clarify the roles and responsibilities between groups within the Development Services Commission regarding the review and acceptance
- Delegation of authority to Director of Engineering for acceptance for maintenance and assumption of subdivision which eliminates the need for a staff report to Council so that the process can take place when a subdivision meets all conditions
- Delegation of authority to Director of Engineering to sign applications for Toronto & Region Conservation Authority and Provincial Ministry permits for the City's capital projects rather than request Council's authority



Report to: Development Service Meeting Date: December 9, 2019

SUBJECT: Approval of the Continuation of the Markham Designated

Heritage Property Grant Program, 2020-2022

PREPARED BY: Peter Wokral, Senior Heritage Planner, ext. 7955

Regan Hutcheson, Manager, Heritage Planning, ext 2080

RECOMMENDATION:

1) That the report entitled "Approval of the Continuation of the Markham Designated Heritage Property Grant Program, 2020-2022", dated December 9, 2019, be received; and,

- That a by-law be adopted to implement the Markham Designated Heritage Property Grant Program (2020-2022) generally in the form attached as Appendix "C" to this report; and,
- That the existing reserve fund entitled "Designated Heritage Property Grant Reserve Fund" continue to be used as the funding source for the program; and,
- 4) That the Designated Heritage Property Grant Program be allocated \$90,000 in funding for the three year period (2020-2022) from the following sources;
 - a. Prior year unused grant funding in the Designated Heritage Property Grant Reserve Fund in the amount of \$56,090;
 - b. A transfer of \$33,910 (\$90,000 \$56,090) from the Heritage Loan Reserve Fund, which has a current balance of \$160,695; and,
- 5) That By-law 175-81, as amended, (A By-law to Establish a Heritage Fund) be amended as per Appendix "D" to this report; and further,
- 6) 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 obtain approval for the continuation of the Markham Designated Property Grant Program for an additional three year period (2020-2022) based on an allocation of \$30,000 per year for a total commitment of \$90,000.

BACKGROUND:

Ontario Heritage Act allows Council to provide grants

Sections 39 and 45 of the Ontario Heritage Act allow a Council of a municipality to provide grants to owners of property designated under the Act for the purpose of paying (in whole or in part) the cost of alteration of such designated property on terms and conditions as Council may prescribe.

Report to: Development Service Meeting Date: December 9, 2019

Council approved the creation of the Markham Designated Heritage Property Grant Program in 2010

On January 19, 2010, Markham Council approved the Markham Designated Heritage Property Grant Program to encourage the preservation, restoration and enhancement of heritage buildings in Markham by providing a financial incentive to private owners of designated properties for the repair and restoration of existing heritage features and the restoration of missing heritage features. The Program was approved and funded for a four year period (2010-2013) using accrued interest generated from the Heritage Loan Fund Reserve as the funding source. The Program was extremely well received by property owners who appreciated the direct financial assistance from the City.

Council extended the program for 2014-2016 and 2017-2019

Council has extended the Designated Heritage Property Grant Program twice for an additional six years in the amount of \$30,000 per year. For the period 2014-2016, the \$90,000 funding for the Program was obtained from the accrued interest generated from the Heritage Loan Fund Reserve, and unused grant money from previous years of the program. For the period 2017-2019, the funding was comprised of accrued interest and capital from the Heritage Loan Fund Reserve and unused grant money from previous years.

Details of the Heritage Property Grant Program

The full details of the program are presented in the Guidelines document and the By-law. Highlights include:

- o Total funding in the amount of \$300,000 was allocated to the program over a 10 year period (2010-2019) based on a targeted allocation of \$30,000 per year;
- Assistance to the owner is in the form of a grant representing 50% of eligible work up to a maximum limit of \$5,000 per property for eligible work;
- o Minimum amount of eligible work \$500;
- O Properties must be designated under the Ontario Heritage Act (Part IV or Part V). In the case of Part V (Heritage Districts), only properties identified in a district plan as being of cultural heritage value or interest (contributing properties) are eligible;
- Ineligible Projects- Commercial façade projects (front elevation) in heritage districts as there is a separate program and also buildings in Markham Heritage Estates which have been in place for less than 20 years as these owners had received a financial incentive through reduced lot prices;
- o Grants are awarded on an annual cycle following a request for applications with a spring deadline established;
- o Only one grant is permitted per calendar year per property;
- o Subject property has to be in conformity with municipal by-laws and regulations;
- Eligible work primarily involves the repair, restoration or re-creation of heritage features or components (cornices, parapets, doors, windows, masonry, siding, woodwork, verandas, etc.);
- Eligible costs included the cost of materials, equipment and contracted labour (but not donated labour or materials). A grant of up to 50% for architectural/design/ engineering fees to a maximum of \$1,000 (as part of the maximum permitted grant of \$5,000) is available;

Meeting Date: December 9, 2019

Report to: Development Service

- Two separate estimates of work (due to the specialized nature of the work) are to be provided by a licensed contractor (other than the owner) for consideration;
- Applications are reviewed by City (Heritage Section) staff and the Heritage Markham Committee, and recommended submissions are forwarded to Council for approval;
- o Grant commitments are valid for 1 year and expire if the work is not completed within that time period (however an extension can be granted);
- o Grants are only paid upon an inspection by staff of the work and submission of receipts to the satisfaction of the City;
- Approved applicants are required to enter into a Letter of Understanding with the City.

Council has also created a number of other heritage financial assistance programs to address specific issues

Council currently offers the following financial assistance programs to the heritage community:

<u>Heritage Property Tax Program</u> - offers an annual property tax refund to help offset the additional maintenance costs associated with conserving the heritage features on a designated property. Municipal and education tax components can be reduced by 30%. Requires a Heritage Easement with the City.

<u>Heritage Loan Fund</u> - Offers a short term loan (5 years) of up to \$15,000 at a reduced interest rate to restore heritage features or replicate lost features on a designated property. The program was created in 1981 and was initially funded in the amount of \$200,000 from the tax base.

Commercial Façade Improvement/Signage Grant - provides matching grants of up to \$15,000 to assist in restoration or improvement to the front elevation exteriors of commercial properties in heritage districts (\$10,000 maximum for non-heritage properties). Assistance up to \$1,000 to replace inappropriate commercial signage in a heritage district is also available.

OPTIONS/ DISCUSSION:

The Program has been well used and has generated private investment

Over the last ten years, Markham Council has approved 88 applications for funding assistance as part of the Designated Heritage Property Grant Program totaling \$354,396. Of these approvals, 64 applications have been completed to date representing \$253,097 in grant assistance (See chart below and Appendix "A").

Year	Approved Applications	Grant Commitment	Abandoned Applications	Completed Applications	Applications Underway	Grant amount paid
2010	9	29,560	3	6	0	20,635
2011	9	28,630	1	8	0	26,642
2012	12	55,398 *	2	9	0	36,834
2013	13	47,013 *	3	10	0	34,859
2014	5	25,000	0	5	0	25,000
2015	13	51,656 *	1	10	0	40,838
2016	5	21,792	0	0	0	0

2017	11	44,547 *	1	10	0	43,025
2018	6	27,024	2	4	0	18,988
2019	5	23,776**	0	2	3	6,276
Total	88	354,396	13	64	3	253,097

^{*} Council approved a transfer of funds from the Commercial Façade Improvement Grant Program to this program to allow additional applications to be funded above the original annual commitment of \$30,000

Thirteen projects associated with the grant assistance have been abandoned, while three are still in process. The approved work has included: chimney and veranda reconstructions, reintroducing historic shutters, repainting in historic colours, window and door restoration and replication, production of wooden storm windows, and restoration of masonry walls.

Investing in heritage conservation also helps the local economy by increasing property values, employing local contractors, purchasing supplies from local businesses, and preserving our local heritage resources for future generations. Over the last ten years, on average, every grant dollar awarded has resulted in \$3.88 in private investment. To date, the grants have generated over \$957,080 in private investment in the local economy (see chart below and Appendix "A" for details on the economic impact of this grant assistance program from 2010-2018).

Year	Grant Amounts	Total Private	Multiplier Effect
		Project Amounts	
2010	20,635	116,737	\$1 to \$5.66
2011	26,642	107,700	\$1 to \$4.04
2012	36,834	125,855	\$1 to \$3.42
2013	34,859	126,482	\$1 to \$3.63
2014	25,000	77,134	\$1 to \$3.09
2015	40,838	144,915	\$1 to \$3.55
2016	0	0	0
2017	43,025	195,497	\$1 to \$4.54
2018	18,988	62,760	\$1 to \$3.31
Total	246,821	957,080	\$1 to \$3.88

The continuation of the Program is recommended for an additional three years As per the staff report of June 7, 2016 which recommended the continuation of the Program (2017-2019), staff was to report to Council in the final year of the program (2019) on the potential extension of the Program.

It is recommended that the Designated Heritage Property Grant Program be extended for an additional three years in the amount of \$30,000 per year for a total expenditure of \$90,000. It is recommended that the administration and procedures of the Program remain the same.

^{**}Council approved a transfer of funds from the Designated Heritage Grant Program to the Commercial Façade/Signage Improvement to allow funding above the original commitment of \$25,000

Meeting Date: December 9, 2019

Heritage Markham supports the continuation of the Program

Heritage Markham has consistently supported the continuation of this program.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Funding the Program

It is recommended by staff that \$90,000 of the required funding for this grant program be funded as follows:

- a. Prior year unused grant funding in the Designated Heritage Property Grant Reserve Fund in the amount of \$56,090;
- b. A transfer of \$33,910 (\$90,000 \$56,090) from the Heritage Loan Reserve Fund, which has a current balance of \$160,695.

The loan fund was established in 1981 with an allocation of \$200,000 (tax based) and has been invested successfully for many years when interest rates were high. The current balance is \$160,695.

To use a portion of the principal from the Heritage Loan Fund will require an amendment to the Heritage Loan Fund By-law (see Appendix "D"). This amendment reduces the principal amount from as identified in the By-law \$183,101.00 to \$138,221 by the end of 2022.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

This project aligns with the Growth Management priority by working to preserve resources and features of cultural heritage value in order to create a better quality of community

BUSINESS UNITS CONSULTED AND AFFECTED:

Reviewed by Financial Services

RECOMMENDED BY:	
Biju Karumanchery M.C.I.P., R.P.P.	Arvin Prasad, M.C.I.P., R.P.P.
Director Planning and Urban Design	Commissioner of Development Services

Meeting Date: December 9, 2019

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ATTACHMENTS:

Appendix "A" Markham Designated Heritage Property Grant Program -

Guidelines (2017-2019)

Appendix "B" New Designated Property Grant Program By-law Appendix "C" Amendment to Heritage Loan Fund By-law

City of Markham Designated Heritage Property Grant Program

Guidelines

2020 to 2022



This program is administered under the provision of these Guidelines and By-law 2019-XX, being a By-law to establish a Designated Heritage Property Grant Program 2020-2022

Planning and Urban Design Department Heritage Section Designated Heritage Property Grant Program

1.0 Purpose of the Program

The purpose of the Designated Heritage Property Grant Program is to offer financial assistance on a cost sharing basis to owners of properties of cultural heritage significance towards the conservation and restoration of property's heritage attributes.

2.0 Definitions

'Act' means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended from time to time;

'Applicant' means the owner of the property applying for a grant, or their agent, if such agent is authorized in writing by the owner to act as agent for making the application;

Eligible Heritage Property' means real property, including all buildings and structures thereon, located in the City of Markham, that has either been designated under Part IV of the Act or is within a heritage conservation district designated under Part V of the Act and which has been identified in a Heritage Conservation District Plan as being of cultural heritage value or interest [Classes A and B in Thornhill, Class A (and B at the discretion of Council on the recommendation of Heritage staff) in Unionville, Class A in Buttonville, and Type A in Markham Village];

'Eligible Conservation Work' means that which is described in section 5.1 of this document;

'Eligible Property' means that which is described in section 3.0 of this document;

'Guidelines' means the City's Designated Heritage Property Grant Program Guidelines, as may be amended from time to time;

'Heritage Attributes' means the principal external features, characteristics, context and appearance that contribute to the cultural heritage significance of an eligible property;

'Heritage Markham' means the City's municipal heritage advisory committee;

'Manager' means the Manager, Heritage Planning, for the City of Markham and includes his or her delegates;

3.0 Eligibility

3.1 Eligibility Requirements

- Only Eligible Heritage Properties, as defined herein, are eligible for this program.
- The Eligible Heritage Property must not be in arrears or default of any municipal taxes, local improvements charges or any other monies owed to the City (fees or penalties).
- The Eligible Heritage Property must not be the subject of a contravention, work order or outstanding municipal requirements, unless the consent of the Commissioner of Development Services is obtained. A contravention includes offences under a municipal by-law, Act or regulation for which enforcement proceedings have been commenced, but not necessarily finalized, that relates specifically to the building or land for which a grant is sought or given.
- Existing use of property must be in conformity with applicable zoning by-law regulations and other relevant planning controls.
- Projects undertaken between the deadline for applications of the previous year and the current year deadline will be considered eligible for grant assistance, provided that all other eligibility requirements of the program are me.

3.2 Eligible Applicants

Owners and tenants of an **Eligible Heritage Property** may apply for assistance. Tenants are required to provide documentation of the property owner's consent to the improvements. Written consent may be either in the form of a lease indicating the lessee's authority for property renovation and repair, or written documentation of the property owner's agreement to the proposed alterations.

Heritage resources owned by any level of government are not eligible except in the following cases:

- (a) where the property is under long term lease to an individual and the tenant or lessee is the applicant; or
- (b) where a non-profit community group has assumed, by long-term lease or legal agreement, responsibility for the building and the non-profit community group is the applicant.

3.3 Commercial Façade Improvements

Commercial façade projects¹ (front elevation) for properties in commercial use in heritage conservation districts are <u>ineligible</u> as there is a separate financial assistance program for this type of project.

Other **Eligible Conservation Work** on these properties is considered eligible under the Designated Heritage Property Grant Program. However, at the discretion of Council, <u>an</u>

Applicant may be limited to receiving for only one heritage related financial assistance grant in a calendar year.

3.4 Markham Heritage Estates Properties

Properties in Markham Heritage Estates subdivision are ineligible as property owners already receive a financial incentive through reduced lot prices, <u>unless the relocated building has been on the new lot for at least 20 years</u>.

Note 1

Under the **Commercial Façade Improvement Grant Program**, "façade" is defined as "the entire exterior front surface of a building which abuts the street from grade to eave or facia line. Improvements above the storefront level including roof repairs and roof replacement, are only eligible when performed in conjunction with storefront improvements. Where a building abuts two streets or an alley, empty lot, parking area or openspace, such building may have other faces considered facades if the City, at its sole discretion, determines they are highly visible".

4.0 Grant Information

4.1 Amount of Grant Assistance

The amount of a grant is calculated as a maximum of fifty percent (50%) of the eligible cost of the **Eligible Conservation Work**, as approved by the City. Approved applicants who undertake at least \$500 in improvements are eligible to apply for a grant of up to 50% of the cost with a maximum limit of \$5,000 in grants per property for **Eligible Conservation Work** or in the case of replacement of an existing cedar shingle roof in Markham Heritage Estates, up to a maximum of \$7,500 (subject to Section 3.4).

The owner of the property must pay the remaining fifty percent (50%) of the eligible costs as part of its contribution to the **Eligible Conservation Work**. Subject to approval, an applicant may use the City of Markham Loan Fund as part of the matching component for grant assistance.

The costs of labour, materials and equipment related to the **Eligible Conservation Work** may be considered part of the cost of the **Eligible Conservation Work** provided proof of such costs are verified by invoices. <u>Donated labour and materials are not considered part of the eligible costs or part of the owner's matching contribution.</u>

<u>Two cost estimates</u> for the **Eligible Conservation Work** are to be provided by independent professional/licensed contractors other than the owner. The grant will not necessarily be calculated based upon the lowest estimate, but will be based on the most appropriate quote for the proposed work as determined by Heritage Section staff, taking into consideration the cost quoted, the scope of work described and the capabilities of the contractor to complete the work. The grant will not address cost increases or over runs.

4.2 Frequency of Grant

Subject to approval, an **Eligible Heritage Property** may receive one grant per calendar year. If a grant is provided, the work must be completed and inspected before another grant application may be submitted to the municipality.

First-time applicants will get priority each year and repeat applicants will be considered only if the annual cap is not reached by first-time applicants.

4.3 Completion of Work

Grant commitments are valid for one (1) year and expire if the work is not completed within that time period. This timeframe may be extended at the discretion of the **Manager**.

4.4 Use of Other Heritage Related Grant Programs

For an **Eligible Heritage Property**, at the discretion of Council, an **Applicant** may be limited to receiving only one heritage related financial assistance grant in a calendar year.

5.0 Eligible Projects

5.1 Eligible Conservation Work

For the proposed work to be eligible for a grant, it must be **Eligible Conservation Work**, which means the following:

- (a) any conservation work which directly and appropriately preserves, restores or enhances specific **Heritage Attributes** and does not detract from or diminish the cultural heritage value of the property or the district including:
 - (i) preservation or conservation of existing exterior architectural elements or features which are significant (i.e. repair of deteriorated original elements such as doors and windows, siding and roofing materials, architectural trims, verandas, historic chimneys, fences and other significant features; repointing and cleaning of masonry only if the materials and methods will not cause harm to the historic masonry);
 - (ii) re-construction of significant exterior architectural elements or features which still exist, but are beyond conservation or repair (this would include accurate reconstructions of original features using materials, sizes and configurations which match the original);
 - (iii) restoration or re-introduction of significant exterior architectural elements or features which have been lost, but for which the appearance can be clearly determined from archival or documentary sources, or physical evidence that supports the existence of the missing feature (i.e. removal of modern material such as vinyl and aluminum siding and replacement with original material).
 - (iv) introduction or repair of protective elements to protect original features (i.e. wooden storm windows).
- (b) any work necessary to restore the building to structural soundness including the correction of serious structural faults which threaten the building's survival(i.e. introduction of supporting beam, alterations to correct a failing foundation), but not routine maintenance;
- (c) any work which directly and appropriately preserves, restores or enhances specific Heritage Attributes associated with historic cemeteries and their features such as mausolea, dead houses, stone walls, wrought iron gates and fences which are part of the original design, but not specific grave markers, tombs or monuments;
- (d) exterior painting in documented original colours to a maximum grant contribution of \$2,000 or 25% of the cost, whichever is the lesser. This

is a one time only grant per property. After the initial grant, it is expected that paint maintenance will be the owner's responsibility. This would not preclude the property owner from submitting a future grant application for other eligible works.

- (e) a replacement cedar shingle roof in Markham Heritage Estates subject to the roof being installed on a batten system to provide proper ventilation and to prolong the lifespan of the roof, and subject to section 3.4.
- (f) other alterations which the **Manager**, in his or her sole discretion, determines are important to the cultural heritage significance of the property.

Where a **Eligible Heritage Property** contains non-heritage additions or elements, or the proposed work involves new additions, only the **Heritage Attributes** of the property will be subject to grant assistance.

The final determination of what constitutes **Eligible Conservation Work** is at the discretion of the **Manager**, in consultation with **Heritage Markham**, with reference to the Guidelines, and the final decision is made by the Council of the City of Markham.

5.2 Ineligible Work/Projects

Ineligible work includes, but is not limited to, the following:

- (a) Interior work, unless related to structural issues;
- (b) Short term, routine maintenance;
- (c) Work on modern additions or work to accommodate modern renovations to a building of cultural heritage value;
- (d) Landscaping;
- (e) Paving;
- (f) Lighting unless repair or restoration of a Heritage Attribute;
- (g) Signs and commemorative plaques;
- (h) Eaves-trough, unless considered significant architectural features of the building such as those with decorative elements or those made from long-lasting materials such as copper and lead;
- (i) Mechanical systems and insulation;
- (j) Skylights;
- (k) Poor or defective work;
- (I) Non-permanent fixtures;
- (m) Commercial façade projects (front elevation) in heritage conservation districts; and
- (n) Projects in Markham Heritage Estates subdivision unless the building or structure has been on the lot for at least 20 years.

5.3 Eligible Costs

Eligible costs shall be the cost of materials, equipment and contracted labour to complete eligible conservation, restoration or preservation work, documented by

<u>invoices</u> to the satisfaction of the **Manager**. Labour provided by the applicant or tenant of the building will not be an eligible cost.

Other reimbursable expenses include professional architectural/ engineering/ design fees, to a maximum grant of \$1,000 (as part of the maximum permitted grant).

The grant is paid, subject to compliance with these **Guidelines**, upon completion of the previously approved work.

5.4 Approval Considerations

The following considerations will apply when reviewing all applications for grant assistance:

- a) Preference will be given to applications where the integrity of the Eligible Heritage Property may be threatened if the proposed conservation work is not undertaken
- b) Preference will be given to applications proposing work visible to the general public;
- c) The project should generally comply with acknowledged heritage conservation principles, policies and guidelines including, but not limited to, a specific Markham heritage conservation district plan, policies of the Ontario Ministry of Culture, and the Standards and Guidelines for the Conservation of Historic Places in Canada;
- d) The scope of the work is clear, logical and demonstrates the maximum retention of the historic fabric and **Heritage Attributes**;
- e) Grant assistance can only be obtained for projects which have received municipal approval prior to work being initiated. However, approved projects undertaken between the deadline for applications of the previous year and the current year deadline will be considered eligible for grant assistance, provided that all other eligibility requirements of the program are met.
- f) The grant program should not reward poor stewardship.

6.0 Application Details

6.1 Application Deadline

Grants are to be awarded on an annual cycle following a request for applications within a deadline established by the **Manager**, and published from time to time on the City's website and in other media, at the discretion of the **Manager**.

6.2 Application Requirements

1. Application Form

The **Applicant** is required to complete an application form available from the Planning and Urban Design Department (Markham Civic Centre) or from the City's website. The **Applicant** is encouraged to engage a professional (architect, engineer or designer) to assist with decisions on alterations and provide the necessary drawings.

2. Information to Accompany Application

The application must include all the details necessary for a full understanding of the proposed work, and shall include:

- a) A professionally prepared and scaled drawing of the proposed work, including any specific details as may be required by the **Manager**. Depending on the nature and extent of the work, a building permit and the required drawings may be required.
- b) Samples of proposed materials or colours, and any product information.
- c) the cost estimates required by clause 4.1 hereof.

6.3 Application Process

The Designated Heritage Property Grant Program will be administered by Markham's Planning and Urban Design Department. The Heritage Planning Section will coordinate the program.

Step 1. Determine if you are eligible (pre-application consultation)

Prior to submitting a formal application for financial assistance, it is recommended that the following steps be undertaken:

- a) Determine if the property is eligible to receive funding. Contact the Heritage Section.
- b) Discuss any restoration or rehabilitation proposal with the Building Department to determine any zoning or other building regulations.
- c) Discuss any restoration or rehabilitation proposal with a Heritage Section staff member
- d) If an application appears eligible, consider reviewing it with **Heritage Markham** for feedback purposes.
- e) Secure a grant application form from the Development Services Counter or from the City's website and complete and return it with the necessary documentation.

This pre-application consultation stage should help to avoid ineligible proposals.

Step 2. Submit your application

Submit a completed application with all required materials before the deadline date.

Step 3. Staff Review

The application will be reviewed by City Staff to ensure that it meets all the eligibility requirements, including confirmation that no municipal requirements are outstanding.

Step 4. Grant Review Committee

The review of all grant applications will be undertaken by Heritage Section staff. All applications will be forwarded to **Heritage Markham** for its consideration and recommendation. Heritage Section staff will report on applications that are recommended for approval to Council, through the Development Services Committee. The submissions will be reviewed against the **Guidelines**, and grants will be recommended for the projects that are most deserving in the opinion of Heritage Staff.

Step 5. Approval by Council

All grants will require approval by Council, through the Development Services Committee.

Step 6. Notification/ Legal Agreement

Applicants who secure grant approval will be notified and required to enter into a Letter of Understanding with the municipality. This document establishes a formal arrangement between the **Applicant** and the City and outlines the amount of the grant, and the project completion date. The Letter of Understanding must be signed and returned to the City.

If an application is unsuccessful, a letter will be sent confirming that a grant will not be issued.

Step 7. Undertaking the Improvements

Nothing contained in the grant application procedures or approval relieves the applicant from obtaining all necessary municipal planning and building department approvals. All work must be carried out in accordance with the requirements of the Ontario Building Code and municipal by-laws.

The applicant is required to obtain the consent of the **Manager** for any changes to the project which are proposed during the course of the work.

Step 8. Issuing the Grant

Before a grant will be paid by the City, the following must occur:

(a) the **Eligible Conservation Work** must be completed within one (1) year from the date of approval of the grant <u>by Council</u>, and be completed to the satisfaction of the **Manager**.

In exceptional cases, the timeframe for project completion may be extended. In such cases, a written request, stating the reasons for required for the extension, must be submitted by the applicant for review and approval at the discretion of the **Manager**;

- (b) The Eligible Conservation Work must be completely paid for by the owner with documentation to verify such payment (i.e. copies of paid invoices), and the work completed to the satisfaction of the Manager;
- (c) the Manager must be in receipt of all required documentation as identified in the Guidelines (i.e. paid invoices), and any other documentation reasonably required by the Manager;
- (d) the completed **Eligible Conservation Work** must reflect the **Eligible Conservation Work** that was approved by Council or as amended by the **Manager**. Heritage Section is responsible for the inspection to ensure that works have been completed as proposed.
- (e) The City reserves the right to withhold the payment of all or a portion of the grant if the work has not been substantially completed in accordance with the approved plans and specifications, or payment documentation, such as invoices, are incomplete, unclear or have not been submitted.
- (f) If the cost of the completed work is less than the original amount upon which the grant was calculated, the grant will be revised to reflect fifty percent (50%) of the new cost.

7.0 General Information

7.1 Funding Availability

Funding for this grant program will be considered on an annual basis by Markham Council as part of its overall annual budget process. Individual grants are approved subject to the availability of funding.

7.2 Continuation of the Program

The City, in its sole discretion, may change or discontinue this program at any time.

7.3 By-law

This program has been created by municipal by-law. Please see "By-law 2016-65, being a By-law to establish a Designated Heritage Property Grant Program 2017-2019" for further details.

For further Information, please contact:

Heritage Section
Planning and Urban Design Department
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

905-477-7000, ext. 2585

905-475-4739 (FAX)

heritage@markham.ca

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DESIGNATED HERITAGE PROPERTY GRANT PROGRAM

The purpose of this program to encourage the preservation, restoration and enhancement of heritage buildings in the City of Markham by providing financial assistance to owners of designated heritage properties for the repair and restoration of existing heritage features and the restoration of missing heritage features. See the Grant Guidelines for full details.

PROPERT	Y INFORM	IATION									
Municipal Add	sipal Address: Street No.: Street Name:									Unit	
											Num.:
Commercial N	ame (if applic	able)									
Designation By-law #: Heritage Conservation District:											
OWNER and APPLICANT INFORMATION											
Property O	wner Infor	mation (c	heck on	e)		Pers	on(s)		Cor	mpan	y
Registered L	and	Surname:					First Name:		•		
Owner:											
Name	(if Company)							Company (Officer:		
Address:	Street No.:						Street N	ame:		Unit l	Num.:
City:					Pro	vince:		P	ostal Cod	le:	
Telephone:	No. ()			Fax: ()			E- Mail:			
Applicant Inf	Applicant Information (if different than Owner):										
Application Contact: Surname: First Name:											
Name	(if Company) Company Officer:										
Address:	Street No.: Street Name: Unit Num.:						Num.:				
City:				Pro				ostal Cod	Code:		
Telephone:	No. ()			Fax: ()			E- Mail:			
I hereby make the above application for a Designated Heritage Property Grant, declaring all the information contained herein is true and correct, and acknowledging the City of Markham will process the application based on the information provided.											
The personal information on this form is collected under the authority of the Section 39 and 45 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended and the City of Markham Designated Heritage Property Grant Program By-law, as amended. The information collected will be used by the City of Markham to administer and enforce the Designated Heritage Property Grant Program. Questions about the collection can be directed to the Development Services-Heritage Section, City of Markham, 101 Town Centre Blvd., Markham, ON, L3R 9W3, Telephone: 905 475 4861, email: developmentservices@markham.ca.											
Signature:						Γitle:					
Printed Nam	ne of Signate	ory:				Date:					

DESIGNATED HERITAGE PROPERTY GRANT PROGRAM

OWNER'S AUTHORIZATION					
If the applicant is not the owner, the property owner must complete this section. If there is more than one owner, a separate authorization from each individual or corporation is required. Attach an additional page or pages in the same format as this authorization if necessary.					
being the registered owner of the subject					
lands, hereby authorize (print name of applicant),					
to submit the above application to the City of Markh	am for approval thereof.				
Signature:	Date:				
Printed Name of Signatory:	Title:				
Description of Work to be Undertaken					
Please provide a detailed, written description of t	the proposed improvements				

DESIGNATED HERITAGE PROPERTY GRANT PROGRAM

Additional Information to Accompany Application

- A professionally prepared and scaled drawing of the proposed work (i.e. for replication of specific heritage features such as a window or trim-work) to fully illustrate the proposed eligible conservation project, if applicable.
- Samples of proposed materials or paint colours, if applicable.

Please consult with Heritage Staff prior to submission to determine what type of additional information should be submitted to best support your application							
Cost Estimates							
Please attach two (2) independent co	ntractor estima	tes for the	eligible conserva	ation work.			
Name of Preferred Contractor							
Amount	\$						
Name of Second Contractor							
Amount	\$						
Grant Request							
Cost of Eligible Conservation Work		\$					
(material, equipment, labour)							
Professional Fees	fessional Fees \$						
Other		\$					
Total Estimate \$							
For Further Information:							
Planning and Urban Design Department	- Heritage Section	n					
DEVELOPMENT SERVICES COMMISSION							
101 TOWN CENTRE BOULEVARD							
MARKHAM, ONTARIO, L3R 9W3							
Telephone 905-477-7000, ext. 2.	585 Fax	905-475-4	739 <u>h</u>	eritage@markh	am.ca		
FOR OFFICE USE ONLY							
Date Rec'd:							
Application Information Rec'd				YES	NO		
Application Rec'd By:							
Entered into AMANDA by:			Date:				
Application Number:							



BY-LAW 2019-XX

Being a By-law to establish a Designated Heritage Property Grant Program (2020-2022)

WHEREAS the Council of The Corporation of the City of Markham is authorized, pursuant to Section 39 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended (the "Act"), to pass by-laws providing for the making of a grant or loan to the owner of a property that has been designated under Part IV of the Act (a "designated property"), as being of cultural heritage value or interest, for the purpose of paying for the whole or any part of the cost of alteration of such property on such terms and conditions as the Council may prescribe;

AND WHEREAS the Council of The Corporation of the City of Markham is authorized, pursuant to Section 45 of the Act, to pass by-laws providing for the making of a grant or loan to the owner of any building or structure and the land appurtenant thereto that is situate within an area that has been designated by by-law under Part V of the Act, as a heritage conservation district, for the purpose of paying for the whole or any part of the cost of alteration of such property on such terms and conditions as the Council may prescribe;

AND WHEREAS the Council of The Corporation of the City of Markham deems it advisable and in the public interest to provide a grant program for designated properties on the terms set out in this by-law as an incentive to encourage property owners to renovate and restore such buildings, and thereby contribute to the overall character and identity of the City of Markham;

AND WHEREAS on January 19, 2010, the Council of The Corporation of the Town of Markham approved the Designated Heritage Property Grant Program as a four year project, and Council approved the Grant Program Guidelines on the same date;

AND WHEREAS on September 24, 2013, the Council of The Corporation of the City of Markham approved the continuation of the Designated Heritage Property Grant Program for an additional three year period, and Council approved revised Grant Program Guidelines on the same date;

AND WHEREAS on June 14, 2016, the Council of The Corporation of the City of Markham approved the continuation of the Designated Heritage Property Grant Program for an additional three year period (2017-2019), and Council approved revised Grant Program Guidelines on the same date;

AND WHEREAS on December 10, 2019, the Council of the Corporation of the City of Markham approved the continuation of the Designated Heritage Property Grant Program for an additional three year period (2020-2022);

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

- 1.1 In this by-law, unless otherwise specified in this by-law:
 - (a) 'Applicant' shall mean the owner of the property applying for a grant, or their agent, if such agent is authorized in writing by the owner to act as agent for making the application;
 - (b) 'Contravention' shall mean an offence under a municipal by-law, statute or regulation for which enforcement proceedings have been commenced that relates specifically to the building or land for which a grant is sought or given;
 - (c) 'Designated Heritage Property' shall mean real property including all buildings and structures thereon that have been designated by municipal by-law as being of cultural heritage value or interest pursuant to Parts IV and V of the Act;
 - (d) 'Eligible Conservation Work' shall mean that which is described in sections 5.1 and 5.2 of this by-law;
 - (e) 'Eligible Property' shall mean that which is described in sections 4.1 to 4.5 of this by-law;
 - (f) 'Guidelines' shall mean the City's Designated Heritage Property Grant Program Guidelines, as may be amended from time to time;
 - (g) 'Heritage Attributes' shall mean the principal exterior features, characteristics, context and appearance that contribute to the cultural heritage significance of an eligible property;
 - (h) 'Heritage Markham' shall mean the City's municipal heritage advisory committee;
 - (i) 'Manager' shall mean the City's Manager, Heritage Planning and includes his or her delegates;

- (j) 'Preservation and/or Conservation' shall mean the act or process of applying measures necessary to sustain the existing form, integrity and materials of a cultural heritage property;
- (k) "Program" shall mean the City's Designated Heritage Property Grant Program; and
- (l) 'Restoration' shall mean the process of accurately revealing, recovering, replicating or representing the state of a heritage property at a particular period in its history, while still protecting the cultural heritage value of the property.

TERM AND AMOUNT OF GRANT PROGRAM

- 2.1 The Heritage Designated Property Grant Program shall be established in the amount of ninety thousand dollars (\$90,000) with funds allocated to the program over a three (3) year period at a minimum of thirty thousand dollars (\$30,000) per year from the date of the passing of this by-law.
- 2.2 If a grant has been approved by Council, but not paid out on the day this Program expires, the grant amount shall still be provided in accordance with this by-law.
- 2.3 Any funds remaining in the Program at the end of the three year period shall be transferred to the Heritage Loan Reserve Fund.

SPECIFIC GRANT AMOUNT AND OWNER CONTRIBUTION

- Each grant may be awarded in the amount of up to half the cost (50%) of the Eligible Conservation Work up to a maximum of five thousand dollars (\$5,000) or in the case of replacement of an existing cedar shingle roof in Markham Heritage Estates, up to a maximum of seven thousand, five hundred dollars (\$7,500).
- The owner of the property shall match the City's grant amount as part of its contribution to the Eligible Conservation Work.
- 3.3 The owner may use any funds available to him or her from the City of Markham Heritage Loan Reserve Fund as part of the owner's matching contribution to the Eligible Conservation Work.
- Donated labour and materials shall not be considered part of the costs or part of the owner's matching contribution.

- The costs of labour, materials and equipment related to the Eligible Conservation Work may be considered part of the cost of the Eligible Conservation Work provided proof of such costs are verified by invoices.
- 3.6 A property may receive only one Program grant per calendar year.
- 3.7 Before another grant is considered by the City, the work associated with the current grant must be completed, inspected and approved by the Manager.
- 3.8 Whether a grant is awarded, and the amount of the grant, shall be subject to available funding within annual program budgets of the City.
- 3.9 At the sole discretion of Council, an Applicant for an Eligible Property may be limited to receiving only one grant from a City heritage related financial assistance program in a calendar year.
- First-time applicants will get priority each year and repeat applicants will be considered only if the annual cap is not reached by first-time applicants.
- A property may receive only one grant for exterior painting to a maximum of \$2,000 or 25% of the cost, whichever is the lesser.

ELIGIBLE PROPERTY

- 4.1 For a property to be considered Eligible for a grant, the property must be:
 - (a) designated under the Ontario Heritage Act (the "Act"):
 - (i) for a single property, a designation by-law under Part IV of the Act must have been passed and registered; or
 - (ii) for a property located within a heritage conservation district, a designation by-law must have been passed under Part V of the Act and only properties identified in the District Plan as being of cultural heritage value or interest [being Classes A and B in Thornhill, Class A (and B at the discretion of Council on the recommendation of Heritage Staff) in Unionville, Class A in Buttonville, and Type A in Markham Village] are eligible; and
 - (b) located within the City of Markham; and
 - (c) free of property tax arrears, any fees or penalties owed to the City, compliance orders, enforcement orders, contraventions of municipal requirements and the like.

- Where a Designated Heritage Property contains non-heritage additions or elements, or the proposed work involves new additions, only the Heritage Attributes of the property will be subject to grant assistance.
- 4.3 Heritage resources owned by any level of government are not eligible except in the following cases:
 - (a) where the property is under long term lease to an individual; or
 - (b) where a non-profit, community group has assumed, by long-term lease or legal agreement, responsibility for the building.

In these cases, such parties may make an application for a grant as the agent of the owner.

- 4.4 Commercial façade projects (front elevation) for properties in commercial use in heritage conservation districts are not eligible for this Program as there is a separate financial assistance Program for this type of project. Other Eligible Conservation Work on these properties is eligible.
- 4.5 Properties in Markham Heritage Estates subdivision are not eligible for this Program unless and until the building has been located on the property in Markham Heritage Estates for a minimum of twenty (20) years.

ELIGIBLE CONSERVATION WORK

- For the proposed work to be eligible for a grant, it must be Eligible Conservation Work, which means the following:
 - (a) any conservation work which directly and appropriately preserves, restores or enhances specific Heritage Attributes and does not detract from or diminish the cultural heritage value of the property or the district including:
 - (i) preservation/conservation of existing architectural elements or features which are significant;
 - (ii) re-construction of significant architectural elements or features which still exist, but are beyond conservation or repair;
 - (iii) restoration or re-introduction of significant architectural elements or features which have been lost, but for which the appearance can be clearly determined from archival or documentary sources, or physical evidence that supports the existence of the missing feature.
 - (iv) introduction or repair of protective elements to protect original features.

- (b) any preservation/conservation work necessary to restore the building to structural soundness including the correction of serious structural faults which threaten the building's survival, but not routine maintenance;
- (c) any preservation/conservation work which directly and appropriately preserves, restores or enhances specific Heritage Attributes associated with historic cemeteries and their features such as mausolea, dead houses, stone walls, wrought iron fences and gates which are part of the original design, but not specific grave markers, tombs or monuments; and
- (d) exterior painting in documented original colours;
- (e) a replacement cedar shingle roof in Markham Heritage Estates subject to the roof being installed on a batten system to provide proper ventilation and to prolong the lifespan of the roof and subject to section 4.5;
- (f) any architect, designer and engineering professional fees to a maximum of one thousand dollars (\$1,000) as a component of the maximum grant amount for work directly related to the proposed preservation/conservation, rehabilitation or restoration project; and
- (g) any other alterations which the Manager, in his or her sole discretion, determines are important to the cultural heritage significance of the property.
- 5.2 The final determination of what constitutes Eligible Conservation Work is at the discretion of the Manager, in consultation with Heritage Markham, with reference to the Guidelines, and the final decision is made by Markham Council.
- Eligible Conservation Work will be generally guided by the following policies and principles: individual heritage conservation district plans, Conservation Principles from the Ontario Ministry of Culture and the Standards and Guidelines for the Conservation of Historic Places in Canada.
- 5.4 Projects undertaken between the deadline for applications of the previous year and the current year deadline will be considered eligible for grant assistance provided that all other eligibility requirements of the Program are met.

INELIGIBLE WORK/PROJECTS

- 6.1 Ineligible work will include, but is not limited to, the following:
 - (a) Interior work, unless related to structural issues;
 - (b) Short term, routine maintenance, including painting, other than as permitted herein;

- (c) work on modern additions or work to accommodate modern renovations to a building of cultural heritage value;
- (d) landscaping;
- (e) paving;
- (f) lighting unless repair or restoration of a heritage attribute;
- (g) signs and commemorative plaques;
- (h) eaves-troughs, unless considered significant architectural features of the building such as those with decorative elements or those made from long-lasting materials such as copper or lead;
- (i) mechanical systems and insulation;
- (j) skylights;
- (k) poor or defective work; and
- (10 non-permanent fixtures.
- 6.2 Commercial façade projects (primarily work on the front elevation) in heritage conservation districts are ineligible as there is a separate financial assistance program for this type of project. Eligible Conservation Work on commercial properties other than work on the front elevation is eligible for assistance under this Program.

ADMINISTRATION OF THE PROGRAM

- 7.1 The Designated Property Grant Program shall be administered by the Manager.
- 7.2 The overall administration of the Program shall be in compliance with this bylaw and the Guidelines.
- 7.3 At minimum, the Program shall be offered at least once per calendar year.
- 7.4 All applications shall be considered by Council for approval after having been reviewed and a recommendation provided by Heritage Planning staff and Heritage Markham.
- 7.5 Approval of a grant does not absolve the owner from obtaining all other approvals required by law to undertake the project.
- 7.6 Before a grant will be paid by the City, the following must occur:
 - (a) the Eligible Conservation Work must be completely paid for by the owner with documentation to verify such payment, and completed to the satisfaction of the Manager;

- (b) the Eligible Conservation Work must be competed within one (1) year from the date of approval of the grant by Council in order to receive the grant;
 - In exceptional cases, the timeframe for project completion may be extended. In such cases, a written request, stating the reasons required for the extension, must be submitted by the applicant for review and approval is at the discretion of the Manager;
- (c) the Manager must be in receipt of all required documentation as identified in the Guidelines, and as requested by the Manager;
- (d) the completed Eligible Conservation Work must reflect the Eligible Conservation Work that was approved by Council or as amended by the Manager.
- 7.7 The City reserves the right to withhold the payment of all or a portion of the grant if the work has not been substantially completed in accordance with the approved plans and specifications, or payment documentation, such as invoices, are incomplete, unclear or have not been submitted.
- 7.8 If the cost of completed work is less than the original amount upon which the grant was calculated, the grant will be revised to reflect 50% of the new cost.
- 7.9 Any monies remaining in the budget for this Program and not allocated during a calendar year shall be transferred for use to the next calendar year for use as part of the Program.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS XX DAY OF XX, 20XX.

KIMBERLEY KITTERINGHAM,	FRANK SCARPITTI, MAYOR
CITY CLERK	

Q:\Development\Heritage\SUBJECT\Grant Program Designated Property\Report\2020-2022\Appendix 'B'.doc



By-law 2019 - XX

A By-law to amend By-law 175-81, as amended, being a by-law to establish a Heritage Fund

WHEREAS the Council of the Town of Markham established a Heritage Fund in 1981 to provide loans to the owners of properties designated under Part IV or Part V of the Ontario Heritage Act for the purpose of paying for the whole or any part of the cost of alterations on such terms and conditions as the Council may prescribe;

AND WHEREAS Council established the Heritage Fund in the amount of \$200,000 and has maintain the principal of the Fund at that level;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

- 1. That Clause #1 and Clause #2 of By-law 175-81 be amended by deleting the sum of "200,000.00" and inserting in lieu thereof the sum of "138,221.00".
- 2. That all other provisions of By-law 175-81, as amended be and the same are hereby ratified and confirmed.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS 10th DAY OF December, 2019.

