

# Revised Council Agenda

## Revised Items are Italicized.

Meeting Number: 3  
February 25, 2020, 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.*

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### 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

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1. The the minutes of the February 11, 2020 Council meeting be adopted.

#### 4. PRESENTATIONS

#### 5. DEPUTATIONS

#### 6. COMMUNICATIONS

##### 6.1 *COMMUNICATION - APPLICATIONS FOR ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION SUBMITTED BY CONDOR PROPERTIES LTD. TO PERMIT TWO RESIDENTIAL TOWERS*

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*OF 50 AND 45 STOREYS CONNECTED BY A 10 STOREY PODIUM AT  
25, 11,9 AND 5 LANGSTAFF ROAD EAST (WARD 1) (10.5, 10.7)*

1. That the memo dated February 25, 2020 from the Commissioner,

Development Services on "Application for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Condor Properties Ltd. to permit two residential towers of 50 and 45 storeys connected by a 10 storey podium at 25, 11, 9, and 5 Langstaff Road East (Ward 1), File Nos. ZA 18 162178 and SU 18 162178"; be received, and,

2. That Draft Plan of Subdivision 19TM-18006 (SU 18 162178) submitted by Condor Properties Ltd. be approved subject to the conditions attached in Appendix 'A' as may be modified by the Director of Planning and Urban Design or designate; and,
3. That Zoning By-law Amendment application (ZA 18 162178) submitted by Condor Properties Ltd. and attached as Appendix 'B' be finalized and enacted without further notice; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-11)

## 7. PROCLAMATIONS

### 7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

No Attachment

1. That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
  - a. Epilepsy Awareness Month - March
  - b. Purple Day (Epilepsy Awareness) - March 26, 2020
2. That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
  - a. World Lymphedema Day - March 6, 2020

## 8. REPORT OF STANDING COMMITTEE

### 8.1 REPORT NO. 5 - DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 10, 2020)

Please refer to your February 10, 2020 Development Services Committee Agenda for reports.

Mayor and Members of Council:

That the report of the Development Services Committee be received & adopted.  
(Items 1 to 3):

- 8.1.1 RECOMMENDATION REPORT AUTHORIZATION FOR SUBMISSION OF A MINOR VARIANCE APPLICATION BY KING SQUARE LIMITED ON THE LANDS MUNICIPALLY KNOWN AS 9390 WOODBINE AVENUE (WARD 2) (10.12) 67
1. That the report entitled “Authorization for Submission of a Minor Variance Application by King Square Limited on the lands municipally known as 9390 Woodbine Avenue (Ward 2)”, dated February 10, 2020, be received; and,
  2. That in accordance with the provisions of subsections 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 variances from the provisions of Zoning By-law 2019-35, before the second anniversary of the day on which the by-law was approved by Council; and further,
  3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- 8.1.2 RECOMMENDATION REPORT APPLICATIONS FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS SUBMITTED BY KINGSBERG WARDEN DEVELOPMENTS INC. TO PERMIT AN 8-STOREY, 91 UNIT RESIDENTIAL BUILDING ON THE LANDS MUNICIPALLY KNOWN AS 3882 HIGHWAY 7 EAST (WARD 3) (10.3, 10.5) 75
1. That the report entitled “RECOMMENDATION REPORT, Applications for Official Plan and Zoning By-law Amendments submitted by Kingsberg Warden Developments Inc. to permit an 8-storey, 91 unit residential building on the lands municipally known as 3882 Highway 7 East (Ward 3)”, dated February 10, 2020, be received; and,
  2. That the Official Plan Amendment application submitted by Kingsberg Warden Developments Inc., to amend the 2014 Official Plan, be approved, and that the draft Official Plan Amendment attached as Appendix ‘A’ be finalized and adopted without further notice; and,
  3. That the Zoning By-law Amendment application submitted by Kingsberg Warden Developments Inc., to amend Zoning By-law 118-79, as amended, be approved and that the draft Zoning By-law Amendment attached as Appendix ‘B’ be finalized and enacted without further notice; and further,
  4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-laws 2020-8 and 2020-9)
- 8.1.3 AWARD OF RFP 195-R-19 CONSULTING ENGINEERING 103

SERVICES FOR A MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT STUDY FOR ELGIN MILLS ROAD FROM PRINCE REGENT STREET TO MCCOWAN ROAD (WARDS 2, 5 AND 6) (5.7)

1. That the report entitled “Award of RFP 195-R-19 Consulting Engineering Services for a Municipal Class Environmental Assessment Study for Elgin Mills Road from Prince Regent Street to McCowan Road (Wards 2, 5 and 6)”, be received; and,
2. That the Contract for RFP 195-R-19 Consulting Engineering Services for a Municipal Class Environmental Assessment Study for Elgin Mills Road from Prince Regent Street to McCowan Road be awarded to the highest ranked lowest priced bidder, Cole Engineering Group Limited in the amount of \$482,292.64, inclusive of HST; and,
3. That a 10% contingency in the amount of \$48,229.26, inclusive of HST, be established to cover any additional costs to deliver the Municipal Class EA Project and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
4. That an allowance in the amount of \$61,056.00, inclusive of HST, be established for permits and additional fees that may be required as part of the study; and,
5. That the Engineering Department Capital Administration Fee in the amount of \$71,242.01, inclusive of HST, be transferred to Revenue Account 640-998-8871 (Capital Admin Fees); and,
6. That the project cost of \$662,819.91 (\$482,292.64 + \$48,229.26 + \$61,056.00 + \$71,242.01) inclusive of HST, be funded from capital account 640-101-5699-19033 (Elgin Mills Municipal Class Environmental Assessment Study) with budget available of \$567,000; and
7. That the budget shortfall in the amount of \$95,819.91 (\$567,000 - \$662,819.91) be funded from the Development Charges Reserve; and
8. That the Regional Municipality of York be informed of Council’s decision; and further,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2 REPORT NO. 6 - SPECIAL DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 11, 2020)

Please refer to your February 11, 2020 Special Development Services



Committee Agenda for reports.