Kimberley Kitteringham	Frank Scarpitti
City Clerk	Mayor



Report to: Development Services Committee Meeting Date: December 9th, 2019

SUBJECT: RECOMMENDATION REPORT

2585231 Ontario Inc.

Applications for Zoning By-law Amendment to permit midrise residential and townhouse development (Phase 1 only) and for Draft Plan of Subdivision to create development, road, park and open space blocks at 9999 Markham Road (Ward 5).

File Nos: ZA/SU 18 180621

PREPARED BY: Stacia Muradali, MCIP, RPP, Ext. 2008

Senior Planner, East District

REVIEWED BY: Ron Blake, MCIP, RPP, Ext. 2008

Senior Development Manager

Francesco Santaguida, Ext. 3583

Assistant City Solicitor

Click or tap here to enter text.

RECOMMENDATION:

- That the staff report titled "RECOMMENDATION REPORT, Applications for Zoning By-law Amendment to permit mid-rise residential and townhouse development (Phase 1 only) and for Draft Plan of Subdivision to create development, road, park and open space blocks at 9999 Markham Road (Ward 5), File No: ZA/SU 18 180621", be received; and,
- 2) That the record of the Public meeting held on March 26th, 2019 regarding the applications for Zoning By-law Amendment and Draft Plan of Subdivision 19TM-18007, be received; and,
- 3) That Council approval of the Zoning By-law Amendment application (ZA 18 180621) for Phase 1 of the development, submitted by 2585231 Ontario Inc. and attached in Appendix 'A' be finalized and enacted without further notice; and,
- 4) That Council approve the Draft Plan of Subdivision 19TM-18007 (SU 18 180621) submitted by 2585231 Ontario Inc. subject to the conditions attached as Appendix 'B'; and,
- 5) That Council assign servicing allocation for a maximum of 151 townhouses (including stacked townhouses) and 260 apartment units; and,
- 6) That Council permit application for minor variances within two (2) years of the proposed amending by-law coming into force, attached as Appendix 'A', in accordance with Section 45(1.4) of the Planning Act; and further,

7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

This report seeks approval of the proposed Zoning By-law Amendment for Phase 1 of the proposed development to permit mid-rise residential and townhouse development, and approval of the Draft Plan of Subdivision application which will create development, road, park and open space blocks to permit residential and future development at 9999 Markham Road.

BACKGROUND:

Subject land and area context

9999 Markham Road (the "subject land") is located at the south-east corner of Markham Road and Major Mackenzie Drive and is approximately 12.83 hectares (31.7 acres) (Figure 1). The subject land was formerly used for industrial warehousing and manufacturing by Emerson Electric. There is an existing open water channel which runs across the south-west corner of the site.

The Rail Corridor (GO/Metrolinx) abuts the subject land to the east. There is an existing Esso Gas Station, a Tim Hortons/ Wendy's, approved townhouse development and proposed mixed use high density development across the street on the west side of Markham Road. There is a garden nursery and rural properties on the north side of Major Mackenzie Drive. A mix of light industrial, commercial and place of worship uses is located to the south (Figure 3). The Mount Joy GO Station is located further south at the south-east corner of Bur Oak Avenue and Markham Road.

Previous proposal for commercial development with future residential uses

The previous landowner, Villarmark Inc. submitted an application to amend the zoning in 2007 to facilitate the construction of a mixed use centre including commercial, retail, office and residential uses on the subject land. A Preliminary Report went to Development Services Committee (DSC) on March 18th, 2008, however the application never advanced to a statutory Public Meeting before the application was revised in 2012. In 2012, Villarmark Inc. submitted revised zoning by-law amendment and new draft plan of subdivision and site plan applications (ZA/SU/SC 12134590) to permit mainly large format commercial and retail uses, a movie theatre, office uses and a future 10-storey residential apartment building. Anderson Avenue, which is located east of Markham Road, between Bur Oak Avenue and Castlemore Avenue, was proposed to be extended to Major Mackenzie Drive through the subject land and was to be conveyed to the City as part of the plan of subdivision application. The current landowner is now proposing phased residential development.

Ontario Municipal Board (OMB) appeals

A staff Memorandum dated May 22nd, 2012 provided an update to DSC on the revised and new development applications. The statutory Public Meeting was held on June 19th, 2012. In October 2012, Villarmark Inc. appealed the zoning by-law amendment, draft plan of subdivision and site plan applications to the OMB for non-decision. No further progress was made on those applications following the OMB appeals. Villarmark Inc. has since sold the subject land to 2585231 Ontario Inc., the current landowner.

In processing these current applications, staff have taken the position that given the difference between the current proposal which is the subject of this report, and the applications previously filed by Villarmark Inc., the current applications constitute new applications, and have been treated as such.

Official Plan and need for a Secondary Plan

The subject land is located within the Markham Road-Mount Joy Corridor ("Markham Road Corridor") in the City's 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018) (the "2014 Official Plan"). The 2014 Official Plan requires a new Secondary Plan for the Markham Road Corridor. The Markham Road Secondary Plan (the "Secondary Plan") will incorporate a land use planning study, transportation study and municipal servicing study which ultimately will inform opportunities and constraints facing development along the Markham Road Corridor. One of the main components of the Secondary Plan's land use planning study is to determine if, and by how much to increase the population and employment density, as well as to evaluate if, and which additional services and amenities are needed to support that density. A further component of the Markham Road Corridor Secondary Plan will involve examining whether the area warrants from a transportation planning perspective a future GO Station at Major Mackenzie Drive and the Stouffville Rail Corridor to support anticipated increases in population and employment along the Markham Road Corridor. The applicant proposes advancing Phase 1 of development before the Markham Road Corridor Secondary Plan is established. The applicant agrees that any development beyond Phase 1 will not advance until, at a minimum, the draft vision for the Secondary Plan has been endorsed by Council and Staff are of the opinion that it is appropriate to advance any future phases.

The subject land is shown as "Mixed Use Mid Rise" and "Greenway" in the 2014 Official Plan, which shall be used as a general guide for proposed development on the subject land. Until a new Secondary Plan is approved, the policies of the Official Plan (Revised 1987), as amended, shall apply.

The Official Plan (Revised 1987), as amended, designates the subject land "Major Commercial Area" which contemplates a diverse range of retail, service, commercial, community, institutional and recreational uses. The "Major Commercial Area" designation also provides for medium and high density residential uses subject to a rezoning application and site-specific development application. The applicant is proposing medium density residential development for Phase 1 of development which will conform to the Official Plan (Revised 1987), as amended.

Zoning

The subject land is zoned "Select Industrial and Warehousing (M.I.)" in Zoning By-law 88-76, as amended, which permits a range of industrial uses (Figure 2). Phase 1 of the proposed development will be zoned to permit the proposed residential uses and implement site-specific development standards. The Phase 2 lands will not be zoned until the applicant and staff are in a position to proceed with that phase of development.

Proposed phased development

Phase 1

Phase 1 of development is proposed to be comprised of residential development, a public park, an east/west public road which will connect to Markham Road and serve as a primary access for the proposed development, and a portion of the Anderson Avenue extension which will run north/south and connect to Major Mackenzie Drive. Multi-use pathways and on-street parking are proposed along the Anderson Avenue extension and a multi-use pathway is proposed along the north side of the east/west road connection to Markham Road. The existing water channel at the south-west corner of the subject land will also be conveyed to the City as part of Phase 1 (Figure 5).

The residential development (Blocks 1 and 2) is proposed to be comprised of townhouses and stacked townhouses as well as mid-rise buildings up to a maximum of eight (8) storeys. There will be approximately 154 townhouses including stacked townhouses. The total number of apartment units and townhouses will be finalized as part of the site plan application. The applicant will also be developing the townhouse portion of the development first (Phase 1A) and will develop the mid-rise buildings which will have frontage on Major Mackenzie Drive (Phase 1B) at a later date. There will be private amenity space along the length of the rail corridor on the subject land located within the required 30 metre setback to the rail corridor (Figure 6).

Phase 2

Phase 2 of development is proposed to be comprised of future residential development (Blocks 3 and 4), an open space block (Block 5) and another portion of the Anderson Avenue extension (Block 8). Phase 2 development will be dependent on the outcome of the Markham Road Corridor Secondary Plan, which will direct the density, changes or additions to the local road network, as well as analyze the public park and community amenity space required. As a result, the applicant will only register the Phase 1 blocks while Phase 2 of the draft plan of subdivision will be registered at a later date (Figure 5).

Public Input

The statutory Public Meeting respecting the current Zoning By-law Amendment and Draft Plan of Subdivision applications was held on March 26th, 2019, and there were no residents who spoke to the item at the statutory Public Meeting. One (1) written submission was received from a resident who lives on the east side of the rail corridor. It is Staff's opinion that the traffic generated from the proposed development will unlikely infiltrate the resident's neighbourhood as the existing rail corridor acts as a barrier for vehicular traffic.

OPTIONS/ DISCUSSION:

Proposal to rezone Phase 1 of the subject land

The proposed amendment to the zoning by-law will rezone only the Phase 1 land from "Select Industrial and Warehousing" in Zoning By-law 88-76, as amended to "Residential Two (R2)" and "Residential Four (R4)" zone categories. This zoning amendment will include site-specific development standards to permit the proposed townhouses and stacked townhouses with a maximum height of three (3) storeys, and the proposed mid-rise buildings with a maximum height of eight (8) storeys (Appendix 'A').

The proposed public park (Block 7) and water channel open space block (Block 6) will be zoned in the appropriate "Open Space Two (OS2)"zone category. The Regional Municipality of York (the "Region") has identified that additional lands may be required for the embankments to provide for the road over rail grade separation to accommodate the additional height for the electrification of the rail corridor. As a result, in the absence of a detailed design for an overpass over the existing rail corridor, the Region is requesting that a Hold (H)) provision be placed on Block 2 until a detailed design demonstrates that these lands do not preclude the overpass of the rail corridor (Appendix 'A').

Proposed draft plan of subdivision

Development blocks

Blocks 1 and 2 will be approximately 4.42 hectares (10.9 acres) and will be developed as part of Phase 1 (Figure 4). Townhouses and stacked townhouses are proposed for Block 1 (Phase 1A) and eight (8) storey mid-rise buildings are proposed for Block 2 (Phase 1B). Development for Blocks 3 and 4 (Phase 2) which are a total of 5.4 hectares (13.3 acres) will be proposed following at a minimum, Development Services Committee (DSC) endorsement of a draft vision for the Secondary Plan. It should be noted that development of Block 3 will not proceed until the existing contamination located in the general area of Blocks 4, 5 and 8 is remediated to the satisfaction of the City Solicitor and Director of Engineering and Block 8, the portion of Anderson Avenue located in Phase 2 is built (Appendix 'B'). A 0.3 metre reserve will also be placed along the perimeter of Block 3 (Figure 4).

Park block

A 0.41 hectare (1 acre) park (Block 7) is proposed (Figure 4). The applicant initially proposed the park block at the south end of the subject land, however, further to consultation with City staff the park block has been relocated and reconfigured to a more appropriate central location. An approximate 0.5 hectare (1.2 acre) park will be required for the 154 townhouses and stacked townhouses proposed for Block 1 (still to be finalized at the site plan application stage). Additional parkland will be required for the remainder of the Phase 1 development, namely the proposed mid-rise buildings and the remaining townhouses. A combination of physical parkland and cash-in-lieu of parkland will be provided for Phase 1. Parkland for Phase 2 will be determined at a future date when this phase proceeds.

Public road blocks

Street 'A' and Block 8 comprise the extension of Anderson Avenue to Major Mackenzie Drive on the subject land (Figure 4). Street 'A' will be constructed as part of Phase 1 and Block 8 will be constructed as part of Phase 2. It should be noted that Phase 2 development (Blocks 3 and 4) will not be allowed until Block 8 is constructed and the existing contamination is remediated. Street 'B' will be connect to Markham Road and will be constructed as part of Phase 1. The Owner is required to provide a functional design of Streets 'A' and 'B' to the satisfaction of the Director of Engineering, prior to registration of the subdivision. The intersection alignment and traffic signal design of Street 'B' and Markham Road still needs to be reviewed and finalized (Appendix 'B').

Open space blocks

There are two (2) open space blocks proposed (Blocks 5 and 6) which in total are approximately 1.27 hectares (3.13 acres) (Figure 4). The existing water channel is located within Block 6 which will be conveyed to the City. The landowner obtained approval from both the TRCA and the City to restore the valleylands around the channel as there was a previous TRCA violation against the previous landowner. Those restoration works have been completed. The City will determine as part of the future Phase 2 development if it is appropriate to take Block 5 as parkland dedication. The applicant has demonstrated to the satisfaction of the TRCA and the City that the natural feature (the water channel), hazard and associated buffer lands have been appropriately located in Block 6.

York Region

The Region requested a Hold (H) provision be placed on Block 2 until they have completed the design and/or are satisfied about the potential alignments and land requirements for the Major Mackenzie Drive overpass of the Stouffville Rail Corridor. The Region also requires a road widening along the subject land frontage on Major Mackenzie Drive to provide minimum 22.5 metre from the centerline of Major Mackenzie Drive and any lands required for additional turn lanes at the intersections. A 10 metre by 10 metre daylight triangle at the intersection of Major Mackenzie Drive and Street 'A' is also required. A 0.3 metre reserve will also be placed along the Major Mackenzie Drive frontage. The Owner is required to provide a clearance letter from the Region advising that all of their conditions have been satisfied, prior to registration of the draft plan of subdivision (Appendix 'B').

Toronto and Region Conservation Authority (TRCA)

The Owner still has to address outstanding TRCA comments and provide a clearance letter from the TRCA prior to registration of the draft plan of subdivision. The TRCA has requested that the applicant explore the opportunity to expand the stream corridor within Block 6 because Street 'B' curves slightly northwards. In addition, encroachment into the channel block is proposed for infrastructure works (eg. Street 'B' sidewalk, stormwater management outfalls and associated channels). As a result, the applicant should explore compensation opportunities within the open space block (Block 5). Compensation could take the form of a planting plan which builds upon vegetation already approved/ established within the channel block (Block 6). The applicant is still required to provide detailed engineering reports, a water balance assessment, erosion and

sediment control plan, detailed planting and restoration plans for both Blocks 5 and 6 (Appendix 'B').

Transportation comments

The applicant is initiating a Municipal Class Environmental Assessment (EA) for the extension and improvement of Anderson Avenue. The Class EA Study will inform the alignment of Anderson Avenue through the south Phase 2 land (and continuing to Castlemore Avenue). The applicant is required to complete the Class EA Study and make any necessary revisions to the draft plan prior to development approvals for the Phase 2 lands. A Functional Design Study is required for both Streets 'A' and 'B' to the satisfaction of the Director of Engineering prior to registration of the Phase 1 lands. The Functional Design Study should amongst other things demonstrate lane transitions between mid-block and intersections, storage and taper requirements at the intersections, traffic controls at the intersections, turning radii, sidewalks and multi-use pathways, active transportation links and parking bay locations. The alignment of Street 'B' with the private driveway for the proposed residential and mixed use development on the west side of Markham Road also needs to be finalized. The applicant is required to address all transportation comments to the satisfaction of the Director of Engineering (Appendix 'B').

Parking

The applicant is requesting a parking reduction for visitors parking. The applicant is proposing a visitors parking rate of 0.2 spaces per unit, whereas, 0.25 spaces per unit is required. The applicant is also proposing 1 resident parking space per stacked townhouse instead of the required 1.25 spaces per dwelling unit. The applicant will be providing the required 2 residents parking spaces per townhouse dwelling. Staff have reviewed the proposed parking reduction and are generally satisfied with the parking justification as the proposed parking rates will help encourage the use of public transit. The reduced parking rates have been reflected in the attached zoning by-law amendment (Appendix 'A').

Site plan application

The applicant has submitted a site plan application for Phase 1A. The site plan application is still under review and a future comprehensive revised submission is required. Some of the site plan matters staff asked the applicant to consider include lot and unit configuration, building elevations, provision of sufficient space for tree planting, design of the private amenity space within the Metrolinx setback along the rail corridor, landscaping, provision and distribution of visitors parking spaces, interface with the proposed park and Phase 1B, and incorporating age friendly components in the design of the townhouses. Notwithstanding that the applicant has provided a conceptual site plan, detailed site plan comments will be provided when Staff have the opportunity to review and comment on the revised site plan submission. Site Plan approval is required prior to any construction of Phase 1A and 1B.

Public art and Section 37 contribution

The applicant is required to provide a Public Art contribution in accordance with the City's public art policies and Section 37 of the Planning Act. The public art contribution has been identified in the Zoning By-law Amendment (Appendix 'A') and is collected prior to execution of a site plan agreement. Any applicable Section 37 for the proposed mid-rise buildings will be determined at that site plan application stage.

Permission to apply for minor variances within two (2) years of by-law enactment The applicant has requested that Council grant exemption from subsection 45(1.4) of the Planning Act, which will permit applications for minor variances within two (2) years of the enactment of the amending by-law attached as Appendix 'A'. Staff have no objection to this request as Staff are still working with the applicant on improving the conceptual site plan which has not yet been finalized. Staff will have the opportunity to review the appropriateness of any requested minor variances should any such applications be made in the future. The provision will be included in the Resolution of Council.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The applications align with the City's strategic priority of providing a safe and sustainable community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various departments and external agencies and their conditions and comments have been incorporated into the Zoning By-law Amendment as well as Draft Plan Conditions.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P. Director, Planning & Urban Design

Arvin Prasad, M.C.I.P., R.P.P. Commissioner, Development Services Page 9

Meeting Date: December 9th, 2019

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Area Context/ Zoning

Figure 3: Air Photo

Figure 4: Proposed Draft of Subdivision

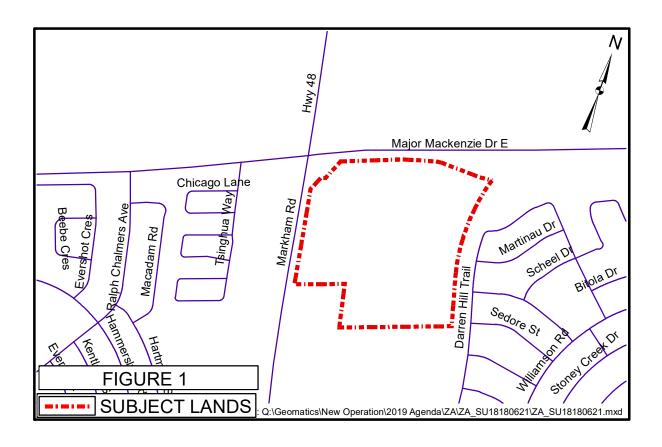
Figure 5: Proposed Phasing Plan

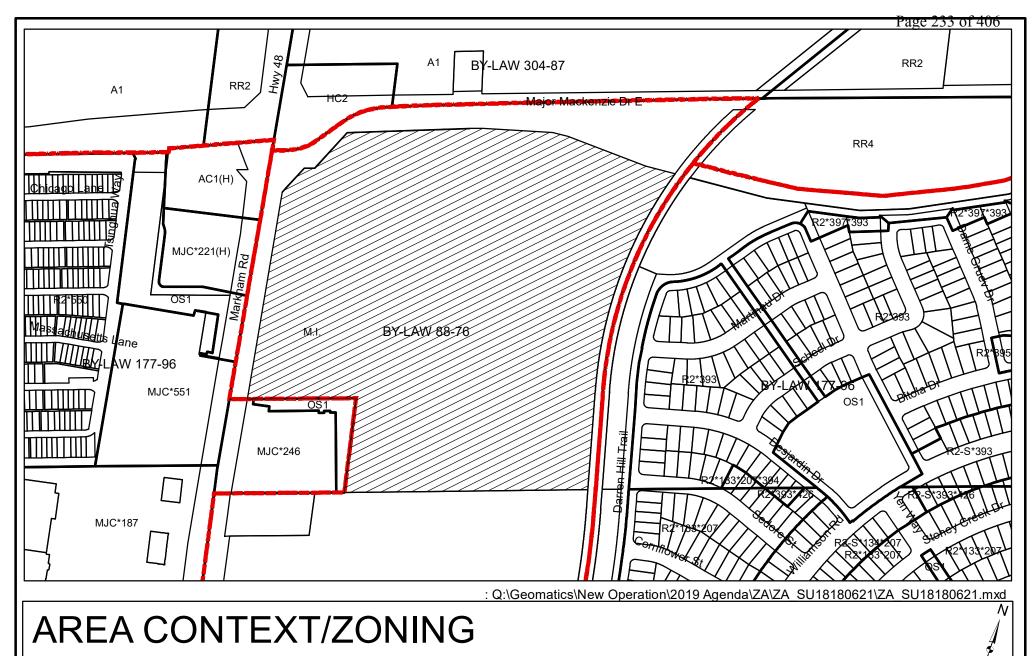
Figure 6: Proposed Conceptual Site Plan

Appendix 'A': Proposed Zoning By-law Amendment

Appendix 'B': Draft Plan Conditions

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APPLICANT: 2585231 ONTARIO INC. 9999 MARKHAM RD.

FILE No: ZA_SU18180621(SM)

MARKHAM DEVELOPMENT SERVICES COMMISSION

SUBJECT LANDS

DATE:11/21/19



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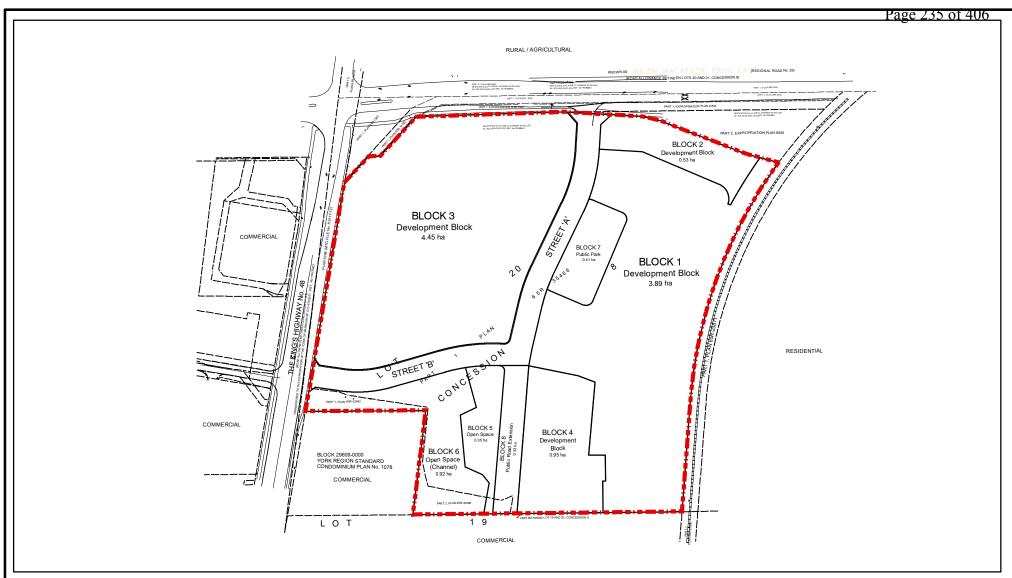
APPLICANT: 2585231 ONTARIO INC. 9999 MARKHAM RD.

FILE No: ZA_SU18180621(SM)

MARKHAM DEVELOPMENT SERVICES COMMISSION



DATE:11/21/19



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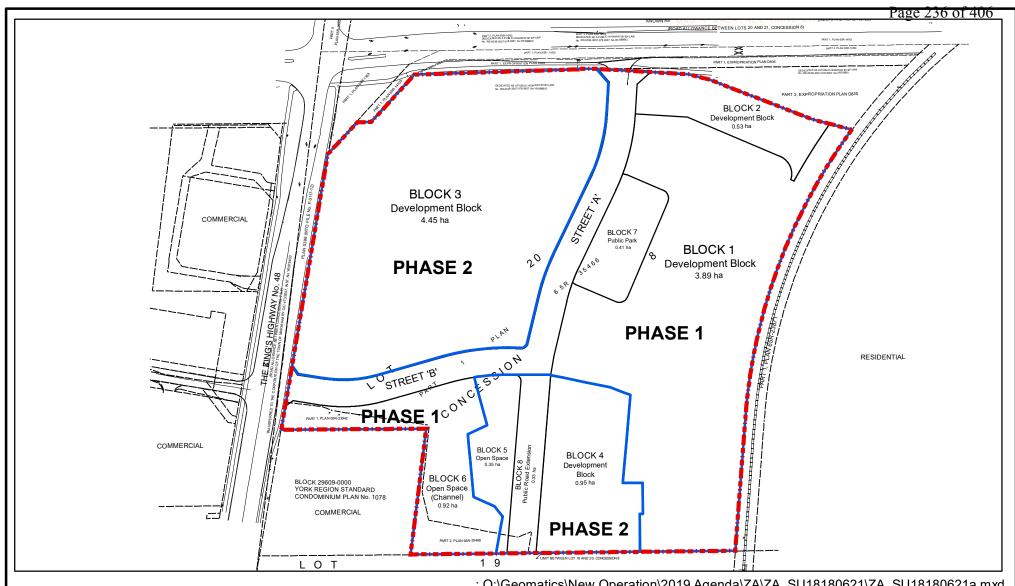
DRAFT PLAN OF SUBDIVISION

APPLICANT: 2585231 ONTARIO INC. 9999 MARKHAM RD.

SUBJECT LANDS

FILE No: ZA_SU18180621(SM)

DATE:11/21/19



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PROPOSED PHASING PLAN

APPLICANT: 2585231 ONTARIO INC. 9999 MARKHAM RD.

FILE No: ZA_SU18180621(SM)

SUBJECT LANDS

DATE:11/21/19



CONCEPTUAL CONCEPT PLAN

APPLICANT: 2585231 ONTARIO INC.

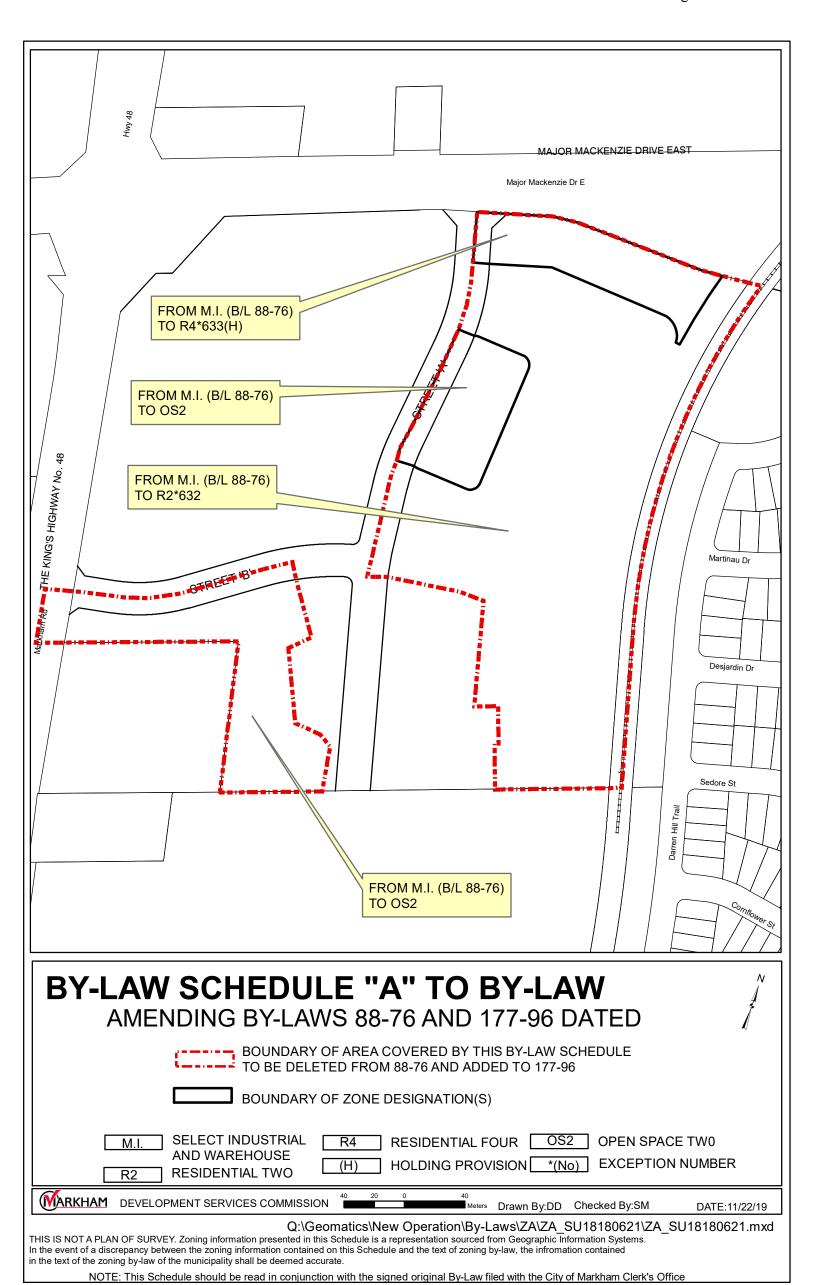
9999 MARKHAM RD.

FILE No: ZA_SU18180621(SM)

MARKHAM DEVELOPMENT SERVICES COMMISSION

SUBJECT LANDS

DATE:11/21/19



DRAFT PLAN CONDITIONS

THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-18007
2585231 ONTARIO INC.
ARE AS FOLLOWS:

1. General

- 1.1 Approval shall relate to a draft plan of Subdivision prepared by Evans Planning with the Surveyors Certificate from Rady-Pentek & Edward Surveying Inc. dated September 19th, 2019, and incorporate the following redline revisions:
 - Any redline revisions required to address comments from the City and external agencies.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on XXXX, 2022, unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, any amendments (if applicable) to the City's new 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018), as amended, and Zoning By-law 177-96, as amended to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.
- Prior to the release for registration of the Draft Plan of Subdivision (19TM-18007), the Owner shall prepare and submit to the satisfaction of the City of Markham, all technical reports, studies and drawings, including but not limited to, transportation impact assessment studies, functional traffic design studies, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, servicing and infrastructure phasing plan, etc., to support

- the Draft Plan of Subdivision. The Owner agrees to revise the Draft Plan of Subdivision as necessary to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.
- 1.7 The Owner shall implement the designs and recommendations of the accepted technical reports/ studies submitted in support of the Draft Plan of Subdivision, including but not limited to, traffic impact assessment studies, functional traffic design studies, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, to the satisfaction of the City, and at no cost to the City.
 - The Owner agrees to revise the Draft Plan of Subdivision as necessary to incorporate the recommendations, to implement or integrate any recommendations from the above studies and drawings.
- 1.8 Prior to Council approval of any zoning by-law amendment and/or minor variance applications for Block 3 and Block 4, the Owner covenants and agrees to undertake and complete the Class EA study for the extension of Anderson Avenue from the proposed Street "B" to Castlemore Avenue.
- 1.9 Prior to approval of any development on Block 3 and Block 4, the Owner covenants and agrees to environmentally remediate and convey Block 8 to the City, to the satisfaction of the Director of Engineering and the City Solicitor, free of all costs and encumbrances.
- 1.10 The Owner shall design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, watermains, sewers, light standards, utilities, stormwater management facilities and roads to the satisfaction of, and at no cost to the City.
- 1.11 The Owner shall agree in the Subdivision Agreement to pay to the City, all required fees in accordance with the City's Fee By-law 211-83, as amended by Council from time to time.
- 1.12 The Owner shall agree in the Subdivision Agreement or Pre-Servicing Agreement, whichever comes first, to submit financial securities for each phase of the Draft Plan of Subdivision as required by the City of Markham, prior to construction of municipal infrastructure as required to service that phase of development.
- 1.13 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the Draft Plan of Subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.

- 1.14 Prior to final approval of the draft plan, the Owner acknowledges and agrees to obtain required approval from the Region of York, Toronto and Region Conservation Authority (TRCA), Ministry of Transportation (MTO), Metrolinx and any other applicable public agencies.
- 1.15 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.
- 1.16 The Owner shall covenant and agree in the Subdivision Agreement to include in the building permit application all mitigation recommendations from the geotechnical consultant to waterproof basements, which are below the ground water to the satisfaction of the Chief Building Official on a lot specific basis. The Owner shall further covenant and agree that the acceptance of these measures will be subject to approval from the Chief Building Official.
- 1.17 The Owner shall covenant and agree in the Subdivision Agreement that development/ development applications for Blocks 3,4,5 and 8 (Phase 2) will not proceed prior to a draft vision (at minimum) of the Markham Road Corridor Secondary Plan being endorsed by Development Services Committee (DSC)

2. Community Design

- 2.1 The Owner shall retain and design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement for Development Block 1.
- 2.2 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.
- 2.3 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural guidelines.
- 2.4 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

3. Parks and Open Space

- 3.1 The Owner and City covenant and agree that parkland dedication within this plan is required at a rate specified in the City's Parkland Dedication By-law 195-90, as amended.
- 3.2 The Owner covenants and agrees to convey Block 6 as open space to the City, free of all costs and encumbrances, to the satisfaction of the Director of Planning and Urban Design, upon registration of Phase 1 of the plan of subdivision.
- 3.3 The Owner covenants and agrees to convey Block 5 to the City, free of all costs and encumbrances, to the satisfaction of the Director of Planning and Urban Design, as part of the Phase 2 development and the use of Block 5 will be determined at that time.
- 3.4 The Owner covenants and agrees to convey Block 7 as a public park to the City, free of all costs and encumbrances to the satisfaction of the Director of Planning and Urban Design, upon registration of Phase 1 of the plan of subdivision.
- 3.5 The Owner acknowledges and agrees that conveyance of Block 7 will satisfy a portion of the parkland requirement for Blocks 1 and 2 of this development and that any parkland under dedication will be reconciled through the payment of cash-in-lieu of parkland at the time of execution of the subdivision agreement.
- 3.6 The Owner acknowledges and agrees that additional parkland dedication will be required for Blocks 3 and 4 at the time of execution of the subdivision agreement for Blocks 3 and 4 or at the time of registration of Blocks 3 and 4 or as part of any future development application for Blocks 3 and 4. The size and configuration of the park block(s) will also be determined at that time.
- 3.7 The City of Markham reserves the right to require land dedication or payment of cashin-lieu of parkland or request a combination of approaches as specified in Parkland Dedication 195-90, as amended.
- 3.8 The Owner shall post approved copies of the Open Space Plans for Blocks 5 and 6 and Conceptual Park Development Master Plans for the park in all sales offices for dwelling units within the draft plan of subdivision.

4. <u>Landscape Works</u>

- 4.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans, to the satisfaction of the Director of Urban Design, and which includes:
 - a) Street tree planting in accordance with the City of Markham Streetscape Manual, dated June 2009;

- b) Streetscape plans including street trees for Street 'A', Street 'B', Markham Road, Major Mackezie Drive and other public streets;
- c) A specialized depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees in accordance with the City of Markham Streetscape Manual dated June 2009;
- d) Fencing as required;
- e) A landscape plan for open space Blocks 5 and 6;
- f) A landscape plan for the metro link landscape buffer;
- g) Any other landscaping as determined by the approved Tree Inventory and Preservation Plan and the Environmental Master Drainage Plan;
- 4.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 4.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.1.
- 4.4 The Owner shall include in all agreements of purchase and sale the following clause:

"PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS TO MEET 4.1 A)
- FENCING AS REQUIRED BY THE CITY FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES

• DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE."

5. <u>Tree Inventory and Tree Preservation Plans</u>

- 5.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.
- 5.2 The Owner shall submit for approval a tree inventory and tree preservation plan showing the trees to be preserved prior to issuance of "Top Soil Stripping Permit, Site Alteration Plan or Pre-Servicing Agreement" to the satisfaction of the Director of Planning and Urban Design.
- 5.3 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit, Site Alteration Plan or Pre-Servicing Agreement to the satisfaction of the Director of Planning and Urban Design. The Owner shall obtain written approval from the Director of Planning and Urban Design prior to removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 5.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
 - a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

6. Financial

6.1 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design,

to ensure compliance with applicable tree preservation, fencing, streetscape, buffer, landscaping and other landscaping requirements.

7. <u>Noise Impact Study</u>

- 7.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic and by any other identified noise sources, to the satisfaction of the City, in consultation with the Region of York and Metrolinx. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.
- 7.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the City (Commissioner of Development Services), in consultation with the Region of York and Metrolinx.

8. Municipal Services

- 8.1 The Owner shall covenant and agree to design and construct all municipal services in accordance with City standards and specifications.
- 8.2 Prior to release for registration of the Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City that two (2) independent water supply points to provide for adequate redundancy and looping for domestic and fire protection purposes will be provided.
- 8.3 The Owner shall agree in the Subdivision Agreement to not apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers and storm drainage facilities are available to service the proposed development.
- 8.4 The Owner shall covenant and agree in the Subdivision Agreement to revise and/or update the accepted functional servicing and stormwater management reports, if directed by the City in the event that the Director of Engineering determines that field conditions are not suitable for implementation of the servicing and stormwater strategy recommended in the previously accepted functional servicing and stormwater management reports.

9. Lands to be Conveyed to the City/ Easements

9.1 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. The Owner shall also provide for any easements and works external to the Draft Plan of Subdivision necessary to connect watermains, storm and

- sanitary sewers to outfall trunks and stormwater management facilities to the satisfaction of the City.
- 9.2 The Owner shall convey 0.3m reserves along the west edge of Street 'A' and north edge of Street 'B' (Block 9) and north ends of Blocks 5 and 8 (Block 10) to the City, free of all costs and encumbrances, upon registration of the Draft Plan of Subdivision.
- 9.3 The Owner shall convey Block 6 to the City, free of all costs and encumbrances, to the satisfaction of the City, upon registration of the Draft Plan of Subdivision.
- 9.4 The Owner acknowledges that Block 6 constitutes a portion of the Exhibition Creek Valley (the "Channel") located within the Owner's lands and the remaining portion is located on the adjacent lands with municipal address 9899-9909 Markham Road. The Owner covenants and agrees that prior to registration of the Draft Plan of Subdivision, to make arrangements with the Owner of the adjacent lands to convey easements over the portion of the channel on the adjacent lands, free of all costs and encumbrances, to the City.

10. <u>Utilities</u>

- 10.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City and authorized agencies.
- 10.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Alectra (formerly PowerStream), Enbridge, telecommunications companies, etc.
- 10.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 10.4 The Owner acknowledges that Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. The Owner agrees that should it propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the Owner, and be subject to approval by the City in consultation with Canada Post.
- 10.5 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within

the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

11. Transportation Impact Study/Internal Functional Traffic Design Study

- 11.1 The Owner acknowledges and agrees that prior to registration, to provide a functional design of Street 'B' (the east-west collector road from Markham Road to Street 'A') and Street 'A' (from Major Mackenzie Drive East to Street 'B'), to the satisfaction of the Director of Engineering. Further, the Owner acknowledges and agrees to revise the draft plan of subdivision to incorporate the functional design of Streets 'A' and 'B' as accepted by the Director of Engineering.
- 11.2 The Owner acknowledges and agrees to provide daylight triangles in accordance with the City's Engineering standards for the Markham Road/ Street 'B' and Street 'A / Street 'B' intersections. A 10 metre x 10 metre daylight triangle is required for collector-to-collector road intersections.
- 11.3 The Owner covenants and agrees that a traffic signal design be prepared for the Markham Road/ Street 'B' intersection to the satisfaction of the Director of Engineering and that the financing for the traffic signal implementation be secured. Further, the Owner covenants and agrees that the traffic signal control at the Markham Road/ Street 'B' intersection will be complete and operation upon Street 'B' connecting to Markham Road.
- 11.4 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Director of Engineering, to implement or integrate any amendments or recommendations from the ongoing Transportation Impact Assessment Study, Functional Traffic Design Study and the Anderson Avenue Class EA Study.

12. Development Charges

- 12.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.
- 12.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

13. Environmental Clearance

- 13.1 The Owner covenants and agrees to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and file Records of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The "Qualified Person" shall be defined as the person who meets the qualifications prescribed by the *Environmental Protection Act* and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City's Environmental Policy and Procedures for Conveyance of Land to the City pursuant to the Planning Act.
- 13.2 Prior to the earlier of any construction, including site alteration, the execution of a pre-servicing agreement or Subdivision Agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations and all applicable standards for all lands to be conveyed to the City for peer review and concurrence.
- 13.3 Prior to the earlier of any construction including site alteration, the execution of a pre-servicing agreement or Subdivision Agreement of a phase within the Draft Plan of Subdivision, the Owner agrees to submit environmental clearance(s) and Reliance Letter(s) from a Qualified Person to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the City of Markham. The Environmental Clearance and Reliance Letter will be completed in accordance with the City's standards and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Clearance and Reliance letter, except as and where indicated in the template.
- 13.4 The Owner covenants and agrees that if, during construction of a phase within the Draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the *Environmental Protection Act* and its regulations, to the satisfaction of the City of Markham and the Ministry of the Environment, Conservation and Parks.
- 13.5 The Owner agrees to assume full responsibility for the environmental condition of the Lands comprising the Draft Plan of Subdivision. The Owner shall further agree in the Subdivision Agreement to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from any and all actions, causes of action, suits, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure, or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands comprising the

Draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the Lands comprising the Draft Plan of Subdivision and the execution of this Agreement.

14. Heritage

- 14.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owner shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan in proximity to the heritage resource prior to the issuance of a letter from the Ministry of Culture (Heritage Branch) to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 14.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture.

15. Well Monitoring Program and Mitigation Plan

Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 metres of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring Program and Mitigation Plan, in accordance with the City's requirements to the satisfaction of the Director of Engineering.

16. Other City Requirements

- 16.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 16.2 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and two remote accesses for firefighting equipment is available.
- 16.3 The Owner shall acknowledge and agree that the adequacy and reliability of water supplies for firefighting purposes are subject to review and approval of the Fire Chief or his designate.

- 16.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
 - the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
 - the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
 - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- 16.5 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder or their real estate agents:

Park, by type, including Park and Open Space Concept Plans and Streetscape Plans; stormwater management ponds and related facilities; schools by type; place of worship sites; other institutional site by type; commercial site by type; other surrounding land uses and facilities as specified by the City; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and stops; City approved sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.

All display plans shall be reviewed and approved at the sales office by City staff, prior to the opening of the sales office.

- The Owner covenants and agrees to purchase from the City two (2) recycling containers, one (1) green bin and one (1) kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing.
- 16.7 The Owner covenants and agrees to contact the City at least four (4) weeks prior to unit occupancy to arrange an appointment time in which the recycling containers, green bins, kitchen collectors and educational materials are to be collected by the Owner.
- 16.8 The Owner covenants and agrees to pay to the City the cost for recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to purchasers at the same cost as paid to the City.

16.9 The Owner covenants and agrees that during the construction phase of the development, unobstructed roadway access to a width no less than 6 metres will be provided for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.