Mayor and Members of Council:

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

8.2.1 SUPPLEMENTARY REPORT: CITY OF MARKHAM  
COMMENTS ON YORK REGION'S DRAFT EMPLOYMENT  
FRAMEWORK – 2041 REGIONAL MUNICIPAL  
COMPREHENSIVE REVIEW (10.0) 109

1. That the report entitled “Supplementary Report: City Of Markham Comments on York Region’s Draft Employment Framework – 2041 Regional Municipal Comprehensive Review” dated February 11, 2020 be received; and,
2. **That the deputations of Christine Cote, Sandra Wiles, Sam Balsamo, Kate Cooper, Dagmar Teubner, Patrick Kerney, and Randy Peddigrew be received; and,**
3. **That the communications submitted by Dagmar Teubner be received; and,**
4. That the February 11, 2020 report entitled “Supplementary Report: City Of Markham Comments on York Region’s Draft Employment Framework – 2041 Regional Municipal Comprehensive Review, which includes the report dated September 23, 2019 entitled “City of Markham Comments on York Region’s Draft Employment Framework – 2041 Regional Comprehensive Review” attached as Appendix ‘A’, as well as the direction from Development Services Committee regarding 11 requests for employment land conversion, be forwarded to York Region as Markham Council’s input to date on the Region’s 2041 Municipal Comprehensive Review; and,
5. **That Council not support the request submitted by Markham Woodmills Developments Inc. for conversion of the employment lands located at the northeast corner of Highway 404 and Elgin Mills Road; and,**
  - a. That staff be directed to work with the landowner to identify a broader range of potential non-residential uses for the subject lands; and,
6. That Council support the request submitted by 1628740 Ontario Inc. and 1628741 Ontario Inc. for conversion of the employment lands located at 2718 and 2730 Elgin Mills Road, subject to confirmation by York Region that no access to the employment lands along Highway 404 immediately to the west of the subject lands is possible from Elgin Mills Road through the subject lands; and,

- a. That staff be directed to work with the landowner to identify a broader range of potential non-residential uses for the subject lands; and,
7. That Council support the following employment land conversion requests, subject to the respective landowners entering into an agreement with the City of Markham for submissions of Official Plan and Zoning-By-law amendment applications contemplating the provision of affordable purpose-built rental and seniors housing as well as retention of employment uses, prior to ultimate consideration of the conversion requests by York Region Council:
  - a. Condor Properties Ltd., 2920 16<sup>th</sup> Avenue;
  - b. King Square Ltd., 136 Markland Street; and,
  - c. Neamsby Investments Inc., 5821 to 5933 14<sup>th</sup> Avenue; and,
8. That Council's consideration of the request submitted by The Wemat Group for conversion of the employment lands located at the southwest corner of Highway 7 and Highway 404 be postponed to allow for the submission of an appropriate revised development concept plan prior to ultimate consideration of the conversion request by York Region Council; and,
9. That Council's consideration of the request submitted by Belfield Investments for conversion of the employment lands located at the southwest corner of Highway 407 and Woodbine Avenue not be supported at this time, but that the potential for mixed use development on the lands be evaluated through a future study of the larger area context; and,
10. That Council's consideration of the following requests for conversion of employment lands to a non-employment land use be postponed and evaluated through secondary plan studies:
  - a. Meadow Park Investments, 77 Anderson Avenue, as well as the additional parcels in the Mount Joy Business Park;
  - b. Wu's Landmark/First Elgin Mills Developments Inc., 10900 Warden Avenue & 3450 Elgin Mills Road;
  - c. Cornell Rouge Development Corporation, Varlese Brothers Limited, 2432194 Ontario Inc., and 2536871 Ontario Inc., 7386-7482 Highway 7, 8600-8724 Reesor Road; and
  - d. Norfinch Construction (Toronto) Ltd., 7845 Highway 7; and,

11. **That Council support the request for conversion of employment lands submitted by Primont Homes and Cornell Rouge Development Corp. (Part of Lot 11, Concession 9); and,**
12. That Council not support the consideration of the following additional request for the conversion of employment area lands to a non-employment land use as described in Appendix 'B' to the February 11, 2020 report, in the 2041 Regional Municipal Comprehensive Review:
  - a. Varmo Investment Company, 108, 111-113, 112-118 Doncaster Ave; and,
13. That Council support the staff-initiated conversion of the following additional employment areas lands for non-employment uses, as described in the September 23, 2019 report attached as Appendix 'A' to this report, as follows:
  - a. The parcel(s) municipally known as 110 Copper Creek Drive in Box Grove, as described in Appendix 'E' to the September 23, 2019 report; and further,
14. That staff be authorized and directed to do all things necessary to give effect to the resolution.

### 8.3 REPORT NO. 7 - GENERAL COMMITTEE (FEBRUARY 18, 2020)

Please refer to your February 18, 2020 General Committee Agenda for reports.

Mayor and Members of Council:

That the report of the General Committee be received & adopted. (Items 1 to 3):

#### 8.3.1 TRANSFER OF UNCLAIMED REFUNDABLE SECURITY DEPOSITS (7.0)

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1. That the report entitled, "Transfer of Unclaimed Refundable Security Deposits" be received; and,
2. That the Treasurer be authorized to transfer unclaimed security deposits, up to the amount of \$773,000.00, representing deposits placed prior to December 31, 2014 for undertakings, to the Corporate Rate Stabilization Reserve; and,
3. That the cost incurred to place the Public Notice, exclusive of HST, be offset against the refundable security deposits to be transferred to the City's reserve; and,
4. That the Treasurer be authorized to transfer future unclaimed security deposits to the Corporate Rate Stabilization Reserve; and,
5. That the Treasurer be authorized to release any security

deposits, from the Corporate Rate Stabilization Reserve in the event of a future, eligible, refund claim; and further,

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

### 8.3.2 ROADSIDE DITCH ALTERATION POLICY (5.0)

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1. That the report entitled “Roadside Ditch Alteration Policy”, dated February 18, 2020, be received; and,
2. That the presentation entitled “Roadside Ditch Alteration Policy”, dated February 18, 2020, be received; and,
3. That Council adopt the Roadside Ditch Alteration Policy, as presented in “Attachment “A”; and,
4. That Council approve amendment to the Road Occupancy By-law 2018-109 as deemed necessary by the City Solicitor and the Commissioner of Fire and Community Service to implement the Roadside Ditch Alteration Policy; and,
5. That the ditch restoration program be implemented starting in year 2021; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### 8.3.3 CREATING A COMPETITIVE ECONOMY / RAIL INTEGRATED COMMUNITIES (RICs) (5.0)

**Note: Notice of this Motion was provided at the January 27, 2020 Development Services Committee meeting. This motion was postponed at the February 11, 2020 Special Development Services Committee meeting and referred to the February 18, 2020 General Committee meeting at the February 11, 2020 Council meeting.**

Whereas City of Markham planning strives to create complete, mixed-use, high-density, Rail Integrated Communities (RICs) at its rail stations as part of its development objectives to create a competitive and balanced economy, high quality of life, walkable communities, reduced commuter times, reduced gridlock, and reduced carbon footprint; and,

Whereas Rail Integrated Communities (RICs) are key to changing development patterns by creating mixed-use high-rise communities at GO Transit, subway and 407 Transitway stations; and,

Whereas Rail Integrated Communities (RICs) present the opportunity to incorporate 20 per cent affordable housing into these areas by re-purposing the 407 hydro corridor transmission lands and GO Transit

station parking lots; and,

Whereas Rail Integrated Communities (RICs) allow the development of autonomous vehicle First Mile/Last Mile strategy at transit stations; and,

Whereas the Province of Ontario has indicated that future GO Transit, subway, and 407 Transitway development will be based on re-purposing the lands to their highest and best use in partnership with the private sector development industry, investors, and pension funds; and,

Whereas Vancouver's Canada Line currently has 150,000 boardings per day with two-car driverless electric trainsets, 40-50m station platforms, and a frequency of 18 trains per hour; and,

Whereas the Richmond Hill GO line has 10,500 boardings per day with 10 car double-decker trainsets; and,

Whereas the Stouffville and Barrie GO lines have 18,000 boardings per day with 12-car double-decker trainsets with 300m station platforms; and further,

Whereas the GO rail transit network is an underperforming government asset, as almost all of the GO stations in the Greater Toronto Area (GTA) are predominantly parking lots filled with cars that significantly contributed to the 11 billion dollars of lost economic productivity by gridlock, and the GO Transit network does not have enough stations surrounded by office, retail, and residential development nor enough frequency of rail transit service, and each GO Transit corridor should be planned to achieve ridership of 200,000 boardings per day for the Stouffville, Richmond Hill, and Barrie lines;

Therefore, be it resolved:

1. That current and future stations in the three GO rail transit corridors in York Region be strategically planned as complete Rail Integrated Communities (RICs) (i.e., as scalable, attractive rail integrated communities throughout York Region that could include district energy, central garbage collection systems, utility corridors, Internet of Things, and urban vertical farming which could create communities that reduce the cost of living by 20-30 per cent); and,
2. That the Government of Ontario and Metrolinx be requested to support the re-purposing of the GO Transit lines

throughout York Region, transitioning them to more subway-style services with shorter electric trainsets, shorter station platforms, more rail stations with a frequency of 3-5 minutes service in peak times and 6-12 minute service in non-peak times; and,

3. That Metrolinx be requested to complete upgrades to the GO rail network, allowing all Rail Integrated Communities (RICs) to have similar functionality, scalability, and be spatially planned; and,
4. That all station areas included in the attached rail transit station map be included in York Region's Municipal Comprehensive Review; and,
5. That financing for these stations be from development charges, up-zoning, re-purposing land, condo transit fee uplift, investors, pension fund investments, and Tax Increment Financing (TIF); and,
6. That the Province of Ontario be requested to support the development of scalable, Rail Integrated Communities (RICs) throughout York Region; and,
7. That a copy of this resolution be forwarded to the councils of the City of Richmond Hill and City of Vaughan for their endorsement and partnership in achieving these objectives; and further,
8. That a copy of this resolution be forwarded to:
  - a. the Honourable Doug Ford, Premier of Ontario;
  - b. the Honourable Christine Elliott, Deputy Premier and Minister of Health;
  - c. the Honourable Rod Phillips, Minister of Finance;
  - d. the Honourable Victor Fedeli, Minister of Economic Development, Job Creation and Trade;
  - e. the Honourable Stephen Lecce, Minister of Education;
  - f. the Honourable Caroline Mulroney, Minister of Transportation & Francophone Affairs;
  - g. the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks;
  - h. the Honourable Greg Rickford, Minister of Energy, Mines, Northern Development and Indigenous Affairs;

- i. the Honourable Todd Smith, Minister of Children, Community and Social Services;
- j. the Honourable Steve Clark, Minister of Municipal Affairs and Housing;
- k. the Honourable Laurie Scott, Minister of Infrastructure Ontario;
- l. all Members of Parliament and Members of Provincial Parliament in the Regional Municipality of York; and,
- m. the Council of the Regional Municipality of York.

**8.4 REPORT NO. 8 - DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 24, 2020)**

Please refer to your February 24, 2020 Development Services Committee Agenda for reports.