17. Region of York

Clauses/Conditions to be included in the Subdivision Agreement

- 17.1 The Owner shall save harmless York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- 17.2 The Owner shall agree in wording satisfactory to Development Engineering, that no direct private access is permitted onto Major Mackenzie Drive. All accesses shall be provided through local roads.
- 17.3 The Owner shall agree in wording satisfactory to Development Engineering, to provide direct shared pedestrian/cycling facilities and connections from the proposed development to Major Mackenzie Drive and surrounding Collector & Local Roads to support active transportation and public transit, where appropriate. A drawing shall be provided to illustrate the layout of active transportation facilities within the proposed development and connections to the Regional roads, to the satisfaction of the Region.
- 17.4 The Owner shall agree in wording satisfactory to Development Engineering, to implement the recommendations provided in the Transportation Study, to the satisfaction of the Region.
- 17.5 The Owner agrees that a Holding Provision shall be placed on Block 2 until the Region has completed the design and is satisfied the vertical and horizontal design is approved or until the Region has sufficient certainty regarding the potential alignment(s) and land requirements for the Major Mackenzie Drive overpass of the Stouffville Rail Corridor, or in the likelihood of its ultimate approval and construction.
- 17.6 The Owner shall agree in wording satisfactory to Development Engineering, to provide notice in the subsequent Purchase Agreements, Tenant Lease Agreement, Site Plan Agreements, Condominium Agreements, and Declaration of Condominium Agreements, of the future grade separation proposed on Major Mackenzie Drive at the rail corridor crossing:

- "THE OWNER ACKNOWLEDGES AND AGREES THAT THE REGION IS PROTECTING FOR A GRADE SEPARATION AT THE MAJOR MACKENZIE DRIVE AND THE RAIL CROSSING."
- 17.7 The Owner shall agree in wording satisfactory to Development Engineering, to provide notice in the subsequent Purchase Agreements, Tenant Lease Agreement, Site Plan Agreements, Condominium Agreements, and Declaration of Condominium Agreements, of the future extension of the Anderson Road Extension from Castlemore Avenue to Street "A" and Street "B" to connect to Major Mackenzie Drive. The Owner and Purchasers will be required in the subsequent Purchase Agreements, Tenant Lease Agreements, Site Plan Agreement, Condominium Agreements and Declaration of Condominium Agreement to acknowledge the planned public road connection to/from the south.
 - "THE OWNER ACKNOWLEDGES AND AGREES THAT ANDERSON AVENUE IN THE SOUTH WILL EXTEND NORTHERLY TO STREET "A" AND STREET "B" TO CONNECT TO MAJOR MACKENZIE DRIVE."
- 17.8 The Owner shall agree in wording satisfactory to Development Engineering, to implement all recommendations provided in the revised Transportation Study, including Transportation Demand Management, to the satisfaction of the Region.
- 17.9 The Owner shall agree in wording satisfactory to Development Engineering, that site plan application approvals from the Region are required to be in place prior the commencement of any site alteration or construction works for Blocks 1, 2 & 3.
- 17.10 The Owner shall agree in wording satisfactory to Development Engineering, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
- 17.11 The Owner shall agree in wording satisfactory to Development Engineering, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- 17.12 The following warning clause shall be included in a registered with respect to the lots or blocks affected:
 - "Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants."
- 17.13 Where noise attenuation features will abut a York Region right-of-way, the Owner

shall agree in wording satisfactory to York Region's Development Engineering, as follows:

- a) That no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
- b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence; and
- c) That maintenance of the noise barriers and fences bordering on York Region right-of-way shall not be the responsibility of York Region.
- 17.14 The Owner shall agree in wording satisfactory to Development Engineering, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 17.15 The Owner shall agree in wording satisfactory to Development Engineering, that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

Conditions to be Satisfied Prior to Final Approval

- 17.16 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 17.17 The Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City of Markham:
 - a) A copy of the Council resolution confirming that the City of Markham has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this draft plan, or any phase thereof, and
 - b) A copy of an email confirmation by City of Markham staff stating that the allocation to the subject development remains valid at the time of the request for Regional clearance of this condition.
- 17.18 The Owner shall design, install and commission the proposed direct connection to

- the Region's 600mm diameter watermain on Major Mackenzie Drive to the satisfaction of the Region.
- 17.19 The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services Division and the Infrastructure Asset Management Branch for record.
- 17.20 Should the proposed major development include bulk fuel (≥ 2500L) or bulk chemicals (≥ 500L) within the HVA, a Contaminant Management Plan (CMP) will be required for the Region's Water Resources Branch for review and approval. If a CMP is not required, a letter prepared by a qualified professional will be required in its place stating that the above noted activities will not be occurring.
- 17.21 The Owner shall provide a revised Transportation Study to the satisfaction of the Region.
- 17.22 The Owner shall demonstrate that a public road extension is provided to the southern limits of their site.
- 17.23 Concurrent with the submission of the subdivision servicing application (MECP) to the area municipality, the Owner shall provide a set of engineering drawings and reports, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
 - i. Plan and Profile for the York Region road and intersections;
 - ii. Cross Section on York Region right-of-way at 20m interval where the site is abutting;
 - iii. Grading and Servicing Plans;
 - iv. Intersection/Road Improvements, including the recommendations of the Transportation Report;
 - v. Construction Access Design;
 - vi. Utility and underground services Location Plans;
 - vii. Signalization and Illumination Designs;
 - viii. Line Painting;
 - ix. Traffic Control/Management Plans;
 - x. Erosion and Siltation Control Plans;
 - xi. Landscaping Plans, including tree preservation, relocation and removals;
 - xii. Arborist Report;
 - xiii. Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva
 - xiv. Functional Servicing Report;
 - xv. Stormwater Management Report; and

- xvi. Water supply and distribution report and model.
- 17.24 The Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region Right-of-Way. Only those works located in their ultimate location based on the next planning upgrade for this Right-of-Way will be considered eligible for credit, and any work done prior to submission without prior approval will not be eligible for credit.
- 17.25 The Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Engineering drawings (stamped and signed by a professional engineer), and MECP forms together with any supporting information shall be submitted to City of Markham.
- 17.26 The location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
- 17.27 The Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 17.28 The Owner shall demonstrate, to the satisfaction of Development Engineering, that the streetline elevations shall maintain a minimum 2% cross slope within the boulevard from the streetline to the top of curb, unless otherwise specified by Development Engineering.
- 17.29 The Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
 - a) All existing woody vegetation within the York Region road right-of-way.
 - b) Tree protection measures to be implemented on and off the York Region road right-of-way to protect right of way vegetation to be preserved.
 - c) Any woody vegetation within the York Region road right-of-way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right-of-way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.
 - d) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:
 - Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the

York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed in the York Region right-of-way by the Owner or the area municipality for aesthetic purposes they must be approved by Development Engineering and shall be maintained by the area municipality with the exception of the usual grass maintenance.

- e) For landscape features not maintained to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
- 17.30 The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
- 17.31 Upon registration, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
 - a) A widening across the full frontage of the site where it abuts Major Mackenzie Drive of sufficient width to provide a minimum of 22.5 metres from the centreline of construction of Major Mackenzie Drive and any lands required for additional turn lanes at the intersections,
 - b) A 10 metre by 10 metre daylight triangles at Street "A" and Major Mackenzie Drive, and
 - c) A 0.3 metre reserve across the full frontage of the site where it abuts Major Mackenzie Drive and adjacent to the above noted widening(s).
- 17.32 The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- 17.33 The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in

general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

- 17.34 The Owner or the Owner's authorized representative shall submit a Statutory Declaration that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.
- 17.35 The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-of-Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

- 17.36 The Owner shall provide a copy of the executed Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
- 17.37 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.
- 17.38 The Regional Corporate Services Department shall advise that Conditions 17.1 to 17.37 inclusive, have been satisfied.

18. Ministry of Natural Resources (MNR)

18.1 The Owner shall agree in the subdivision agreement to satisfy all requirements of the MNR with respect to the endangered species and any potential impacts on the draft plan of subdivision, and to provide written confirmation that it has consulted with MNR in this respect, to the satisfaction of the Commissioner of Development Services.

19. <u>Enbridge Gas Distribution</u>

- 19.1 The Owner covenants and agrees in the subdivision agreement:
 - a) To contact Enbridge Gas Distribution's Customer Connections department by emailing for service and metre installation details and to ensure that all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells and/or soil trenches) and/or asphalt paving.
 - b) If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the Owner.
 - c) In the event that easement(s) are required to serves this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.
 - d) The Owner will grade all road allowances to as final elevation as possible, provide necessary field survey information and all approved municipal road cross-sections, identifying all utility locations prior to the installation of the gas piping.

20. Canada Post

- 20.1 The Owner covenants and agrees that delivery to the proposed mid-rise buildings (Phase 1B) will be via private lock box assembly (LBA). Delivery to the proposed townhouse dwellings will be via centralized mailbox delivery.
- 20.2 The Owner covenants and agrees to contact Canada Post well in advance of the construction start date to discuss a suitable mailroom location. The Owner/ Developer will provide a rear-loading mailroom for any building with more than 100 units.
- 20.3 The Owner covenants and agrees to supply, install and maintain a central mail facility for Canada Post; ensure all mail delivery equipment is installed in a location that is readily accessible to the occupants and Canada Post personnel; and ensure that all mail is accessible by persons with physical disabilities.
- 20.4 The Owner covenants and agrees in the subdivision agreement to comply with the following conditions:
 - a) The Owner/ developer agrees to include on all purchases and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
 - b) The Owner/ developer will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home/ unit sale.
 - c) The Owner/developer will consult with Canada Post to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on the appropriate servicing plans.
 - d) The Owner/ developer will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - i) an appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on;
 - ii) any required walkway across the boulevard; and
 - iii) any required curb depressions for wheelchair access.
- 20.5 The Owner/developer further agrees to determine and provide a suitable temporary Community Mailbox(s) location(s) which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community mailbox locations. This will enable Canada Post to

- provide mail delivery to the new homes as soon as they are occupied.
- 20.6 The Owner/ developer further agrees to provide Canada Post at least 60 days notice prior to the confirmed first occupancy date to allow for the community mailboxes to be ordered and installed at the prepared temporary location.

21. Streetlight Types:

21.1 The Owner shall agree in the Subdivision Agreement to contact the City of Markham prior to commencing the design for Streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.

22. Roads

- 22.1 The Owner covenants and agrees that road allowances within the Draft Plan of Subdivision shall be named to the satisfaction of the City and Regional Municipality of York ("Region").
- 22.2 The Owner shall covenant and agree to design and construct all municipal roads in Accordance with City standards and specification.
- 22.3 The Owner shall covenant and agree in the Subdivision Agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City of Markham. The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the Subdivision Agreement to the satisfaction of the City.

23. Toronto and Region Conservation Authority (TRCA)

- 23.1 That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit, provide and/or attain the approval from the TRCA for:
 - a) A detailed engineering report stamped by a professional engineer that in addition to describing the storm drainage system for the proposed development of the subject lands, includes:
 - i. Location and description of all outlets and other facilities, grading, site alterations or development which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourse Regulation;

- ii. Confirmation that TRCA's stormwater management criteria (including stormwater quantity and quality control) and the criteria requirements for water balance and erosion control have been met or exceeded;
- iii. Preliminary estimates of the required stormwater management facilities required for each block in the subdivision;
- iv. Water balance measures with supporting calculations;
- v. Detail drawings, locations and plans for proposed water balance and LID measures in the appropriate drawings;
- vi. Detailed grading plans and site servicing plans including grading plans for the proposed infrastructure within the channel block as well as potential modifications to the channel to expand the channel if feasible;
- vii. Demonstration that any modifications to the channel block will have no overall adverse impact on the storage and conveyance of floor waters.
- b) A Water Balance Assessment (if not already fully addressed in the engineering report above) outlining the required water balance criteria and how they are to be met or exceed by the proposed mitigation measures which have been deemed appropriate for the site;
- c) A detailed and comprehensive Erosion and Sediment Control Plan and Erosion and Sediment Control Report, which complies with the TRCA's Erosion and Sediment Control Guidelines for Urban Construction (available at www.sustainabletechnologies.ca).
- d) A detailed Planting/Restoration Plan (s) for the channel block (Block 6) which includes proposed species and quantities as well as planting locations to the satisfaction of TRCA and City of Markham staff. The Planting/Restoration Plan(s) should address:
 - i. Areas of disturbance within the channel block for proposed transportation and stormwater infrastructure;
 - ii. The new alignment of Street 'B' and the resultant areas not already vegetated through the Ontario Regulation 166/06 permit for the naturalized channel works.
- e) A detailed Planting/Restoration Plan(s) for the open space block (Block 5) which includes proposed species and quantities as well as planting locations to the satisfaction of the TRCA and City of Markham staff to compensate for the proposed infrastructure (Street 'B' sidewalk and stormwater infrastructure) to be located within the channel.
- 23.2 The applicant provide an updated Flood Plain Map sheet as well as accompanying digital modelling based upon new works within the channel block if required.
- 23.3 The applicant provide confirmation that the natural feature, hazard and associated buffer lands (Block 6) have been placed into an appropriate Open Space zoning category and will be conveyed into public ownership.

- 23.4 The applicant obtain all Ontario Regulation 166/06 (as amended) permits from the TRCA for all works proposed on the subject property for which permits would be required and that sufficient securities are provided for the proposed restoration plantings. Please note permits will be required for channel modifications, the proposed storm outlet(s) and the construction of Street 'B;.
- 23.5 That the draft plan be red-lined revised, if necessary, in order to meet the requirements of TRCA's conditions, or in order to meet current established standards in place at time of Registration of the Plan or any phase thereof.

24. Ministry of Transportation (MTO)

- 24.1 Prior to registration, the Owner must submit to the Ministry of Transportation for review and approval, a copy of the Stormwater Management Report (electronic copy), Site Grading and Servicing Plan(s), addressing the intended treatment of the calculated runoff.
- 24.2 Prior to registration, the Owner must submit to the Ministry of Transportation, for review and approval a copy of the Traffic Impact Study addressing the anticipated traffic volumes and their impact on Highway 48.
- 24.3 Prior to registration, the Owner must submit to the Ministry of Transportation for review and approval a copy of the proposed site and street Lighting Design and Calculations in the isometric format, using AG-32 and Auto-Lux (format acceptable to the MTO).
- 24.4 The location and design of the proposed intersection to Highway 48 must conform to Ministry standards.
- 24.5 The Owner acknowledges that each phase of development will require a separate clearance letter from the Ministry.

25. Metrolinx

- 25.1 The Owner acknowledges the following all to the satisfaction of Metrolinx:
 - a) A 30 metre setback is required for residential development;
 - b) A 2.5 metre safety barrier is to be provided in conjunction with the setback;
 - c) The proponent shall engage a qualified consultant to prepare a noise and vibration study, to be submitted for review;
 - d) The proponent shall submit a drainage report for review. Any proposed alterations to the existing drainage pattern affecting GO Transit's rail Corridor must receive prior concurrence from Metrolinx;

- e) A 1.83 metre high security fence is to be provided along the property line where direct access to the rail corridor is afforded;
- f) A 7 metre vegetation setback, to be measured from the centreline of Metrolinx's outer most track, has been established in association with the planned electrification of the Stouffville Rail Corridor. The proponent shall prepare a Landscape Plan for review. Limited types of vegetation are allowed within this section such as low rise shrubs and/or decorative grasses;
- g) Warning clauses required by Metrolinx shall be inserted into all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way;
- h) The Owner shall enter into an agreement with Metrolinx stipulating how applicable concerns will be addressed. The agreement will include an environmental easement for operational emissions, to be registered on title against all residential dwellings within 300 metre of the rail corridor and in favour of Metrolinx:
- i) It should be noted that any construction activity within or immediately adjacent to the rail corridor must be coordinated with Metrolinx consultant AECOM. Permits and flagging may be required depending on the nature of the proposed work;
- j) Grade separation of Major Mackenzie Drive has been previously contemplated by York Region. Although no timelines have been established as of yet, such a project would have property implications (temporary during construction and on-going with the final alignment) along the site frontage on Major Mackenzie Drive.

26. Alectra Utilities

- 26.1 The Owner or his agent is required to contact Alectra to discuss all aspects of the project. Alectra will require site plan drawings, draft M-plans, legal plans, architectural design drawings, electrical consultant's drawings, number of units/ lots in the subdivision agreement and type of the subdivision/development, square footage of the buildings, the required voltage, amperage and building loads, along with the completed and signed Subdivision Application Information Form (SAIF). Alectra will then use this information to determine the type of available service in the area to supply the proposed development and determine the design fee for the subdivision or development.
- 26.2 The Owner covenants and agrees that all proposed buildings, billboards, signs and other structures associated with the development must maintain minimum clearance to the existing overhead or underground electrical distribution system as specified by the Ontario Electrical Safety Code and the Occupational Health and Safety Act.
- 26.3 The Owner covenants and agrees that if there are any existing components of Alectra's electrical distribution system on the proposed project site, they will have to be relocated by Alectra at the Developer's cost. Any conflicts due to driveway

locations or clearances to the existing overhead or underground distribution system will have to be relocated by Alectra at the Developer's cost.

27. <u>Bell</u>

- 27.1 The Owner covenants and agrees, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
- 27.2 The Owner covenants and agrees to contact Bell Canada during detailed design to confirm the provision of communication/ telecommunication infrastructure needed to service the development.
- 27.3 The Owner covenants and agrees that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/ telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/ telecommunication infrastructure.

28. External Clearances

- 28.1 Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:
 - a) The Ministry of Culture shall advise that condition 14 has been satisfied.
 - b) The Region of York shall advise that condition 17 has been satisfied.
 - c) The Ministry of Natural Resources shall advise that condition 18 has been satisfied.
 - d) Enbridge Gas Distribution shall advise that condition 19 has been satisfied.
 - e) Canada Post shall advise that condition 20 has been satisfied.
 - f) Toronto and Region Conservation Authority shall advise that condition 23 has been satisfied.
 - g) Ministry of Transportation shall advise that condition 24 has been satisfied.
 - h) Metrolinx shall advise that condition 25 has been satisfied.
 - i) Alectra Utilities shall advise that conditions 26 has been satisfied.

j) Bell Canada shall advise that condition 27 has been satisfied.

Dated: Ron Blake, Senior Development Manager

Appendix "A"



BY-LAW 2019-___

A By-law to amend By-law 88-76, as amended (to delete lands from the designated area of By-law 88-76) and to amend By-law 177-96, as amended (to incorporate lands into the designated area of By-law 177-96)

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

- 1. That By-law 88-76, as amended, is hereby further amended as follows:
 - 1.1 By deleting the lands shown on Schedule 'A' attached hereto from the designated area of By-law 88-76, as amended.
- 2. By-law 177-96, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands as shown on Schedule "A" attached hereto.
 - 2.2 By rezoning the lands outlined on Schedule 'A' attached hereto from:

from:

Select Industrial and Warehousing (M.I.) under By-law 88-76

to:

Residential Two * 632 (R2*632) Residential Four *633 (Hold) [R4*633 (H)] and Open Space Two

2.3 By adding the following subsection to Section 7 – EXCEPTIONS

Exception 7.632	2585231 Ontario Inc. 9999 Markham Rd	Parent Zone R2
File ZA 18 180621		Amending By- law 2019-XX

Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the land shown on Schedule "A" attached to this By-law 2019-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.63	32.1 Additional Permitted Uses
The	following additional uses are permitted:
a)	Multiple Dwellings
b)	Accessory Dwelling Units
7.63	32.2 Special Zone Standards
a)	Notwithstanding any further division or partition of the lands subject to this
	Section, all lands zoned with Exceptions *632 shall be deemed to be one lot
	for the purposes of this By-law.
b)	Minimum required exterior side yard – 2.4 m
c)	Minimum required <i>interior side yard</i> – 1.5 m
d)	Minimum required rear yard – 30 m
e)	Minimum required front yard – 5 m
f)	Maximum number of multiple dwelling units - 21
g)	Maximum <i>building height</i> – 14 m
h)	Minimum width of a townhouse unit – 5.4 m
i)	Minimum number of parking spaces – 1 space per multiple dwelling unit
j)	Minimum number of visitors parking spaces - 0.2 per dwelling unit
k)	Minimum separation distance between buildings – 3 m
l)	Notwithstanding k) above, architectural features such as sills, belt courses,
	cornices, eaves, chimney breasts, pilasters, roof overhangs, and balconies
	may project 0.6 metres into the required minimum distance from the main
	wall of a building.
m)	For the purposes of this By-law, the westerly <i>lot line</i> abutting "Street A" on
	"Schedule A" to this by-law shall be deemed to be the front lot line.
n)	One (1) accessory dwelling unit is permitted in a townhouse dwelling
o)	The provisions of Table B2 shall not apply

Exception 7.633	2585231 Ontario Inc. 9999 Markham Rd	Parent Zone R4
File		Amending By-
ZA 18 180621		law 2019-XX
Not with at an aline	a contrather previous of Dylay 177.00 the follow	

Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the land shown on Schedule "A" attached to this By-law 2019-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.633.1 Special Zone Standards

- a) Notwithstanding any further division or partition of the lands subject to this Section, all lands zoned with Exceptions *633 shall be deemed to be one lot for the purposes of this By-law.
- b) Minimum required exterior side yard 3 m
- c) Minimum required *interior side yard* 12.5m
- d) Minimum required rear yard 8.5 m
- e) Notwithstanding d) above, a canopy, roof overhang, or unenclosed roofed structure over a *driveway* or *drive aisle*, may encroach into the required *rear yard*, provided it is no closer than 1 metre from the rear *lot line*.
- f) Minimum required front yard 1.8 m

g)	Minimum setback from a daylight triangle – 0.1 metres
h)	Maximum number of storeys - 8
i)	Minimum number of visitors parking spaces - 0.2 per dwelling unit
j)	For the purposes of this By-law, the lot line abutting Major Mackenzie Drive
	shall be deemed to be the front lot line.
k)	Minimum setback for a <i>private garage</i> or <i>parking garage</i> located completely
	below established grade, or access ramp or driveway leading to an
	underground <i>private garage</i> or <i>parking garage</i> – 0.6 metres

3. SECTION 37 AGREEMENT

A contribution by the Owner to the City for the purpose of public art, in the amount of \$1425.00 per townhouse dwelling unit and multiple dwelling unit, and \$850.00 per apartment dwelling unit, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, shall be required.

Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

4. HOLDING PROVISION

For the purpose of this By-law the Holding Provision (H) is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding Provision (H) for the purposes permitted under this By-law until an amendment to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act. Prior to removing the Holding Provision (H), the following conditions must be met to the satisfaction of the City of Markham:

- a) That the Region of York provides written confirmation that they are satisfied that an updated preliminary detail design prepared either by the applicant or Metrolinx, for the grade separation which takes into consideration the land requirements and embankments needed to accommodate additional height for electrification of the rail corridor is acceptable; or
- b) That the Region of York provides an updated preliminary detail design for the grade separation which takes into consideration the land requirements and embankments needed to accommodate additional height for the electrification of the rail corridor; or
- c) That satisfactory arrangements have been made between the Owner and the Region to protect for any future land requirements for the Major Mackenzie Drive grade separation of the Stouffville Rail Corridor.

5. All other provisions of By-law 177-96, as amended, not consistent with the provisions of this by-law shall continue to apply.

Kimberley Kitteringham
City Clerk

AMANDA File No.: ZA 18 180621



EXPLANATORY NOTE

BY-LAW 2019-	
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A By-law to amend By-laws 88-76 and 177-96, as amended

9999 Markham Road Part of Lot 20, Concession 8 2585231 Ontario Inc.

Lands Affected

The proposed by-law amendment applies to approximately 6.8 hectares (16.8 acres) acres) of land at the south-east corner of Markham Road and Major Mackenzie Drive and municipally known as 9999 Markham Road.

Existing Zoning

By-law 88-76, as amended, currently zones the subject lands as "Select Industrial and Warehousing (M.I.)".

Purpose and Effect

The purpose and effect of this By-law is to delete the property from the designated area of By-law 88-76, as amended and amend By-law 177-96 to incorporate the subject lands into it's designated area, and to rezone the subject property to "Residential Two *632 (R2*632)", "Residential Four *633 (Hold) [R4*633(H)] and "Open Space Two (OS2)", in order to facilitate phased development consisting of a common element condominium multiple dwelling and townhouse development in Phase 1A and mid-rise buildings in Phase 1B.

AMANDA File No.: ZA 18 180621





Report to: Development Services Committee Meeting Date: December 9, 2019

SUBJECT: 2020 China Harbin International Winter Cities Conference,

January 4-7, 2020

PREPARED BY: Sandra Tam, Sr. Business Devt. Officer, ext.3883

RECOMMENDATION:

1. That the report titled, "2020 China Harbin International Winter Cities Conference, January 4-7, 2020" dated December 9, 2019, be received; and,

- 2. That the City of Markham be represented by Councillor Alan Ho, Chair of Culture and Economic Development Committee to attend the 2020 China Harbin International Winter Cities Conference in Harbin, China from January 4-7, 2020; and.
- 3. That the total cost of the business trip to attend the 2020 China Harbin International Winter Cities Conference in Harbin, China not exceed \$5,000.00 and be expensed from the 2020 Economic Alliances account 610-9985812, contingent upon Council approval of the 2020 Operating Budget; and further,
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not Applicable.

PURPOSE:

The purpose of this report is to request pre-budget approval for business travel for Councillor Alan Ho, Chair of Culture and Economic Development Committee to Harbin China from January 4-7, 2020 to represent Mayor Frank Scarpitti and the City of Markham at the 2020 China Harbin International Winter Cities Conference.

The Conference focuses on building international partnerships and seeking new opportunities in key sectors including sports, culture, tourism, health and senior care, as well as creative industries.

The business trip is an integral part of the City's 10-Year Economic Strategy "Markham 2020". It addresses the objective of building Global Markham and Branded Markham.

BACKGROUND:

On July 16, 2019, Harbin Mayor Mr. Sun Zhe extended an invitation to Mayor Frank Scarpitti to attend the International Winter Cities Conference during the 36th Ice and Snow Festival between January 4-7, 2020. Mayor Scarpitti was unavailable to attend and

Meeting Date: December 9, 2019

has passed on the invitation to Councillor Alan Ho, Chair of Culture and Economic Development to represent him at the Conference.

Markham-Harbin Relations

Markham and Harbin relations started in 2019 when the Centre of Sustainable and Integrated Design (CSID), a Markham non-profit group that focuses on promoting international cultural and artistic exchanges organized the first Markham Ice and Snow Festival at the Markham Civic Centre from February 9 to 18, 2019. The Festival, presented in co-operation with the City of Markham, and the Harbin People's government, was inspired by the Harbin International Ice and Snow Festival, known around the world for its stunning display of breathtaking ice sculptures. Not only did the Festival introduce Markham and the Greater Toronto Area to one of the greatest winter festivals around the world, it also provided a platform for Canadian and Chinese artists to display their work, and further promote the municipal friendship between the City of Markham and the City of Harbin, China. It drew thousands of visitors to observe and appreciate the talented workmanship of ice sculptors from Harbin. Building on its success, the Centre of Sustainable and Integrated Design is planning to organize the second Markham Ice and Snow Festival in Markham in 2020.

OPTIONS/ DISCUSSION:

Markham's strong diversity has proven to be successful in inspiring innovation which leads to economic growth and cultural vibrancy. The 2020 China Harbin International Winter Cities Conference offers new opportunities for Markham to build strategic international relations, and to achieve these goals.

By participating in the Conference, Markham gains the benefit of advancing its economic development goals of building a "Branded Markham" and a "Global Markham".

2020 China Harbin International Winter Cities Conference

Hosted by the Harbin People's Government China during the 36the Ice and Snow Festival, the annual conference aims to deepen friendship and facilitate cooperation among Harbin's international sister- and friendship- cities.

Key programs include International Winter Cities Symposium, International Business and Chamber of Commerce Business Matching, "Voice of Sister Cities" Symphony Concert, Mascot Tour, International Youth Ice Hockey Invitational and International Ice and Snow Sculpture Competition.

Benefits for Markham to participate in the 2020 China Harbin International Winter Cities Conference:

- 1. Showcase Markham's diversity and as a global destination for arts and culture
- 2. Expand international awareness
- 3. Promote Markham as a preferred location for foreign direct investment

Meeting Date: December 9, 2019

4. Create opportunities to build international partnership on winter sports and cultural exchanges

2020 China Harbin International Winter Cities Conference Agenda

January 4 - Registration

January 5 - International Winter Cities Symposium

- Harbin International Ice and Snow Festival and International

Winter Cities Conference Opening Ceremony

January 6 - Opening Ceremony and Opening Match of International Youth

Ice Hockey Invitational

- International Business and Chamber of Commerce Business

Matching

January 7 - Return to Toronto

FINANCIAL CONSIDERATIONS

Economic Development staff estimate the costs for the business travel plans as follows:

International & Domestic Airfare	\$3,000.00
Accommodation, Local Transportation	
& Meals	1,500.00
Marketing/Protocol Expenditure	500.00
Total:	\$5,000.00

The total travel cost of \$5,000.00 to be expensed from within 2020 Economic Alliances account 610-9985812.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This initiative is an integral part of Markham's 10-Year Economic Strategy "Markham 2020". The program addresses the objective of building Global Markham and Branded Markham.

BUSINESS UNITS CONSULTED AND AFFECTED:

Legal and Financial Services.

RECOMMENDED BY:

Stephen Chait, MPA, CMC Director, Economic Growth, Culture & Entrepreneurship Arvin Prasad, MPA, RPP, MCIP Commissioner, Development Services

Meeting Date: December 9, 2019

ATTACHMENTS:

- A) Harbin Mayor Sun Zhe Invitation to Mayor Frank Scarpitti, July 16, 2019.
- B) 2020 China Harbin International Winter Cities Conference Agenda



MAYOR SUN ZHE CITY OF HARBIN

1 Century Road, Songbei District Harbin 150021 P. R. China Tel: +86-451-8466-4730

Fax: +86-451-8466-4225

July 16th, 2019
The Honorable Mr. Frank Scarpitti,
Mayor, City of Markham, Canada

Dear Mr. Frank Scarpitti,

On behalf of Harbin Municipal People's Government and 10.98 million Harbin citizens, I would like to extend our warmest regards to you and your citizens in City of Markham.

First of all, congratulations for the successful 2019 Markham Ice & Snow Festival, which marks the friendship and cooperation between our two cities! We also thank you for sending Councillor Alan Ho to Harbin in support of our ice & snow festival in January, 2019.

Since its inception in 1985, Harbin International Ice and Snow Festival, an annual event, has become the largest Ice and Snow Festival in the world. Diverse activities covering tourism, culture, economic and trade, sports will be organized between January 4th and January 7th, including the Opening Ceremony of Harbin International Ice and Snow Festival & Ice and Snow World, International Snow Sculpture Expo, International Ice and Snow Sculptures Competition and business match-making events. The 35th Ice and Snow Festival held last year has generated 23.39 million tourists in total.

To deepen friendship and facilitate cooperation among international sister cities for win-win results, Harbin will host the International Winter Cities Conference during the 36th Ice and Snow Festival period between January 4th - 7th, 2020. During the Conference, we would like to invite winter cities, chamber of commerce and companies around the globe to participate our diverse events, including International Winter Cities Symposium, International Business and Chamber of Commerce Match-making, "Voice of Sister Cities" Symphony Concert, Mascot Tour, International Youth Ice Hockey Invitational and International Ice and Snow Sculpture Competition. By organizing these events, we hope to share experiences and resources in winter festivals, tap potential and promote cooperation between winter cities.

We will be pleased to cover the expenses of a delegation up to 5 members headed by you for 4 days stay in Harbin. Business, chambers of commerce people, artists and athletes are welcome to join our other events (see the attached introduction), whose expenses in Harbin will also be covered by us during that period. Please send the RSVP form back to us before November 1st, 2019.

Harbin, a glittering winter wonderland with vivid ice and snow sculptures, awaits your participation with open arms!

For further information, please don't hesitate to contact Cathy KAI at Harbin Foreign Affairs Office at 86-451-84664730 or hfao@sina.com

Yours Sincerely,

30 th

Sun Zhe

Mayor of Harbin, P. R. China

2020 China Harbin International Winter Cities Conference

Agenda

Saturday 4, January 2020

All Day	Registration
19:00-20:30	"Voice of Sister Cities" Symphony Concert

Sunday 5, January 2020

09:00-12:00	International Winter Cities Symposium
14:00-16:00	City Tour
17:30-19:00	Opening Ceremony & Welcoming Reception of
	Harbin International Ice and Snow Festival &
	International Winter Cities Conference
19:30-20:30	Opening Ceremony of Ice and Snow World
	(including Mascot Tour)

Monday 6, January 2019

10:00-11:15	Opening Ceremony and Opening Match of International
	Youth Ice Hockey Invitational
13:30-16:00	International Business and Chamber of Commerce
	Match-making

Tuesday 7, January, 2019

All Day Departure

Major Events

I. International Winter Cities Symposium

We are expecting over 30 representatives from Harbin's sister cities, partner cities, major winter cities and organizing committee of winter festivals to attend the International Winter Cities Symposium. Themed

on "Sharing Experiences in Winter Festivals and Vision for Future Development", the symposium aims to deepen understanding and seek common development of winter cities. Agenda includes 10-minute keynote speech by the Mayor of Harbin, 5-minute keynote speech by representatives from sister cities, winter cities and organizing committee of winter festivals, deliberation on International Winter Cities Initiative and group photo (10 minutes).

II. International Business and Chamber of Commerce Match-making

Targeting at inviting companies and chambers of commerce from major countries (cities) in the fields of green food, winter industry, culture&tourism, health&elderly care, mechanic manufacturing and new materials, we hope to find the right partners for Harbin businesses and find business opportunities for all the participants.

III. "Voice of Sister Cities" Symphony Concert

"Voice of Sister Cities" Symphony Concert will be held at Harbin

Music Hall. Violinists, cellists, pianists, vocalists, wind instrument players and other musicians from sister cities and partner cities will be invited to perform classic music pieces together with Harbin Symphony Orchestra.

IV. International Winter Cities and Festivals Mascot Tour

Santa Claus, Bonhomme Carnaval and other sister cities' mascots will be invited to tour at the Central Pedestrian Street and Ice and Snow World to demonstrate culture of sister cities for deepening understanding and fostering friendship.

V. International Youth Ice Hockey Invitational

Ice hockey teams from Harbin's sister cities and partner cities will be invited to participate the International Youth Ice Hockey Invitational, which will include opening ceremony, all-play-all matches, closing ceremony, award ceremony and discussions among participants about training methods.

VI. International Ice and Snow Sculptures Competition

Ice and snow sculpture artists from Harbin's sister cities, partner cities and winter cities will be invited to participate the International Ice Sculpture and Ice Assemblage Sculpture Competition held at Ice and Snow World as well as the International Snow Sculpture Competition held at Sun Island.



Report to: Development Services Committee Meeting Date: December 9, 2019

SUBJECT: Approval to Attend the Intelligent Communities Forum Top7

Communities of 2020 Conference in Taoyuan, Taiwan

PREPARED BY: Nasir Kenea, CIO, Ext. 4733

RECOMMENDATION:

1) That the report dated December 9, 2019 entitled "ICF Top7 Communities of 2020 Conference in Taoyuan, Taiwan" be received; and,

- 2) That the City of Markham be represented at the Conference by Chief Information Officer, Nasir Kenea; and,
- 3) That the total cost of to attend the conference approximately in the amount of \$3,000 be funded from the 2020 Operating budget account 400 998 5200; and further,
- 4) 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 request approval for business travel for Nasir Kenea, Chief Information Officer to Taoyuan, Taiwan from February 7, 2020 to February 13, 2020 to make a presentation, and to participate on behalf of Markham at the Intelligent Community Forum's (ICF) TOP7 Communities of 2020 Conference and Announcement.

Participation in the conference will serve to enhance Markham's profile and reputation among global intelligent communities.

BACKGROUND

The City of Markham has been named to the Intelligent Community Forum's Smart21 Intelligent Communities of 2020. Inclusion on this list of twenty-one leading municipalities from around the world recognizes Markham's readiness and performance in the development of inclusive prosperity, social health and cultural richness on a foundation of information and communications technology.

After further evaluation by ICF, seven of the Smart21 communities will advance and be named as the Top7 Intelligent Communities of 2020. Markham is currently preparing a submission to be considered as one of the ICF Top7 communities. The submission is due the first week of January 2020.

The announcement of the Top7 will be made on February 10, 2020 at the ICF Top7 Communities of 2020 Conference in Taiwan.

Meeting Date: December 9, 2019

The event will bring together the founders of the ICF, representatives from Taiwanese companies and organizations along with delegates from Intelligent Communities from around the world. The agenda will include keynote speakers, panel discussions, study tours and presentations that detail leading community-based technology solutions from global communities and organizations.

OPTIONS / DISCUSSION

Markham has received an invitation to attend the conference to speak at the conference and to have its case study profiled. This represents an outstanding opportunity for the City CIO to highlight Markham's digital achievements and to share its message with a global audience.

Benefits for Markham to participate in the Conference include the following:

- 1. The Conference will showcase Markham as the high-tech capital of Canada and promote Markham's strong information technology and knowledge-based business sectors, as well as the excellent quality of life in our community.
- 2. It helps build and strengthen relationships with a broad range of municipalities and businesses, which may lead to increased cooperation, and possible investment and trade opportunities for Markham.
- 3. The Conference provides an international forum in which to learn and network with leading experts in the development of intelligent communities.
- 4. Markham has an opportunity to share its achievements in digital and Smart City initiatives, enhancing the City's international reputation.

FINANCIAL CONSIDERATIONS:

Costs related to conference registration, some accommodation, site visits and some meals will be covered by the conference organizers.

Travel expenses, ground transportation and incidentals at an estimated cost of \$3,000 will be covered from the 2020 operating budget of the ITS Department.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

This opportunity supports the Digital Markham Strategy initiative to "Create a compelling Digital Markham identity" with a focus on innovation as well as the new Building Markham's Future Together council strategy.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not Applicable

Meeting Date: December 9, 2019

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RECOMMENDED BY:

Trinela Cane Commissioner, Corporate Services



Report to: Council Meeting Date: November 26, 2019

SUBJECT: 8 John Lyons Road Tree Removal Permit **PREPARED BY**: Tanya Lewinberg – Public Realm Coordinator

RECOMMENDATION:

- 1. That the report entitled "8 John Lyons Road Tree Removal Permit" be received for information; and
- 2. 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 provide background information on the tree permit application denied to 8 John Lyons Road in 2019, and the tree permit issued to 7 John Lyons Road for the removal of two Black Walnut trees in 2014.

BACKGROUND:

A tree removal permit application was received from Mr. Koehn of 8 John Lyons Road. Mr. Koehn cited: "The walnuts that fall from the tree pose a threat to my baby grandson" as the reason for the application. John Lee one of the City's Tree Preservation Technicians inspected the tree on April 10, 2019 to determine if a permit was applicable. The Black Walnut tree is 71.5cm DBH (DBH = diameter at breast height measured at 1.37 metres up from at grade base of the tree), and it is approximately 25 metres in height. The tree's estimated age is approximately 70 years old. Images of the subject tree are attached to this report as Attachment A. A second assessment of the tree was also conducted by another Tree Preservation Technician, Mark Goldsworthy, on June 18, 2019. The second assessment also did not support the removal of this tree. A denial letter was sent to Mr. Koehen on April 11, 2019; included as Attachment B.

The permit was denied because the subject tree is healthy, with no diseases or structural defects. There are no physiological or environmental indicators that would suggest that the subject Black Walnut is likely to decline significantly in health or structural stability. This tree has no pests, diseases or defects that would compromise its health or structural stability long term. The trunk was sounded using a nylon sounding hammer and no pockets of decay were found. The canopy is full with no dieback. All unions on the tree were well structured and no included bark was found. Based on the conclusions of the assessment, the Black Walnut does not qualify for a permit or a permit exemption under the stipulations outlined by the Tree Preservation By-law.

Upon receiving the denial letter Mr. Koehen requested an appeal, which took place on September 13, 2019. John Lee prepared a report for the Licensing Committee entitled

Meeting Date: November 26, 2019

"Report for Appeal Hearing – 8 John Lyons Road" attached to this report as Attachment C.

While providing testimony at the appeal hearing, Mr. Koehn discussed the removal of Black Walnut trees on the neighbouring property at 7 John Lyons Road, as well as illustrating the impact of falling walnuts on his property and his concerns for his grandson's safety during the harvest period for the walnuts.

OPTIONS/ DISCUSSION:

7 John Lyons Road

The original permits and documentation were requested from Markham's archival records as the current team was not directly involved with 7 John Lyons Road permit issuance.

The tree permit application requested approval for the removal of three Black Walnut trees in the rear yard of 7 John Lyons Road. The Black Walnuts measured 32.5cm DBH, 45cm DBH and a multi-stemmed tree with DBHs of 38.5cm and 60cm. The two smaller Black Walnut trees were approved for removal. One of which had previously sustained injury and was in less than ideal condition. The request to remove the largest of the three trees, the multi-stemmed tree, was not approved for removal, and the tree remains in good health and structure to date. No further tree permit applications or correspondence regarding safety in the rear yard of 7 John Lyons Road have been received by City Staff.

The tree permit is attached to this report as Attachment D for 7 John Lyons Road was initially issued on December 18, 2013, and expired on March 6, 2014. A subsequent permit for the same trees was issued on March 6, 2014 with an expiry date of June 4, 2014 is attached to this report as Attachment E.

Alternative to Removal

It should be noted that the period of Black Walnut harvest season, is typically the shortest of all fruiting trees and occurs the last weeks of September and first weeks of October.

Tree Preservation Technicians had previously provided alternative solutions by means of chemical treatment to inhibit fruiting of walnuts. Further investigation has revealed these solutions as only available in the United States at this time. The active ingredient glyphosphosate is available for sale in Canada as herbicide at a different concentration, however it is not approved for use as a deflowering agent.

Not Far From the Tree, is a nonprofit organization dedicated to connecting property owners with volunteers, so that excess fruit can be harvested and distributed to the local community. The property owner can register their tree, and contact the group when their fruit is ready for harvesting, then *Not Far From the Tree*, will send volunteers to pick the fruit and clean up the yard. The harvested fruit may be shared: $1/3^{rd}$ to the home owner, $1/3^{rd}$ to the volunteers and $1/3^{rd}$ is delivered to one of their participating social agencies, including food banks, or community kitchens. The harvesting of black walnut by the

Meeting Date: November 26, 2019

volunteer group would greatly reduce the number of walnuts in the subject tree, thereby significantly minimizing the risk caused by falling walnuts.

Another alternative is to construct a structure that would provide cover that could be used during Black Walnut harvest.

Since the timing of harvest season for Black Walnut is in late September and October when residents tend not to use their yards for extended outdoor activities it permits the opportunity for residents to avoid falling black walnuts. Residents can and have coexisted with Black Walnut trees hence most municipalities have not excepted them from protection in their bylaws due to falling fruit/nuts.

Tree Appraisal / Replanting

In an effort to provide information on the value of the Black Walnut tree at 8 John Lyons Road, a tree appraisal was completed in preparation for this report, included as Attachment F. The appraisal provides a value for a location assessment, and the contribution assessment of the subject tree. The appraised value of this tree is equal to approximately 34 - 60mm caliper trees or \$20,141.64. In instances of illegal removals where the size and condition of a tree is unable to be determined, a By-law order with replanting conditions would be applied using a 6:1 ratio or cash-in-lieu at \$600 per tree. The cost per tree is reduced to \$300 per tree for approved replanting conditions (i.e. not illegal removals).