Mayor and Members of Council:

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

**8.4.1 RECOMMENDATION REPORT UPTOWN GREEN GARDEN INC., FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS AND SITE PLAN APPROVAL TO PERMIT A NINE (9) STOREY MIXED USE BUILDING ON THE**

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WEST SIDE OF KENNEDY ROAD, NORTH OF 16TH AVENUE (9332 TO 9346 KENNEDY ROAD, FILE NOS. OP 18 182671, ZA 18 182671 AND SPC 19 132197 (WARD 6) (10.3, 10.5)

1. That the report titled “ RECOMMENDATION REPORT, Applications Uptown Green Garden Inc., for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit a nine (9) storey mixed use building on the west side of Kennedy Road, north of 16th Avenue, 9332 to 9346 Kennedy Road, File Nos. OP 18 182671, ZA 18 182671 and SPC 19 132197 (Ward 6)” be received;
2. That the Official Plan Amendment application submitted by Uptown Green Garden Inc., to amend the 2014 Official Plan, be approved by Council, and that the draft Official Plan Amendment attached as Appendix ‘A’ be finalized and adopted by Council;
3. That the amendments to Zoning By-laws 304-87 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 Uptown Green Garden Inc., be endorsed in principle, subject to the Conditions attached as Appendix 'C' and subject to any refinements as required by the Design Review Panel;
  5. That the approval of the Site Plan application be delegated to the Director of Planning and Urban Design or his designate once further refinements to the building elevations have been provided to the satisfaction of the City Architect;
  6. That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement, in the event that the site plan agreement is not executed within that period;
  7. 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;
  8. That servicing allocation for two hundred and sixty nine (269) dwelling units be assigned to the subject development;
  9. That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner;
  10. That the proposed mixed use development be designated a Class 4 area to allow for the implementation of "on building" noise control measures to mitigate sound level excesses on the building emanating from the existing Unionville Montessori Private School site located at 4484 16<sup>th</sup> Avenue;
  11. That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-laws 2020-12 and 2020-13)

## 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 DECEMBER 4, 2019 LICENSING



## COMMITTEE HEARING (18 BROOKFIELD COURT) (2.0)

No Attachment

That the following recommendation of the Licensing Committee from the Hearing held on December 4, 2019, be approved and adopted:

1. That the application to remove one (1) Black Walnut Tree at 18 Brookfield Court, Markham, be approved; and,
2. That the applicant provide for four (4) replacement trees on the property of 18 Brookfield Court or any other private property in Markham, and in a size and native species deemed appropriate by staff, by September 30, 2020, or provide a cash-in-lieu payment of \$600.00 per tree; and further,
3. That the recommendations are based on the unique characteristics of this case only and are not intended to be precedent setting nor to be used as a basis for future cases.

11.2 RECOMMENDATION FROM THE DECEMBER 4, 2019 LICENSING COMMITTEE HEARING (16 HAMMOK CRESCENT) (2.0)

No Attachment

That the following recommendation of the Licensing Committee from the Hearing held on December 4, 2019, be approved and adopted:

1. That the application to remove one (1) Austrian Pine at 16 Hammok Crescent, Markham, be approved; and,
2. That the applicant provide for four (4) replacement trees on the property of 16 Hammok Crescent or any other private property in Markham, and in a size and native species deemed appropriate by staff, by September 30, 2020, or provide a cash-in-lieu payment of \$600.00 per tree; and further,
3. That the recommendations are based on the unique characteristics of this case only and are not intended to be precedent setting nor to be used as a basis for future cases.

11.3 *NEW/ OTHER BUSINESS - DESTINATION MARKHAM CORPORATION BOARD OF DIRECTORS APPOINTMENTS (16.24)*

**Note: Council is required to appoint Councillors to this Board. At the February 11, 2020 Council meeting, no appointments were made.**

## 12. ANNOUNCEMENTS

## 13. BY-LAWS - THREE READINGS

That By-laws 2020-8 and 2020-9 and 2020-11 to 2020-13 be given three readings and enacted.

### Three Readings

- |      |   |     |
|------|---|-----|
| 13.1 | <p>BY-LAW 2020-8 KINGSBERG WARDEN DEVELOPMENT INC., NORTH SIDE OF HIGHWAY 7 EAST BETWEEN WARDEN AVENUE AND BIRCHMOUNT ROAD, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 2014), AS AMENDED</p> <p>A by-law to adopt an Official Plan Amendment to the in force Official Plan (Revised 2014), as amended, to provide for a residential building.</p> <p>(Item 8.1.2, Report No. 5)</p> | 281 |
| 13.2 | <p>BY-LAW 2020-9 KINGSBERG WARDEN DEVELOPMENT INC., NORTH SIDE OF HIGHWAY 7 EAST BETWEEN WARDEN AVENUE AND BIRCHMOUNT ROAD, ZONING BY-LAW AMENDMENT</p> <p>A By-law to amend By-law 118-79, as amended by By-law 75-98, and to amend By-law 177-96, as amended to permit a residential development on the lands.</p> <p>(Item 8.1.2, Report No. 5)</p>                                    | 292 |
| 13.3 | <p><i>BY-LAW 2020-11 CONDOR PROPERTIES INC., 25 LANGSTAFF ROAD, ZONING BY-LAW AMENDMENT</i></p> <p>A By-law to amend By-law 2551, as amended and to amend By-law 177-96, as amended to permit a mixed-use development on the lands.</p> <p>(Item 11.2, New/Other Business, February 11, 2020 Council meeting)</p>   | 296 |
| 13.4 | <p><i>BY-LAW 2020-12 UPTOWN GREEN GARDEN INC., 9332 – 9346 KENNEDY ROAD, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 2014), AS AMENDED</i></p> <p>A by-law to adopt an Official Plan Amendment to the in force Official Plan (Revised 2014), as amended, to permit the development of a mixed-use building.</p> <p>(Item 8.4.1, Report 8)</p>  | 301 |
| 13.5 | <p><i>BY-LAW 2020-13 UPTOWN GREEN GARDEN INC., 9332 – 9346 KENNEDY ROAD, ZONING BY-LAW AMENDMENT</i></p>  | 310 |

A By-law to amend By-law 304-87, as amended and to amend By-law 177-96, as amended to permit the development of a mixed-use building.

(Item 8.4.1, Report 8)

#### 14. CONFIDENTIAL ITEMS

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

14.1 CONFIDENTIAL COUNCIL MINUTES - FEBRUARY 11, 2020

14.2 COUNCIL

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

14.3 DEVELOPMENT SERVICES COMMITTEE

14.3.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; – LPAT APPEAL - 91 ANDERSON AVENUE (WARD 5) [SECTION 239 (2) (e)] (8.0)

#### 15. CONFIRMATORY BY-LAW - THREE READINGS

That By-law 2020-10 be given three readings and enacted.