The Tree Preservation Technicians rely on the Tree Preservation By-law (2008-96) to guide their reviews. The Tree Preservation Technicians enforce the Tree Preservation By-law in a consistent manner based on biology, physiology and arboricultural best practices.

In addition to the site related attachments, a City of Toronto, Report for Action from 2017, entitled "Black Walnut Trees in Toronto", in which Toronto Public Health was consulted, and is mostly regarding allergic reactions to the walnuts has been included as Attachment G.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Tree Preservation By-law is aligned with the strategic priority of providing Safe, Sustainable and Complete Community, to enhance the natural environment.

RECOMMENDED BY:

Morgan Jones Director, Operations Brenda Librecz Commissioner, Community & Fire Services

ATTACHMENTS:

Attachment A - 8 John Lyon's Road Tree Images

Attachment B - 8 John Lyons Rd - Denial Letter

Attachment C - Report for Appeal Hearing - 8 John Lyons Road

Attachment D - TP - John Lyons Road 7 2013

Attachment E - TP - John Lyons Road 7 2014

Attachment F - 8 John Lyons Rd- Appraisal

Attachment G- Black Walnut Trees in Toronto - Report for Action









Operations
Community & Fire Services Commission

11-APR-19

Karl Koehn 8 John Lyons Rd Markham ON L3P 3H4

Re: Application to Permit the Injury or Destruction of Trees

Dear Karl Koehn:

We have site inspected the tree(s) on your application. The results of our evaluation and assessment of the tree(s) in reference to the provisions and intent of the Tree Preservation Bylaw (BY-LAW 2008-96) are as follows:

The permit has been DENIED for:

Species: black walnut Size: 71.5cm

Municipal Address: 8 John Lyons Rd Location:

Points of Reason:

1. At present, the tree's health, structural integrity, species, size and location are satisfactory. The tree is providing a contribution to the City's urban canopy.

Trees provide greater energy savings, air quality improvements, storm water runoff reductions, increase in property values, and carbon sequestration. Trees on private land in Markham account for 29% of total leaf area and are a key component to the sustainability of our urban forest and health of our community.

Trees require maintenance in an urban environment and it is reasonable to expect that in an effort to preserve trees, property owners are responsible for their upkeep. The bylaw exists because we recognize the value of trees and the many social, economical, physiological and environmental benefits they provide to the community.

If you require further information on this or any tree bylaw related matters, please do not hesitate to contact me at 905-477-7000 ext. 2703.

Sincerely,

John Lee.

ISA Certified Arborist

Tree Preservation Technician, Operations and Community Services

Section 9.1 of Tree Preservation Bylaw 2008-96: Where the Administrator refuses to issue a permit an applicant may within fifteen (15) days of the date of refusal of the permit appeal to the Licensing Committee of Council by submitting a written request to the Administrator that the appeal of the permit application be heard by Licensing Committee.



Report to: Licensing Committee of Council Date Report Authored: August 7, 2019

SUBJECT: Appeal from Karl Koehn of 8 John Lyons Road to remove

one (1) tree on private property under By-Law 2008-96

PREPARED BY: John Lee, Tree Preservation Technician, Operations

Department, Ext. 3224

RECOMMENDATION:

1) That the Licensing Committee of Council receive and review the decision of the Tree Preservation Technician to refuse the issuance of a permit for the removal of a tree on private property at 8 John Lyons Road, Markham.

- And that under section 7.2 (d) (vi) of the Tree Preservation By-Law, the Administrator may refuse to issue a permit to injure or destroy a tree if it contravenes the general intent and purpose of this by-law.
- 3) And 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:

- Inform the Licensing Committee of Council that an appeal hearing has been requested by Karl Koehn of 8 John Lyons Road; and
- Provide information to the Licensing Committee of Council regarding the refusal of a permit for the removal of one (1) tree on private property.

BACKGROUND:

An application was received from Mr. Koehn requesting the removal of one (1) Black Walnut (*Juglans nigra*) tree, located in the backyard of 8 John Lyons Road. The applicant has cited the following reasons for the removal of the tree: "The walnuts that fall from the tree pose a threat to his baby grandson."

The City's Tree Preservation Technician (John Lee) conducted a ground-based visual assessment of the tree to determine if a permit would be applicable in accordance with the Tree Preservation By-law on April 10, 2019. An assessment of the same tree was also conducted by a second Tree Preservation Technician (Mark Goldsworthy), on June 18, 2019.

The Black Walnut is 71.5cm DBH (DBH = diameter at breast height measured at 1.37 metres up from at grade base of the tree) and it is approximately 25 metres in height. The tree's estimated age is approximately 70 years old.

The permit was denied because the subject tree is healthy, with no diseases or structural defects. Based on the conclusions of the assessment, the Black Walnut does not qualify for a permit or a permit exemption under the stipulations outlined by the Tree Preservation By-law.

Date Report Authored: August 7, 2019

Page 2

A letter was sent out on April 11, 2019 notifying the applicant of this decision. The applicant is appealing the decision of the Tree Preservation Technician to deny the removal of the Black Walnut (*Juglans nigra*) on the property of 8 John Lyons Road.

OPTIONS/ DISCUSSION:

The subject Black Walnut is growing on the west side of the property in the backyard. The tree is the only large growing tree on the property and currently contributing to improved air and ground water quality, community aesthetics as well as supporting the local ecosystem of migratory birds, mammals and insects. Black walnut trees of this size contribute not only to our community air, water and ground integrity. They also contribute to the local ecosystem of birds, ground mammals and insects. There are no physiological or environmental indicators that would suggest that the subject Black Walnut is likely to decline significantly in health or structural stability.

This tree has no pests, diseases or defects that would compromise its health or structural stability long term. The trunk was sounded using a nylon sounding hammer and no pockets of decay were found. The canopy is full with no dieback. All unions on the tree were well structured and no included bark was found.

Black walnut trees produce white flowers which become walnuts that are approximately 7 centimetres in diametre. Seeding is a staple part of all plants, it is how they reproduce. Black walnuts typically seed biannually. However as they age it becomes irregular and depends mostly on environmental conditions. To prevent seeding Arborists use three different methods:

- 1. The application of FLOREL, a growth regulator that is sprayed on flowers to prevent fruiting.
- 2. The injection of a growth agent Snipper which causes the flowers to fall before turning to seed.
- 3. Flowers be pruned off by a climbing Arborist. This is the most labour intensive.

Due to the size of the Black Walnut we recommend the application of Snipper when the flower buds are breaking dormancy. The Black Walnut at 8 John Lyons Road would require 7 injections at a time, and would cost a small percentage of the removal cost for this tree.

Report to: Licensing Committee of Council

Date Report Authored: August 7, 2019

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SUBJECT:

Appeal from Karl Koehn of 8 John Lyons Road to remove one (1) tree on private property under By-Law 2008-96

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link) Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Tree Preservation By-Law aligns with the Green Print and other Environmental/Sustainability initiatives.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable

RECOMMENDED BY:

John Lee.

Tree Preservation

Technician

Raymond Law,

Sr. Manager, Business,

Fleet and Public Realm

Morgan Jones,

Director, Operations



	IN.	JURY OF	R DESTR	UCTIO	N OF TREE	S PERMIT	
Date Issued	: Dec 18, 20)13 P	ermit #: 13	137006 TR	EE	ACR (CARe) #:	359975
Date of Exp	iry: Mar 18,	2014				Total Permit Fee	: \$0.00
Property A	ddress for T	ree's Locat	ion				
7 John Ly	ons Rd						
	of Registered P	roperty Owner (A	Applicant)				
Last Name				First Name			Initial
Corporation or Pa	artnership (if appli	cable)					
Street No.		Street Name					Unit/Suite No.
7		John Lyo	ns Rd				
Municipality			Province		Postal Code	email	
Markham			ON		L3P 3H3		
Telephone Numb	er		Alternative	Number			
			S	ITE PL	AN		
				7	5		
Tree #	Tree S	pecies	# of Trees	DBH	Approved A	ction to be taken	Reason Code
1.0	black	walnut	1	32.5cm	Issued wi	th Conditions	(G)
2.0	black	walnut	1	45cm	Issued wi	th Conditions	(G)
3.0		walnut	1	38.5 / 60 cm		enied	as per out conversation
a minimum cash-in-lieu elsewhere in	calliper size option of \$ the City. A	e of 50mm, 300.00 for 6	shall be pla each tree no y-law compli	nted anyw ot planted. ance inspe	here on the su The cash-in-lie ction will be co	(s), 2 deciduous ubject site by Ma eu will be used for mpleted on or sho	tree planting

The information provided herein is collected on behalf of the City of Markham pursuant to its authority under the Municipal Act, 2001, S.O. 2001, c. 25 and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56. The information collected will be used for the purposes of the tree preservation by-law. The City, on its own and by its agent, intends to retain the information for 5 years, after which the information collected shall be destroyed. Questions with respect to the collection, use and destruction of this information should be directed to the City Clerk.

Signature of Administrator

Dec 18, 2013

Date

Please notify the City of Markham at 905-477-5530 when the work is complete.



MANDATORY NOTICE

Section 5.0: Administration and Enforcement

5.3

For the purposes of conducting an inspection to determine compliance with this by-law, an order, a permit or any condition of a permit, the Administrator or Officer may, upon producing the appropriate identification, at any reasonable time, enter and inspect any lands or property, to determine whether the provisions of this by-law, an Order issued under this by-law or a permit or condition of a permit issued under this by-law, have been complied with

No person shall obstruct the Administrator or an Officer who is carrying out an inspection pursuant to this by-law. Any person who obstructs the Administrator or Officer is guilty of an offence.

Section 6.0: General Prohibitions

- 6.1 Except as provided in Section 4.0 of this by-law, no person, through his or her own actions or through the actions of another, shall:
 - (a) injure or destroy any tree within the City of Markham without first obtaining a permit issued under this by-law;
 - (b) injure or destroy any tree within the City of Markham without first complying with all conditions of a permit issued under this by-law;
 - (c) fail to comply with any condition of term of a permit issued under this by-law;
 - (d) fail to comply with any Order issued under this by-law or remove or deface any Order issued under this By-law, without obtaining the prior consent of the Administrator;
 - (e) obstruct or attempt to obstruct the Administrator, any Officer or any person acting under the Administrator's instructions in the exercise of a power under this by-law; or
 - (f) contravene any other provision of this by-law

Section 8.0: Orders to Discontinue Activities

8.1

Where the Administrator or any Officer is satisfied a contravention of this by-law or a permit issued under this by-law has occurred, the Administrator or Officer may make an Order setting out the particulars of the contravention and requiring the owner or any other person to stop the injury or destruction of a tree, or requiring the owner or any other person to stop the injury or destruction of a tree, or requiring work to be done to correct the contravention

Section 10.0: Penalties

- 10.1 Any person who contravenes any provision of this by-law or an Order issued pursuant to Section 8 of this By-law is guilty of an offence.
- 10.2

All contraventions of any provision of this by-law or an Order issued under Section 8 of this by-law are designated as multiple offences and continuing offences, pursuant to subsection 429(2) of the Act. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law and, for greater certainty, when multiple trees are injured or destroyed the injury or destruction of each tree is a separate offence.

- 10.3 Upon conviction of an offence under this by-law, a person is liable to a fine in accordance with section 429 of the Act as follows:
 - (a) The minimum fine for an offence is \$500.00 and the maximum fine for an offence is \$100,000.00;
 - (b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offences is not limited to \$100.000.00:
 - (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, and the total of all fines for each included offence is not limited to \$100,000.00;
 - (d) A special fine may be imposed, in addition to a fine under clause (a) to (c above, in circumstances where there is an economic advantage or gain from the contravention of this by-law or an order under section 8.1 of this by-law, and the maximum amount of the special fine may exceed \$100,000.00.
- 10.4 Upon conviction of an offence under this by-law, in addition to any other remedy or penalty, the City may further request the court in which the conviction is entered and any court of competent jurisdiction thereafter to make an order;
 - (a) prohibiting the continuation or repetition of the offence by the person convicted; and
 - requiring the person convicted to correct the contravention in the manner and within the period the court may consider appropriate, which may include a request for an order for;
 - the planting or replanting of any tree or trees injured, removed or destroyed in a specified location and within a specified period of time; and
 - (ii) the application of any silviculatural treatment that may be necessary to re-establish the tree or trees.



TREE PERMIT to INJURE OR DESTROY TREE(S)

ISSUED TO:	Permit #: 13 137006 TREE
	ACR (CARe) #: 359975
	Status: Conditional Approval
7 John Lyons Rd Markham ON	Application Fee Total: \$0.00
L3P 3H3	Date Issued: March 6, 2014
	Date of Expiry: June 4, 2014

Municipal Address of Tree(s)' Location: 7 John Lyons Rd

Primary Number:		Alternative Num	ernative Number:		Email:				
	TREE(S)								
Tree #	Tree Species	# of Trees	DBH	Approv	ed Action to be Taken	Reason Code			
1.0	black walnut	1	32.5cm	Issued with Conditions		(G)			
2.0	black walnut	1	45cm	Issued with Conditions		(G)			
3.0	black walnut	1	38.5 / 60cm	Denied		as per out			
						conversation			

CONDITIONS OF PERMIT - Section 7.2(g)(iii)

Upon removal of the above tree(s), 2 deciduous tree(s), each with a minimum calliper size of 50mm, shall be planted anywhere on the subject site by Sept 30, 2014 or cash-in-lieu option of \$300.00 for each tree not planted. The cash-in-lieu would be used for tree planting elsewhere in the City. A follow-up By-law compliance inspection will be completed on or shortly after the above date. Tree species selected should be from the list(s) provided.

SITE MAP



The information provided herein is collected on behalf of the City of Markham pursuant to its authority under the Municipal Act, 2001, S.O. 2001, c. 25 and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56. The information collected will be used for the purposes of the tree preservation by-law. The City, on its own and by its agent, intends to retain the information for 5 years, after which the information collected shall be destroyed. Questions with respect to the collection, use and destruction of this information should be directed to the City Clerk.

Signature of Administrator

Dec 18, 2013

Date



MANDATORY NOTICE

Section 5.0: Administration and Enforcement

- 5.3 For the purposes of conducting an inspection to determine compliance with this by-law, an order, a permit or any condition of a permit, the Administrator or Officer may, upon producing the appropriate identification, at any reasonable time, enter and inspect any lands or property, to determine whether the provisions of this by law, an Order issued under this by law or a permit or condition of a permit issued under this by-law, have been complied with
- No person shall obstruct the Administrator or an Officer who is carrying out an inspection pursuant to this by-law. Any person who obstructs the Administrator or Officer is guilty of an offence.

Section 6.0: General Prohibitions

- 6.1 Except as provided in Section 4.0 of this by-law, no person, through his or her own actions or through the actions of another, shall:
 - (a) injure or destroy any tree within the City of Markham without first obtaining a permit issued under this by-law;
 - (b) injure or destroy any tree within the City of Markham without first complying with all conditions of a permit issued under this by-law:
 - (c) fail to comply with any condition of term of a permit issued under this by-law;
 - fail to comply with any Order issued under this by-law or remove or deface any Order issued under this By-law, without obtaining the prior consent of the Administrator;
 - obstruct or attempt to obstruct the Administrator, any Officer or any person acting under the Administrator's instructions in the exercise of a power under this by-law; or
 - (f) contravene any other provision of this by-law

Section 8.0: Orders to Discontinue Activities

8.1 Where the Administrator or any Officer is satisfied a contravention of this by-law or a permit issued under this by-law has occurred, the Administrator or Officer may make an Order setting out the particulars of the contravention and requiring the owner or any other person to stop the injury or destruction of a tree, or requiring the owner or any other person to stop the injury or destruction of a tree, or requiring work to be done to correct the contravention

Section 10.0: Penalties

- 10.1 Any person who contravenes any provision of this by-law or an Order issued pursuant to Section 8 of this By-law is guilty of an offence.
- All contraventions of any provision of this by-law or an Order issued under Section 8 of this by-law are designated as multiple offences and continuing offences, pursuant to subsection 429(2) of the Act. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law and, for greater certainty, when multiple trees are injured or destroyed the injury or destruction of each tree is a separate offence.
- 10.3 Upon conviction of an offence under this by-law, a person is liable to a fine in accordance with section 429 of the Act as follows:
 - (a) The minimum fine for an offence is \$500.00 and the maximum fine for an offence is \$100,000.00;
 - (b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offences is not limited to \$100,000.00:
 - (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, and the total of all fines for each included offence is not limited to \$100,000.00;
 - (d) A special fine may be imposed, in addition to a fine under clause (a) to (c above, in circumstances where there is an economic advantage or gain from the contravention of this by-law or an order under section 8.1 of this by-law, and the maximum amount of the special fine may exceed \$100,000.00.
- 10.4 Upon conviction of an offence under this by-law, in addition to any other remedy or penalty, the City may further request the court in which the conviction is entered and any court of competent jurisdiction thereafter to make an order;
 - (a) prohibiting the continuation or repetition of the offence by the person convicted; and
 - (b) requiring the person convicted to correct the contravention in the manner and within the period the court may consider appropriate, which may include a request for an order for;
 - the planting or replanting of any tree or trees injured, removed or destroyed in a specified location and within a specified period of time; and
 - (ii) the application of any silviculatural treatment that may be necessary to re-establish the tree or trees.



8 John Lyons Rd - Back Yard Black Walnut Appraisal

Trunk Formula Method (9th Edition Guide for Plant Appraisal)

The appraisal was completed to illustrate the value of the subject back yard Black Walnut tree to the resident after the appeal process was completed. The Licensing Committee of Council (LCC) recommended to preserve the Black Walnut tree. Our appraisal found the value of the Subject tree to be \$20,141.64.

91%
71.5
69%
67%
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36
\$200.00
\$150.00
\$350.00
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0.69

Mark Goldsworthy, ISA Certified Arborist

Tree Preservation Technician, Operations and Community Services

PE17.2





Black Walnut Trees in Toronto

Date: February 7, 2017

To: Parks and Environment Committee

From: General Manager, Parks, Forestry and Recreation Division

Wards: All

SUMMARY

The purpose of this report is to respond to a request from the Parks and Environment Committee that the General Manager, Parks, Forestry and Recreation explain the effects of exempting black walnut trees (*Juglans nigra*) from protection under the City's tree bylaws with a focus on both community safety and canopy impacts.

RECOMMENDATIONS

The General Manager of Parks, Forestry and Recreation recommends that:

1. The Parks and Environment Committee receive this report for information.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

At its meeting of November 17, 2016, the Parks and Environment Committee requested that the General Manager of Parks, Forestry and Recreation report to the February meeting of the Parks and Environment Committee on the effects of exempting black walnut trees from the City's tree bylaws, with a focus on both the effects of community safety and the greater tree canopy.

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PE15.7

COMMENTS

Urban Forestry receives requests on a regular basis for providing rationale for the regulation of preserving specific species of trees under *Chapter 813 of the Municipal Code*. The following concerns related to black walnut trees have been raised by property owners and applicants when applications for tree removal are submitted: fear of being struck and injured by falling walnuts, having an allergic reaction to walnuts, and not being able to grow other plants in proximity to black walnut trees.

Information was requested from the City of Toronto Corporate Finance, Insurance and Risk Management group as to whether the City had ever received a claim as a result of a falling walnut. Staff advised that they received one claim for property damage in September 2014. The claim was not paid and the file was subsequently closed. Historical claims experience suggests the risks associated with falling walnuts do not pose a significant exposure for the City.

Parks, Forestry and Recreation has consulted with Toronto Public Health who indicated that:

- 1. There is no evidence to support the removal of a nut-bearing tree to mitigate risk from an allergic response.
- 2. Anaphylaxis is highly unlikely to occur except through ingestion of nuts.
- 3. The allergen is in the nut itself and accidental exposure is not likely since the nut is covered by the shell.
- 4. Other measures (which are simpler and less expensive than tree removal) can mitigate the risk such as cleaning up tree nuts in play areas or teaching children to avoid tree-nuts.

Black walnut trees produce a chemical called juglone to reduce competition with other plant species and improve their chances of survival. This process is also known as allelopathy which is defined as the chemical inhibition of one plant (or other organism) by another, due to the release of biochemical substances into the environment acting as germination or growth inhibitors. Some plants are sensitive to juglone and will not survive growing in close proximity to black walnut trees. Reducing exposure of juglone to sensitive plants can be achieved by: collecting fallen leaves and fruit thereby reducing accumulation and decomposition into the soil, adding organic matter, aerating the soil and raising garden beds beneath the canopy of black walnut trees.

There are also many native species of trees, shrubs and perennial options that are tolerant of juglone. The Ontario Ministry of Agriculture, Food and Rural Affairs website provides helpful information for gardening under walnut trees.

Many of the tree species that grow in Toronto's urban forest produce fruit that some residents consider a nuisance. If black walnut trees are exempt from protection due to falling walnuts or the production of a natural allelopathic chemical, a case could be made to exempt other tree species based on their falling fruit or other similar characteristics. Every large growing tree has some degree of maintenance associated with it including removal of leaves, flowers, fruit, twigs and small branches. The benefits

that trees afford to a community far outweigh the maintenance inconvenience associated with falling debris.

Currently, an applicant may apply for permission to remove a black walnut tree under the provisions of the City's tree bylaws. If authority within bylaw provisions to issue a permit for tree removal is not possible, the applicant may appeal to the appropriate Community Council. This practice allows the applicant the opportunity to address their specific concerns and provides an opportunity for debate and a reasonable decision as to the merits of a specific application. If there is a perceived danger associated with nuts falling from a specific black walnut tree, or other concerns with the tree, it can be dealt with at Community Council and it is recommended that this process remain in place. There are always exceptions, and the tree bylaws in their current form have provisions to deal with those exceptions.

The intention of the City's various tree protection bylaws is to prevent the unnecessary removal of healthy trees. However, in an urban environment, there are instances where tree removal is required. The bylaws have delegated provisions included to deal with many of these situations, however, there are always exceptions or unforeseen circumstances that are not specifically addressed. These situations are dealt with through the bylaw appeal process in which members of City Council consider the unique circumstances of a particular situation and determine whether or not tree removal is necessary.

The black walnut is a large-growing, long-lived native tree that is resistant to insect pests and disease in Toronto's urban forest. Providing a species specific exemption would have a detrimental effect on the City's ability to preserve, protect and grow the urban forest and tree canopy. The existing bylaw provisions allow for an appeal of a decision by staff denying removal of a healthy tree. This appeal process to Community Council is an effective means of addressing situations where residents express a community safety concern related to a healthy black walnut tree.

CONTACT

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Daniel Boven, Manager, Forest Policy and Planning, Urban Forestry Tel: 416-392-6478, Email: Daniel.Boven@toronto.ca

SIGNATURE

Janie Romoff General Manager, Parks, Forestry and Recreation



Report to: Council Meeting Date: December 10, 2019

SUBJECT: 2020 Operating and Capital Budgets

PREPARED BY: Sandra Skelcher, Senior Manager, Financial Planning &

Reporting

Matthew Vetere, Manager, Budgeting

RECOMMENDATION:

1) That the report dated December 20, 2019 titled, "2020 Operating and Capital Budgets" be received; and,

- 2) That Council approve a 1.95% property tax rate increase to the City's tax levy as follows:
 - a. 1.45% for day-to-day operations
 - b. 0.50% infrastructure investment; and,
- 3) That Council approve the 2020 Primary Operating Budget for City services of \$240,962,772 which includes the Library budget of \$15,241,205, excludes the 2019 surplus/deficit, and reflects a 1.95% property tax rate increase, as detailed in Appendices 1 and 2; and,
- 4) That Council approve the remaining 2020 Capital Budget of \$86,914,000 for a total of \$111,488,000 (\$86,914,000 + \$24,574,000 pre-approved), as per projects detailed in Appendix 3; and,
- 5) That Council authorize Staff to purchase US dollars (USD) for applicable capital budget projects and make any budget adjustments necessary due to a variance between the budgeted USD exchange rate and the actual USD exchange rate at the time the USD are purchased; and,
- 6) That Council approve the 2020 Planning & Design Operating Budget totalling \$10,568,647, as detailed in Appendix 4; and,
- 7) That Council approve the 2020 Engineering Operating Budget totalling \$8,787,473, as detailed in Appendix 5; and,
- 8) That Council approve the 2020 Building Standards Operating Budget totalling \$9,534,885, as detailed in Appendix 6; and,
- 9) That Council approve the 2020 Waterworks Operating Budget totalling \$140,669,974, (excluding the 2019 surplus/deficit), as detailed in Appendix 7; and,
- 10) That upon finalization of the 2019 audited financial statements, 2020 operating budgets be adjusted to reflect 2019 operating results; and,

Report to: Council Meeting Date: December 10, 2019

- 11) That a copy of the budgets be made available to the public through the Clerk's Department, the City website and each of the Markham Public Libraries; and,
- 12) That the restated budget included in the "Additional Financial Disclosure Requirements Pursuant to Ontario Regulation 284/09" be adopted; and further,
 - 1. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To obtain Council approval of the City of Markham's 2020 Operating and Capital Budgets.

BACKGROUND:

A total of ten Budget Committee meetings were held through September, October and November 2019 to discuss and review the 2020 Budget.

All Budget Committee meetings were open to the public and were audio and video streamed. The presentations along with full recordings of the meetings are available on the City's web portal. A public consultation meeting was held on November 27th, 2019 at the Civic Centre.

The following topics were presented and discussed at the Budget Committee meetings:

- fiscal scan including economic trends and budgetary pressures;
- review of the 2020 operating and capital budgets;
- business unit overview presentation by each Director;
- review of the 2020 Planning & Design, Engineering, Building and Waterworks operating budgets.

At the public consultation meeting, there were four deputations (refer to Appendix 8) on the following topics and Staff provided responses:

Flood remediation program:

Staff advised that the City's Flood Remediation Program is being implemented in order of priority, as there are several areas in Markham experiencing flooding. The program started in Thornhill, as it was determined to be the highest priority area. Over time, the program will remediate the stormwater sewers for all Markham areas experiencing, or at risk of flooding. Staff advised of the City's Plumbing Protection Rebate Program to assist residents in reducing the risk of basement flooding.

Hospice in Markham:

• Staff advised that there is no funding in the 2020 Budget for hospices, as the responsibility of housing falls under York Region. Staff advised that they are currently working on a report based on the presentation in March and the report will be brought back to Development Services Committee. It was advised that Markham Stouffville Hospital, Saint Elizabeth Healthcare, and Evergreen Hospice are working together to possibly create a hospice in Markham, and Staff will continue to work with key partners on this initiative. It was confirmed that a

Report to: Council Meeting Date: December 10, 2019

Housing Summit will be held in 2020 to address issues with affordable housing, including age-friendly accommodation.

Seniors programs

• Staff advised that a report card is being created for the City's Older Adults Strategy and that each initiative under the strategy has a funding source. Staff are reviewing long term (10 year) goals for the strategy. The City has also added funds to the City's seniors' programs, dedicated significant areas of the Milliken Mills Community Centre expansion for seniors programs, and continues to apply for and receive government grants for seniors clubs. Staff advised that seniors programs are 60-70% subsidized by the City, while programs for children are subsidized at 30-40%.

Percy Reesor Parkette

• A staff report will be brought forward to the Development Services Committee on Percy Reesor Park following a public consultation survey that was requested to be conducted at the September 9th, 2019 Development Services Committee meeting.

OPTIONS/ DISCUSSION:

The 2020 Budget totals \$522,059,127 and the breakdown is as follows:

	Budget
Operating Budgets	
- Primary (excl. Library)	\$225,721,567
- Library	\$15,241,205
- Planning & Design	\$10,568,647
- Engineering	\$8,787,473
- Building Standards	\$9,534,885
- Waterworks	\$140,669,974
Capital Budget	\$111,488,000
Total Budget	\$522,011,751

Details on the 2020 Primary Operating Budget and Library Operating Budget are shown on pages 4 and 5.

2020 CAPITAL BUDGET

The total 2020 Capital Budget includes 270 projects totaling \$111,488,000.

In September and November 2019, Council pre-approved 17 capital projects and portions of 6 other capital projects totaling \$24,574,000. Pre-approval was requested in order to prevent delays in design or construction, meet operational/program requirements and allow early commencement of the procurement process to optimize competitive pricing.

The approval of \$86,914,000 requested in this report is for the remaining 253 projects.

	# Projects	\$
September & November pre-approval Council reports	17	24,574,000
Additional projects approved by Budget Committee	253	86,914,000
Total	270	111,488,000

Note: The 6 projects with pre-approved portions are reflected in the "Additional projects approved by Budget Committee" count (253).

The 2020 Capital Budget includes \$22.1M for new parks design and construction, \$13.6M for water system and water meter replacement and upgrade programs, \$11.6M for recreation, culture & library programs and facilities, \$10.9M for the continuation of the flood control program in West Thornhill, \$6.9M for asphalt resurfacing, \$3.7M for streetlight design, construction, repair and replacement and \$2.0M for new sidewalks.

USD Purchases

In order to address USD exchange rate fluctuations, Staff recommend Council authorize Staff to purchase USD for applicable capital budget projects and make any budget adjustments necessary due to a variance between the budgeted USD exchange rate and the actual USD exchange rate at the time the US dollars are purchased.

2019 Life Cycle Replacement and Capital Reserve Study Update

The Reserve was formally established in 2004 to address the on-going capital replacement and rehabilitation requirements of the City's assets. The adequacy of the Reserve is reviewed annually through the update of the Life Cycle reserve study ("Reserve Study") using a 25-year rolling planning horizon.

As detailed during the 2019 budget process, the City requires a 2.0% infrastructure investment from 2019-2022 to ensure there are sufficient funds in the life cycle reserve through to 2046 (25 years from the end of the current Council term) based on known inflows and outflows. Consistent with the 2019 Budget, Staff recommend an incremental 0.5% infrastructure investment in 2020. The 2020 tax rate increase of 1.95% includes a 0.5% infrastructure investment.

2020 PLANNING & URBAN DESIGN, ENGINEERING AND BUILDING STANDARDS OPERATING BUDGETS

At the December 10th Council meeting, Council is requested to approve a 10% increase in Planning & Urban Design fees, 10% increase in Engineering fees and 5% Building fees.

A 10% increase to Planning & Urban Design fees has been included in the Planning & Urban Design operating budget which totals \$10,568,647, including a budgeted surplus to be transferred to the reserve of \$614,653.

A 10% increase to Engineering fees has been included in the Engineering operating budget which totals \$8,787,473, including a budgeted surplus to be transferred to the reserve of \$125,613.

A 5% increase to Building fees for Building Permit applications has been built into the Building Standards operating budget which totals \$9,534,885, including a budgeted deficit which results in a draw from reserve of \$2,394,409.

2020 WATERWORKS OPERATING BUDGET

The 2020 Water and Wastewater rate of \$4.8180/m³ effective April 1st, 2020 (an increase of 7.8% over the 2019 rate) is contained within the 2020 Waterworks operating budget of \$140,669,974 which includes a budgeted surplus to be transferred to the reserve of \$15,618,988.

This budgeted surplus is required to addresses the ongoing replacement and rehabilitation requirements for Waterworks infrastructure and other Waterworks related capital assets.

2020 PRIMARY OPERATING BUDGET

At the first Budget Committee meeting on September 24, 2019, Staff presented a fiscally responsible budget which included a staff supported proposed tax rate increase of 2.20% based on known information at that time. At the ninth Budget Committee meeting on November 12, 2019, Staff were directed to reduce the tax rate increase from 2.20% to 2% in line with the anticipated rate of inflation for 2020. At the Public Consultation meeting on November 27, 2019, Staff presented the proposed tax rate increase of 2.20% and the Mayor indicated he would meet with Staff to review options to reduce the tax rate increase to below the rate of inflation without reducing service levels or jeopardizing public safety.

During the budget process, Staff became aware of new information that could have a favourable impact on the 2020 Budget. These factors are listed below along with their impact on the 2020 Budget:

- \$308,694 from utilities: As noted in the September year-to-date review of operations and year-end projection report which went to General Committee on November 18th, 2019, the City is forecasting to be favourable \$1.30M in utilities at the end of 2019. This is primarily due to the 2019 hydro and streetlight hydro rates which are 10% lower than the rates experienced by the City in 2018. The reasons for the lower hydro rates are *Bill 87*, *Fixing the Hydro Mess Act*, 2019 passed in May 2019 which was introduced to reform the structure and operations of the Ontario Energy Board (OEB) and make changes to the Fair Hydro Plan. Some changes include uploading certain electricity conservation programs to the Independent Electricity System Operator (IESO), moving the financing of the plan to the Province's debt to save interest costs and modernizing the OEB's regulatory system. Utilizing the new rates, staff conducted a 3 year projection analysis with rate forecasts from Alectra to determine the utility requirements for 2020-2022. This analysis has yielded an opportunity of \$308,694 in the 2020 Budget for utilities.
- \$78,000 from Election Rebate budget: At the November 4th, 2019 General Committee, Legislative Services staff presented a post-election review. This

presentation indicated election rebate expenses for the 2018 Municipal Election of \$537,643. In the 4 year period between elections, the City transfers an annual amount to the Election Rebate Reserve to meet the needs of each election. Based on forecasts for the 2022 election rebates, staff recommend reducing the annual election rebate transfer budget by \$78,000. This reduction would still result in sufficient funding for the 2022 election rebates.

- \$8,106 from Recreation user fee market analysis: At the October 7th, 2019 General Committee, Recreation staff presented additional user fees and permits increases based on market analysis. These fee adjustments have a 2020 budget impact of \$8,106 (annualized impact of \$18,380).

The total of the above items is \$394,800 that results in a reduction of the tax rate increase from 2.20% to 1.95%.

The following exhibit reconciles the 2019 approved Operating Budget to the 2020 Operating Budget from \$233,044,724 to \$240,962,772 (figures include Library and exclude Planning & Design, Engineering, Building Services and Waterworks):

<u>REVENUES</u>	2020 Budget
2019 Approved Budget - Revenues	\$233,044,724
Assessment Growth	\$1,960,000
1.95% Property Tax Rate Increase	\$3,079,437
CPI and Volume Adjustments for User and Program Fees and Rentals	\$1,220,895
Markham Energy Corporation (MEC) Dividend Adjustment	\$1,341,056
Other	\$316,660
Total 2020 Budget Revenues - excluding 2019 surplus/(deficit)	\$240,962,772
<u>EXPENDITURES</u>	
2019 Approved Budget - Expenditures	\$233,044,724
Salaries and Benefits for existing staff	\$2,910,000
Growth (waste, personnel ramp-ups, winter maintenance, parks, and roads)	\$1,680,000
Municipal Service Contracts	\$1,380,000
E3 Adjustments	(\$977,000)
Transfer to Reserves - Contribution to capital & infrastructure investment	\$1,330,000
Transfer to Reserves - Adjustment for MEC Dividend	\$1,341,056
Other	\$253,992
Total 2020 Budget Expenditures - excluding 2019 surplus/(deficit)	\$240,962,772

The 2020 Library budget is \$15,241,205, details of which are shown in Appendix 2.

The 2019 operating results projection are not considered in the above reconciliation as results cannot be finalized until the City's financial statements have been audited and approved by Council. Staff will present the 2019 consolidated financial statements to General Committee in April 2020. Upon finalization of the 2019 audited financial statements, the 2020 operating budgets will be adjusted to reflect the 2019 surplus or deficit.

Report to: Council
Page 7

The 2020 budget aligns with the Council approved strategic priorities which address social, economic and environmental considerations. The budget includes service level enhancements while providing value for money for Markham taxpayers. The 2020 operating budget achieves fiscal sustainability by not using one-time funding to balance the budget.

During the budget development process, the City of Markham addressed the challenge of delivering a balanced budget with a reasonable tax rate increase in response to increased operating expenditures resulting from economic and growth pressures.

Economic pressures stem from collective agreements for existing Staff and third party contract renewals and escalation such as waste collection and winter maintenance.

Markham is a growing municipality, and budgetary requirements increase as the City continues to add to its inventory of parks, streetlights, and roads each year, requiring additional resources to maintain and replace assets. Further, Markham continues to exhibit sound fiscal management by phasing-in future personnel and non-personnel costs related to facility openings such as fire stations and libraries to minimize the tax rate impact of a new facility in the year it opens.

To mitigate the impact of economic and growth pressures, Staff continue to make every effort to find efficiencies to reduce operating costs and explore sustainable revenue sources through our continuous improvement program, **Excellence through Efficiency and Effectiveness (E3)**. Through the E3 program the City has achieved approximately \$29,400,000 in operational savings and revenue enhancements since 2009 avoiding the need for an approximate 24.5% property tax rate increase over that period.

During the budget process, Staff identified \$1,700,000 in E3s which made a favourable contribution to the tax rate increase of 1.95%. These efficiencies included adjustments to departmental budgets based on historical results, negotiated savings from new contracts and additional revenues resulting from user fee market competitive analyses.

Every year, the City receives dividends from the Markham Energy Corporation (MEC) with the majority of the funds being directed to the Life Cycle Reserve and \$1,000,000 retained in the annual operating budget. In 2020, the annual dividend budget was increased from \$8,458,944 to \$9,800,000 based on anticipated dividends to be received. The adjustment has been made to the revenue budget and transfer to reserves budget with no net impact to the City's operating budget.

Summary

In summary, the 2020 Primary Operating Budget expenditures increased by \$6,576,992 (excluding the \$1,341,056 increase in MEC dividends transferred to Life Cycle), offset by an increase in revenues of \$3,497,555 (excluding MEC dividend adjustment), resulting in a net shortfall of \$3,079,437, equivalent to a property tax rate increase of 1.95% (including infrastructure investment of 0.5%).

Report to: Council

The 2020 Budget is a fiscally responsible budget that keeps taxes low while providing for new and important community infrastructure.

<u>ADDITIONAL FINANCIAL DISCLOSURE REQUIREMENTS PURSUANT TO</u> ONTARIO REGULATION 284/09

According to the <u>Municipal Act, 2001</u> (the Act), municipalities may continue to prepare and present traditionally balanced budgets. However, under the Act, Ontario Regulation 284/09 (the Regulation) requires a restatement of the budget be provided to, and adopted by resolution by Council as part of the budget approval process. The restated version must be represented in full accrual accounting method format, as prescribed by the Public Sector Accounting Board.

In addition to the above, the Regulation states that municipalities may exclude from budgets, all or a portion of the estimated cost of certain expenses, but the impact of the exclusion(s) must be included in the budget report to Council. Expenses eligible for exclusion from budget are:

- 1. Amortization; and
- 2. Post-employment benefits

As the City currently excludes the above expenses from the traditional, balanced budget, the 2020 budget has been restated in accordance with Ontario Regulation 284/09 and is included for Council adoption as part of the 2020 budget approval process.

	Reference to Exhibit 1	\$ in M Increase/ (Decrease)
Balanced Budget		0.00
Net revenues to fund capital projects	2	45.25
Transfer to reserve/reserve funds	3	53.19
Tangible Capital Assets (TCA) amortization	4	(79.63)
Post-employment benefits	5	0.05
Non-tangible capital assets	6	(30.25)
Adjusted 2020 budget - Deficit	7	(11.39)

Reference #2: Net revenues to fund Capital projects – Represents new revenues to the City (eg. Development Charges, Federal Gas Tax revenues and Federal and Provincial grants) included in the funding of the 2020 capital budget.

Reference #3: Transfer to reserve/reserve funds – Represents contributions to reserves and reserve funds from the operating budget. These are not considered expenditures under the full accrual method of accounting.

Reference #4: Tangible Capital Assets (TCA) amortization – Calculated based on actual amortization expenses from "in-service" assets as of 2019 and amortization expenses for assets projected to be "in-service" in 2020 using the 1/2 year rule.

Reference #5: Post-employment benefits – The budget excludes the current year's post-employment benefit expense adjustment of (\$53,514) based on the actuarial valuation of 2019 to 2021. However, the City will recognize the 2020 post employment benefit obligations as part of the year-end accounting accruals and other adjustments.

Reference #6: Non-tangible capital assets – Initiatives included in the 2020 capital budget, restated as operating expenses.

The restatement of the 2020 Budget in accordance with the full accrual method of accounting and Ontario Regulation 284/09 results in a projected deficit of \$11,385,977. Details of the restated budget are shown in Exhibit 1.

(7)

(\$11,385,977) _F

EXHIBIT 1 2020 CONSOLIDATED BUDGET

- Re-stated in Accordance with the Full Accrual Method of Accounting -- In Compliance with Ontario Regulation 284/09 -

R

- In Compliance with Ontario	regulation 2	0 1, 0 2	
REVENUES			
- City (excl. Library, Planning & Design, Engineering, Building		ф220 021 002	
Standards and Waterworks)		\$239,821,083	
- Library		\$1,141,689	
- Planning & Design		\$10,568,647	
- Engineering		\$8,787,473	
- Building Standards		\$7,140,476	
- Waterworks		\$140,669,974	¢400 120 242
Total Revenues from Operations			\$408,129,342
Non-Tangible Capital		\$30,249,200	
Tangible Capital Assets		\$81,238,800	
Total Capital - Tangible & Non-Tangible		\$111,488,000	
Less: Transfer from Reserve / Reserve Funds	(1)	(\$66,239,445)	
Net Revenues to fund Capital	(2)		\$45,248,555
TOTAL REVENUES			\$453,377,897
EXPENSES			
- City (excl. Library, Planning & Design, Engineering, Building			
Standards and Waterworks)		\$225,721,567	
- Library		\$15,241,205	
- Planning & Design		\$10,568,647	
- Engineering		\$8,787,473	
- Building Standards		\$7,140,476	
- Waterworks		\$140,669,974	
Total Operating Expenses		\$408,129,342	
Less: Transfer to Reserve / Reserve Funds	(3)	(\$53,191,115)	
Add: TCA Amortization Expenses	(4)	\$79,629,961	
Add: Post-employment Benefit Expenses	(5)	(\$53,514)	
Net Operating Expenses		· / / /	\$434,514,674
Non-Tangible Capital	(6)	\$30,249,200	
Tangible Capital Assets		\$81,238,800	
Total Capital Expenses		\$111,488,000	
Less: Tangible Capital Assets Capitalized		(\$81,238,800)	
Net Capital Expenses - Not Capitalized	(6)		\$30,249,200
TOTAL EXPENSES			\$464,763,874

NOTES:

- (1) Represents transfers from reserves and/or reserve funds to fund expenditures. These are not considered revenues under the full accrual method of accounting.
- (2) Represents new revenues to fund the 2020 capital budget
- (3) Represents contributions to reserves and/or reserve funds. These are not considered expenditures under the full accrual method of accounting, but become part of the actual year end surplus (retained earnings).
- (4) TCA Amortization Expenses are calculated based on actual amortization expenses from "in-service" assets as of 2019 and amortization expenses for assets projected to be "in-service" in 2020 using the 1/2 year rule.
- (5) Post-employment Benefit Expenses based on estimates provided by Nexus.