Three Readings

BY-LAW 2020-10 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF FEBRUARY 20, 2020.

No attachment

#### 16. ADJOURNMENT



## Council Minutes

**Meeting Number: 2**  
**February 11, 2020, 1:00 PM**  
**Council Chamber**

Roll Call	Mayor Frank Scarpitti Deputy Mayor Don Hamilton Regional Councillor Jack Heath Regional Councillor Joe Li Regional Councillor Jim Jones Councillor Keith Irish Councillor Alan Ho	Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Khalid Usman Councillor Isa Lee (left at 7:58 pm)
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of Human Resources Brian Lee, Director, Engineering Biju Karumanchery, Director, Planning & Urban Design Joel Lustig, Treasurer	Bryan Frois, Chief of Staff Andrea Berry, Sr. Manager, Corp Comm & Community Engagement Kimberley Kitteringham, City Clerk Martha Pettit, Deputy City Clerk Alida Tari John Wong, Technology Support Specialist II

**Alternate formats for this document are available upon request**

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### 1. CALL TO ORDER

The meeting of Council convened at 1:07 PM on February 11, 2020 in the Council Chamber. Mayor Frank Scarpitti presided.

Mayor Scarpitti advised that former Chief and Councillor Lewis Nate of the Eabametoong First Nation passed away last week. A moment of silence was observed in honour of the former Chief who was dedicated to improving the quality of life of the

Eaabametoong community. On behalf of the City of Markham, the Mayor expressed condolences to the entire Eaabametoong community.

Mayor Scarpitti recognized former cabinet Minister and MPP for Markham Michael Chan, former Markham Councillor for Ward 8 Alex Chiu and former MP Joe Volpe who were in attendance at the Council meeting.

Council recessed at 3:14 pm and reconvened at 3:36 pm.

Council recessed at 7:34 pm and reconvened at 7:58 pm.

Councillor Isa Lee left the meeting at 7:58 pm.

## **2. DISCLOSURE OF PECUNIARY INTEREST**

None disclosed.

## **3. APPROVAL OF PREVIOUS MINUTES**

### **3.1 COUNCIL MINUTES - JANUARY 28, 2020**

Moved by Councillor Isa Lee

Seconded by Regional Councillor Jack Heath

1. That the Minutes of the Council Meeting held on January 28, 2020 be adopted.

**Carried**

## **4. PRESENTATIONS**

Alida Tari, Manager, Access & Privacy, provided a presentation regarding the City of Markham's current Community Flag Raisings and Flag Protocol Policy.

## **5. DEPUTATIONS**

### **5.1 DEPUTATIONS - CITY OF MARKHAM'S COMMUNITY FLAG RAISINGS AND FLAG PROTOCOL POLICY**

The following individuals addressed Council on this matter:

1. Juni Yeung – in opposition of flag raising

2. John Hui – in opposition of flag raising
3. Kenny Wan – in support of flag raising
4. Ali Chatha – in support of flag raising
5. Masood Mohajer – in opposition of flag raising
6. Dinh Tran – in opposition of flag raising
7. Joyce Li – in opposition of flag raising
8. Jason Wang – in opposition of flag raising
9. Anthony Nguyen – in opposition of flag raising
10. Alicia Chiu – in support of flag raising
11. Andy Fong – in opposition of flag raising
12. Gloria Fung – in opposition of flag raising
13. Norman Beach – in opposition of flag raising
14. Wilfred Ng – in opposition of flag raising
15. Michelle Chu – in support of flag raising
16. Michael Chan – in support of flag raising
17. John Psihos, Markham Greek Community – in support of flag raising
18. Annette Cacorovski – in opposition of flag raising
19. Kash Khan – in support of flag raising
20. Paul Siu – in opposition of flag raising
21. Mark Atikian, Armenian Community – in support of flag raising
22. Tuyet Le - in opposition of flag raising
23. Wing Leung Kwong – in opposition of flag raising
24. Kurt Christensen – in support of flag raising
25. Doris Lai – in support of flag raising
26. Palden Carson – provided comments
27. Shanta Sundarson on behalf of the Unionville Villagers Association – in opposition of flag raising
28. Yildiz Unsoil – in support of flag raising
29. Robert Mok on behalf of the Downtown Markham Ratepayers Association – in opposition of flag raising
30. Michael Gannon – in opposition of flag raising
31. Emily Ng, FCCYR – in support of flag raising
32. Koki Patel on behalf of the Sanatan Mandir Cultural Centre – in support of flag raising
33. Ken Ng – in support of flag raising
34. Marlene Mogado, Markham Federation of Filipino Canadian – in support of flag raising
35. Man Lee Lin – in support of flag raising
36. MaLi Zhang – in support of flag raising
37. Pat Howell, Markham African Caribbean Canadian Association – in support of flag raising
38. Tessa Bem-Ireland – in support of flag raising
39. Su Lue – in support of flag raising
40. Weng GuoNing – in support of flag raising
41. Ming He – in support of flag raising
42. Neetu Gupta – in support of flag raising

- 43. Hui Kon – in support of flag raising
- 44. Ryan Li – in support of flag raising
- 45. Jennifer Shen on behalf of National Congress of Chinese Canadians – in support of flag raising
- 46. Matthew Poon – in opposition of flag raising
- 47. Yan Yan Zho – in support of flag raising
- 48. Tim Wai Choi – in support of flag raising
- 49. Rain Liu – in support of flag raising
- 50. Kin Ng – provided comments
- 51. Joseph Wong – in support of flag raising
- 52. Salman Seema – in opposition of flag raising

Moved by Councillor Khalid Usman

Seconded by Councillor Amanda Collucci

- 1. That the deputations on the City of Markham's Community Flag Raisings and Flag Protocol Policy be received; and,
- 2. That the petitions submitted to the Clerk by Councillor Khalid Usman on the proposed change to the City of Markham's Community Flag Raisings and Flag Protocol Policy, be received.

**Carried**

## **6. COMMUNICATIONS**

### **6.1 COMMUNICATION - MONARCH BERCZY GLEN DEVELOPMENT LTD. APPLICATION FOR DRAFT PLAN OF SUBDIVISION 19TM-18005 AND ZONING BY-LAW AMENDMENT**

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

- 1. That the letter dated February 11, 2020 from Don Given, Malone Given Parsons regarding Monarch Berczy Glen Development Ltd. Application for Draft Plan of Subdivision and Zoning By-law Amendment, be received and referred to staff.

(See Item 8.1.3, Report No. 3 for Council's decision on this matter.)

**Carried**

## 6.2 COMMUNICATIONS REGARDING THE CITY OF MARKHAM'S COMMUNITY FLAG RAISINGS AND FLAG PROTOCOL POLICY (3.4)

1. Email dated February 10, 2020, from Derek Wu, providing comments.
2. Email dated February 10, 2020, from David McBeth, providing comments.
3. Email dated February 11, 2020, from Ben Leung, providing comments.
4. Email dated February 11, 2020 from Lin Wang providing comments.

(See Item 8.2.4, Report No. 4 for Council's decision on this matter.)

## 7. PROCLAMATIONS

### 7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Council consented to add the proclamation of the 55th Anniversary of the Canada Flag Day on February 15, 2020.

Moved by Councillor Karen Rea

Seconded by Councillor Alan Ho

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. Heritage Week - February 17-23, 2020
2. That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
  - a. **55th Anniversary of the Canada Flag Day - February 15, 2020**
3. That the following request for 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. Prince of Wales Prize Flag - Heritage Week - February 17-23, 2020  
(Organized by the City of Markham)

**Carried as Amended**

## 8. REPORT OF STANDING COMMITTEE



8.1 REPORT NO. 3 - DEVELOPMENT SERVICES COMMITTEE (JANUARY 27, 2020)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

That the report of the Development Services Committee be received & adopted, save and except for item No. 8.1.2:

**Carried**

8.1.1 REQUEST FOR DEMOLITION-DETACHED GARAGE 195 MAIN STREET NORTH, MARKHAM VILLAGE, DP 19 140818 (16.11, 10.13)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the staff report entitled “Request for Demolition-Detached Garage, 195 Main Street North, Markham Village, DP 19 140818”, dated January 27, 2020 be received; and,
2. That Council approve the proposed demolition of the existing non-heritage detached garage at 195 Main Street North, which is located in the Markham Village Heritage Conservation District; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

8.1.2 FINAL REPORT CORNELL ROUGE NATIONAL URBAN PARK GATEWAY STUDY (WARD 5) (10.0, 6.3)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the staff report entitled ‘Final Report: Cornell Rouge National Urban Park Gateway Study’, dated January 27, 2020, be received; and,
2. That the Cornell Rouge National Urban Park Gateway Study Final Report be endorsed as a framework for the creation of a pedestrian-focused Gateway connecting Cornell Centre and the Rouge National Urban Park; and,

3. That the City engage Cornell landowners and agencies through the Markham Sub-Committee in a block planning and land use exercise for lands within Cornell Centre between Donald Cousens Parkway and Rouge National Urban Park to determine appropriate land uses, built form and streetscape design to achieve the Gateway vision; and,
4. That the City create a working group to include senior staff from the City, Ministry of Transportation, York Region and Parks Canada to review opportunities to advance streetscape improvements along Highway 7 and Reesor Road and explore a multi-year design, funding and implementation strategy for a pedestrian/cycling access bridge over Highway 7; and,
5. That the City work with senior staff from Parks Canada and report back on opportunities for tourism-related activities that will economically support the Gateway for the Rouge National Urban Park; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**8.1.3 MONARCH BERCZY GLEN DEVELOPMENT LTD. APPLICATION FOR DRAFT PLAN OF SUBDIVISION 19TM-18005 AND ZONING BY-LAW AMENDMENT TO PERMIT 159 DETACHED UNITS, 44 LANE BASED TOWNHOUSES,**

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report titled “RECOMMENDATION REPORT, Monarch Berczy Glen Development Group Ltd., Applications for Draft Plan of Subdivision 19TM-18005 and Zoning By-law Amendment to permit 159 detached units, 44 lane based townhouses, 84 back-to-back townhouses, 28 street townhouses, two residential part lots and one heritage dwelling at 3319 Elgin Mills Road East (Ward 2) and Mattamy Walmark Development Ltd., Mattamy (Monarch) Ltd., E.M.K. Construction Ltd. and Treelawn Construction Ltd., Applications for Draft Plan of Subdivision 19TM-18004 and Zoning By-law Amendment to permit 257 detached units, 264 lane based townhouses, 110 back-to-back townhouses, 97 street townhouses and

16 residential part lots at 10521 Woodbine Avenue (Ward 2)”, be received; and,

2. That the record of the Public Meeting held on June 18, 2018, regarding the Applications for a Draft Plan of Subdivisions, and Zoning By-law Amendment by Monarch Berczy Glen Development Group Ltd. (19TM-18004) and Mattamy Walmark Development Limited, Mattamy (Monarch) Ltd., E.M.K. Construction Ltd. and Treelawn Construction Ltd. (19TM-18005), at 3319 Elgin Mills and 10521 Woodbine Avenue, be received; and,
3. That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council; and,
4. That staff be authorized to finalize the content of the zoning by-law amendment with the applicants, in consultation with applicable public agencies and in accordance with this report; and,
5. That the draft Zoning By-law Amendment attached as Appendix ‘A’ submitted by Monarch Berczy Glen Development Ltd. and Mattamy Walmark Development Limited, Mattamy (Monarch) Ltd., E.M.K. Construction Ltd. and Treelawn Construction Ltd., to amend Zoning By-law 177-96, as amended be brought forward to a future Council meeting and enacted without further notice once the by-law has been finalized; and,
6. That Draft Plans of Subdivision 19TM-18004 and 19TM-18005 submitted by Monarch Berczy Glen Development Ltd. and Mattamy Walmark Development Limited, Mattamy (Monarch) Ltd., E.M.K. Construction Ltd. and Treelawn Construction Ltd., be approved subject to the conditions outlined in Appendix ‘B’ and Appendix ‘C’; and,
7. That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft approval, subject to the conditions set out in Appendix ‘B’ and Appendix ‘C’ and as may be amended by the Director of Planning and Urban Design; and,
8. That the draft plan approval for Draft Plan of Subdivisions 19TM-18004 and 19TM-18005 will lapse after a period of three (3) years

from the date of Council approval in the event that a subdivision agreement is not executed within that period; and,