ADJUSTED BUDGET: 2020 FULL ACCRUAL ACCOUNTING BUDGET DEFICIT

- (6) Non-Tangible Capital are included in the 2020 capital budget, and they will be restated as operating expenses.
- (7) Projected deficit is based on the restated 2020 budget.

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HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:

Joel Lustig, Treasurer Trinela Cane Commissioner, Corporate Services

Meeting Date: December 10, 2019

ATTACHMENTS:

Appendix 1-2020 Total Corporation Operating Budget (Including Library, excluding Planning & Design, Engineering, Building Standards and Waterworks) Appendix 2-2020 Library Operating Budget

Appendix 3 – 2020 Capital Budget (including Pre-Approved Capital Projects)

Appendix 4 – 2020 Planning & Design Operating Budget

Appendix 5 – 2020 Engineering Operating Budget

Appendix 6 – 2020 Building Standards Operating Budget

Appendix 7 – 2020 Waterworks Operating Budget

Appendix 8 – Budget Public Meeting minutes



CITY OF MARKHAM - 2020 OPERATING BUDGET

(Incl. Library, excl. Planning & Design, Engineering, Building Standards and Waterworks)

<u>Description</u>	<u>2019 Budget</u>	2020 Budget	2020 Bud. vs. \$ Incr./(Decr.)	
Revenues				
TAX LEVIES	\$160,550,320	\$162,385,526	\$1,835,206	1.1%
1.95% PROPERTY TAX RATE INCREASE	φ100,330,320 0	3,079,437	3,079,437	0.0%
PAYMENTS-IN-LIEU OF TAXES	1,209,007	1,209,007	0	0.0%
GRANTS AND SUBSIDIES	1,956,197	1,935,197	(21,000)	-1.1%
LICENCES & PERMITS	2,247,135	2,237,287	(9,848)	-0.4%
PENALTY & INTEREST	4,158,000	4,276,428	118,428	2.8%
INCOME FROM INVESTMENTS	23,351,564	24,692,620	1,341,056	5.7%
FINES	3,251,174	3,350,018	98,844	3.0%
USER FEES & SERVICE CHARGES	20,552,075	21,324,026	771,951	3.8%
RENTALS	9,754,109	10,203,053	448,944	4.6%
SALES	635,180	645,202	10,022	1.6%
RECOVERIES & CONTRIBUTIONS	1,671,444	1,746,485	75,041	4.5%
OTHER INCOME	3,708,519	3,878,486	169,967	4.6%
Total Revenues	\$233,044,724	\$240,962,772	\$7,918,048	3.4%
Total Novollado	4200,011,12	42 10,002,112	ψ1,010,010	01170
Expenses				
SALARIES AND BENEFITS	\$136,029,404	\$140,687,507	\$4,658,103	3.4%
PRINTING & OFFICE SUPPLIES	432,273	437,120	4,847	1.1%
PURCHASES FOR RESALE	397,169	401,550	4,381	1.1%
OPERATING MATERIALS & SUPPLIES	2,733,754	2,764,029	30,275	1.1%
VEHICLE SUPPLIES	1,784,340	1,824,090	39,750	2.2%
BOTANICAL SUPPLIES	277,439	280,439	3,000	1.1%
CONSTRUCTION MATERIALS	1,946,159	2,245,139	298,980	15.4%
UTILITIES	9,033,318	8,707,810	(325,508)	-3.6%
COMMUNICATIONS	1,422,117	1,462,472	40,355	2.8%
TRAVEL EXPENSES	383,613	401,325	17,712	4.6%
TRAINING	805,309	796,809	(8,500)	-1.1%
CONTRACTS & SERVICE AGREEMENTS	6,836,697	7,206,646	369,949	5.4%
MAINTENANCE & REPAIRS	7,523,885	7,387,881	(136,004)	-1.8%
RENTAL/LEASE	737,808	785,472	47,664	6.5%
INSURANCE	2,632,919	2,712,619	79,700	3.0%
PROFESSIONAL SERVICES	3,039,036	3,043,698	4,662	0.2%
LICENCES, PERMITS, FEES	839,457	889,056	49,599	5.9%
CREDIT CARD SERVICE CHARGES	394,243	401,243	7,000	1.8%
PROMOTION & ADVERTISING	1,397,461	1,370,299	(27,162)	-1.9%
KEY COMMUNICATION PROGRAMS	428,875	445,375	16,500	3.8%
CONTRACTED MUNICIPAL SERVICES	12,036,838	12,006,984	(29,854)	-0.2%
OTHER PURCHASED SERVICES	1,532,568	1,462,102	(70,466)	-4.6%
PROPERTY TAX ADJUSTMENTS	1,176,000	1,301,000	125,000	10.6%
OTHER EXPENDITURES	2,689,552	2,715,837	26,285	1.0%
TRANSFERS TO RESERVES	36,534,490	39,226,270	2,691,780	7.4%
Total Expenses	\$233,044,724	\$240,962,772	\$7,918,048	3.4%
Net Expenditures/(Revenues)	-	-	-	



CITY OF MARKHAM - 2020 OPERATING BUDGET Library

Description	2019 Budget	2020 Budget	2020 Bud. vs. \$ Incr./(Decr.)	
Description	2013 Buuget	2020 Buuget	y IIICI./(Deci.)	70 Change
Revenues				
GRANTS AND SUBSIDIES	\$228,778	\$228,778	\$0	0.0%
USER FEES & SERVICE CHARGES	747,883	756,082	8,199	1.1%
RENTALS	52,935	53,993	1,058	2.0%
SALES	102,836	102,836	0	0.0%
OTHER INCOME	0	0	0	0.0%
Total Revenues	\$1,132,432	\$1,141,689	9,257	0.8%
Expenses				
SALARIES AND BENEFITS (INCL. PERSONNEL RAMP-UPS)	\$12,736,239	\$13,180,447	\$444,208	3.5%
PRINTING & OFFICE SUPPLIES	38,975	35,957	(3,018)	-7.7%
OPERATING MATERIALS & SUPPLIES	112,210	112,210	, o	0.0%
UTILITIES	165,851	168,008	2,157	1.3%
COMMUNICATIONS	121,386	121,386	0	0.0%
TRAVEL EXPENSES	43,720	43,720	0	0.0%
TRAINING	56,017	56,017	0	0.0%
CONTRACTS & SERVICE AGREEMENTS	240,313	237,386	(2,927)	-1.2%
MAINTENANCE & REPAIRS	221,215	218,139	(3,076)	-1.4%
RENTAL/LEASE	18,688	18,688	0	0.0%
INSURANCE	11,963	11,963	0	0.0%
PROFESSIONAL SERVICES	52,197	56,642	4,445	8.5%
LICENCES, PERMITS, FEES	13,900	21,900	8,000	57.6%
CREDIT CARD SERVICE CHARGES	6,500	6,500	0	0.0%
PROMOTION & ADVERTISING	33,147	31,000	(2,147)	-6.5%
OTHER PURCHASED SERVICES	913,308	913,308	0	0.0%
OTHER EXPENDITURES	8,934	7,934	(1,000)	-11.2%
Total Expenses	\$14,794,563	\$15,241,205	446,642	3.0%
Net Expenditures	\$13,662,131	\$14,099,516	437,385	3.2%

					Developer		Description of Other Funding
Projects Under Consideration							
Development Services							
Economic Development							
20001 Markham Economic Strategy	237,800					237,800	Non DC-Growth
TOTAL Economic Development	237,800	-	-		-	237,800	=
TOTAL Economic Development							
Culture							
20002 Culture Public Art Master Plan Implementation Phase 1 of 5	249,300	45,000				204,300	Public Art Acq. Res. Fund
TOTAL Culture	249,300	45,000	-	_	-	204,300	•
TOTAL Culture	ŕ	,				ŕ	
Museum							
20003 Museum - Strickler Barn Phase 2 of 2	83,400		83,400				
20004 Museum - Various Buildings	332,100		332,100				
20005 Museum Maintenance	83,500		83,500				
TOTAL Museum	499,000	-	499,000	-	-	-	=
Theatre							
20006 Theatre-Building Maintenance	42,200		42,200				
20007 Theatre-Courtyard Replacement (Upper & Lower)	203,900		203,900				Note 1
20008 Theatre-Dressing Room Refurbishment	250,700		250,700				Note 2
20010 Theatre-Parking Lot Swing Gates	15,300		15,300				
20011 Theatre-Stage Equipment & Maintenance	20,000		20,000				
20012 Theatre-Theatrical Lighting Fixture Replacement	195,400		195,400				_
TOTAL Theatre	727,500	-	727,500	-	-	-	-
Arts Centres							
20013 Exhibition Galleries & Programs Maintenance	41,700		41,700				
TOTAL Arts Centres	41,700	-	41,700	-	-	-	=
TOTAL TARES CONTROL							
Planning							
20015 Consolidated Zoning By-Law - LPAT Defense and Refinement	521,200					521,200	80 % Build. Fees, 20% Dev. Fees
20016 Consultant Studies	92,000			82,800		9,200	Development Fees
20017 Designated Heritage Property Grant Program	30,000					30,000	Heritage Reserve
20018 Heritage Façade Improvements/Sign Replacement	20,000	20,000					
20019 Housing Summit	20,000			18,000		2,000	Development Fees
20020 Ontario Heritage Conference Host May 2020	20,400	20,400					
20021 Planning & Design Staff Salary Recovery	669,300			669,300			
20022 York Region Employment Survey	39,000			35,100		3,900	Development Fees
TOTAL Planning	1,411,900	40,400	-	805,200	-	566,300	-
Design							
Dongn							Park Cash-in-Lieu

20025 Com-11 Com-1				Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
20025 Cornell Communit	ty Park - Construction	9,329,100			8,396,190	•	932,910	Park Cash-in-Lieu
20026 Cornell Parkette - 1	•	375,000			337,500		37,500	Park Cash-in-Lieu
20027 Leitchcroft Buildir		664,600			598,140		66,460	Park Cash-in-Lieu
20028 Leitchcroft Townh	nouse Park - Design & Construction	836,800			753,120		83,680	Park Cash-in-Lieu
20029 Wismer McCowar	n Woodlot Park - Design & Construction	1,269,200			1,142,280		126,920	Park Cash-in-Lieu
20030 York Downs Park	- Design & Construction	791,900			712,710		79,190	Park Cash-in-Lieu
	TOTAL Desi	gn 22,142,000	-	-	19,927,800	-	2,214,200)
Engineering								
	Water Supply (PD7) - EA	429,600			429,600			
20032 Active Transportat		86,500			56,225		30,27	5 Non-DC Growth
=	tension Environmental Assessment	514,900			514,900			
20034 Downstream Impr	ovements Program (Construction)	1,234,900		432,215	802,685			
20035 Downstream Impr	ovements Program (Design)	319,100		111,685	207,415			
20037 Main Street Union	ville Road Reconstruction (Design)	496,900					496,900	Non-DC Growth
20038 Markham Centre 7	Frails - Phase 1 (Construction)	965,000			627,250		337,750	Section 37
20039 Markham Centre T	Trails - Phase 2 (Design)	230,500			149,825		80,67	5 Section 37
20041 Pedestrian Access	ibility Improvements Program–Phase 6 of 7	601,200			390,780		210,420	Non-DC Growth
20042 Rouge Valley Trai	il (Kennedy Road North) – Design	156,600			101,790		54,810	Non- DC Growth
20043 Servicing & Enviro	onmental Study- Markville Secondary Plan	443,000			443,000			
20044 Sidewalk Program	(Construction)	1,500,000			1,500,000			
20045 Sidewalk Program	(Design)	446,500			446,500			
20046 Smart Commute M	Markham-Richmond Hill	76,300			76,300			
20047 Staff Salary Recov	very	713,400			713,400			
20048 Streetlight Program	n (Construction)	764,800			764,800			
20049 Streetlighting Prog	gram (Design)	175,100			175,100			
20050 Traffic Asset Repl	acement	196,900		196,900				
20051 Traffic Operationa	al Improvements	88,900	88,900					
20052 Transportation Stu	ndy – Markville Secondary Plan	230,500			230,500			=
	TOTAL Engineeri	<u>ng</u> 9,670,600	88,900	740,800	7,630,070	-	1,210,830	0
	TOTAL Development Service	ces 34,979,800	174,300	2,009,000	28,363,070	-	4,433,430	0
Jamanata Canviasa								
Corporate Services ITS								
		18,600	18,600					
20054 Museum Mimsy U		10,300	10,300					
	Fitness Training Management Application	30,500	30,500					
20056 ITS - Recreation F	-	43,900	30,300	43,900				
	rategy Implementation – Phase 2 of 2	25,600	25,600	43,700				
-	gistration & Mobile Printing	26,000	23,000				26.000) Waterworks Reserve
	vention Program (Software Enhancements)	2,917,700		2,427,200			-,	3 Water works Reserve 3 \$147k WW, \$343k Dev./Build. Fee
20061 ITS Life Cycle Ass	TOTAL I		85,000	2,471,100			516,500	

# Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
Finance							
	129,200			116,280		12 920	Non-DC Growth
20062 Bill 108 - Community Benefits Charge By-law 20063 Internal Project Management	928,800			928,800		12,720	Non-De Glowin
TOTAL Finance	1,058,000	-	-	1,045,080	-	12,920	:
Sustainability Office							
20064 Facility Energy Management Program	337,800					337,800	MECO
TOTAL Sustainability Office	337,800	-	-	-	-	337,800	•
Asset Management							
20065 8100 Warden Facility Repair and/or Replacement Projects	337,800		337,800				
20066 Accessibility Retrofit Program	137,700		137,700				
20067 Building Condition Audit - Full Time Staff	144,000		144,000				
20068 Building Envelope/Structural Review	56,100		56,100				
20069 Civic Centre Repair and/or Replacement Projects	345,000		345,000				
20070 Corporate Security Operations & System Replacements	701,700		701,700				
20071 Designated Substances Management	69,400		69,400				
20072 Fire Facilities Repair and/or Replacement Projects	233,200		233,200				
20073 Fire Station Signs - Phase 2 of 2	121,400		121,400				
20074 Library Facilities Repair and/or Replacement Projects	127,700		127,700				
20075 Municipal Building Backflow Prevention Testing	20,400		20,400				
20076 Operations Facilities Repair and/or Replacement Projects	764,500 75,200		764,500 75,200				
20077 Operations Fuel Sites Monitoring	211,300		211,300				
20078 Other Facilities Repair and/or Replacement Projects	31,300		31,300				
20081 Recycling Depots Repair and/or Replacement Projects	143,400		143,400				
20082 Roofing Maintenance and Repair	410,700		410,700				
20083 Roofing Replacement Projects	143,200		143,200				
20084 Satellite Community Centre Repair and/or Replacement 20085 Tennis Clubhouse Repair and/or Replacement Projects	38,600		23,780			14 820	Tennis Club
TOTAL Asset Management TOTAL Asset Management	4,112,600	-	4,097,780	-	-	14,820	Tellins Club
TOTAL Corporate Services	8,581,000	85,000	6,568,880	1,045,080	-	882,040	
							•
ommunity & Fire Services							
Fire & Emergency Services	00.000		99.600				
20086 Air Cylinders 45+ Minutes Replacement	88,600		88,600				
20087 Bunker Gear Replacement	168,900		168,900				
20088 Defibrillator & Accessories Replacement	75,300 100,000		75,300 100,000				
20089 Firefighting Tools & Equipment Replacement	20,900		20,900				
20000 Hazardous Materials - Decontamination Tent	12,300		12,300				
20001 Hose Rolling Equipment Replacement	8,700		8,700				
20092 Rapid Intervention Rescue Packs Replacement	8,700		0,700				

# Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
20093 Replacement of Equipment due to Staff Retirements	95,300		95,300		Developei		
20094 Rescue Equipment - Powered Hydraulics Replacement	93,500		93,500				
20095 Rescue Equipment - Water Rescue Equipment Replacement	42,600		42,600				
TOTAL Fire & Emergency Services	706,100	-	706,100		-	-	
Recreation Services							
20096 Angus Glen C.C. Arena Condenser Replacement	203,500		203,500				
20097 Angus Glen C.C. Flooring Replacement	75,700		75,700				
20098 Angus Glen C.C. Gym Curtain Replacement	34,600		34,600				
20099 Angus Glen C.C. Lifeguard Chair Replacement	9,300		9,300				
20100 Angus Glen C.C. Rooftop Condenser Replacement	132,300		132,300				
20101 Armadale C.C. Fire Prevention System Replacement	218,500		218,500				
20101 Armadale C.C. Millwork Replacement	132,200		132,200				
20103 Armadale C.C. Rooftop Unit Replacement	136,600		136,600				
20104 Centennial C.C. Gas Monitors Replacement	10,000		10,000				
20105 Centennial C.C. HVAC Replacement	56,000		56,000				
20106 Centennial C.C. Pool Equipment Replacement	21,500		21,500				
20107 Centennial C.C. Saunas Replacement	17,200		17,200				
2010/ Centennial C.C. Surge Drum Replacement	37,000		37,000				
20109 Centennial C.C. Washroom Heater Replacement	6,400		6,400				
20110 Clatworthy Arena Brine Pump Replacement	23,400		23,400				
20110 Crawforthy Alena Britie Lump Replacement	19,700		19,700				
20112 Cornell C.C. CO2 Controller Replacement	9,300		9,300				
20112 Cornell C.C. Drinking Fountains Replacement	15,000		15,000				
20114 Cornell C.C. Floor Grates Replacement	8,000		8,000				
20115 Cornell C.C. Glass Grommets Replacement	21,400		21,400				
20116 Cornell C.C. Library Carpet Replacement	34,000		34,000				
20118 Cornell C.C. Power Washer Replacement	8,400		8,400				
20119 Cornell C.C. Pumps Replacement	84,000		84,000				
20120 Cornell C.C. Shower Valves Replacement	17,200		17,200				
20120 Conneil C.C. Shower varves repracement 20121 Crosby C.C. Garbage Fence Enclosure Replacement	8,000		8,000				
20121 Crosby C.C. Garbage Petice Enclosure Replacement	47,600		47,600				
20122 Crosby C.C. Pump Replacement	36,600		36,600				
20123 Closby C.C. Fump Replacement 20124 ECO Camp Chimo Equipment Replacement	35,700		35,700				
20124 ECO Camp Chinno Equipment Replacement 20125 Heintzman House Boiler Replacement	24,000		24,000				
20126 Heintzman House Fireplace Gas Insert	7,100		7,100				
20128 Heintzman House Stove Replacement	8,100		8,100				
20129 Markham Village C.C. Ceiling Tile Replacement	13,100		13,100				
20130 Markham Village C.C. Marquee Replacement	14,800		14,800				
20130 Markham Village C.C. Shower Tiles Replacement	36,300		36,300				
20131 Markham Vinage C.C. Shower Thes Replacement 20132 Milliken Mills C.C. Arena Boards and Frame Replacement	203,500		203,500				
20132 Milliken Mills C.C. Arena Boards and Frame Replacement 20133 Milliken Mills C.C. Arena Heat Exchanger Replacement	14,800		14,800				
• •	24,400		24,400				
20134 Milliken Mills C.C. Arena Heater Replacement	859,900		859,900				
20135 Milliken Mills C.C. Arena Pad Replacement	037,700		659,900				

# Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
	15 400		15 400		Developer		
20136 Milliken Mills C.C. Arena Scoreboard Replacement	15,400		15,400				
20137 Milliken Mills C.C. Arena Spectator Seating Replacement	29,200 95,100		29,200 95,100				
20138 Milliken Mills C.C. Furnace Replacement	142,500		142,500				
20140 Milliken Mills C.C. Parking Lot Light Replacement							
20141 Milliken Mills Soccer Dome Door Replacement	34,100		34,100				
20142 Morgan Pool Equipment Replacement	24,600		24,600				
20143 Morgan Pool Mechanical Replacement	21,800		21,800				
20144 Mt. Joy C.C. Low Emissivity Ceiling Replacement	37,300 9,800		37,300				
20145 Mt. Joy C.C. Overhead Doors Replacement			9,800 22,400				
20146 Old Unionville Library Mechanical Replacement	22,400		<i>'</i>				
20147 Old Unionville Library Vinyl Tile Replacement	20,400 60,600		20,400				
20148 Pan Am Centre Lighting Automation	467,300		60,600			467.2	00 From Evicting Bon Am Construction
20149 Pan Am Centre Vestibule	28,000		20,000			407,3	00 From Existing Pan Am Construction
20150 Pan Am Heat Exchanger Reconstruction			28,000				
20151 Pan Am Pool Equipment Replacement	16,300 18,400		16,300				
20152 Recreation AED Program Replacement			18,400				
20153 Recreation Aquatic Equipment Replacement	85,500		85,500				
20154 Recreation Aquatics Safety Audit	20,400	20.200	20,400				
20155 Recreation Autonomous Floor Scrubbers	62,300	38,300	24,000				
20156 Recreation Building Automation System (BAS) Replacement	374,300		374,300				
20157 Recreation Fitness Equipment Replacement	190,300		190,300				
20159 Recreation Painting Projects	134,900		134,900				
20160 Recreation Pool Grouting Replacement	51,900		51,900				
20161 Recreation Program Equipment Replacement	94,400		94,400				
20162 Recreation Rubber Floor Replacement	171,000		171,000				
20163 Recreation Security System Replacement	457,200		457,200				
20164 Recreation Sound System Replacement	50,000		50,000				
20165 Recreation Tables and Chairs Replacement	54,700		54,700				
20166 Rouge River C.C. Pump and Exhaust Fan Replacement	24,900		24,900				
20167 Thornhill C.C. Filter Spa Replacement	10,000		10,000				
20168 Thornhill C.C. Rink Board and Arena Netting Replacement	210,400		210,400				
20169 Thornlea and Clatworthy Shower Replacement	25,900		25,900				
20170 Thornlea Pool Deck Drain Piping Replacement	39,700		39,700				
20171 Unionville Train Station HVAC Replacement	11,000		11,000				
20172 Unionville Train Station Wood Floor Refurbishment	11,000		11,000				
20173 Water Street Senior Centre Facility Improvements	16,700		16,700				
TOTAL Recreation Services	5,804,800	38,300	5,299,200	-	-	467,3	00
arkham Public Library	55 00C	55.000					
20174 Customer Service Improvement (E-Resources)	55,000	55,000					
20175 Heritage Garbage Enclosure (Unionville Library)	19,300	19,300					
20176 Library Collections	1,198,400		1,198,400				Note 3
20177 Library Furniture, Equipment & Shelving Replacement	143,800		143,800				

# Project Description	Total	Tax	Life Cycle	DC - Reserve	DC -	Other	Description of Other Funding
					Developer		
20178 Markham Centre Library - Phase 1 of 2	71,200			64,080			Non-DC Growth
TOTAL Markham Public Library	1,487,700	74,300	1,342,200	64,080	-	7,120	-
Operations - Roads							
20179 Asphalt Resurfacing	6,873,800					6,873,800	Gas Tax
20180 Boulevard Repairs	57,300		57,300				
20181 Bridge Structure Preventative Maintenance - Roads	25,300		25,300				
20182 City Owned Entrance Feature Rehabilitation/Replacement	280,800		280,800				
20183 City Owned Fence Replacement Program	128,800		128,800				
20184 Don Mills Storm Channel	15,000		15,000				
20185 Emergency Repairs	174,000		174,000				
20186 Guiderail- Install/Repair/Upgrade	114,800		114,800				
20187 Incremental Growth Related Winter Maintenance Vehicles	450,000			450,000			
20188 Localized Repairs - Curb & Sidewalk	859,200		859,200				
20189 Localized Repairs - Parking Lots	119,200		119,200				
20191 Parking Lots- Rehabilitation	208,600		208,600				
20192 Railway Crossing Rehabilitation -Castlemore	163,600		163,600				
20193 Retaining Wall Repair Program	78,700		78,700				
20194 Storm Water Retention Pond Maintenance Program	51,900		51,900				
TOTAL Operations - Roads	9,601,000	-	2,277,200	450,000	-	6,873,800	=
Operations - Parks							
20195 Backstop and Outfield Fence Replacement at Armadale Pk	39,300		39,300				
20196 Bleachers (Metal) Replacement - Grandview Bleachers	11,200		11,200				
20198 Boulevard/Park Trees Replacement	352,300		352,300				
20199 Bridge Structure Preventative Maintenance in Parks	25,300		25,300				
20200 Cemetery Fence Repair at Thornhill Cemetery	44,100		44,100				
20201 City Park Furniture / Amenities	171,600		171,600				
20202 Court Resurfacing/Reconstruction/Maintenance	403,400		403,400				
20203 Cricket Pitch Outfield Screening Repl. at Yarl Cedarwood	82,400		82,400				
20204 Decorative Fountain Replacement at Swan Lake Pk	84,300		84,300				
20205 Goal Posts Replacement	20,200		20,200				
20206 Huntington Pk Floodlights, Poles & Cross Arms Replacemt.	176,500		176,500				
20206 Funtingion PK Floodinghts, Poles & Cross Arms Replacemt. 20207 Markham Trees for Tomorrow	122,100	122,100	1.0,200				
20207 Markhain Trees for Tomorrow 20208 Parks Interpretative Signage Implementation - Phase 1 of 3	101,800	101,800					
20208 Parks Interpretative Signage Implementation - Phase 1 of 5 20211 Recycling Containers Replacement (Yr 3 of 10)	16,600	101,000	16,600				
20212 Rejuvenation of Community Centres Landscapes-Year 3 of 3	63,700		63,700				
20212 Rejuvenation of Community Centres Landscapes-Tear 3 of 3 20213 Relamping & Fixtures Refurbishment	27,000		27,000				
20213 Relamping & Fixtures Returbishment 20214 Shade Structure Refurbishment	78,500		78,500				
	137,600		137,600				
20215 Sportsfield Maintenance & Pagenetrystics	137,000						
20215 Sportsfield Maintenance & Reconstruction	247 200		247 200				
20216 Stairway Repairs	247,200 60,600		247,200 60,600				
•	247,200 60,600 337,000		247,200 60,600 337,000				

# Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
Operations - Fleet							
20219 Corporate Fleet Growth - Non-Fleet	10,200			10,200			
20220 Corporate Fleet Refurbishing	37,800		37,800				
20221 Corporate Fleet Replacement - Fire	918,800		918,800				
20222 Corporate Fleet Replacement - Ice Resurfacing Machine	100,200		100,200				
20223 Corporate Fleet Replacement - Non-Fire	710,500		710,500				
20224 Corporate Fleet Replacement - Waterworks	378,400					378,400	Waterworks
20225 New Fleet - Parks	98,900			98,900			
20226 New Fleet - Roads	296,600			296,600			
TOTAL Operations - Fleet	2,551,400	-	1,767,300	405,700	-	378,400	=
Operations - Utility Inspection & Survey							
20227 German Mills Meadow - Equipment Maintenance	110,100		110,100				
20229 Survey Instrument Upgrade/Replacement	18,900		18,900				
20230 Survey Monument Replacement	27,700		27,700				
TOTAL Operations - Utility Inspection & Survey	156,700	-	156,700	-	-	-	=
o							
Operations - Business & Technical Services	438,800			204.020		42 990	Non-DC Growth
20231 Growth Related Parks Improvements	, , , , , , , , , , , , , , , , , , ,	221 600		394,920		43,880	Non-DC Growth
20232 Public Realm-Markham's Shared Places Our Spaces	221,600	221,600		201.020		12.000	=
TOTAL Operations - Business & Technical Services	660,400	221,600	-	394,920	-	43,880	
Environmental Services - Infrastructure							
20233 Bridges and Culverts - Condition Inspection	68,800		68,800				
20234 Confined Space Assessment for Culverts	25,900		25,900				
20235 MNRF Monitoring for Capital Projects at Water Crossings	27,000		27,000				
20236 Storm Sewer Pipes - Rehabilitation	645,100		165,735			479,365	Gas Tax
20237 Storm/Sanitary Sewer & Sanitary Laterals CCTV Inspection	1,585,200		228,200			1,357,000	Waterworks Reserve
20238 Stormwater Pumping Stations - Maintenance	106,300		106,300				
20239 Streetlight Poles & Cable Replacement (Varley Village)	1,828,800		1,828,800				Note 4
20240 Streetlights - Miscellaneous Requests	152,600	152,600					
20241 Streetlights - Pole Condition Inspection Program	92,000		92,000				
20242 Streetlights - Poles Replacement Program	124,200		124,200				
20243 Streetlights - Underground Cable Condition Inspection	187,200		187,200				
20244 Structures Program-Full-time Staff	145,500		145,500				
20245 Structures Rehabilitation (5 Structures) - Design & Const.	457,200		457,200				Note 5
20246 Toogood Dam - Structural Inspection	20,100		20,100				=
TOTAL Environmental Services - Infrastructure	5,465,900	152,600	3,476,935	-	-	1,836,365	_
Environmental Services - Stormwater							
20247 German Mills Settlers Park Erosion Protection-Cost Sharing	223,900		223,900				

# Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
20249 SWM Pond Cleaning - Ponds ID#25 & ID#67	1,094,200				•	1,094,200	Gas Tax
20250 Water Quality Improvements and Geese Control	27,600		27,600				
20251 Water Quality Monitoring	27,600		27,600				
TOTAL Environmental Services - Stormwater	1,588,700	-	494,500	-	-	1,094,200	=
Environmental Services - Waste							
20253 Incremental Growth Related Waste Management Vehicles	100,000			100,000			
TOTAL Environmental Services - Waste	100,000	-	-	100,000	-	-	=
Environmental Services - Waterworks							
20254 Calibration of Water Quality Model	193,400					193,400	Waterworks Reserve
20255 Cathodic Protection of Cast Iron Watermains	378,900					378,900	Waterworks Reserve
20257 CI Watermain Replacement - Construction & CA	5,729,700					5,729,700	Waterworks Reserve
20259 Curb Box Inspection and Replacement Program	614,100					614,100	Waterworks Reserve
20260 I/I Investigation - Carlton Pump Station Catchment Area	101,800					101,800	Waterworks Reserve
20261 Sanitary Sewers - Rehabilitation	910,600					910,600	Waterworks Reserve
20262 Suspended Watermains - Condition Inspection	52,900					52,900	Waterworks Reserve
20263 Update of Wastewater System Hydraulic Model	213,700					213,700	Waterworks Reserve
20264 Wastewater Flow Monitoring - Annual Program	152,600					152,600	Waterworks Reserve
20266 Water Meters - Replacement Program	996,700					996,700	Waterworks Reserve
20267 Waterworks Equipment	73,200					73,200	Waterworks Reserve
20269 DI Watermain CIPP Lining - Construction	680,000					680,000	Waterworks Reserve
TOTAL Environmental Services - Waterworks	10,097,600	-	-	-	-	10,097,600	_
TOTAL Community & Fire Services	40,823,000	710,700	17,898,935	1,414,700	-	20,798,665	- -
Corporate Wide							
20268 Corporate Capital Contingency	2,530,200	18,460	419,265	1,746,150		346,325	Various Other Ext'l & Int'l, Note 6
TOTAL Corporate Wide	2,530,200	18,460	419,265	1,746,150	-	346,325	=
TOTAL Projects Under Consideration	86,914,000	988,460	26,896,080	32,569,000	-	26,460,460	<u>-</u>
re-Approved Projects							
evelopment Services							
heatre							
20007 Theatre-Courtyard Replacement (Upper & Lower)	20,000		20,000				Note 1
20008 Theatre-Dressing Room Refurbishment	40,000		40,000				Note 2
20009 Theatre-HVAC Quantity Survey	10,200		10,200				
TOTAL Theatre	70,200		70,200				

CITY OF MARKHAM 2020 CAPITAL AND OTHER PROGRAMS BUDGET by Department

# Project Description		Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
	TOTAL Development Services	70,200	-	70,200	-	-	-	_
								_
orporate Services								
S								
20053 E-Ticketing and Payment System Platform R	Replacement	750,200		750,200				
20060 Enterprise Scheduling Software Solution		183,200		183,200				
	TOTAL ITS	933,400	-	933,400	-	-	-	=
set Management								
20079 Parking Lot Light Replacement		490,600		490,600				
20080 PVC Salt Dome Demolition		212,400		212,400				
20000 T (C Suit Zonie Zemonion	TOTAL Asset Management	703,000	-	703,000	-	-	-	≡
	TOTAL Composets Souriess	1,636,400		1,636,400	_			-
	TOTAL Corporate Services	1,030,400	-	1,030,400	-	-	-	-
ommunity & Fire Services								
creation Services								
20117 Cornell C.C. Parking Garage Rehabilitation l	Phase 1 of 2	248,900	248,900					
20127 Heintzman House Floor Refinishing		18,100		18,100				
20139 Milliken Mills C.C. Lobby Enhancement		597,100		70,500			526,600	Gas Tax
20158 Recreation Lighting Project Replacement	<u> </u>	250,600		250,600				=
	TOTAL Recreation Services	1,114,700	248,900	339,200	-	-	526,600	
arkham Public Library								
20176 Library Collections		1,598,200		1,598,200				Note 3
<u>T</u>	OTAL Markham Public Library	1,598,200	-	1,598,200	-	-	-	=
perations - Parks								
20197 Block Pruning Initiative - Year 1 of 3		1,017,600	1,017,600					
20209 Pathways Resurfacing		139,800		139,800				
20210 Playstructure Replacement		841,900		841,900				_
	TOTAL Operations - Parks	1,999,300	1,017,600	981,700	-	-	-	
perations - Utility Inspection & Survey								
20228 German Mills Meadow - Environmental Mor	nitoring Program	330,400		330,400				
	ons - Utility Inspection & Survey	330,400	-	330,400	-	-	-	=
5 - Infrastructure								
20239 Streetlight Poles & Cable Replacement (Var.	lev Village)	362,000		362,000				Note 4

CITY OF MARKHAM 2020 CAPITAL AND OTHER PROGRAMS BUDGET by Department

# Project Description	Total	Tax	Life Cycle	DC - Reserve	DC - Developer	Other	Description of Other Funding
TOTAL ES - Info	rastructure 512,000	-	512,000	-	-	-	
ES - Stormwater							
20252 West Thornhill Flood Control Implementation - Ph 3A Cons.	10,868,900					10,868,900	Gas Tax and Stormwater Reserve
TOTAL ES - S	5tormwater 10,868,900	-	-	-	-	10,868,900	
ES - Waterworks							
20256 CI Watermain Rehabilitation - Design	437,100					437,100	Waterworks Reserve
20258 CI Watermain Replacement-West Thornhill Ph 3A	5,897,500					5,897,500	Waterworks Reserve
20265 Wastewater System Instruments - Replacement	15,300					15,300	Waterworks Reserve
TOTAL ES - W	<u>Vaterworks</u> 6,349,900	-	-	-	-	6,349,900	_
TOTAL Community & Fi	re Services 22,773,400	1,266,500	3,761,500	-	-	17,745,400	- -
Corporate Wide							
Corporate Wide							
20268 Corporate Capital Contingency	94,000	11,000	31,400			51,600	Gas Tax; Note 6
TOTAL Corp	orate Wide 94,000	11,000	31,400	-	-	51,600	_
TOTAL Pro	e-Approval 24,574,000	1,277,500	5,499,500	-	-	17,797,000	- -
TOTA	AL Projects 111,488,000	2,265,960	32,395,580	32,569,000		44,257,460	_

Notes:

- 1) The overall project budget is \$223,900. The pre-approval request of \$20,000 is for consulting work only.
- 2) The overall project budget is \$290,700. The pre-approval request of \$40,000 is for consulting work only.
- 3) The overall project budget is \$2,796,600. The pre-approval request of \$1,598,200 is to ensure there is no gap in the supply of library materials in Q1, 2020.
- 4) The overall project budget is \$2,190,800. The pre-approval request of \$362,000 is for design work only.
- 5) The overall project budget is \$607,200. The pre-approval request of \$150,000 is for design work only.
- 6) The overall project budget is \$2,685,300. The pre-approval request of \$94,000 represents the contingency amounts required for all project pre-approval requests.

CITY OF MARKHAM - 2020 OPERATING BUDGET Planning & Design

<u>Description</u>	2019 Budget	2020 Budget	2020 Bud. vs. \$ Incr./(Decr.)	2019 Bud. <u>% Change</u>
Revenues				
USER FEES & SERVICE CHARGES	\$11,863,445	\$10,568,647	(\$1,294,798)	-10.9%
Total Revenues	\$11,863,445	\$10,568,647	(\$1,294,798)	-10.9%
Evnonene				
Expenses SALARIES AND BENEFITS	\$7,074,075	\$7,072,779	(\$1,296)	0.0%
PRINTING & OFFICE SUPPLIES	35,200	35,200	(φ1,290)	0.0%
OPERATING MATERIALS & SUPPLIES	5,500	5,500	0	0.0%
COMMUNICATIONS	12,000	12,000	0	0.0%
TRAVEL EXPENSES		*	0	0.0%
TRAVEL EXPENSES	35,800	35,800	0	0.0%
CONTRACTS & SERVICE AGREEMENTS	15,000	15,000	· ·	6.4%
	2,527,248	2,689,778	162,530	
RENTAL/LEASE	500	500	0	0.0%
PROFESSIONAL SERVICES	16,637	16,637	0	0.0%
LICENCES, PERMITS, FEES	41,000	41,000	0	0.0%
CREDIT CARD SERVICE CHARGES	20,000	20,000	0	0.0%
PROMOTION & ADVERTISING	6,000	6,000	0	0.0%
OTHER EXPENSES	3,800	3,800	0	0.0%
Total Expenses	\$9,792,760	\$9,953,994	\$161,234	1.6%
Surplus Before Transfer to Reserve	\$2,070,685	\$614,653	(\$1,456,032)	-70.3%
TRANSFER TO RESERVE	(2,070,685)	(614,653)	1,456,032	-70.3%
Net Expenditures/ (Revenues)	\$0	\$0	\$0	0.0%

CITY OF MARKHAM - 2020 OPERATING BUDGET Engineering

<u>Description</u>	2019 Budget	2020 Budget	2020 Bud. vs. \$ Incr./(Decr.)	2019 Bud. <u>% Change</u>
Revenues				
USER FEES & SERVICE CHARGES	\$8,748,375	\$8,603,101	(\$145,274)	-1.7%
RECOVERIES & CONTRIBUTIONS	184,372	184,372	0	0.0%
Total Revenues	\$8,932,747	\$8,787,473	(\$145,274)	-1.6%
Expenses				
SALARIES AND BENEFITS	\$5,513,941	\$5,704,960	\$191,019	3.5%
PRINTING & OFFICE SUPPLIES	21,500	21,500	0	0.0%
OPERATING MATERIALS & SUPPLIES	11,800	11,800	0	0.0%
COMMUNICATIONS	22,100	22,100	0	0.0%
TRAVEL EXPENSES	15,000	15,000	0	0.0%
TRAINING	16,000	16,000	0	0.0%
CONTRACTS & SERVICE AGREEMENTS	2,583,811	2,795,678	211,867	8.2%
MAINTENANCE & REPAIR	500	500	0	0.0%
RENTAL/LEASE	5,000	5,000	0	0.0%
PROFESSIONAL SERVICES	18,600	18,600	0	0.0%
LICENCES, PERMITS, FEES	32,222	32,222	0	0.0%
CREDIT CARD SERVICE CHARGES	15,000	15,000	0	0.0%
PROMOTION & ADVERTISING	2,000	2,000	0	0.0%
OTHER EXPENSES	1,500	1,500	0	0.0%
Total Expenses	\$8,258,974	\$8,661,860	\$402,886	4.9%
Surplus Before Transfer to Reserve	\$673,773	\$125,613	(\$548,160)	-81.4%
TRANSFER TO RESERVE	(673,773)	(125,613)	548,160	-81.4%
Net Expenditures/ (Revenues)	\$0	\$0	\$0	0.0%

<u>CITY OF MARKHAM - 2020 OPERATING BUDGET</u> Building Standards

Description	2019 Budget	2020 Budget	2020 Bud. vs. \$ Incr./(Decr.)	. 2019 Bud. <u>% Change</u>
<u>Description</u>	zo 19 Budget	2020 Budget	φ IIICI./(Deci.)	76 Change
Revenues				
LICENCES & PERMITS	\$7,920,336	\$7,070,456	(\$849,880)	-10.7%
USER FEES & SERVICE CHARGES	30,140	70,020	39,880	132.3%
Total Revenues	\$7,950,476	\$7,140,476	(\$810,000)	-10.2%
Expenses				
SALARIES AND BENEFITS	\$6,228,609	\$6,284,644	\$56,035	0.9%
PRINTING & OFFICE SUPPLIES	51,000	51,000	0	0.0%
OPERATING MATERIALS & SUPPLIES	20,000	20,000	0	0.0%
COMMUNICATIONS	30,550	30,550	0	0.0%
TRAVEL EXPENSES	6,000	6,000	0	0.0%
TRAINING	34,000	34,000	0	0.0%
CONTRACTS & SERVICE AGREEMENTS	2,861,716	3,008,361	146,645	5.1%
PROFESSIONAL SERVICES	8,500	8,500	0	0.0%
LICENCES, PERMITS, FEES	27,500	27,500	0	0.0%
CREDIT CARD SERVICE CHARGES	57,840	57,840	0	0.0%
PROMOTION & ADVERTISING	6,490	6,490	0	0.0%
Total Expenses	\$9,332,205	\$9,534,885	\$202,680	2.2%
Deficit Before Draw From Reserve	(\$1,381,729)	(\$2,394,409)	(\$1,012,680)	73.3%
DRAW FROM RESERVE	1,381,729	2,394,409	1,012,680	73.3%
Net Expenditures/ (Revenues)	\$0	\$0	\$0	0.0%

CITY OF MARKHAM - 2020 OPERATING BUDGET Waterworks

Description	2019 Budget	2020 Budget	2020 Bud. vs. \$ Incr./(Decr.)	2019 Bud. % Change
			<u> </u>	
Revenues	* 400 = 0= 004	* 4.00 070 040	*	a =a/
BILLINGS	\$130,507,201	\$139,256,619	\$8,749,418	6.7%
USER FEES & SERVICE CHARGES	533,050	533,050	0	0.0%
SALES	566,650	566,650	0	0.0%
RECOVERIES & CONTRIBUTIONS	299,655	299,655	0	0.0%
OTHER REVENUE	14,000	14,000	0	0.0%
Total Revenues	\$131,920,556	\$140,669,974	\$8,749,418	6.6%
Expenses				
SALARIES AND BENEFITS	\$7,855,584	\$8,019,917	\$164,333	2.1%
PRINTING & OFFICE SUPPLIES	33,800	33,800	0	0.0%
OPERATING MATERIALS & SUPPLIES	248,372	122,105	(126,267)	-50.8%
CONSTRUCTION MATERIALS	586,869	594,097	7,228	1.2%
UTILITIES	55,804	55,804	0	0.0%
COMMUNICATIONS	74,148	74,148	0	0.0%
TRAVEL EXPENSES	46,500	46,500	0	0.0%
TRAINING	60,483	60,483	0	0.0%
CONTRACTS & SERVICE AGREEMENTS	3,248,140	3,272,435	24,295	0.7%
MAINTENANCE & REPAIRS	486,576	486,640	64	0.0%
RENTAL/LEASE	5,600	5,600	0	0.0%
PROFESSIONAL SERVICES	116,500	116,500	0	0.0%
LICENCES, PERMITS, FEES	50,000	50,000	0	0.0%
CREDIT CARD SERVICE CHARGES	1,250	1,250	0	0.0%
CONTRACTED MUNICIPAL SERVICES	101,044,615	109,352,071	8,307,456	8.2%
OTHER PURCHASED SERVICES	2,720,449	2,754,636	34,187	1.3%
WRITE-OFFS	5,000	5,000	0	0.0%
Total Expenses	\$116,639,690	\$125,050,986	\$8,411,296	7.2%
Surplus Before Transfer To Reserve	\$15,280,866	\$15,618,988	\$338,122	2.2%
TRANSFER TO RESERVES	(15,280,866)	(15,618,988)	(338,122)	2.2%
Net Expenditures/ (Revenues)	\$0	\$0	\$0	0.0%



Budget Public Consultation Meeting Minutes

No. 1 November 27, 2019, 7:00 PM - 9:00 PM Council Chamber

Members Councillor Amanda Collucci, Chair Regional Councillor Jim Jones

Councillor Andrew Keyes, Vice-Chair Councillor Keith Irish Mayor Frank Scarpitti (ex-officio) Councillor Isa Lee

Regrets Deputy Mayor Don Hamilton Councillor Reid McAlpine

Regional Councillor Jack Heath Councillor Karen Rea Regional Councillor Joe Li Councillor Khalid Usman

Councillor Alan Ho

Roll Call Andy Taylor, Chief Administrative Joel Lustig, Treasurer

Officer Matthew Vetere, Manager, Budgeting Trinela Cane, Commissioner, Corporate Nhat Nguyen, Senior Manager of Services Development & Environmental

Brenda Librecz, Commissioner of Engineering

Community & Fire Services Laura Gold, Council and Committee

Coordinator

1. CALL TO ORDER

The Budget Committee convened at 7:03 PM with Councillor Amanda Collucci in the Chair.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. BUDGET PUBLIC CONSULTATION MEETING PRESENTATION

Matthew Vetere, Manager of Budgeting presented the 2020 Budget Public Consultation meeting presentation.