9. That Council assign servicing allocation for up to 1053 dwelling units for Draft Plan of Subdivisions 19TM-18004 and 19TM-18005; and further,
10. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## 8.2 REPORT NO. 4 - GENERAL COMMITTEE (FEBRUARY 3, 2020)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Khalid Usman

That the report of the General Committee be received & adopted, save and except for item no. 8.2.1 and 8.2.3:

**Carried**

### 8.2.1 MINUTES OF THE NOVEMBER 4, 2019 RACE RELATIONS COMMITTEE (16.0)

Moved by Councillor Reid McAlpine

Seconded by Councillor Andrew Keyes

**Whereas the Race Relations Committee of the City of Markham has advised Council to condemn Quebec's Bill 21, and,**

**Whereas the City of Markham is a Member of the Coalition of Inclusive Municipalities which advances initiatives to:**

- **improve practices to promote social inclusion**
- **establish policies to eradicate all forms of racism and discrimination**
- **promote human rights and diversity; and,**

**Whereas the City of Markham is among the most ethnically and culturally diverse communities in Canada; and,**

**Whereas the strength of our community lies in appreciating diversity,**

**celebrating our many cultures and respecting our many religious faiths; and,**

**Whereas the residents of Markham understand the challenges faced by the people of Quebec and French Canada as linguistic and cultural minorities in Canada and North America; and,**

**Whereas Quebec and French Canada have built and maintain strong identities in part through national, provincial and local policies across Canada that respect, celebrate and promote the role of French Canadian culture(s) and the French language; and,**

**Whereas restricting the cultural or religious rights of any minority in any community or province in Canada is contrary to established Canadian values, the same values that have allowed French Canadian culture(s) to thrive in Canada.**

**Now therefore be it resolved:**

- 1. That Markham City Council does not support Quebec's Bill 21 – An Act Respecting the Laicity of the State; and,**
- 2. That a copy of this resolution be provided to the Premier of Quebec, the Prime Minister of Canada and all member municipalities of the Coalition of Inclusive Municipalities.**

**Carried**

Council had before it the following original resolution for consideration:

- 1. That Markham City Council condemn Quebec's Bill 21 - An Act Respecting the Laicity of the State; and,**
- 2. That a copy of this resolution be provided to the Premier of Quebec and the Prime Minister of Canada.**

#### **8.2.2 AWARD OF TENDER 216-T-19 BLOCK TREE PRUNING PROGRAM – YEAR 1 of 3 (Part 2) (7.12)**

Moved by Regional Councillor Jack Heath  
Seconded by Councillor Khalid Usman

1. That the report entitled “Award of Tender 216-T-19 Block Tree Pruning Program – Year 1 of 3 (Part 2)” be received; and,
2. That the contract for Tender 216-T-19 Block Tree Pruning Program – Year 1 of 3 (one grid area) be awarded to the lowest priced bidder, W.M Weller Tree Service Ltd., in the amount of \$241,349.06, inclusive of HST; and,
3. That the estimated costs of \$241,349.06 be funded from account 059-6150-20197-005 (Block Pruning Initiative –Year 1 of 3) with budget available of \$14,533.35; and,
4. That the budget shortfall in the amount of \$226,795.71 (\$241,349.06 - \$14,533.35) be funded from the Life Cycle Replacement and Capital Reserve Fund; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

### 8.2.3 CITY OF MARKHAM GATEWAY MASTER PLAN REPORT (10.0)

Discussion on this matter ensued.

Moved by Regional Councillor Jack Heath

Seconded by Councillor Khalid Usman

1. That the presentation entitled "City of Markham Gateway Master Plan" be received; and,
2. That the report dated October 2019 entitled "City of Markham Gateway Master Plan" be received; and,
3. That the memorandum "Updated Gateway Master Plan Final with Committee Comment" be received; and,
4. **That the revised proposal for Main Streets southern gateways be generally in the intersection of Highway 7 and Main Street Markham in Markham; and generally in the intersection of Highway 7 and Main Street Unionville in Unionville; and,**
5. **That local Councillors be consulted and that the DSC subcommittees be involved at the planning stage; and,**

6. That the strategies and guidelines outlined in the "Updated Gateway Master Plan Final with Committee Comment" be endorsed; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried as Amended**

Council consented to amend the resolution by adding the following clauses:

- **That the revised proposal for Main Streets southern gateways be generally in the intersection of Highway 7 and Main Street Markham in Markham; and generally in the intersection of Highway 7 and Main Street Unionville in Unionville; and,**
- **That local Councillors be consulted and that the DSC subcommittees be involved at the planning stage; and,**

8.2.4 CITY OF MARKHAM'S COMMUNITY FLAG RAISINGS AND FLAG PROTOCOL POLICY (3.4)

Moved by Councillor Andrew Keyes

Seconded by Deputy Mayor Don Hamilton

1. That the report entitled "City of Markham's Community Flag Raising & Flag Protocol Policy" be received; and,
2. **That the deputation presentations made at the February 3, 2020 General Committee meeting by Robert Mok, Martin Leung, Peggy Leung, Marcus Kolga, Eira Keay and Shanta Sundarason be received; and,**
3. That Appendix "A" of the current Policy be amended to include the following additional Solemn Days of Commemoration in accordance with the Federal Government's National flag etiquette guidelines: June 23 (National Day of Remembrance for Victims of Terrorism); Second Sunday of September (Firefighters National Memorial Day); and the last Sunday in September (Police and Peace Officer's National Memorial Day); and