4. **DEPUTATIONS**

Eric Casper, Resident

- Spoke in regards to advancing the flood remediation program in the areas of Green Lane, Henricks Road, Holm Cres., Braeburn and Tamarack Drive in Thornhill;
- Advised that in 2005 and in 2017 many residents experienced extensive flooding;
- Displayed two videos showing the flooding of: 1) local roads in the area; and 2) a resident's basement.

Staff advised that the City's Flood Remediation Program is being implemented in order of priority, as there are several areas in Markham experiencing flooding. The program started in Thornhill, as it determined to be the highest priority area. The program will overtime re-mediate the stormwater sewers for all Markham areas experiencing flooding. Staff advised of the City's Plumbing Protection Rebate Program to assist residents in reducing the risk of basement flooding.

Diane Gabay, Age Friendly Markham Committee

- Inquired if there are funds being put aside in the 2020 budget for hospices;
- Inquired when staff will be reporting back on the presentation provided in March to the Committee.

Staff advised that there is no funding in the 2020 Budget for hospices, as the responsibility of housing fall under York Region. Staff advised that they are currently working on a report based on the presentation in March and the report will be brought back to Development Services Committee.

It was advised that Markham Stouffville Hospital, Saint Elizabeth Healthcare, and Evergreen Hospice are working together to possibly create a hospice in Markham, and that a Housing Summit will be held in 2020 to try and address issues with housing, including age friendly housing.

Andy Langer, Age Friendly Markham Committee

- Inquired if there are any specific provisions in the 2020 budget that underline Markham's support for a hospice. Indicated that Markham's senior population is currently 21% going to 25% of the overall population of the City in 10 years;
- Inquired how Markham's Older Adult Strategy is funded.

Staff advised that it is not the responsibility of the City to fund a hospice in Markham, but that the City is working with partners responsible for this type of an initiative to start a hospice in Markham.

Staff advised that a report card is being created for the City's Older Adults Strategy and that each initiative under the strategy has a funding source. Staff are reviewing long term (10 years) goals for the strategy. The City has also added funds to the City's seniors' programs, dedicated significant areas of the Milliken Mills Community Centre expansion for seniors programs, and continues to apply for and receive government grants for seniors clubs. Staff advised that seniors programs are 60-70% subsidized by the City while programs for children are 30-40%.

Sean Tsao, Resident

- Inquired if the funds from the Life Cycle Reserve Fund can be used to relocate Percy Reesor Park;
- Requested that the park be relocated and replaced with a larger park;
- Concerned that the location of the park impacts the safety of the neighbourhood;
- Advised that the public was not notified in regards to the location of the park.

Staff advised that the Life Cycle Reserve Fund is used to replace existing assets at the end of their life cycle. The reserve balance is reviewed each year to ensure there are sufficient funds for the replacement of the City's assets for the next 25 years. The funds in the reserve can only be used for this purpose.

It was advised that the section of the Planning Act the resident quoted was more applicable on zoning by-law amendments which don't apply in this instance. The resident was advised to meet with their local Councillor.

A staff report will be brought forward to the Development Services Committee on Percy Reesor Park following a public consultation survey that was requested to be conducted at the September 9th, 2019 Development Services Committee meeting.

Committee thanked the Public for their feedback on the 2020 Budget.

The Mayor advised that while staff were requested by Budget Committee to bring the 2020 tax rate increase of 2.20% down to be in line with inflation of 2.0%, he would meet with staff to discuss options to bring the tax rate increase below the rate of inflation.

Staff advised that the Budget will be brought forward to Council for approval at the December 10, 2019 Council meeting.

Moved by Mayor Frank Scarpitti Seconded by Councillor Andrew Keyes

Appendix 8

- 1) That the Budget Public Consultation presentation be received; and,
- 2) That the Deputations by Eric Casper, Diane Gabay, Andy Langer, and Sean Tsao be received.

Carried

5. ADJOURNMENT

The Budget Committee adjourned at 8:08 PM.



Report to: Council Meeting Date: December 10, 2019

SUBJECT: Award of Tender 209-T-19 Floodlights, Poles and Cross

Arms Replacement

PREPARED BY: David Plant, Sr. Manager – Parks, Horticulture & Forestry

Ext 4893

Melita Lee, Senior Buyer, Ext 2239

RECOMMENDATION:

1. That the report entitled "Award of Tender 209-T-19 Floodlights, Poles and Cross Arms Replacement" be received; and,

- 2. That the contract for Tender 209-T-19 Floodlights, Poles and Cross Arms Replacement (Part A: Armadale and Highgate Parks) be awarded to the lowest priced bidder, Nadelec Contracting Inc., in the amount of \$388,417.92, inclusive of HST; and,
- 3. That the contract for Tender 209-T-19 Floodlights, Poles and Cross Arms Replacement (Part B: Morgan and Bishops Cross Parks) be awarded to the lowest priced bidder, Nadelec Contracting Inc., in the amount of \$601,096.32, inclusive of HST; and,
- 4. That a 5% contingency in the amount of \$49,475.71 (\$19,420.90 + \$30,058.81) inclusive of HST, be established for each contract to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
- 5. That the estimated costs of \$1,038,989.95 (\$388,417.92 + \$601,096.32 + \$49,475.71) be funded from accounts as listed in the Financial Considerations section with budget available of \$864,027.00; and,
- 6. That the budget shortfall in the amount of \$174,962.95 (\$864,027.00 \$1,038,989.95) be funded from the Life Cycle Replacement and Capital Reserve; and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

Report to: Council Meeting Date: December 10, 2019

PURPOSE:

The purpose of this report is to award the contracts for floodlights, poles and cross arms replacement for Part A (Armadale and Highgate Parks) and Part B (Morgan and Bishops Cross Parks).

BACKGROUND:

The tender identified the replacement of floodlights, poles and cross arms in various parks which were split into two parts (Part A and B) as follows:

Part A: Armadale and Highgate Parks

- Armadale Park tennis court;
- Highgate Park softball diamond; and
- Highgate Park tennis court.

Part B: Morgan and Bishops Cross Parks

- Morgan Park baseball diamond;
- Bishops Cross Park baseball diamond; and
- Bishops Cross Park softball diamond.

Bidders were able to bid on Part A, Part B or both. Each Part A and B were to be awarded separately.

It is anticipated that work will begin in January 2020 in order to ensure completion by April 30, 2020. The work involved with removing and replacing large concrete light poles requires the deployment of large heavy equipment which can result in substantial ground damage if done without the ground being frozen. Additionally, the lead time required by the successful contractor to procure the poles and fixtures is between 8 and 12 weeks making this award time sensitive for completion by April 30, 2020.

Prior to this project tender, City athletic fields have been lit with Metal Halide floodlights which have performed well and represented good value for the municipality. The lighting consultant engaged by the City to prepare specifications for tender advised the City that due to changes in energy regulations Metal Halide lights were no longer available in the market and as such, the specifications were revised to include LED fixtures.

Tender Information (209-T-19)

Bid closed on	November 28, 2019
Number picking up bid document	13
Number responding to bid	9 (Part A)
	10 (Part B)

Part A (Armadale and Highgate Parks) Pricing Summary

	0 0			
Bidder		Bi	d Price (Inclusive of HST)
Nadelec Contracting I	nc.		\$3	88,417.92

Meeting Date: December 10, 2019

Part B (Morgan and Bishops Cross Parks) Pricing Summary

Bidder	Bid Price (Inclusive of HST)
Nadelec Contracting Inc.	\$601,096.32

OPTIONS/ DISCUSSION:

Energy efficiency regulations adopted by Natural Resources Canada, which came into effect on February 10, 2017 and to be enforced commencing on December 31, 2019 by Canadian lighting manufacturers (including Hubbell Lighting who produced the 1000 watt metal halide floodlight specified on Markham sports fields in the past).

These new regulations effectively prohibit the use of traditional 1000 watt probe-start metal halide ballasts in any new luminaires sold in Canada. The use of metal halide lighting has been regulated out of existence in favour of new LED lighting sources.

It is estimated that with the change to LED, the City will save approximately \$3,000 annually in energy costs. Also, the City lighting consultant has advised that the change to LED may qualify the City for one-time incentives from the Independent Electricity System Operator (IESO) under the Save-On-Energy program to a maximum amount of \$44,550. The City will pursue this incentive and any rebates received will be credited back to the respective capital projects.

FINANCIAL CONSIDERATIONS

			a	b	c	d=b+c	e=a-d
			Amount				Budget
			Allocated to	Cost of			Remaining/
Account Name	Account #	Total Budget	this Award	Award	Contingency	Total Award	(Shortfall)
Flood Light Poles and Cross Arms	059-6150-19191-005	716,200.00	693,711.00	827,308.80	41,365.44	868,674.24	- 174,963.24
Morgan Park	059-6150-18242-005	345,000.00	170,316.00	162,205.44	8,110.27	170,315.71	0.29
Totals:		1,061,200.00	864,027.00	989,514.24	49,475.71	1,038,989.95	- 174,962.95

Budget shortfall in the amount of \$174,962.95 will be funded from the Life Cycle Replacement and Capital Reserve.

The shortfall is due to the budget being based on metal halide lighting, as opposed to the LED lighting. However, LED lights provide a 50% reduction in energy and eliminates the need for additional maintenance costs. LED lights have a rated life of 50,000 to 100,000 hours while metal halide lighting has a life expectancy of 12,000 to 20,000 hours.

OPERATING BUDGET AND LIFE CYCLE IMPACT

The 2021 Parks sportsfield hydro operating budget account (730 7325000) will be reduced by \$3,000 due to the conversion to LED floodlights at the awarded locations, subject to Council approval.

There is currently a proactive relamping program on sportsfield lights where all lamps are replaced every 5 years. The installation of LED floodlights will eliminate the need for the 5-year relamping program for these fields and instead, a significantly lower yearly provisional amount will be required. This saving, once determined, along with the cost to

Meeting Date: December 10, 2019

upgrade all remaining floodlights to LED will be built into the 2020 Life Cycle Reserve Study update.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This project closely aligns with two of the corporation's areas of strategic focus with providing excellent Municipal Services – Parks and Recreation, and our commitment to the Environment.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:

Morgan Jones Director, Operations Brenda Librecz Commissioner, Community & Fire Services

ATTACHMENTS:

Not applicable.



By-law 2019-xx

A By-law to amend By-law 90-81 (Removal of Hold Provision)

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law prohibiting the use of land, buildings or structures within a defined area or areas; and,

WHEREAS Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law to specify the use to which lands, buildings or structures may be put at such time in the future as the hold symbol is removed by amendment to the by-law; and,

WHEREAS Zoning By-law No. 90-81 is the governing By-law of the Corporation of the City of Markham pertaining to the subject lands; and

WHEREAS the Council of the Corporation of the City of Markham has deemed it advisable to amend Zoning By-law No. 90-81; and,

WHEREAS it has been confirmed to Council that all of the conditions required for the removal of the Hold (H) Symbol from the subject lands have been completed to the satisfaction of the City;

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

- 1. THAT By-law 90-81, as amended is hereby further amended as follows:
 - 1.1 By removing the Hold (H) provision from the **Second Density –**Medium Density Residential (Hold) [RMD2(H3)] Zone and the Second Density Medium Density Residential (Hold) [RMD2(H2)(H3)] Zone for the lands outlined on Schedule 'A' attached hereto.
- 2. THAT Zoning By-law No. 90-81, as amended is hereby amended to give effect to the foregoing, but shall in all other respects remain in full force and effect.
- 3. THAT this By-law shall come into effect upon final passing, pursuant to Section 34(21) of the Planning Act, 1990.

Read a first, second and third tir	me and passed on December 10, 2019.
Kimberley Kitteringham	Frank Scarpitti
City Clerk	Mayor



EXPLANATORY NOTE

BY-LAW 2019-___ A By-law to amend By-law 90-81, as amended

Forest Bay Homes Ltd. 6350 Steeles Ave, E.

Lands Affected

The proposed by-law amendment applies to three blocks of land with a total area of 9.2 hectares (22.7 acres), located on west of Markham Road, north of Steeles Avenue East as part of registered Plan No.19TM-98019.

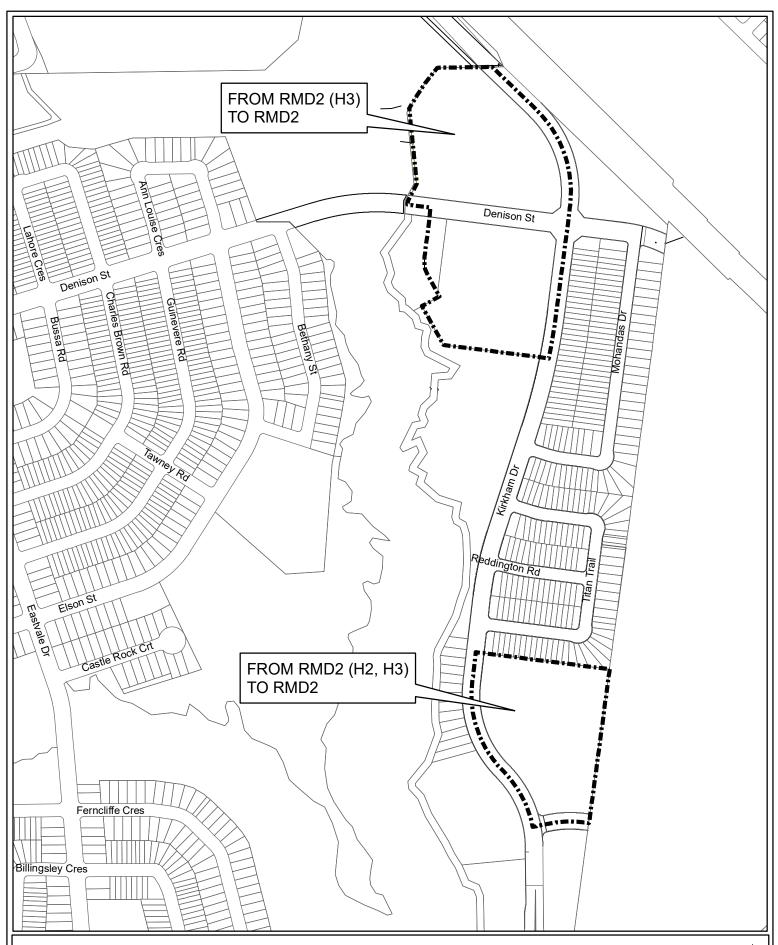
Existing Zoning

The subject lands are zoned Second Density – Medium Density Residential (Hold) [RMD2(H3)] Zone and Second Density – Medium Density Residential (Hold) [RMD2(H2)(H3)] Zone by By-law 90-81, as amended.

Purpose and Effect

The purpose and effect of this By-law is to remove the Hold (H) provisions from the zoning of the subject lands to permit them to be developed as follows:

- a development at the north-west corner of Denison Street and Kirkham Drive consisting of 131 common element, freehold townhouses (Block 153).
- a development at the south-west corner of Denison Street and Kirkham drive consisting of 92 common element, freehold semi-detached units (Block 152).
- a development north of Steeles Avenue on the east side of Kirkham drive consisting of 92 common element, freehold semi-detached units (Block 151).



SCHEDULE "A" TO BY-LAW AMENDING BY-LAW 90-81 DATED

BOUNDARY OF AREA COVERED BY THIS SCHEDULE

RMD2 SECOND DENSITY-MEDIUM DENSITY RESIDENTIAL

(H2,H3) HOLDING PROVISIONS TWO & THREE

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by -law, the information contained in the text of the zoning by -law of the municipality shall be deemed accurate.

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Meters Drawn By: CPW Checked By: AM

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

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

Ladies' Golf Club of Toronto

December 2019

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

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

law No in accordance with the	by the Corporation of the City of Markham, By- Planning Act, R.S.O., 1990 c.P.13, as amended,
on the XX day of December, 2019.	
Kimberley Kitteringham CITY CLERK	Frank Scarpitti MAYOR



By-law 2019-----

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

THE 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. 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 THIS_DAY OF DECEMBER, 2019.

Kimberley Kitteringham
City Clerk
(Signed)

Frank Scarpitti
Mayor

CONTENTS

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PART I - INTRODUCTION

(This is <u>not</u> an operative part of Official Plan Amendment No.xxxxxxxxxxx)

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, constitutes Official Plan Amendment No. to the City of Markham Official Plan 2014, as amended. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to a 1.07 hectare (2.64 acre) parcel municipally known as 7859 Yonge Street located on the eastern portion of the Ladies' Golf Club of Toronto property ("Golf Club") as shown on Figure 9.18.22. The parcel is located south and west of Royal Orchard Boulevard. The Golf Club is located within the Thornhill Planning District.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to re-designate a 1.07 hectare (2.64 acre) portion of the "Golf Club" property from 'Private Open Space' to 'Residential High Rise' to facilitate a residential high rise building that includes a twelve (12) storey and a fourteen (14) storey component adjacent to Royal Orchard Boulevard, with a maximum site density of 3.7 FSI.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

This amendment will provide for a residential high rise development on the subject lands that is compatible with, and provides an appropriate transition to, adjacent development. It will facilitate the development a residential high rise building, comprised of a twelve (12) storey and a fourteen (14) storey component, which is sympathetic to its surroundings including the historic "Golf Club" to the west. The proposed development will also include a public open space area adjacent to Royal Orchard Boulevard.

The maximum site density of 3.7 FSI is appropriate in this location and is comparable to adjacent development including the three high rise towers located at 7805, 7825 and 7905 Bayview Avenue ("The Landmark of Thornhill Towers"). The increased site density represents good planning as the subject property is located adjacent to an arterial road with access to the transportation network and public transit. The property is sufficient in size to accommodate the proposed type of infill development.

PART II - THE OFFICIAL PLAN AMENDMENT

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

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1 Map 3 Land Use of the Official Plan 2014, as amended, is hereby amended by re-designating a portion of the subject lands from 'Private Open Space' to 'Residential High Rise', as shown on Schedule "A" attached hereto.
- 1.2 Map 14 Public School, Place of Worship and Park Sites of the Official Plan 2014, as amended, is hereby amended by adding a park site, as shown on Schedule "B" attached hereto.
- 1.3 Section 9.18 of the Official Plan 2014, as amended, is hereby amended by:
 - a) Amending Section 9.18.1 to add a reference in Figure 9.18.1 to a new Section 9.18.22 as follows:

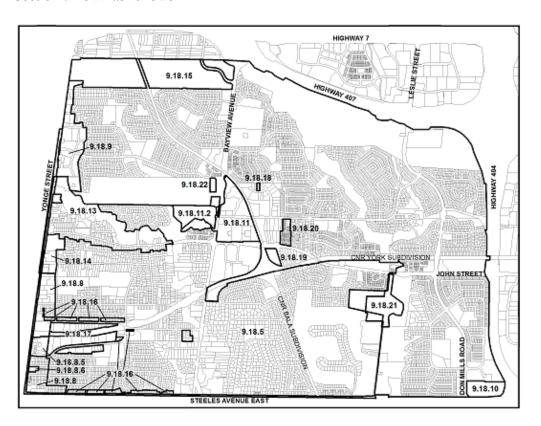
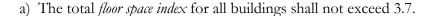


Figure 9.18.1

b) Adding a new subsection 9.18.22 and Figure 9.18.22 as follows:

"9.18.22 <u>7859 Yonge Street</u>



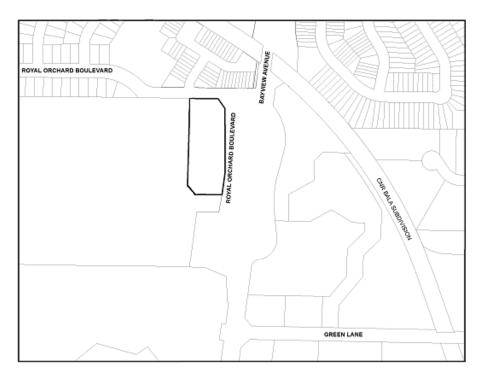


Figure 9.18.22"

2.0 IMPLEMENTATION AND INTERPRETATION

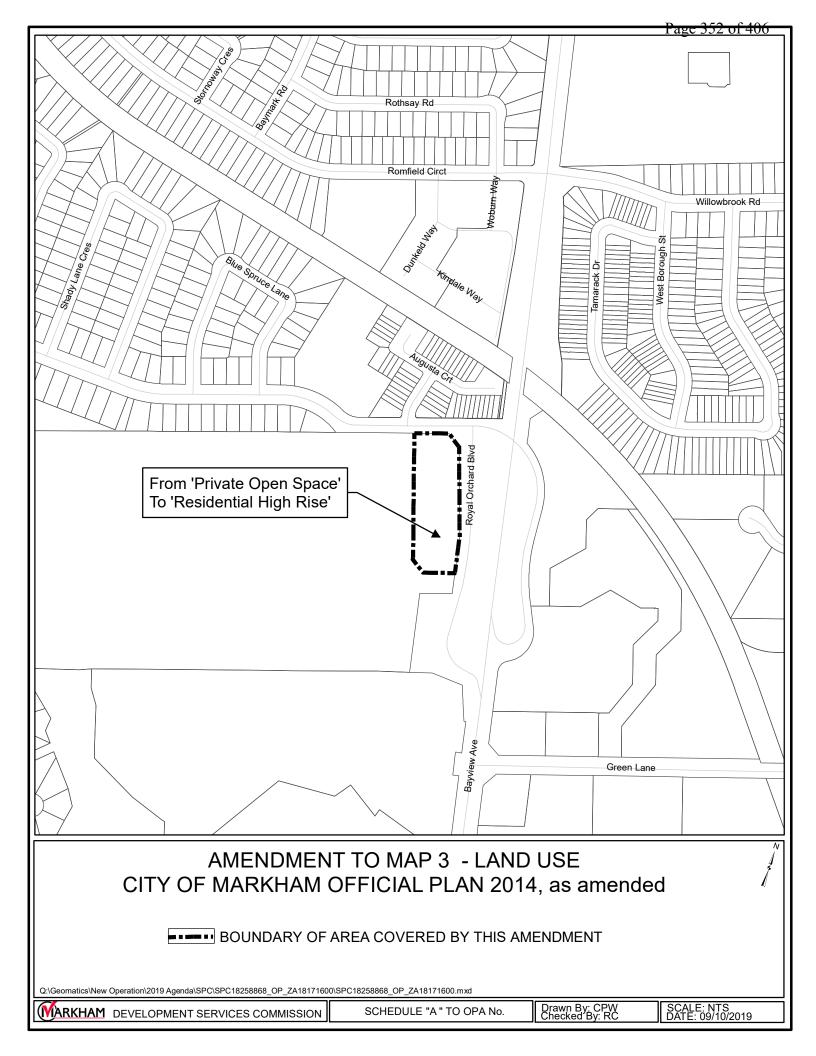
The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

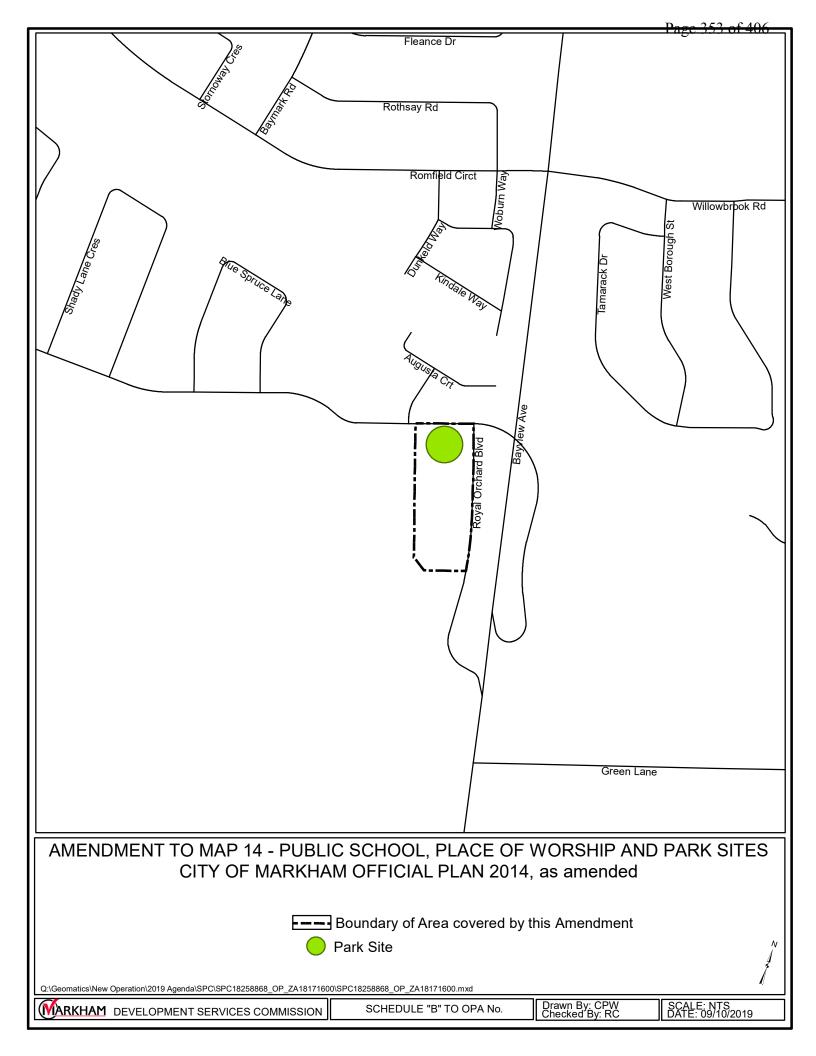
This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan approval and other Planning Act approvals, in conformity with the provisions of this Amendment.

This Amendment to the City of Markham's Official Plan 2014, as amended, is exempt from approval by the Region of York. Following adoption of the Amendment, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

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

(December, 2019)







BY-LAW 2019-

A By-law to amend By-law 2150, as amended (to delete lands from the designated area of By-law 2150) and to amend By-law 177-96, as amended

(to incorporate lands into the designated area of By-law 177-96)

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

- 1. That By-law 2150, as amended, is hereby further amended as follows:
 - 1.1 By deleting the lands shown on Schedule 'A' attached hereto from the designated area of By-law 2150, as amended.
- 2. By-law 177-96, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands as shown on Schedule "A" attached hereto.
 - 2.2 By rezoning the lands outlined on Schedule 'A' attached hereto from:

from:

Special Uses Zone (O2) under By-law 2150

Residential Three *631 Holding [R3*631 (H)] Zone under By-law 177-96

Open Space (OS2) Zone Under By-law 177-96

2.3 By adding the following subsection to Section 7 – EXCEPTIONS

Exception 7.631	Ladies Golf Club of Toronto 7859 Yonge Street	Parent Zone R3									
File	7000 Tonge Offeet	Amending By-									
ZA 18 17160		law 2019-XX									
	g any other provisions of By-l										
	sions shall apply to the land shown										
	nis By-law 2019-XX. All other p										
	dified/amended by this section, cor	illitue to apply to									
	ect to this section. cial Zone Standards										
	pecific Zone Standards shall apply:	of any lands									
	nding any further division or partition										
	subject to this Section, all lands zoned R3*631 shall be deemed										
	of for the purposes of this By-law										
_	For the purposes of this by-law, the easterly lot line shall be										
	e front lot line.										
	ons of table B5 shall not apply										
	ons of section 6.9.2 shall not apply										
, ,	equired front yard:										
,	5 metres										
	nin 75 metres of the southerly <i>lot line</i>										
f) Minimum r	equired <i>exterior side yard</i> – 35 metre	S									
g) Minimum r	equired <i>interior side yard – 4.9</i> metre	es .									
h) Minimum r	equired rear yard										
i) 179	metres above sea level, geodetic da	atum or above –									
-	metres										
ii) Be	ow 179 metres above sea level, geo	detic datum – 6.5									
me	tres										
i) Maximum	number of <i>dwelling units</i> – 173										

Maximum *floor space index* (FSI) – 3.7

k) Maximum building height:

- i) 222 metres above sea level, geodetic datum
- ii) For a portion of a building within 75 metres of the southerly *lot line* 228.5 metres above sea level, geodetic datum
- I) Maximum Lot Coverage 45%
- m) Minimum Lot Frontage 19.2 metres
- n) Minimum Landscape Open Space 25%
- Maximum Gross Floor Area of any floor above 209 metres above sea level, geodetic datum, in a portion of a building within 75 metres of the southerly lot line – 1020 square metres
- p) Maximum Gross Floor Area of any floor above 202 metres above sea level, geodetic datum, in a portion of a building greater than 75 metres from the southerly lot line – 1020 square metres
- q) *Porches, balconies*, terraces and *outdoor amenity space* may encroach into the require *yard*:

Front or Rear Yard – 3 metres
Interior or Exterior Side Yard – to the lot line, provided they are contained wholly on the subject lot

3. SECTION 37 AGREEMENT

A contribution by the Owner to the City per residential unit in 2019 dollars, based on the total number of units, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

HOLDING PROVISION

4. For the purpose of this By-law the Holding Provision (H) is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding Provision (H) for the purposes permitted under this By-law until an amendment to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act. Prior to removing the Holding Provision (H), the following conditions must be met to the satisfaction of the City of Markham:

- a) That 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.
- 5. All other provisions of By-law 177-96, as amended, not consistent with the provisions of this by-law shall continue to apply.

Read a first, second and third time and	d passed on, 2019.
Kimberley Kitteringham City Clerk	Frank Scarpitti Mayor

By-law 2019-xxxxx Page 3



EXPLANATORY NOTE

BY-LAW 2019-

A By-law to amend By-laws 2150 and 177-96, as amended

7859 Yonge Street
CON 1 PT LOT 31 65R25941 PART 1
(Proposed Residential High Rise Development)

Lands Affected

The proposed by-law amendment applies to 1.07 hectares (2.64 acres) of land on the southwest corner of Royal Orchard Boulevard adjacent to Bayview Avenue, and municipally known as 7859 Yonge Street.

Existing Zoning

By-law 2150, as amended, currently zones the subject lands as Special Uses Zone (O2).

Purpose and Effect

The purpose and effect of this By-law is to delete the property from the designated area of By-law 2150, amend By-law 177-96 to incorporate lands into the designated area of By-law 177-96, and to rezone the subject property as follows:

from:

Special Uses (O2) Zone under By-law 2150

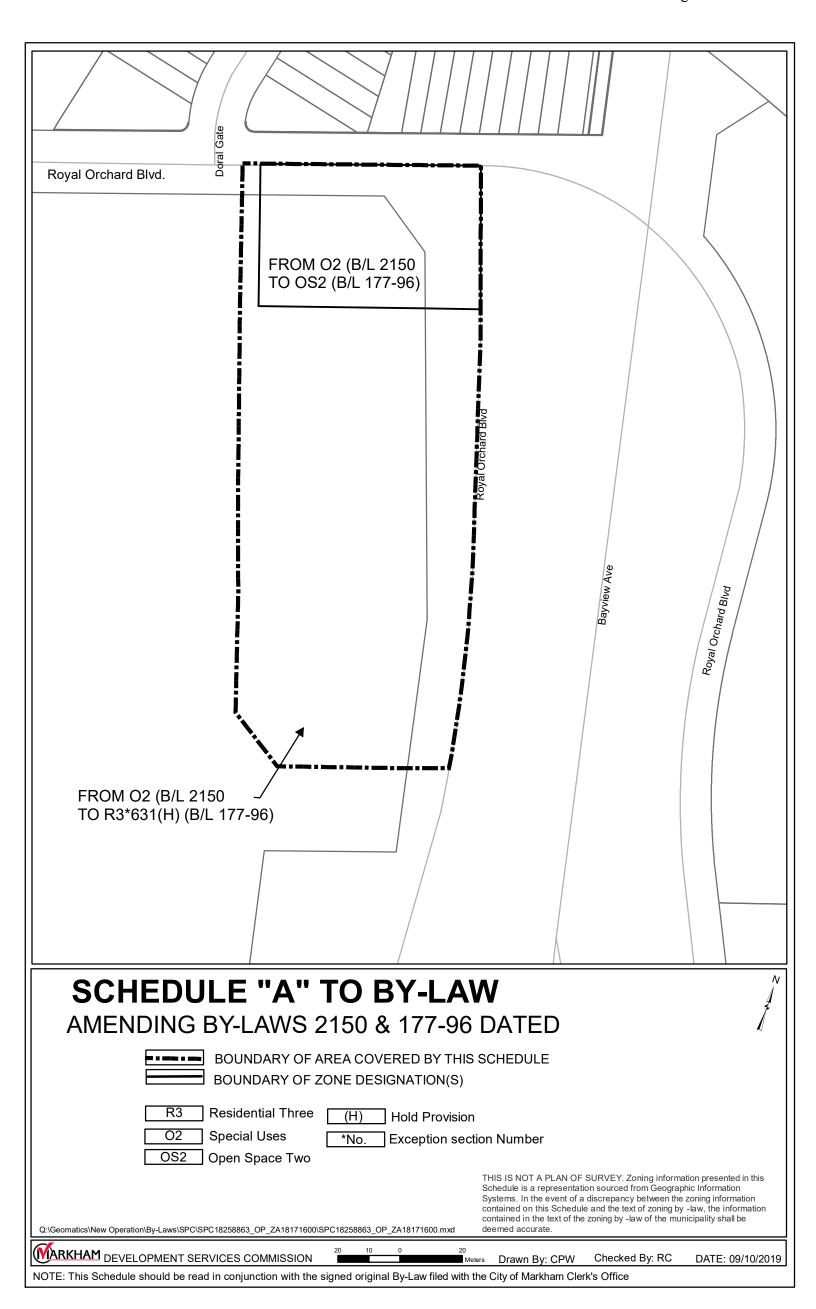
to:

Residential*631 (R3*631) Zone under By-law 177-96 and Open Space (OS2) Zone under By-law 177-96

In order to permit the development of a residential high rise building comprised of a twelve (12) storey and fourteen (14) storey component and a public open space area on the subject lands.

Note Regarding Further Planning Applications on this Property

The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.





By-law 2019-xx

A by-law to establish streets laid out according to Plan of Subdivision 65M-4526 as a public highway Part of Lots 11 and 12, Concession 9 (Wykland Estates Inc.)

City of Markham, Regional Municipality of York

Whereas by plan of subdivision registered in the Land Registry Office for the Land Titles Division of York Region (No. 65) as No. 65M-4526, the streets laid out in accordance with the said plan of subdivision have been dedicated for highway purposes;

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

1. That the streets named Adam Sellers Street, Arthur Bonner Avenue, Cornell Centre Boulevard, Edward Lennox Street, Frederick Wilson Avenue, George Patton Avenue, Rustle Woods Avenue and Thomas Swanson Street, and the Lanes (Blocks 33 to 39), inclusive, as laid out and dedicated in accordance with the Plan of Subdivision registered in the Land Registry Office for the Land Titles Division of York Region (No. 65) as Plan No. 65M-4526 is hereby adopted for public use and declared to be and form part of the City of Markham highway system.

Read a first, second, and third time a	and passed on	
Kimberley Kitteringham	Frank Scarpitti	
City Clerk	Mayor	



By-law 2019-xx

A by-law to establish streets laid out according to Plan of Subdivision 65M-4354 as a public highway Part of Lots 12 and 13, Concession 9 (Cornell Rouge Development Corp.)
City of Markham, Regional Municipality of York

Whereas by plan of subdivision registered in the Land Registry Office for the Land Titles Division of York Region (No. 65) as No. 65M-4354, the streets laid out in accordance with the said plan of subdivision have been dedicated for highway purposes;

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

1. That the streets named William Forester Road, Jack Leaf Road, Pearl Lake Road, Cornerwalk Path, Stackstone Road, Starry Sky Avenue, Webb Street (both portions), Sunnyside Hill Road (both portions), Windyton Avenue (three portions), Marbles Lane, and the Lanes (Blocks 222 to 229), inclusive, as laid out and dedicated in accordance with the Plan of Subdivision registered in the Land Registry Office for the Land Titles Division of York Region (No. 65) as Plan No. 65M-4354 is hereby adopted for public use and declared to be and form part of the City of Markham highway system.

Read a first, second, and third time and passed on						
Kimberley Kitteringham	Frank Scarpitti					
City Clerk	Mayor					



BY-LAW 2019-___

A By-law to amend By-law 177-96, as amended (Removal of Hold Provision)

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law prohibiting the use of land, buildings or structures within a defined area or areas; and,

WHEREAS Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law; and,

WHEREAS Zoning By-law No. 177-96 is the governing By-law of the Corporation of the City of Markham pertaining to the subject lands; and

WHEREAS the Council of the Corporation of the City of Markham has deemed it advisable to amend Zoning By-law No. 177-96; and,

WHEREAS it has been confirmed to Council that all of the conditions required for the removal of the Holding (H) Symbol from the subject lands have been completed to the satisfaction of the City;

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

- 1. By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By removing the Holding (H) provision from the **CA2*599 (H) Zone** for the lands outlined on Schedule 'A' attached hereto.
- 2. THAT Zoning By-law No. 177-96 is hereby amended to give effect to the forgoing, but shall in all other respects remain in full force and effect.
- 3. THAT this By-law shall come into effect upon final passing, pursuant to Section 34(21) of the Planning Act, 1990.

Read a first, second and third time a	nd passed on, 2019.
Kimberley Kitteringham	Frank Scarpitti
City Clerk	Mayor



EXPLANATORY NOTE

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

12 Gandhi Lane
PLAN 65M3226 PT BLK 45 65R37288 PARTS 1 AND 9
(Proposed High Rise Residential Development)

Lands Affected

BY-LAW 2019 -____

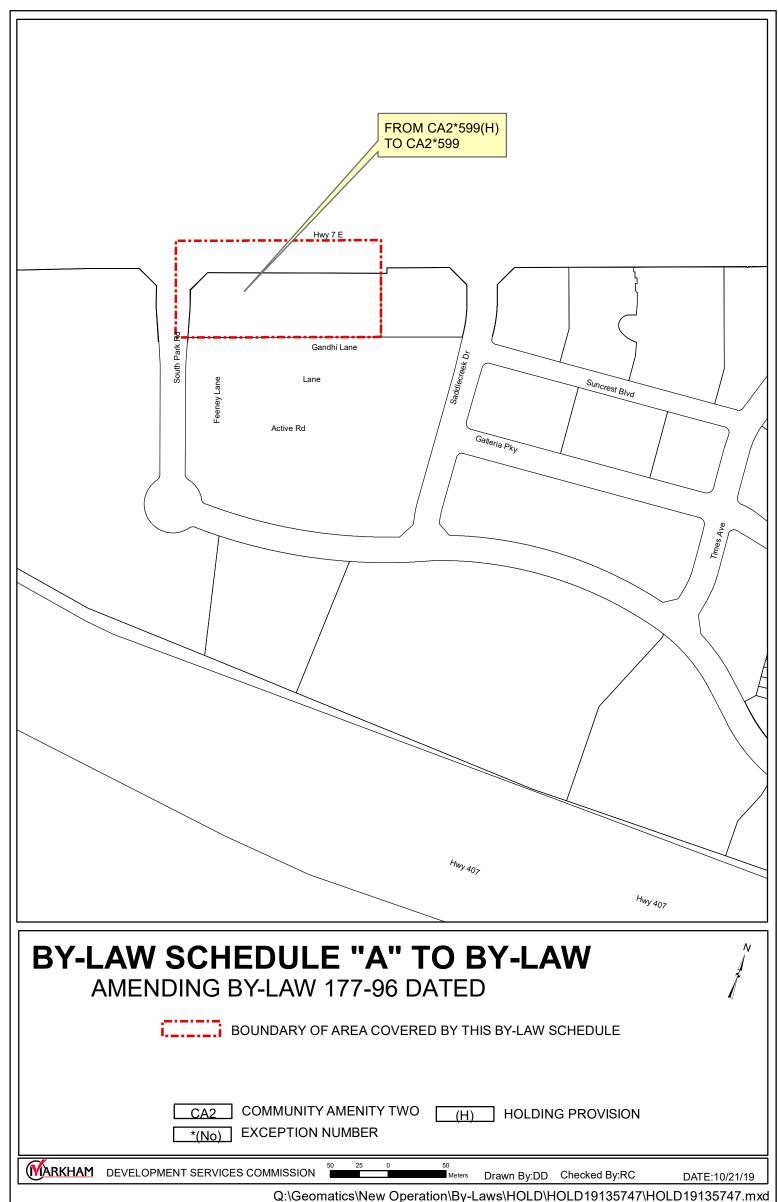
The proposed by-law amendment applies to a block of land (Block 45) with a total area of 0.91 ha. (2.24 ac.) which is located on the north side of Gandhi Lane, south of Highway 7, and east of South Park Road. The subject lands are municipally known as 12 Gandhi Lane.

Existing Zoning

The subject lands are zoned Community Amenity Two (Holding) [CA2*599(H)] under By-law 177-96. As amended.

Purpose and Effect

The purpose and effect of this by-law is to remove the Holding (H) symbol provision from the zoning of the subject lands in order to allow two high rise residential apartment buildings on these lands.



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THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems.

In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the infromation contained in the text of the zoning by-law of the municipality shall be deemed accurate.



BY-LAW 2019-XXX

Being a By-law respecting Construction, Demolition, Change of Use Permits and Inspections

WHEREAS Section 7 of the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, authorizes municipal council to pass by-laws respecting construction, demolition and change of use permits, inspections and related matters;

AND WHEREAS the Council of The Corporation of the City of Markham desires to repeal By-law 2019-20 and to enact a new building by-law for the issuance of permits and related matters, including the establishment of a fee schedule;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1. This By-law may be cited as the "Building By-law".

2. **DEFINITIONS**

2.1. In this By-law:

"Act" means the Building Code Act, 1992, S.O. 1992, c. 23, as amended;

"applicant" means the *owner* of a building or property who applies for a *permit* or any person authorized to apply for a *permit* on the *owner*'s behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation;

"Building Code" means the regulation made under Section 34 of the Act;

"certified model" means a unique building design for a detached or semidetached unit that has been reviewed by the *chief building official* for compliance with the *Building Code* and is intended for construction pursuant to a *permit* issued under the *Act*. A *certified model* approval is not itself a *permit*;

"City" means The Corporation of the City of Markham.

"chief building official" means the chief building official appointed by by-law by Council for the purposes of enforcement of the Act, the Building Code and this By-law;

"complete application" means an application that meets the requirements set out in the building code for applications where the *chief building official* is required to make a decision within a prescribed time period, and further that meets the requirements set out in Section 4 and Schedule B of this By-law;

"conditional permit" means a permit issued under Subsection 8(3) of the Act;

"construct" means construct as defined in Subsection 1(1) of the Act;

"demolish" means demolish as defined in Subsection 1(1) of the Act;

"electronic submission" means the filing of a pre-application review or an application for a building permit, certified model or alternative solution,

including all required forms, documents and drawings, submitted through an online application procedure approved by the *chief building official*.

"owner" means, in respect of the property on which the construction is to take place, the registered owner of the land and, except for *conditional permits*, may include a lessee, mortgagee in possession and the person acting as the owner's authorized agent;

"partial permit" means a permit issued by the chief building official to construct part of a building;

"permit" means permission or authorization given in writing by the *chief building official* to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the *Act* and *Building Code*;

"permit holder" means the owner to whom the permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred;

"pre-application review" means the review of forms, documents and drawings which precedes the acceptance of a permit application to determine if it qualifies for an *electronic submission* for a permit;

"Registered Code Agency" means a registered code agency as defined in Subsection 1(1) of the Act;

"revised submission" means additional information filed with the *chief building official* which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a permit has already been issued and for which approval by the *chief building official* is required;

"sewage system" means a sewage system as defined in Subsection 1.4.1.of Division A of the *Building Code*;

"supplementary submission" means a resubmission of information in relation to building permit documents previously reviewed or issued, that requires additional review to determine *Building Code* compliance;

"zoning preliminary review" means a review of plans and other documents to determine, prior to building permit or *Planning Act* applications, whether proposed designs comply with applicable zoning by-laws;

2.2. Terms not defined in this By-law shall have the meaning ascribed to them in the *Act* or the *Building Code*.

3. CLASSES OF PERMITS

3.1. Classes of *permits* required for the construction, demolition or change of use of a building shall be set out in Schedule A to this By-law.

4. REQUIREMENTS FOR PERMIT APPLICATIONS

General Requirements

- 4.1. Every *permit* application, *certified model* application and application for an alternative solution must meet the requirements of this Section and Section 6 and shall:
 - 4.1.1. be made by an *applicant*;
 - 4.1.2. be submitted to the *chief building official* on forms prescribed by the Province of Ontario or when no form is prescribed, on a form prescribed by the *chief building official*;
 - 4.1.3. be accompanied by the required fees calculated in accordance with Schedule A;

- 4.1.4. unless otherwise determined by the *chief building official*, be in the form of an *electronic submission*;
- 4.1.5. unless otherwise determined by the *chief building official*, shall not be accepted until a *pre-application review* has been completed to the satisfaction of the *chief building official*; and
- 4.2. To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the building code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.
- 4.3. An application for a *permit* may be refused by the *chief building official* where it is not a *complete application*.
- 4.4. The *chief building official* may, as the chief building official deems appropriate, provide prescribed forms in an electronic format and may allow for the electronic submission of completed *permit* application forms.
- 4.5. Notwithstanding Subsection 4.4, completed forms generated electronically shall be accepted subject to the endorsement by the *applicant*.
- 4.6. When filing an application, the *owner* and the *applicant* shall provide an electronic address(s) for the purpose of receiving communications from the *chief building official* regarding the construction, demolition or change of use associated with a permit application or issued *permit*. The owner or authorized agent of the owner shall inform the *chief building official* immediately in writing when the electronic address(s) provided change or become not functional.

Applications for *Permits* **to Construct**

- 4.7. Every application for a *permit* to *construct* a building shall:
 - 4.7.1. identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building *permit* application is made;
 - 4.7.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this bylaw; and
 - 4.7.3. be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the *chief building official* to be unnecessary.

Applications for Permits to Demolish

- 4.8. Every application for a *permit* to *demolish* a building shall:
 - 4.8.1. identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a *permit* to *demolish* is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
 - 4.8.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law; and
 - 4.8.3. be accompanied by proof satisfactory to the *chief building official* that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.

Applications for Permits to Construct Part of a Building

- 4.9. In addition to the requirements of Subsection 4.7, every application for a *partial permit* shall:
 - 4.9.1. require a *permit* application for the entire project; and
 - 4.9.2. be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which application for a *partial permit* is made, together with such information pertaining to the remainder of the work as may be required by the *chief building official*.
- 4.10. The *chief building official* may issue a *partial permit* when the *chief building official* determines it is appropriate to expedite substantial construction before a *permit* for the entire building is available and where the relevant provisions of this By-law and the *Act* are met.
 - 4.10.1. When determining whether to issue a *partial permit*, the *chief building official* shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.
- 4.11. The *chief building official* shall not, by reason of the issuance of a *partial permit* pursuant to this By-law, be under any obligation to grant any additional *permits*.

Applications for Conditional Permits

- 4.12. An application for a *conditional permit* cannot be filed until plans review of the scope of work is complete.
- 4.13. In addition to the requirements of Subsection 4.7, where a *conditional permit* is requested, the *applicant* shall:
 - 4.13.1. complete an application on a form prescribed by the *chief building official;* and
 - 4.13.2. submit documents and drawings prescribed in Schedule B of this By-law.
- 4.14. The *chief building official* may, at his or her discretion, issue a *conditional permit* where unreasonable delays are anticipated in obtaining all necessary approvals and where the relevant provisions of this By-law and the *Act* are

Applications for Permits for Change of Use

- 4.15. Every application for a *permit* for a change of use shall;
 - 4.15.1. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law;

Application for a Certified Model

- 4.16. An *applicant* may file an application for a *certified model*.
- 4.17. Every application for a *certified model* shall;
 - 4.17.1. be made on an application form prescribed by the *chief building official;* and
 - 4.17.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 of this By-law.

4.18. Plans and specifications forming part of each *certified model* application shall be deemed to form part of the *permit* documents of each *permit* subsequently issued under the *Act*.

Abandoned Electronic Submissions and Permit Applications

- 4.19. Where an electronic submission has not been completed within 20 business days of creation, the electronic submission may be deemed by the *chief building official* to have been abandoned.
- 4.20. Where an application for a *permit* remains incomplete and inactive for six months after the *applicant* has been advised in writing of all the reasons for refusal, the application may be deemed by the *chief building official* to have been abandoned and written notice of the cancellation thereof shall be given to the *applicant*.

Revisions to Permits

- 4.21. After the issuance of a *permit* under the *Act*, the *applicant* shall give notice to the *chief building official* in writing of any material change to a plan, specification, document or other information upon which a *permit* was issued, together with the details of such change, which change shall not be made without the prior written authorization of the *chief building official*.
- 4.22. Application for authorization of any substantial change shall constitute a *revised submission* or a *supplementary submission*.

5. PLANS AND SPECIFICATIONS

- 5.1. As part of the application for a *permit* and in addition to the requirements of Section 4 of this by-law, every *applicant* shall submit to the *chief building official* the following:
 - 5.1.1. sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction, demolition, or change of use conforms to the *Act*, the *Building Code*, and any other applicable law;
 - 5.1.2. Where a site plan is required to satisfy Section 5.1.1, the site plan shall reference a current plan of survey certified by a registered Ontario Land Surveyor and shall include:
 - 5.1.2.1. lot size and dimensions of the property;
 - 5.1.2.2. setbacks from existing and proposed buildings to property boundaries and to each other;
 - 5.1.2.3. existing and finished ground levels or grades; and
 - 5.1.2.4. existing rights of way, easements and municipal services; and
 - 5.1.2.5. a copy of a current plan of survey, unless the *chief* building official waives this requirement.
- 5.2. As part of an application for a *certified model*, every applicant shall submit to the *chief building official* sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction conforms to the *Building Code*.
- 5.3. Plans, specifications and other documents submitted by an *applicant* shall:
 - 5.3.1. be fully coordinated among design disciplines and intended for construction, demolition or change of use;
 - 5.3.2. be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;
 - 5.3.3. be submitted on paper or other suitable and durable material; and

- 5.3.4. contain information and text that is clear and legible.
- 5.4. Unless otherwise deemed necessary by the *chief building official*, every application shall be accompanied by two sets of plans, specifications, forms, documents and other information required to facilitate the administration and enforcement of the Building Code.
- 5.5. On completion of the construction of a building, the *chief building official* may require the *applicant* to submit a set of as constructed plans, including a plan of survey showing the location of the building.
- 5.6. Plans and specifications submitted in accordance with this By-law or otherwise required by the Act become the property of the City and will be disposed of or retained in accordance with relevant legislation or by-law.

6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

- 6.1. Where approval for an alternative solution under the Building Code is being sought, the *applicant* shall submit:
 - 6.1.1. an application on a form prescribed by the *chief building official*;
 - 6.1.2. supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the Building Code; and
 - 6.1.3. payment of the required fee prescribed by Schedule A.

7. FEES AND REFUNDS

- 7.1. The *chief building official* shall determine the required application fees in accordance with Schedule A to this By-law.
- 7.2. The *chief building official* shall not issue a *permit* until fees required by this By-law have been paid in full by the *applicant*.
- 7.3. In addition to the fees paid at the time of building *permit* application, when an applicant makes supplementary submissions and revised submissions, the applicant shall pay the prescribed fee which shall be calculated in accordance with Schedule A.
- 7.4. In the case of withdrawal or abandonment of an application, or refusal or revocation of a *permit*, and upon written request by the *applicant*, the *chief* building official may refund any unearned fees which shall be calculated in accordance with Section 4 of Schedule A.

8. TRANSFER OF PERMITS

- 8.1. Upon change of ownership, permit applications and permits must be transferred to the new owner with the approval of the chief building official.
- 8.2. To transfer a *permit* application or *permit*, the new *owner* shall complete and submit an application form in accordance with the requirements of Section 4 of this by-law and pay the required fee as prescribed by Schedule A.
- 8.3. Upon the transfer of the *permit* by the *chief building official*, the new *owner* shall be the *permit holder* for the purpose of this By-law, the *Act* and the Building Code.

9. **NOTICES FOR INSPECTIONS**

9.1. Inspection notices required by the building code and this By-law shall be made in writing, by telephone using the City's permit inspection request line or online inspection request procedure which have been prescribed for this purpose.

- 9.2. Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the *Building Code*.
- 9.3. The person to whom the *permit* has been issued shall notify the *chief* building official or a Registered Code Agency where one is appointed, of each stage of construction for which a notice is prescribed by the Building Code.
- 9.4. Notwithstanding Section 10 of this By-law, the person to whom the *permit* has been issued shall notify the *chief building official* of the date of completion of the building or demolition work no more than two days after that date.
- 9.5. In addition to the notices prescribed in Article 1.3.5.1 of Division C of the *Building Code*, the person to whom a *permit* has been issued shall give the *chief building official* notice of the readiness for inspection for the following stages of construction, where applicable:
 - 9.5.1. commencement of construction of the building
 - 9.5.2. commencement of construction of:
 - 9.5.2.1. masonry fireplaces and masonry chimneys,
 - 9.5.2.2. factory-built fireplaces and allied chimneys,
 - 9.5.2.3. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys
 - 9.5.3. substantial completion of interior finishes

10. REGISTERED CODE AGENCIES

- 10.1. The *chief building official* is authorized to enter into and sign contracts for service agreements with *Registered Code Agencies* and appoint them to perform specified functions from time to time in order to maintain the time periods for *permits* prescribed in Article 1.3.1.3. of Division C of the *Building Code*.
- 10.2. A *Registered Code Agency* may be appointed to perform one or more of the specified functions described in Section 15.15 of the *Act*.

11. FENCING CONSTRUCTION SITES

- 11.1. Where, in the opinion of the *chief building official*, a construction or demolition site presents a hazard to the public, the *chief building official* may require the *permit holder* to erect such fencing to the standards and specifications that the *chief building official* deems to be appropriate in the circumstances.
- 11.2. When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the *chief building official* shall have regard to:
 - 11.2.1. the proximity of the construction site to occupied dwellings;
 - 11.2.2. the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;
 - 11.2.3. the hazards presented by the construction activities and materials;
 - 11.2.4. the feasibility and effectiveness of site fencing; and
 - 11.2.5. the duration of the hazard.
- 11.3. When the *chief building official* is of the opinion that fencing is required, the *permit holder* shall, prior to the issuance of any construction or demolition permit, erect or cause to be erected fencing to the following minimum standards:

- 11.3.1. Minimum of 1800 mm in height
- 11.3.2. Maximum of 2300 mm in height
- 11.3.3. Full height screening with a minimum opaqueness of 90%, and
- 11.3.4. Fencing must be located entirely within the subject property lines unless otherwise authorized.
- 11.4. For the purposes of this Section, construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

12. OFFENCES AND PENALTIES

12.1. Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine as provided for in the Act.

13. SEVERABILITY

13.1. Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

14. MISCELLANEOUS

- 14.1. All Schedules shall be and form part of this By-law.
- 14.2. A reference to the singular or to the masculine shall be deemed to refer to the plural or feminine as the context may require.

15. REPEAL AND TRANSITION

- 15.1. By-law Number 2019-20 is hereby repealed upon the date that this by-law comes into force.
- 15.2. Notwithstanding Sections 15.1 and 16.1 of this by-law, for any *complete* application received prior to the effective date of this by-law, the provisions of By-law Number 2019-20 shall remain in force and effect for the purpose of that application.
- 15.3. Applications that are not *complete applications* as defined in this by-law, shall be subject to the within by-law irrespective of the date the initial application was made.

16. EFFECTIVE DATE

16.1. This by-law shall come into force on the 1st day of January 2020.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS XXth DAY OF MONTH, 2019.

KIMBERLEY KITTERINGHAM FRANK SCARPITTI **MAYOR**

CITY CLERK

Appendix 'A'

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SCHEDULE A

CLASSES OF PERMITS, FEES AND REFUNDS

1. FEES

- 1.1 All fees shall be paid in full at the time of acceptance of the permit application.
- 1.2 The fee for the *pre-application review* of applications shall be \$100. This fee is non-refundable and a credit for this fee will be applied to the total building *permit* fee.

2. CALCULATION OF PERMIT FEES

- 2.1 *Permit* fees shall be calculated on the basis of:
 - 2.1.1 the flat rate where indicated in Column 5 of Table 1 of this Schedule;
 - 2.1.2 the product of the applicable fee multiplier in Column 4 of Table 1 of this Schedule and the related floor area or other measure specified in Column 3; or
 - 2.1.3 where a fee is not listed in Table 1, \$30 for each \$1,000 or part thereof of the construction value prescribed by the chief building official
- 2.2 Except for classes of *permits* subject to flat rates, fees shall be based on the appropriate measure of the floor area of the project.
- 2.3 Except where otherwise exempt, in addition to the fees calculated according to Subsections 2.1 and 2.2 fees shall also be assessed according to the number of plumbing fixtures and the size of supply piping and drainage piping as applicable.
- 2.4 Section B of Table 1 of this Schedule applies where the scope of work does not affect any exterior wall or exterior roof assembly in existing construction.
- 2.5 Fees charged for the review of *certified models* shall be calculated using a fee multiplier equivalent to that applicable to Single or Semi Detached Dwellings determined in accordance with Subsections 2.9 to 2.11 of this Schedule.
- 2.6 In addition to the fees calculated in accordance with Table 1 paid at the time of building *permit* application, fees for *supplementary submissions* and *revised submissions* shall be calculated at \$120/hour spent determining compliance with the Building Code, applicable law and submission standards.
- 2.7 Where *supplementary submissions* or *revised submissions* include certification of applicable law compliance, which compliance or applicability was incorrectly declared at the time of *permit* application, a fee of \$250 for each applicable law certification shall apply. Where an application form other than an applicable law checklist is required to be revised to reflect incorrectly declared information, a fee of \$250 applies.
- 2.8 In addition to the fees calculated in accordance with Table 1, each application for consideration of an alternative solution shall be accompanied by a non-refundable fee of \$2,000. Additional fees for outside consultants are due when applicable. Where a *supplementary submission* is made for an alternative solution, a flat fee of \$500 will apply and is due at the time of resubmission.
- 2.9 When calculating fees based on floor areas, floor area is measured to the outer face of exterior walls and to the centreline of party walls or demising walls, except when calculating interior partition work. When measuring floor area for interior partitioning, corridors, lobbies, washrooms, lounges, and other similar facilities are to be included and classified according to the

- major occupancy classification for the floor area with which they are associated. Where these areas are constructed in a shell-only building, fees shall be calculated at the applicable partitioned rate in Table 1.
- 2.10 When measuring floor area, no deductions shall be allowed for floor openings required for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from measured floor area.
- 2.11 Where incorporated with an application for a class of dwelling described in Rows A6 or A7 of Table 1, no additional fee is required for decks, fireplaces, unfinished basements, attached garages, heating or plumbing systems.
- 2.12 Where incorporated with an application for a class of permit described under Section A and B of Table 1, no additional fee shall be levied for the scope of work described in Sections D and G of Table 1 that form part of the work proposed under the application.
- 2.13 For any permit application for a class of permit described under Section B of Table 1, floor area used for the calculation of fees shall be the lesser of:
 - 2.13.1 the area contained within a single rectangle encompassing all of the proposed work, or
 - 2.13.2 the actual area of the tenant space;
- 2.14 The occupancy classifications used in this By-law are based on the *Building Code* occupancy classifications. For mixed occupancy classifications, the total payable fee shall be calculated by applying the fee multiplier for each occupancy prescribed in Table 1 to the floor area measured for each individual occupancy and taking the sum of the fees calculated for each occupancy.
- 2.15 For *permits* for change of use, the fee multiplier for the proposed occupancy will be applied to the entire floor area subject to the change of use.
- 2.16 Where a change of use *permit* is denied, the fees paid may be credited to a building *permit* which incorporates the construction required to accommodate the change of use.
- 2.17 Except for temporary buildings on construction sites for offices, fees for temporary buildings, including tents, stages and bleachers, apply to buildings erected for less than 12 weeks.
- 2.18 The permit fee for the remediation, restoration, or demolition of premises used for the production of illicit substances is \$5,000. Administrative fees in accordance with Section 5 of this Schedule are in addition to this fee.

3. MINIMUM FEE

- 3.1 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group C residential occupancies in Sections A, B, D, and E of Table 1 shall be \$100;
- 3.2 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group A, B, D, E and F occupancies in Sections A, B, D, and E of Table 1 shall be \$500.

4. CALCULATION OF REFUNDS

4.1 Pursuant to Section 7 of this By-law, refunds shall be calculated as follows:

Refund = [Permit Fee Paid] – [Total Permit Fees Payable x % Permit Fee Earned]

- 4.2 The proportion of the total *permit* fee payable is earned according to the following schedule:
 - 4.2.1 10% if administrative functions only have been performed;
 - 4.2.2 20% if administrative functions and zoning review have been performed;
 - 4.2.3 50% if administrative functions, zoning review and all or part of the *Building Code* review have been performed; and
 - 4.2.4 60% if all administrative functions and reviews have been completed and the building permit has been issued or is available to be issued.
- 4.3 No refund is available for:
 - 4.3.1 Flat fees prescribed in Column 5 of Table 1;
 - 4.3.2 minimum fees prescribed in Section 3 of this Schedule;
 - 4.3.3 fees in the amount of \$500 or less;
 - 4.3.4 reduced area of work where the scope of work is reduced more than 2 business days after the application is filed;
 - 4.3.5 incorrect work area declaration at the time of application;
 - 4.3.6 where a permit is revoked, except where a permit is issued in error, or the applicant requests revocation no more than six months after the permit is issued;
 - 4.3.7 applications or permits where construction or demolition has commenced;
 - 4.3.8 applications cancelled more than 2 years after the *permit* application date; or
 - 4.3.9 administrative fees listed in Section 5 of this Schedule.
- 4.4 Pursuant to Section 10 of this by-law, 20% of the applicable permit fee paid shall be refunded where an application was made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, those services are fully paid for by the applicant and have been completed in accordance with the building code, and the Final Certificate as defined by the *Building Code Act* has been submitted to the Chief Building Official.

5. ADMINISTRATIVE FEES

- 5.1 To offset additional investigative and administrative costs, a non-refundable fee of \$300 shall be paid where any Order to Comply is issued pursuant to Section 12 or Section 13 of the *Act* and an additional fee of \$1,000 shall be paid where any Stop Work Order is issued pursuant to Section 14 of the *Act*. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.
- 5.2 To offset additional costs associated with the investigation, inspection, administration and rectification of unsafe buildings pursuant to Section 15.9 of the *Act*, a non-refundable fee of \$500 shall be paid where any Unsafe Order is issued, and an additional non-refundable fee of \$1,000 shall be paid where any Order respecting Occupancy is issued. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.

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- 5.3 Once a permit application has been accepted, the non-refundable fee to transfer the application to a new permit applicant is \$100.
- 5.4 To transfer a *permit* from one *permit holder* to another, a non-refundable fee of \$150 shall be payable.
- 5.5 Except as provided in Section 5.7, for written requests for information concerning a property's compliance with the *Building Code* and applicable law, the non-refundable fee shall be \$150.
- 5.6 For written requests for information to support Provincial license applications unrelated to a current *permit* or *permit* application, the non-refundable fee shall be \$500. Where there is a current *permit* or *permit* application, the non-refundable fee shall be \$250.
- 5.7 For the reproduction of documents, the fee shall be \$10 plus 110% of the cost of reproduction, plus a fee for *City* staff preparation time at \$100/hour.
- 5.8 Where a requested inspection reveals an infraction which was identified at a previous inspection and not remedied, an additional fee of \$150 shall be payable prior to subsequent inspections being scheduled.
- 5.9 Where an inspector determines that work for which an inspection has been requested is not sufficiently complete to allow proper inspection, an additional fee of \$150 shall be payable prior to subsequent inspections being scheduled.
- 5.10 For phased projects, in addition to the *permit* fee for the complete building, an additional fee of \$750 shall be payable for each phase not applied for at the time of the initial *permit* application.
- 5.11 For *conditional permits*, the conditional permit fee shall be the total *permit* fee for the proposed construction plus a non-refundable additional 10% of that fee.
 - 5.11.1 A minimum additional fee of \$3,000 and a maximum additional fee of \$6,000 applies to *conditional permits*.
 - 5.11.2 Where the *conditional permit* expiration date is extended at the request of the applicant, a non-refundable fee equal to the original conditional permit fee shall apply to each extension.
 - 5.11.3 In addition to the non-refundable fee, a letter of credit is required for every *conditional permit* or phased *conditional permit*.
- 5.12 Notwithstanding Subsection 2.6 of this Schedule, for changes of house models, an additional fee of \$300 plus the fee in Table 1 corresponding to new home construction for any resulting increase in floor area shall be payable. Where the floor area is reduced, no refund applies.
- 5.13 Where a permit is issued and construction has not seriously commenced within 12 months, the non-refundable fee to extend the permit will be \$200 or the permit fee paid, whichever is less.
- 5.14 When a *permit* is suspended or is deemed incomplete and an inspection is subsequently requested, an additional fee shall be required to be paid to re-activate the permit prior to any such inspection. For housing permits the re-activation fee is \$200 and for non-housing permits the fee is \$500.
- 5.15 Pursuant to Section 10 of this by-law, where an application is made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, and those services are fully paid for by the applicant, the applicable fee shall be reduced by 20% at the time a complete application is filed with a Plan Review Certificate as defined by the *Building Code Act*.
- 5.16 For review and approval of spatial separation agreements required by Division B of the *Building Code* a fee of \$500 per lot applies.

- 5.17 Fees for Zoning Preliminary Reviews will be as follows:
 - 5.17.1 \$250 for low rise residential (including singles, semis (per unit), townhouse (per unit), decks, porches, sheds, and driveways);
 - 5.17.2 \$500 for interior alterations (including parking calculation) (per unit);
 - 5.17.3 \$500 for multiple-unit residential projects and non-residential projects (per building); and
 - 5.17.4 \$250 per proposed lot where the review is in support of a land division application.
- 5.18 The non-refundable fee shall be \$50 for written requests for information concerning a property's zoning designation, permitted uses and development standards.

		TABLE 1 - Calculation of Permit Fees		
1	2 Class of Permit, Occup	3 Pancy Classification and Work Description	4 \$/m²	5 Flat Fee
	Section A: CONSTRUCTION of new building	igs, additions to existing buildings, including Mezzanines or new ir	termediate flo	
A1 A2	Group A Assembly	Transportation Terminals Portable classrooms (each) (new or relocated)	\$19.23	\$590
A3		Outdoor Pool	\$13.43	
A4 A5	Group B: Institutional	All Other Assembly Occupancies	\$23.11 \$25.02	
A6	Group C: Residential	Single Detached Dwelling (SDD)	\$17.47	
A7 A8		Multiple Unit buildings less than 4 storeys high Multiple Unit buildings greater than 3 storeys, less than 7 storeys	\$21.70 \$21.70	
A9		Multiple Unit buildings greater than 6 storeys high	\$16.12	
A10 A11		Repeat of Previously approved Certified Model Hotel / Motel	\$14.32 \$23.11	
A12		Unfinished Basement / Foundations	\$5.96	650
A13 A14		Detached or semi-detached garage/carport Garage incorporating a dwelling unit (GDU)		\$561 \$1,350
A15		Repeat of previously approved GDU		\$1,014
A16 A17		Accessory utility building (ie. Garden shed, Gazebo) less than 20 m ² Accessory utility building (ie. Garden shed, Gazebo) 20 m ² or greater		\$122 \$561
A18		Deck / Balcony / Covered Porch (each)		\$122
A19 A20	Group D: Business and Personal Services	Shell Only (including unfinished basement) Partitioned / Finished / Mezzanine	\$14.90 \$19.23	
A21		Temporary Real Estate Sales Office	\$12.52	\$1,237
A22 A23	Group E: Mercantile	Shell Only (including unfinished basement) Partitioned / Finished / Mezzanine	\$12.52	
A24	Group F: Industrial	Shell Only (including unfinished basement)	\$9.69	
A25 A26		Partitioned / Finished / Mezzanine Gas Station / Canopy, Car Wash	\$13.41 \$12.38	
A27 A28		Repair garage Parking Garage (underground, open air)	\$13.41 \$6.12	
A29		Farm Building	\$5.30	
A30 A31	All Occupancies	Rack Storage Systems regulated by the Building Code Permanent Tent / Air supported structure	\$9.69 \$6.93	
A32	у за Осеираново	Repair / reclad wall or replace roof structure	\$1.78	
A33 A34		Ceiling (new or replacement) Mechanical Penthouse	\$0.48 \$9.69	
A35		Temporary Building (Tent, Stages)		\$250
A36 A37		Shoring (/m of length) Underpinning (/m of length)	\$14.91 \$14.91	
A38	Designated Structures	Communication Tower	\$14.01	\$358
A39 A40		Crane Runway Exterior Storage Tank		\$532 \$358
A41		Pedestrian Bridge (/m of length)	\$41.29	
A42 A43		Retaining Wall (/m of length) Sign regulated by the Building Code	\$20.65	\$358
2		existing construction and CHANGE OF USE(as defined by the Onta		de)
B1 B2	Group A: Assembly	Restaurant All other assembly occupancies	\$9.65 \$6.67	
ВЗ	Group B: Institutional	, in the second	\$6.67	
B4 B5	Group C: Residential	Accessory Apartment All other Residential occupancies	\$12.63 \$6.67	
B6		Exterior door or door from garage into dwelling		\$396
B7 B8		Below grade stair Elevator (Housing Permits only)		\$396 \$396
B9	Group D: Business and Personal Service	Pectaurant	\$6.67	
B11	Group E: Mercantile	Restaurant All other mercantile occupancies	\$9.65 \$6.67	\parallel
	Group F: Industrial All Occupancies	Electromagnetic Locking Device (\$590 + \$120/additional device)	\$6.08 \$120	\$590
B14	Air Occupancies	Parking Structure Repair	\$1.78	\$350
B15 B16		Balcony Guard Replacement (/m of length) Window Replacement or Enlargement (each)	\$2.16 \$7.45	
	Section C: DEMOLITION		\$7.40	
C1 C2	Group C: Residential Housing Group C: Residential Housing	Single / Semi-detached dwelling Accessory building		\$600 \$200
	All Other Occupancies	Complete / Partial / Interior Demolition (\$990 minimum fee)	\$0.18	
D1	Section D: MECHANICAL and FIRE PROTE(All Occupancies	CTION WORK (Proposed as stand alone work) Heating, ventilation, air conditioning	\$1.16	
D2		Fire Alarm System (per storey)	\$389	
D3 D4		Replacement Annunciator/Control Panel only (per storey served) Sprinkler System	\$389 \$1.16	
D5		In-rack sprinkler System	\$1.16	
D6 D7		Standpipe System (per riser) Emergency Power	\$153	\$746
D8		Emergency Lighting (per storey)	\$200	
D9 D10		Fireplace / Woodstove Heating plant replacement		\$122 \$196
D11	Section E: PLUMBING	Special Ventilation Systems (each)		\$590
E1	Residential Service Connections	Service Connection (per lot)		\$122
E2 E3	All Occupancies	Each fixture Each Appliance	\$18.00 \$18.00	
E4		Each Rain Water Hopper	\$18.00 \$18.00	
E5 E6		Conversion from Septic System to sewer Backflow preventer (\$300 +\$100/additional device)	\$100	\$237 \$300
E7		Water service (/length in m)	\$18.50	9500
E8 E9		Building storm drain, building storm sewer (/length in m) Replacement or re-lining of water distribution piping (/length in m)	\$18.50 \$18.50	
E10		Each Manhole	\$52.50	
E11		Each Catchbasin Each Area Drain	\$52.50 \$52.50	
E13		Each Backwater Valve / Sump Pump / Sewage Ejector	\$32.30 \$122	
F1	Section F: ON-SITE SEWAGE SYSTEMS (Pr	roposed separately or in conjunction with other construction) New System	0.00	\$1,770
F2		Replacement of Leaching Bed		\$949
F3 F4		Replacement of Septic Tank or Minor Repair of Part of a System Evaluation of System (no alterations required)		\$590 \$237
F5		Review of Clearances Only		\$237
G1	Section G: GREEN ENERGY SYSTEMS (Pro	posed as stand alone work) Solar domestic hot water systems (serving individual dwellings)		\$122
G2		Solar domestic hot water systems (serving all other buildings)		\$647
G3 G4		Solar photovoltaic systems (serving individual dwellings) Solar photovoltaic systems (serving all other buildings)		\$122 \$647
	i	Geothermal Systems		\$392
G5				
		Wind Turbines (per turbine) Drain water heat recovery unit (serving individual dwellings)		\$260 \$122

Schedule B

Documents & Drawings Required For A *Complete Application* (Paper or Digital Media). All digital media must comply with the Submission Standards approved by the Chief Building Official.

Row	Class of Permit	Documents and Drawings Required
1	All Permits	Documents a. Building Permit Application Form * (not required for electronic submissions) b. Applicable Law Checklist * c. Permit Applicant Authorization Form *
2	Permit to Construct Housing Detached Houses, Semi- detached Houses, Duplex/Triplex/Fourplex, Townhouse blocks less than 4 storeys, Accessory buildings New Buildings Additions Alterations Accessory Buildings	a. Schedule 1 * b. Schedule 2 * c. Energy Efficiency Design Summary Form * d. Plumbing Data Form * (for alterations only) e. Approval documents required by an applicable law f. TARION Letter of Confirmation g. Heat loss / heat gain / duct calculations (per dwelling unit) h. Residential Mechanical Ventilation Summary Drawings a. Site Plan b. Municipally Approved Site Grading Plan c. Architectural Drawings (including block floor plans for each floor, block roof plans and block elevations for townhouse blocks) d. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) e. Structural Drawings f. Roof truss / Pre-engineered floor system shop drawings g. HVAC Drawings h. On-site Sewage System Drawings (including On-Site Sewage System Statement of Design)
3	Permit to Construct Non-Housing – New Construction Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings New Buildings Additions Change of Use	Documents a. Building and Land Use Declaration Form * b. Schedule 1 * c. Schedule 2 * d. Commitment to General Review * e. Energy Efficiency Form * f. Plumbing Data Form * g. Approval documents required by an applicable law h. Subsurface Investigation Report i. Heat loss / heat gain / duct calculations j. Mechanical equipment and design specifications k. Construction Site Fire Safety Plan (for mid-rise wood construction projects) Drawings a. Site Plan b. Municipally Approved Site Servicing Plan c. Architectural Drawings, including: i. Building Code Compliance Matrix ii. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings) d. Structural Drawings e. Electrical Drawings f. Roof truss / Pre-engineered floor system shop drawings g. Mechanical Drawings (HVAC, plumbing, fire protection systems) h. On-site Sewage System Drawings (including On-Site Sewage System Statement of Design

Row	Class of Permit	Documents and Drawings Required
4	Permit to Construct Non-Housing – Alterations Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings • Alterations • Tenant Improvements	a. Building and Land Use Declaration Form * b. Schedule 1 * c. Commitment to General Review * d. Energy Efficiency Form * e. Plumbing Data Form * f. Approval documents required by an applicable law g. Heat loss / heat gain / duct calculations h. Mechanical equipment and design specifications Drawings a. Site Plan b. Key Plan c. Architectural Drawings, including: i. Building Code Compliance Matrix ii. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings)
		d. Structural Drawings e. Electrical Drawings f. Mechanical Drawings (HVAC, plumbing, fire protection)
5	Permit to Construct Temporary Event Structures Tents, stages, bleachers	Documents a. Temporary Event Structure Authorization Form * b. Commitment to General Review * c. Approval documents required by an applicable law d. Documentation confirming flame spread rating of tent material Drawings a. Site Plan b. Shop Drawings
6	Permit to Demolish	Documents a. Commitment to General Review * b. Approval documents required by an applicable law c. Environmental Building Audit Drawings a. Site Plan including existing building to be demolished, construction fencing and gate access locations b. Demolition Plan prepared in accordance with O.Reg. 260/08 c. Temporary shoring design for residential infill projects where extent of excavation is within 1.2 m of the property line or where otherwise determined by the <i>chief building official</i>
7	Conditional Permit	Documents a. Conditional Permit Addendum Form * b. Deed c. Construction Schedule

- Documents marked with an asterisk (*) are available from the chief building official.

 The chief building official may waive the requirement for any specified documents or drawings where the scope of work, applicable law or building code does not, in the opinion of the chief building official, necessitate its submission.

Appendix 'B'



A by-law to amend By-law 211-83, as amended (A by-law to prescribe a Tariff of Fees for the Processing of Planning Applications)

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1.	By-lav	v 211-83, as amended, be and the same is hereby further amended as follows:
	1.1	By deleting Schedule 'A' to By-law 211-83, as amended, and substituting Schedule 'A' attached hereto.
2.		ner provisions of By-law 211-83, as amended, not inconsistent with the provisions of this by-law ntinue to apply.
3.	This B	y-law comes into force and takes effect on January 1, 2020.
		ST, SECOND, AND THIRD TIME AND PASSED THIS CEMBER, 2019.

MAYOR

CITY CLERK

ATTACHMENT - "A"

SCHEDULE 'A' TO BY-LAW 2019-

TARIFF OF FEES FOR PROCESSING OF PLANNING APPLICATIONS GENERAL TERMS

1.0. Fee Acceptance

- 1.1. Fees shall only be accepted in conjunction with the filing of an application containing all submission requirements as determined by the Director of Planning and Urban Design or designate and/or Director of Engineering or designate.
- 1.2. Applicants shall not be permitted to "pre-pay" application fees upon submission of an incomplete application in order to lock in fees and avoid future fee increases.

2.0. Fee Calculation

- 2.1. For each development application type, fee shall be calculated, and may include Development Application Fees, Supplementary Fees, and Miscellaneous Fees as listed in this by-law. Unless otherwise stated, fee subsections ending in roman numerals (ie. i), ii), iii), etc) form part of the overall subsection fee, and shall be applied cumulatively with the other fees ending in roman numerals within that subsection.
- 2.2. Fees shall be calculated at the rate in effect on the date paid. Applications for which fees have been paid in part, prior to the effective date of this by-law, shall be required to pay any additional fees established by this by-law.

3.0. Fee Payable in stages

- 3.1. Unless otherwise noted, fees are payable at time of application.
- 3.2. Where the fee payable in respect of an application is payable in stages, the fee owing at each stage shall be the fee, for such stage, in effect on the date the payment is made. No additional fee or increase in fee is payable in respect of stages for which a fee has already been paid.
 - 3.2.1. Where payment in full of all fees applicable to an application has been made, no additional fee, where established by this by-law, shall be payable.
 - 3.2.2. Other City of Markham fees may be applicable.

4.0. Fee Adjustments

- 4.1. Adjustments are made to fees to reflect changes in the total number of Units/Lots/ Parcels/ GFA/ Land Area/Estimated Cost of Works, Consultants Review Fees, etc.,
- 4.2. Adjustments to the total fee payable will be required at each payment stage.

5.0. Reimbursement of fees:

- 5.1. Fees shall be reimbursed upon applicant withdrawing the application, as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate:
 - 5.1.1. Refund percentage is based on all fees received.
 - 5.1.2. HST refund is calculated based on percentage of fee to be refunded.
 - 5.1.3. Refund percentage (%) is based on the application stage as follows:
 - 5.1.3.1. Prior to circulation of application 75%
 - 5.1.3.2. From circulation to completion of preliminary report and/or holding of a public meeting, if required
 - 5.1.3.3. Prior to Committee receiving recommendation report and/or prior to Site Plan Endorsement (*Not applicable to Committee of Adjustment Applications*)
 - 5.1.3.4. After Site Plan Endorsement and/or after Recommendation No refund Report/ Memorandum received by Committee

Notes:

By-law 2019Page 3

Appendix 'B'

a) For all application fees calculated, **add HST** as applicable.

- b) All cheques shall be payable to 'City of Markham'.
- c) For assistance contact City of Markham, Development Services Commission,

101 Town Centre Blvd., Markham, Ontario, L3R 9W3.

Telephone: + (905) 475.4861 Fax: + (905) 479.7768 Email: dsc@markham.ca

DEVELOPMENT APPLICATION FEE

Table 1	Official Plan/Secondary Plan Amendment	Fee	Rate
1.1	Minor amendment (1)	\$28,193	Per Application
1.2	Major Amendment (2)	\$74,839	Per Application

- 1 An application for a minor, site specific and small scale amendment or exception to Official Plan policies and designations, having limited impact or policy implications beyond the subject lands as determined by the Director of Planning and Urban Design.
- 2 An application to amend the Official Plan that is more significant in scale and scope than a minor official plan amendment, and which may have greater impact or policy implications beyond the subject lands as determined by the Director of Planning and Urban Design. Applications relating to more than one property would normally be in this category. A site specific application could also fall in this category, if considered to represent large scale redevelopment or significant change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category.

Table 2	Zoning By-Law Amendment	Fee	Rate
1.1	Minor Amendment (1)	\$26,136	Per Application
1.2	Major Amendment (2)	\$52,575	Per Application
1.3	Removal of "H" (Holding) Provision	\$8,833	Per Application

- 1 An application for minor and small scale zoning amendment having no significant impact on adjoining lands as determined by the Director of Planning and Urban Design. Minor applications must be site specific and include:
 - Request for additional permitted use within an existing building with no significant impact on existing development standards;
 - Changes in development standards to accommodate a residential severance to create one single detached lot within an existing subdivision;
 - Application for Temporary Use.
- 2 An application that is more significant in scale and scope than a minor zoning amendment and which may have greater impact beyond the subject lands, as determined by the Director of Planning and Urban Design. Major applications include:
 - Applications relating to more than one property;
 - A site specific application if considered to represent large scale redevelopment;
 - Any change in use and / or zone category;
 - An application involving significant changes to the development standards or general provisions of the by-law.

Table 3	Plan Of Subdivision	Fee	Rate
1	Draft Plan of Subdivision		
1.1	Planning Review		
1.1.1 i)	Base fee	\$40,293	Per Application
1.1.1 ii)	Unit Fee (1)	\$2,093	Per Unit/Lot
1.1.1 iii)	Land Area (2)	\$20,752	Per Hectare
1.2	Urban Design Review		
1.2.1	Community Planning Review		
1.2.1 i)	Unit Fee (1)	\$399	Per Unit/Lot
1.2.1 ii)	Land Area (2)	\$20,752	Per Hectare
1.2.2	Landscape Review		
1.2.2 i)	Base Fee (9)	\$9,136	Per Application
1.2.2 ii)	Calculated Fee (the greater of) (3)	\$690	Per Unit/Lot (4)
Or		14.5%	Construction Cost (5)
1.3	Engineering Review		
1.3.1	Calculated Fee (the greater of) (6)	\$2,057	Per Unit/Lot
Or		12.1%	Construction Cost (8)
2	Extension of Draft Plan Approval	\$8,833	Per Application
3	Revision of Draft Approved Plan and/or Draft Plan Conditions (7)		
3.1	Minor (does not require report to Committee)	\$5,469	Per Application
3.2	Major (requires report to Committee)	\$17,303	Per Application
4	Request for Subdivision Agreement		
4.1 i)	First Phase of subdivision	\$57,959	Per Agreement
4.1 ii)	Subsequent Phases	\$40,717	Per Agreement

- 1 Unit fee applicable to Single Detached, Semi Detached and/or Freehold Townhouse units. To be collected as follows:
 - 40% collected at submission of application
 - 60% collected at execution of agreement
- 2 Applicable to blocks created for Residential, Mixed-Use, Institutional, Commercial or Industrial uses. (Excludes park blocks, valley lands, hazard lands, environmental buffer blocks, storm water management blocks, open space areas and public roads to be conveyed into public ownership). To be collected as follows:
 - 40% collected at submission of application
 - 60% collected at execution of agreement
- 3 Payable at the execution of agreement
- 4 Up to 100 units/lots on a plan of subdivision
- 5 Estimated cost of construction of landscape works
- 6 To be collected as follows:
 - 60% collected at submission of engineering drawings
 - 40% collected at execution of a pre-servicing agreement (if applicable) or a subdivision agreement
- 7 At the request of the owner
- 8 Estimated cost of internal and external works within the Plan of Subdivision, as prepared by the Consulting Engineer. Includes erosion and sediment controls, underground and above-ground works, streetlights, etc. plus a 10% contingency added to the estimate
- 9 Payable at first submission of Landscape drawings for each phase of the draft plan of subdivision

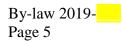


Table 4	Plan of Condominium	Fee	Rate
1.1	Condominium Fee (1)	\$44,105	Per Application
1.2	All other Condominium Types other than those above	\$37,813	Per Application
1.3	Extension of Condominium Draft Approval	\$8,833	Per Application
1.4	Revision of Condominium Draft Approved Plan (2)	\$11,919	Per Application

- Includes standard, common element (POTL), and vacant land condominium application types
 Includes Draft Plan Conditions and amalgamation of multiple condominiums where requested by the owner

Table 5.1	Site Plan Applications (Residential/Mixed Use)	Fee	Rate
1	Residential (15)		
1.1	Small Developments (1)		
1.1 i)	Planning Review fee	\$2,674	Per Unit
1.1 ii)	Urban Design Review (2)	\$908	Per Unit
1.1 iii)	Engineering Review Fee (2)	\$908	Per Unit
1.2	Large Developments (3)		
1.2.1	Planning Review		
1.2.1 i)	Base Fee	\$12,282	Per Application
1.2.1 ii)	Unit Fee (4) (5) (10)	\$2,093	Per Unit
1.2.1 iii)	GFA Fee (6) (10)	\$5.29	Per M ²
1.2.2	Urban Design Review		
1.2.2 i)	Base Fee	\$5,022	Per Application
1.2.2 ii)	Percentage fee (2) (7)	14.5%	Percent
1.2.2 iii)	Calculated GFA Fee (2) (11)	\$5.29	Per M ²
1.2.3	Engineering review (8)		
1.2.3 i)	Base Fee	\$8,954	Per Application
1.2.3 ii)	Percentage fee (2) (9)	13.3%	Percent
1.2.3 iii)	Calculated GFA Fee (2) (11)	\$5.29	Per M ²
1.3	Additions or Alterations		
1.3.1	Small Developments (1)		
1.3.1.1	Less than 50 square metres of GFA	\$182	Per Unit
1.3.1.2	50 to 100 square metres of GFA	\$908	Per Unit
1.3.1.3	Greater than 100 square metres of GFA		
1.3.1.3 i)	Planning Review fee	\$908	Per Unit
1.3.1.3 ii)	Urban Design Review	\$811	Per Unit
1.3.1.3 iii)	Engineering Review	\$811	Per Unit
1.4	Residential Driveways or parking area	\$182	Per Application

able 5.2	Site Plan Applications (ICI) (17)	Fee	Rate
2	ICI without units accommodating overnight stay		
2.1	Planning Review		
2.1 i)	Base Fee	\$12,282	Per Application
2.1 ii)	GFA Fee (10) (11)	\$5.29	Per M ²
2.1.2	Urban Design Review	,	
2.1.1 i)	Base Fee	\$5,022	Per Application
2.1.1 ii)	Percentage Fee (7)	14.5%	Percent
2.1.1 iii)	GFA Fee (2) (14)	\$5.29	Per M ²
2.1.3	Engineering Review (8)	γ3.23	1 01 141
2.1.3 i)	Base Fee	\$8,954	Per Application
2.1.3 ii)	Percentage Fee (9)	13.3%	Percent
		1	
2.1.3 iii)	GFA Fee (2) (14) ICI with units accommodating overnight or longer stay	\$5.29	Per M ²
2.2	(12)		
2.2.1	Planning Review		
2.2.1 i)	Base Fee	\$12,282	Per Application
2.2.1 ii)	Unit Fee (10)	\$2,093	Per Unit
2.2.1 iii)	· · ·	\$5.29	Per M ²
2.2.2	Urban Design Review	γ3.23	1 61 101
2.2.1 i)	Base Fee	\$5,022	Per Application
2.2.1 ii)	Percentage Fee (7)	14.5%	Percent
2.2.1 iii)	Calculated GFA Fee (2) (14)	\$5.29	Per M ²
2.2.3	Engineering Review (8)	75.25	1 C1 1V1
2.2.3 i)	Base Fee	\$8,954	Per Application
2.2.3 ii)	Percentage Fee (9)	13.3%	Percent
2.2.3 iii)	Calculated GFA Fee (2) (14)	\$5.29	Per M ²
2.3	Parking Lot or Outdoor Patio	75.25	1 C1 1V1
2.3.1	New Parking Lot or Outdoor Patio		
2.3.1 i)	Planning Review Fee	\$4,465	Per Application
2.3.1 ii)	Urban Design Review	\$908	Per Application
2.3.1 iii)	Engineering Review	\$908	Per Application
	Expansion/Alteration of Existing Parking Lot or Outdoor	7000	
2.3.2	Patio		
2.3.2 i)	Planning Review Fee	\$2,226	Per Application
2.3.2 ii)	Urban Design Review	\$908	Per Application
2.3.2 iii)	Engineering Review	\$908	Per Application
2.4	Façade Change (16)		
2.4.1	Minor (17)	\$908	Per Application
2.4.2	Major	\$4,465	Per Application
Table 5.3	Extension or Minor Amendment to Approved Plans	Fee	Rate
3.5	Extension of Site Plan Endorsement or Site Plan		
	Approval/Agreement	\$2,226	Per Application
3.6	Minor Applications or Changes to Approved Plans (16)		
3.6 i)	Planning Review Fee	\$4,059	Per Application
3.6 ii)	Urban Design Review	\$908	Per Application
3.6 iii)	Engineering Review	\$908	Per Application
able 5.4	Heritage Site Plan	Fee	Rate
4	Heritage Site Plan		
4.1	Residential	Section 1	
4.2	ICI - Institutional, Commercial, or Industrial		
4.2.1	Less than 50m2	\$1,271	Per Application
4.2.2	50m2 or greater	Section 2	
4.3	Façade changes (18) (19)	\$908	Per Application

- 1 Single Detached, Semi-Detached, Townhouse, and/or Apartment development with under 10 lots, blocks, or units total
- 2 Payable at the execution of agreement
- 3 Mixed Development or Single Detached, Semi-Detached, Townhouse, and or Apartment development with more than 10 lots, blocks, or units total
- 4 Unit fee applicable to Single Detached, Semi Detached, Townhouse and Apartment units
- 5 Applicable to buildings with common area(s)
- 6 Total GFA of building(s) minus GFA of overnight or longer stay unit(s)
- 7 Estimated cost of construction of landscape work
- 8 Includes Site Plan Works
- 9 Estimated cost of internal and external works
- To be collected as follows:40% collected at submission of application60% collected at execution of agreement
- 11 Total GFA of the development
- 12 Including but not limited to Hotels, Senior Homes, etc.
- 13 Applies to the GFA of the building, exclusive of the area of units identified in Table 5, section 2.2.1 ii)
- 14 Notwithstanding the definition of GFA, the subject fee shall include the GFA of areas underground dedicated to parking
- 15 Includes additions or alterations to developments of 11 units or greater
- 16 As Determined by the Director of Planning & Urban Design, Director of Engineering, or their Designates
- 17 Includes Heritage ICI Development 50m² or greater
- 18 When changes are funded in part or wholly by a Grant from Council
- 19 All other application types, including changes to approved drawings that are not subject to special provision 18, are subject to Table 5, Section 2.4

Table 6	Committee of Adjustment	Fee	Rate
1	Minor Variance		
1.1	Development Standards (1)	\$6,014	Per Application
1.2	Residential Small Scale (2)	\$2,553	Per Application
1.3	Variance with respect to use (3)	\$13,855	Per Application
1.4	Technical Variance (4)	\$2,093	Per Application
1.5	Multiple Variances (5)		
1.5 i)	Base Fee	\$10,043	Per Application
1.5 ii)	Unit Fee (6)	\$2,093	Per Unit
1.6	Heritage variance (7)		Per Application
2	Land Division		
2.1	Consent for creation of one or more lots		
2.1 i)	Base fee	\$13,855	Per Application
2.1 ii)	Unit Fee (8) (10)	\$2,093	Per Unit
2.1 iii)	Land Area Fee (9) (10)	\$20,752	Per Hectare
2.2	Other Consent (11)	\$7,260	Per Application
2.3	Change of Condition prior to final consent	\$1,827	Per Application
2.4	Re-Application of Provisionally approved Consent without completion		
	of conditions within One year timeframe (12) (13)	\$5,808	Per Application
3	Sign Fee (14)	\$36	Per sign

- 1 Additions, alterations, or new dwellings 50m2 or greater, or apartment, condominium, mixed use buildings or ICI
- 2 Additions, Alterations, or new single, semi-detached, or townhouse dwellings, or to accessory buildings, structures or decks less than 50m2
- 3 Includes residential, ICI, and where use and development standard variances are requested
- 4 To rectify and existing site condition, at the discretion of the Director of Planning and Urban Design or their designates
- 5 Multiple lots on a Draft Plan of Subdivision or registered M-Plan
- 6 Number of actual units or lots (any decimal number rounded off to the next greater number)
- 7 Applies to heritage buildings, or Heritage Properties where Heritage Staff or Heritage Markham has requested the implementation of a historic condition or feature, at the discretion of the Director of Planning or their Designate
- 8 Applies only to consents creating new residential lots, excluding apartments, condominiums, and mixed use buildings
- 9 Applies to all consents except those identified in Table 6, Section 2.1 ii)
- 10 Payable prior to finalization of consent
- 11 Includes consent for partial discharge of mortgage, easement, lease of 21 years or more, and validation of title
- 12 Application must be received within 6 months of the lapse of the original consent application
- 13 Proposed lot configuration and development must be identical to the lapsed application receiving provisional consent
- 14 One sign required on each public or private street upon which the subject site has frontage, as determined by the Secretary Treasurer of the Committee of Adjustment

7	Supplementary Fee	Fee	Rate
1	Electronic submission fee (1)	\$100	per application
2	Additional Public Meeting Fee (2) (3)	\$8,470	per meeting
3	Additional Report to Committee or Council (2) (3)	\$8,470	per report
4	Re-Circulation of Drawings (3)		
4.1	Minor Circulation (5)	\$545	per circulation
4.2	Major Circulation (2)	\$5,506	per circulation
5	Four or More Submissions (2) (6) (7)	\$6,716	per submission
6	More than two inspections (3) (8)	\$1,730	per inspection
7	Studies (4)		
7.1	Planning And Urban Design Studies		
7.1.1	Large Scale Major Studies (9)	\$68,426	per study
7.1.2	Update or Amendment to existing Study (10)	\$27,407	per study
7.2	Engineering Studies		
7.2.1	New Study (11)	\$35,756	per study
7.2.2	Update or Amendment to existing Study	\$11,979	per study
8	Hire/Retain a Consultant/Vendor (12)	(13)	
9	Third Party Appeal (14) (16)	(15)	
10	Request for Development Agreement (17)		
10.1	Planning		
10.1.1	Major	\$9,136	per agreement
10.1.2	Minor	\$1,827	per agreement
10.2	Urban Design		
10.2.1	Major	\$9,136	per agreement
10.2.2	Minor	\$1,827	per agreement
10.3	Engineering		
10.3.1	Major	\$9,136	per agreement
10.3.2	Minor	\$1,827	per agreement

- 1 Required for all applications submitted electronically
- 2 Due to revisions by owner/applicant
- 3 Payable prior to meeting, inspection, or circulations
- 4 Payable at submission of study
- Includes Consent to Sever and Minor Variance Applications due to revisions or request for deferral by owner, and/or after 1 year from the original date of application submission due to inactivity
- 6 Payable at submission
- 7 Due to the owner/applicant's failure to revise drawings/plans/reports as requested by the City
- 8 Due to unaddressed deficiencies identified during earlier inspections
- 9 Includes review and approval of large scale major studies including but not limited to: Community Design Plans or Precinct Plans associated with a new secondary plan, major official plan amendment/Secondary Plan Amendment, Major Zoning or major site plan application on a large scale complex site
- 10 Includes review and approval of small scale studies at the discretion of the Director of Planning and Urban Design or their designates
- 11 Includes review and approval of large scale major studies including but not limited to: Master Transportation Study, Master Environmental Servicing Plan, Noise Study, Geotechnical Study, etc. associated with a new Secondary Planed, major Official Plan Amendment/Secondary Plan Amendment, major Zoning or major Site Plan application on a large scale complex site
- 12 Fees for the City to retain a consultant/Vendor for the review, implementation or monitoring related to an application, as determined by the Director of Planning and Urban Design and/or the director of Engineering, or their designate
- 13 Actual cost of Consultant/vendor plus an administrative fee in the amount of 30.2% of the actual cost of the consultant/vendor
- 14 City's cost to retain outside Legal Council, and other outside experts including but not limited to Planning, Urban Design, or Engineering consultants or experts as determined necessary by the City Solicitor and Commissioner of Development Services, where an approved development application is appealed to the Local Planning Appel Tribunal

- 15 Actual cost of legal counsel and consultants, plus an administrative fee in the amount of 31.5% of the actual cost of the consultant/vendor
- 16 Fees shall be payable in accordance with a Cost Acknowledgement Agreement between the City and the Applicant
- 17 Major or Minor application as determined by the Director of Planning and Urban Design or the Director of Engineering or their designates, and payable at the execution of the agreement

8	Miscellaneous Fees	Fee	Rate
1	Review and Comment on Minister's Zoning Order		
1.1	New Application	\$8,168	per application
1.2	Comment on extension of a temporary use	\$2,671	per application
2	Deeming By-law	\$8,833	per application
3	Exemption from Part Lot Control (1)	\$8,833	per M-Plan
4	Telecommunication Tower	\$21,296	per application
5	Model Home/Sales trailer agreement (2)	\$5,687	per agreement
6	Heritage Permit (3)	\$581	per application
7	Townhouse Siting	\$641	Per unit
8	Residential Service Connection (4)	28.6%	Percent
9	Site Alteration Permit		
9.1	Urban Design		
9.1 i)	Base Fee	\$5,917	per application
9.1 ii)	Area Fee	\$1,222	per hectare
9.2	Engineering		
9.2 i)	Base Fee	\$5,917	per application
9.2 ii)	Area Fee	\$1,222	per hectare
10	Construction Management Plan and/or Traffic Management Plan		
	Review and/or public Communication Plan/Report (5)	\$5,130	per application
11	Shoring and Hoarding Encroachment Plan (2)	\$5,360	per application
13	Miscellaneous Submission (6)		
13.1	Percentage Fee (7)	14.5%	Percent
13.2	Hourly Rate for Estimate Hours	\$278	per hour
14	GIS Hourly Rate	\$121	per hour

- 1 Applicable to units that have not been captured through Draft Plan of Subdivision Application Fee
- 2 Payable at the execution of an agreement
- 3 For unauthorized work
- 4 Percent of the total cost of the engineering work required within the municipal road allowance
- 5 Payable at the submission of Plans
- 6 Not identified under a fee category as determined by the director of Planning and Urban Design or Director of Engineering or their designates
- 7 Estimated based on the cost of works

NOTES/DEFINITIONS

COMMITTEE OF ADJUSTMENT

Technical Variance: A minor variance related to an existing building or structure, but requires variance approval due to one or more minor siting errors. Determination of whether or not a variance is a Technical Variance is at the discretion of the Director of Planning and Urban Design, or designate.

Development Standards: Any requirement of a zoning by-law other than permitted use (i.e. yard setbacks, building height, lot coverage).

Use: Any requirement of a zoning by-law related to the types of uses permitted on a property.

PLAN OF CONDOMINIUM

Standard Condominium: A plan of condominium that consists of both individually owned units and common elements. Note that all condominiums that existed at the time that the Condominium Act, 1998 came into effect are deemed Standard Condominiums.

Phased Condominium: A form of Standard Condominium (*see above*) that permits individually owned units and common elements to be added to a condominium corporation in phases, over a maximum of ten (10) years.

Common Element Condominium: A plan of condominium that consist only of common elements (e.g. a laneway or a golf course), with no individually owned units. The owners of the common elements are owners of freehold parcels of tied land (POTLs) which are not part of the condominium property.

Vacant Land Condominium: A plan of condominium where individually owned units are effectively vacant lots upon which buildings will be located after the condominium is registered.

Amalgamated Condominium: A plan of condominium where two or more condominium corporations merge into one corporation.

Leasehold Condominium: A plan of condominium where individually owned units and common elements are leased by the landowner to purchasers who will never own the land. The purchasers buy a leasehold interest in the units and common elements for a fixed number of years.

ENGINEERING

Definitions of internal and external works for site plan applications:

<u>Internal works</u> - Include but are not limited to curbs, pavement, retaining walls, grading, water mains, sanitary sewers, storm sewers, manholes, catch basins and their leads, erosion and sediment controls and on site storm water management facilities (e.g., Oil Grit Separators (OGS), storage facilities, chambers, infiltration trenches/chambers, soakaway pits and bioretention systems).

<u>External works</u> - Include but are not limited to sanitary and storm sewer connections, manholes, water service, driveways, sidewalks, boulevard treatment and other road works (Pavement, curbs, catch basins and their leads, hydrants, streetlighting, hydro poles, traffic controls).

Site Alteration: Includes but not limited to, the removal of topsoil from land, placement or dumping of fill on land, the alteration of the grade of land or excavation by any means including the removal of vegetative cover, the compaction of soil or the creation of impervious surfaces, or any combination of these activities that would change the landform and natural vegetative characteristics of the land.

Residential Service Connection: A watermain, sanitary sewer or storm sewer that connects from a residential house/unit to a municipal watermain, sanitary sewer or storm sewer.

Engineering Plans: Technical plans that show sanitary, water and stormwater servicing schemes, grading, utilities location, erosion and sediment controls, shoring and construction details of the proposed development.

Water Supply Analysis Report: Provides detailed design for a water supply distribution system including mitigation measures to ensure adequate water supply flow and pressure for the proposed development.

Construction Management Plan: Technical plan that shows how construction works for a proposed development will be managed. The plan shows surface encroachment (e.g. vehicular lane, sidewalk, signage, utilities, trees and municipal easements), storage/loading areas, dewatering equipment, aerial/crane encroachment, vehicular and material access points, hoarding, traffic management, and possible impacts on properties (noise/vibration mitigation and construction condition surveys).

Traffic Management Plan: Shows how the alterations and disruptions to traffic caused by the construction activities of the proposed development, servicing infrastructure, or road shall be

Appendix 'B'

By-law 2019-Page 12

mitigated and managed.

Shoring Encroachment and Hoarding Plan: Technical plan that shows the design and installation of a shoring system consisting of piles and tie-back system, location of the utilities/services and hoarding, and any significant features pertinent to the municipal right-of-way encroachment, to facilitate the construction of underground and aboveground structures that are close to or within the municipal right-of-way. This plan helps ensure construction works do not impede pedestrian and vehicular traffic in any significant manner and do not impact any underground and aboveground utilities or infrastructures.

Public Communication Plan/ Report: Outlines the planned public communication process and actions to inform the travelling public, project stakeholders, emergency response agencies, and directly impacted businesses and local residents about the planned construction activities and changes to traffic operations due to proposed temporary road closure and alterations and disruptions to traffic necessary to safely complete construction of proposed development, municipal services and roads. The Plan/Report may consist of any of the following elements: notices to the impacted residents, businesses and travelling public placed in print media, project road signs including detour routes, changeable message signage, notices to the public placed on Internet web pages, brochures, direct mail outs to impacted businesses and local residents, and public meetings. The Plan is modified throughout the project life cycle to address issues as they arise.

GENERAL

City: The Corporation of the City of Markham

Committee: Committee is a group of individuals appointed by Council, such as the Development Services Committee (DSC), Markham Heritage Committee, Committee of Adjustment or any other sub-committee; with a specific function to review, comment and/or approve the related development applications.

Heritage: Heritage designated building (Part IV designation) or any building located within the boundary of a Heritage Conservation District (Part V designation).

ICI: Institutional, Commercial, Industrial

Townhouse Siting: Review of the design aspects of townhouse blocks and ensures appropriate building placement and elevation treatments for specific townhouse blocks.

Gross Floor Area (GFA) of Building(s): Defined as the total floor area (inside the building envelope, including the external walls, and excluding the roof) above and below grade less area dedicated to underground parking.



By-law 2019-xx

A By-law to amend By-law 88-76, as amended (to delete lands from the designated area of By-law 88-76) and to amend By-law 177-96, as amended (to incorporate lands into the designated area of By-law 177-96)

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

- 1. That By-law 88-76, as amended, is hereby further amended as follows:
 - 1.1 By deleting the lands shown on Schedule 'A' attached hereto from the designated area of By-law 88-76, as amended.
- 2. By-law 177-96, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands as shown on Schedule "A" attached hereto.
 - 2.2 By rezoning the lands outlined on Schedule 'A' attached hereto from:

from

Select Industrial and Warehousing (M.I.) under By-law 88-76

to:

Residential Two * 632 (R2*632) Residential Four *633 (Hold) [R4*633 (H)] and Open Space Two

2.3 By adding the following subsection to Section 7 – EXCEPTIONS

E	xception 7.632	2585231 Ontario Inc. 9999 Markham Rd	Parent Zone R2	
File		9999 Markilani Ku	Amending By-	
7Δ	18 180621		law 2019-XX	
		any other provisions of By-law 177-96, the follo		
		e land shown on Schedule "A" attached to this By-la		
		s, unless specifically modified/amended by this sec		
	•	ds subject to this section.	,	
		tional Permitted Uses		
The	following a	dditional uses are permitted:		
a)	Multiple D	wellings		
b)		Dwelling Units		
		cial Zone Standards		
a)		nding any further division or partition of the lands		
		I lands zoned with Exceptions *632 shall be deem	ed to be one lot	
		poses of this By-law.		
b)	Minimum required exterior side yard – 2.4 m			
c)	Minimum required interior side yard – 1.5 m			
d)	Minimum required rear yard – 30 m			
e)		equired front yard – 5 m		
f)		number of <i>multiple dwelling units</i> - 21		
g)		building height – 14 m		
h)	Minimum v	vidth of a <i>townhou</i> se unit – 5.4 m		
i)	Minimum r	number of parking spaces – 1 space per multiple d	welling unit	
j)	Minimum r	number of visitors parking spaces - 0.2 per dwelling	g unit	
k)	Minimum s	separation distance between buildings – 3 m		
I)		nding k) above, architectural features such as sills,		
	cornices, e	eaves, chimney breasts, pilasters, roof overhangs,	and <i>balconies</i>	

	may project 0.6 metres into the required minimum distance from the <i>main</i> wall of a <i>building</i> .
m)	For the purposes of this By-law, the westerly <i>lot line</i> abutting "Street A" on
	"Schedule A" to this by-law shall be deemed to be the front lot line.
n)	One (1) accessory dwelling unit is permitted in a townhouse dwelling
0)	The provisions of Table B2 shall not apply

E	xception	2585231 Ontario Inc.	Parent Zone	
	7.633	9999 Markham Rd	R4	
	File		Amending By-	
	18 180621		law 2019-XX	
		g any other provisions of By-law 177-96, the follo		
		e land shown on Schedule "A" attached to this By-la		
		s, unless specifically modified/amended by this sec	tion, continue to	
		ds subject to this section.		
	•	cial Zone Standards		
a)		nding any further division or partition of the lands		
		I lands zoned with Exceptions *633 shall be deem	ed to be one lot	
b)		poses of this By-law. equired <i>exterior side yard</i> – 3 <i>m</i>		
b)		•		
c)		equired interior side yard – 12.5m		
d)		equired rear yard – 8.5 m	l	
e)	Notwithstanding d) above, a canopy, roof overhang, or unenclosed roofed			
	structure over a <i>driveway</i> or <i>drive aisle</i> , may encroach into the required <i>rear</i>			
f)	yard, provided it is no closer than 1 metre from the rear lot line.Minimum required front yard – 1.8 m			
g)	Minimum setback from a daylight triangle – 0.1 metres			
h)		number of storeys - 8		
i)		number of visitors parking spaces - 0.2 per <i>dwelling</i>	v unit	
j)		rposes of this By-law, the <i>lot line</i> abutting Major Ma		
J <i>)</i>		eemed to be the <i>front lot line</i> .	ickenzie Drive	
k)		setback for a <i>private garage</i> or <i>parking garage</i> loca		
		ablished grade, or access ramp or driveway leading	to an	
		nd <i>private garage</i> or <i>parking garage</i> – 0.6 metres		
I)		building height- 30 metres		
m)	The provis	ions of Table B6 shall not apply.		

3. SECTION 37 AGREEMENT

A contribution by the Owner to the City for the purpose of public art, in the amount of \$1425.00 per townhouse dwelling unit and multiple dwelling unit, and \$850.00 per apartment dwelling unit, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, shall be required.

Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

4. HOLDING PROVISION

For the purpose of this By-law the Holding Provision (H) is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding Provision (H) for the purposes permitted under this By-law until an amendment to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act. Prior to removing the Holding Provision (H), the following conditions must be met to the satisfaction of the City of Markham:

- a) That the Region of York provides written confirmation that they are satisfied that an updated preliminary detail design prepared either by the applicant or Metrolinx, for the grade separation which takes into consideration the land requirements and embankments needed to accommodate additional height for electrification of the rail corridor is acceptable; or
- b) That the Region of York provides an updated preliminary detail design for the grade separation which takes into consideration the land requirements and embankments needed to accommodate additional height for the electrification of the rail corridor; or
- c) That satisfactory arrangements have been made between the Owner and the Region to protect for any future land requirements for the Major Mackenzie Drive grade separation of the Stouffville Rail Corridor.
- 5. All other provisions of By-law 177-96, as amended, not consistent with the provisions of this by-law shall continue to apply.

Read a first, second and third time and passed on			
Kimberley Kitteringham City Clerk	Frank Scarpitti Mayor		

AMANDA File No.: ZA 18 180621



EXPLANATORY NOTE

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01		4 V V	ZUT	9-

A By-law to amend By-laws 88-76 and 177-96, as amended

9999 Markham Road Part of Lot 20, Concession 8 2585231 Ontario Inc.

Lands Affected

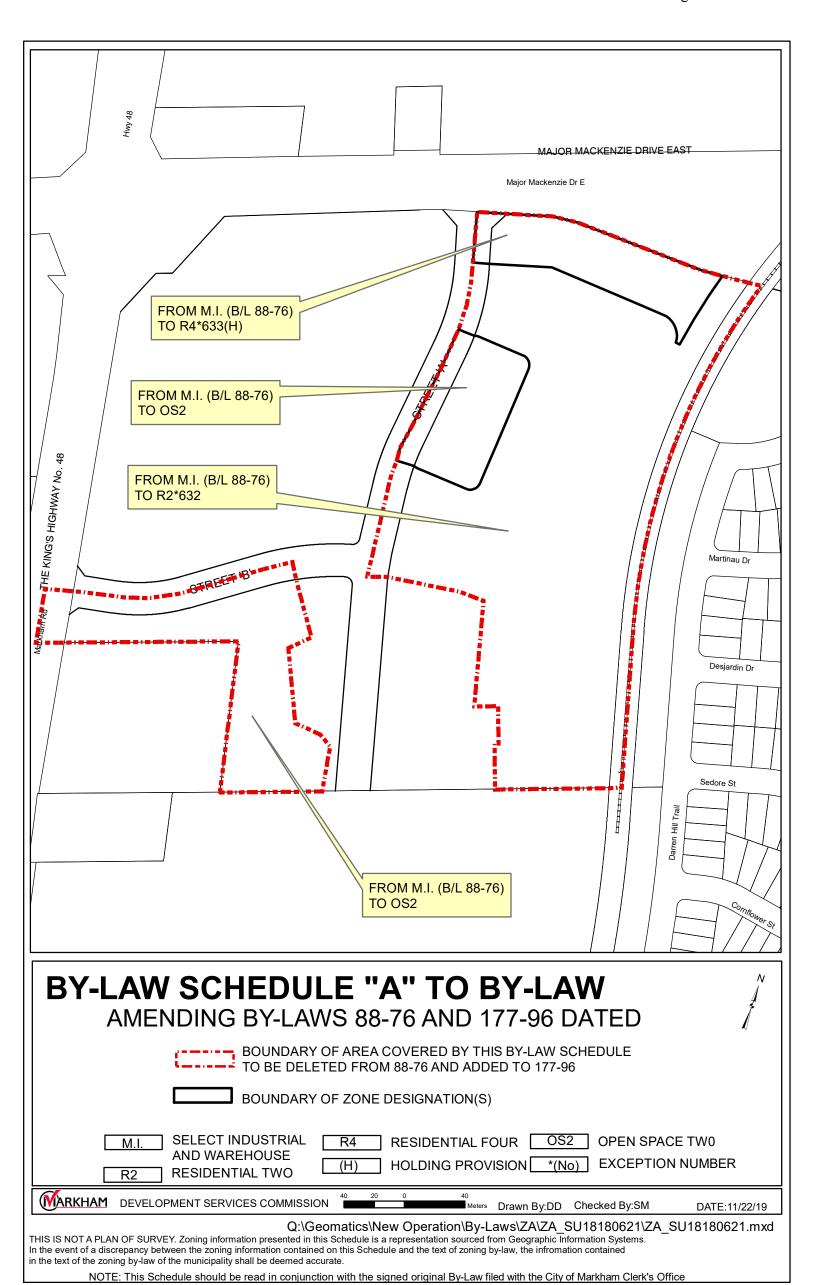
The proposed by-law amendment applies to approximately 6.8 hectares (16.8 acres) acres) of land at the south-east corner of Markham Road and Major Mackenzie Drive and municipally known as 9999 Markham Road.

Existing Zoning

By-law 88-76, as amended, currently zones the subject lands as "Select Industrial and Warehousing (M.I.)".

Purpose and Effect

The purpose and effect of this By-law is to delete the property from the designated area of By-law 88-76, as amended and amend By-law 177-96 to incorporate the subject lands into it's designated area, and to rezone the subject property to "Residential Two *632 (R2*632)", "Residential Four *633 (Hold) [R4*633(H)] and "Open Space Two (OS2)", in order to facilitate phased development consisting of a common element condominium multiple dwelling and townhouse development in Phase 1A and mid-rise buildings in Phase 1B.





BY-LAW 2019-XX

Being a By-law to establish a Designated Heritage Property Grant Program (2020-2022)

WHEREAS the Council of The Corporation of the City of Markham is authorized, pursuant to Section 39 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended (the "Act"), to pass by-laws providing for the making of a grant or loan to the owner of a property that has been designated under Part IV of the Act (a "designated property"), as being of cultural heritage value or interest, for the purpose of paying for the whole or any part of the cost of alteration of such property on such terms and conditions as the Council may prescribe;

AND WHEREAS the Council of The Corporation of the City of Markham is authorized, pursuant to Section 45 of the Act, to pass by-laws providing for the making of a grant or loan to the owner of any building or structure and the land appurtenant thereto that is situate within an area that has been designated by by-law under Part V of the Act, as a heritage conservation district, for the purpose of paying for the whole or any part of the cost of alteration of such property on such terms and conditions as the Council may prescribe;

AND WHEREAS the Council of The Corporation of the City of Markham deems it advisable and in the public interest to provide a grant program for designated properties on the terms set out in this by-law as an incentive to encourage property owners to renovate and restore such buildings, and thereby contribute to the overall character and identity of the City of Markham;

AND WHEREAS on January 19, 2010, the Council of The Corporation of the Town of Markham approved the Designated Heritage Property Grant Program as a four year project, and Council approved the Grant Program Guidelines on the same date;

AND WHEREAS on September 24, 2013, the Council of The Corporation of the City of Markham approved the continuation of the Designated Heritage Property Grant Program for an additional three year period, and Council approved revised Grant Program Guidelines on the same date;

AND WHEREAS on June 14, 2016, the Council of The Corporation of the City of Markham approved the continuation of the Designated Heritage Property Grant Program for an additional three year period (2017-2019), and Council approved revised Grant Program Guidelines on the same date;

AND WHEREAS on December 10, 2019, the Council of the Corporation of the City of Markham approved the continuation of the Designated Heritage Property Grant Program for an additional three year period (2020-2022);

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

- 1.1 In this by-law, unless otherwise specified in this by-law:
 - (a) 'Applicant' shall mean the owner of the property applying for a grant, or their agent, if such agent is authorized in writing by the owner to act as agent for making the application;
 - (b) 'Contravention' shall mean an offence under a municipal by-law, statute or regulation for which enforcement proceedings have been commenced that relates specifically to the building or land for which a grant is sought or given;
 - (c) 'Designated Heritage Property' shall mean real property including all buildings and structures thereon that have been designated by municipal by-law as being of cultural heritage value or interest pursuant to Parts IV and V of the Act;
 - (d) 'Eligible Conservation Work' shall mean that which is described in sections 5.1 and 5.2 of this by-law;
 - (e) 'Eligible Property' shall mean that which is described in sections 4.1 to 4.5 of this by-law;
 - (f) 'Guidelines' shall mean the City's Designated Heritage Property Grant Program Guidelines, as may be amended from time to time;
 - (g) 'Heritage Attributes' shall mean the principal exterior features, characteristics, context and appearance that contribute to the cultural heritage significance of an eligible property;
 - (h) 'Heritage Markham' shall mean the City's municipal heritage advisory committee;
 - (i) 'Manager' shall mean the City's Manager, Heritage Planning and includes his or her delegates;

- (j) 'Preservation and/or Conservation' shall mean the act or process of applying measures necessary to sustain the existing form, integrity and materials of a cultural heritage property;
- (k) "Program" shall mean the City's Designated Heritage Property Grant Program; and
- (l) 'Restoration' shall mean the process of accurately revealing, recovering, replicating or representing the state of a heritage property at a particular period in its history, while still protecting the cultural heritage value of the property.

TERM AND AMOUNT OF GRANT PROGRAM

- 2.1 The Heritage Designated Property Grant Program shall be established in the amount of ninety thousand dollars (\$90,000) with funds allocated to the program over a three (3) year period at a minimum of thirty thousand dollars (\$30,000) per year from the date of the passing of this by-law.
- 2.2 If a grant has been approved by Council, but not paid out on the day this Program expires, the grant amount shall still be provided in accordance with this by-law.
- Any funds remaining in the Program at the end of the three year period shall be transferred to the Heritage Loan Reserve Fund.

SPECIFIC GRANT AMOUNT AND OWNER CONTRIBUTION

- Each grant may be awarded in the amount of up to half the cost (50%) of the Eligible Conservation Work up to a maximum of five thousand dollars (\$5,000) or in the case of replacement of an existing cedar shingle roof in Markham Heritage Estates, up to a maximum of seven thousand, five hundred dollars (\$7,500).
- The owner of the property shall match the City's grant amount as part of its contribution to the Eligible Conservation Work.
- 3.3 The owner may use any funds available to him or her from the City of Markham Heritage Loan Reserve Fund as part of the owner's matching contribution to the Eligible Conservation Work.
- Donated labour and materials shall not be considered part of the costs or part of the owner's matching contribution.

- The costs of labour, materials and equipment related to the Eligible Conservation Work may be considered part of the cost of the Eligible Conservation Work provided proof of such costs are verified by invoices.
- 3.6 A property may receive only one Program grant per calendar year.
- 3.7 Before another grant is considered by the City, the work associated with the current grant must be completed, inspected and approved by the Manager.
- 3.8 Whether a grant is awarded, and the amount of the grant, shall be subject to available funding within annual program budgets of the City.
- 3.9 At the sole discretion of Council, an Applicant for an Eligible Property may be limited to receiving only one grant from a City heritage related financial assistance program in a calendar year.
- First-time applicants will get priority each year and repeat applicants will be considered only if the annual cap is not reached by first-time applicants.
- A property may receive only one grant for exterior painting to a maximum of \$2,000 or 25% of the cost, whichever is the lesser.

ELIGIBLE PROPERTY

- 4.1 For a property to be considered Eligible for a grant, the property must be:
 - (a) designated under the Ontario Heritage Act (the "Act"):
 - (i) for a single property, a designation by-law under Part IV of the Act must have been passed and registered; or
 - (ii) for a property located within a heritage conservation district, a designation by-law must have been passed under Part V of the Act and only properties identified in the District Plan as being of cultural heritage value or interest [being Classes A and B in Thornhill, Class A (and B at the discretion of Council on the recommendation of Heritage Staff) in Unionville, Class A in Buttonville, and Type A in Markham Village] are eligible; and
 - (b) located within the City of Markham; and
 - (c) free of property tax arrears, any fees or penalties owed to the City, compliance orders, enforcement orders, contraventions of municipal requirements and the like.

- Where a Designated Heritage Property contains non-heritage additions or elements, or the proposed work involves new additions, only the Heritage Attributes of the property will be subject to grant assistance.
- 4.3 Heritage resources owned by any level of government are not eligible except in the following cases:
 - (a) where the property is under long term lease to an individual; or
 - (b) where a non-profit, community group has assumed, by long-term lease or legal agreement, responsibility for the building.

In these cases, such parties may make an application for a grant as the agent of the owner.

- 4.4 Commercial façade projects (front elevation) for properties in commercial use in heritage conservation districts are not eligible for this Program as there is a separate financial assistance Program for this type of project. Other Eligible Conservation Work on these properties is eligible.
- 4.5 Properties in Markham Heritage Estates subdivision are not eligible for this Program unless and until the building has been located on the property in Markham Heritage Estates for a minimum of twenty (20) years.

ELIGIBLE CONSERVATION WORK

- For the proposed work to be eligible for a grant, it must be Eligible Conservation Work, which means the following:
 - (a) any conservation work which directly and appropriately preserves, restores or enhances specific Heritage Attributes and does not detract from or diminish the cultural heritage value of the property or the district including:
 - (i) preservation/conservation of existing architectural elements or features which are significant;
 - (ii) re-construction of significant architectural elements or features which still exist, but are beyond conservation or repair;
 - (iii) restoration or re-introduction of significant architectural elements or features which have been lost, but for which the appearance can be clearly determined from archival or documentary sources, or physical evidence that supports the existence of the missing feature.
 - (iv) introduction or repair of protective elements to protect original features.

- (b) any preservation/conservation work necessary to restore the building to structural soundness including the correction of serious structural faults which threaten the building's survival, but not routine maintenance;
- (c) any preservation/conservation work which directly and appropriately preserves, restores or enhances specific Heritage Attributes associated with historic cemeteries and their features such as mausolea, dead houses, stone walls, wrought iron fences and gates which are part of the original design, but not specific grave markers, tombs or monuments; and
- (d) exterior painting in documented original colours;
- (e) a replacement cedar shingle roof in Markham Heritage Estates subject to the roof being installed on a batten system to provide proper ventilation and to prolong the lifespan of the roof and subject to section 4.5;
- (f) any architect, designer and engineering professional fees to a maximum of one thousand dollars (\$1,000) as a component of the maximum grant amount for work directly related to the proposed preservation/conservation, rehabilitation or restoration project; and
- (g) any other alterations which the Manager, in his or her sole discretion, determines are important to the cultural heritage significance of the property.
- 5.2 The final determination of what constitutes Eligible Conservation Work is at the discretion of the Manager, in consultation with Heritage Markham, with reference to the Guidelines, and the final decision is made by Markham Council.
- Eligible Conservation Work will be generally guided by the following policies and principles: individual heritage conservation district plans, Conservation Principles from the Ontario Ministry of Culture and the Standards and Guidelines for the Conservation of Historic Places in Canada.
- 5.4 Projects undertaken between the deadline for applications of the previous year and the current year deadline will be considered eligible for grant assistance provided that all other eligibility requirements of the Program are met.

INELIGIBLE WORK/PROJECTS

- 6.1 Ineligible work will include, but is not limited to, the following:
 - (a) Interior work, unless related to structural issues;
 - (b) Short term, routine maintenance, including painting, other than as permitted herein;

- (c) work on modern additions or work to accommodate modern renovations to a building of cultural heritage value;
- (d) landscaping;
- (e) paving;
- (f) lighting unless repair or restoration of a heritage attribute;
- (g) signs and commemorative plaques;
- (h) eaves-troughs, unless considered significant architectural features of the building such as those with decorative elements or those made from long-lasting materials such as copper or lead;
- (i) mechanical systems and insulation;
- (j) skylights;
- (k) poor or defective work; and
- (10 non-permanent fixtures.
- 6.2 Commercial façade projects (primarily work on the front elevation) in heritage conservation districts are ineligible as there is a separate financial assistance program for this type of project. Eligible Conservation Work on commercial properties other than work on the front elevation is eligible for assistance under this Program.

ADMINISTRATION OF THE PROGRAM

- 7.1 The Designated Property Grant Program shall be administered by the Manager.
- 7.2 The overall administration of the Program shall be in compliance with this bylaw and the Guidelines.
- 7.3 At minimum, the Program shall be offered at least once per calendar year.
- 7.4 All applications shall be considered by Council for approval after having been reviewed and a recommendation provided by Heritage Planning staff and Heritage Markham.
- 7.5 Approval of a grant does not absolve the owner from obtaining all other approvals required by law to undertake the project.
- 7.6 Before a grant will be paid by the City, the following must occur:
 - (a) the Eligible Conservation Work must be completely paid for by the owner with documentation to verify such payment, and completed to the satisfaction of the Manager;

- (b) the Eligible Conservation Work must be competed within one (1) year from the date of approval of the grant by Council in order to receive the grant;
 - In exceptional cases, the timeframe for project completion may be extended. In such cases, a written request, stating the reasons required for the extension, must be submitted by the applicant for review and approval is at the discretion of the Manager;
- (c) the Manager must be in receipt of all required documentation as identified in the Guidelines, and as requested by the Manager;
- (d) the completed Eligible Conservation Work must reflect the Eligible Conservation Work that was approved by Council or as amended by the Manager.
- 7.7 The City reserves the right to withhold the payment of all or a portion of the grant if the work has not been substantially completed in accordance with the approved plans and specifications, or payment documentation, such as invoices, are incomplete, unclear or have not been submitted.
- 7.8 If the cost of completed work is less than the original amount upon which the grant was calculated, the grant will be revised to reflect 50% of the new cost.
- 7.9 Any monies remaining in the budget for this Program and not allocated during a calendar year shall be transferred for use to the next calendar year for use as part of the Program.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS XX DAY OF XX, 20XX.

KIMBERLEY KITTERINGHAM,	FRANK SCARPITTI, MAYOR
CITY CLERK	

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By-law 2019 - XX

A By-law to amend By-law 175-81, as amended, being a by-law to establish a Heritage Fund

WHEREAS the Council of the Town of Markham established a Heritage Fund in 1981 to provide loans to the owners of properties designated under Part IV or Part V of the Ontario Heritage Act for the purpose of paying for the whole or any part of the cost of alterations on such terms and conditions as the Council may prescribe;

AND WHEREAS Council established the Heritage Fund in the amount of \$200,000 and has maintain the principal of the Fund at that level;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

- 1. That Clause #1 and Clause #2 of By-law 175-81 be amended by deleting the sum of "200,000.00" and inserting in lieu thereof the sum of "138,221.00".
- 2. That all other provisions of By-law 175-81, as amended be and the same are hereby ratified and confirmed.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS 10th DAY OF December, 2019.

Kimberley Kitteringham	Frank Scarpitti	
City Clerk	Mayor	