4. **That City of Markham Community Flag Raising & Flag Protocol Policy be amended to eliminate the flying of any National Flag other than the Canadian Flag at the Markham Civic Centre or any City owned facility except in the event of a visit by a dignitary to the City of Markham; and further,**
5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

**See following request to separate clause #4**

Council requested to separate the resolution and vote on clause #4 separately:

4. That City of Markham Community Flag Raising & Flag Protocol Policy be amended to eliminate the flying of any National Flag other than the Canadian Flag at the Markham Civic Centre or any City owned facility except in the event of a visit by a dignitary to the City of Markham;

**See following recorded vote (8:5)**

**Lost**

**Recorded Vote (8:5)**

**YEAS:** Councillor Keith Irish, Councillor Reid McAlpine, Councillor Karen Rea, Deputy Mayor Don Hamilton, Councillor Andrew Keyes (5)

**NAYS:** Councillor Alan Ho, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Regional Councillor Jack Heath, Regional Councillor Joe Li, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee (8)

Moved by Regional Councillor Jack Heath  
Seconded by Councillor Khalid Usman

1. That the report entitled “City of Markham’s Community Flag Raising & Flag Protocol Policy” be received; and,



2. That the deputation presentations made at the February 3, 2020 General Committee meeting by Robert Mok, Martin Leung, Peggy Leung, Marcus Kolga, Eira Keay and Shanta Sundarason be received; and,
3. That Appendix “A” of the current Policy be amended to include the following additional Solemn Days of Commemoration in accordance with the Federal Government’s National flag etiquette guidelines: June 23 (National Day of Remembrance for Victims of Terrorism); Second Sunday of September (Firefighters National Memorial Day); and the last Sunday in September (Police and Peace Officer’s National Memorial Day); and further,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

Moved by Councillor Khalid Usman

Seconded by Councillor Amanda Collucci

1. That the matter on "City of Markham’s Community Flag Raising & Flag Protocol Policy” be brought forward for consideration following Deputations.

**Carried**

#### 8.2.5 CHANGES TO THE 2020 COUNCIL AND STANDING COMMITTEE CALENDAR (16.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Khalid Usman

1. That the April 20, 2020 Development Services Committee meeting time be changed to 9:00 am - 12:00 pm and reconvene at 2:00 pm - 5:00 pm; and,
2. That a Special General Committee meeting be scheduled for April 20, 2020 from 12:00 pm - 1:00 pm.

**Carried**

## 9. MOTIONS

There were no motions.

## 10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

## 11. NEW/OTHER BUSINESS

### 11.1 NEW/ OTHER BUSINESS - DESTINATION MARKHAM CORPORATION BOARD OF DIRECTORS APPOINTMENTS (16.24)

Moved by Councillor Alan Ho

Seconded by Councillor Khalid Usman

1. That Council endorse the appointment of the following four (4) members of Council to serve as the non-independent Directors; Mayor Scarpitti, Councillor Keyes, Councillor Collucci, Councillor Usman; and such directors to be duly appointed by Council, at the first Annual General Meeting of the Corporation in early 2020.

**Lost on a Tie Vote**

Moved by Councillor Karen Rea

Seconded by Regional Councillor Jim Jones

1. That Regional Councillor Jack Heath be added to serve as a non-independent Director on the Destination Markham Corporation Board of Directors.

**Lost on a Tie Vote**

Council consented to refer this matter to a future meeting.

### 11.2 APPLICATION FOR ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION, SUBMITTED BY CONDOR PROPERTIES LTD. TO PERMIT TWO RESIDENTIAL TOWERS OF 50 AND 45 STOREYS CONNECTED BY A 10 STOREY PODIUM

AT 25, 11, 9, AND 5 LANGSTAFF ROAD EAST (WARD 1) FILE NOS. ZA 18 162178 AND SU 18 162178 (10.5, 10.7)

Sam Balsamo, representing Condor Properties Ltd., appeared before Council to provide a high level summary of the application.

Moved by Councillor Keith Irish

Seconded by Regional Councillor Jim Jones

1. **That the memo dated February 11, 2020 from the Commissioner, Development Services on "Application for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Condor Properties Ltd. to permit two residential towers of 50 and 45 storeys connected by a 10 storey podium at 25, 11, 9, and 5 Langstaff Road East (Ward 1), File Nos. ZA 18 162178 and SU 18 162178"; be received, and,**
2. That the staff report entitled "RECOMMENDATION REPORT, Application for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Condor Properties Ltd. to permit two residential towers of 50 and 45 storeys connected by a 10 storey podium at 25, 11, 9, and 5 Langstaff Road East (Ward 1), File Nos. ZA 18 162178 and SU 18 162178", be received; and
3. That the record of Public Meeting held on June 18, 2019 regarding the applications by Condor Properties Ltd. for Zoning By-law Amendment and Draft Plan of Subdivision 19TM-18006, be received; and,
4. That Council endorse the "Final Draft West Precinct Plan" attached as Appendix 'C'; and,
5. That Council endorse the "Final Draft Phasing Plan" attached as Appendix 'D'; and,
6. That Zoning By-law Amendment application (ZA 18 162178) submitted by Condor Properties Ltd. and attached as Appendix 'B' be finalized and enacted without further notice; and,
7. That Draft Plan of Subdivision 19TM-18006 (SU 18 162178) submitted by Condor Properties Ltd. be approved subject to the conditions outlined as Appendix 'A' as may be modified by the Director of Planning and Urban Design or designate; and,
8. That Council assign servicing allocation for a maximum of 1,103 apartment units; and,
9. That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the

second anniversary of the day on which the by-law was approved by Council;  
and further,

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

**Carried**

### 11.3 NEW/ OTHER BUSINESS - CREATING A COMPETITIVE ECONOMY / RAIL INTEGRATED COMMUNITIES (RICs) (5.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

That Council waive the rules of procedure to allow for the introduction of an additional new / other business item.

**Carried by a Two Thirds Vote**

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the motion on "Creating a Competitive Economy/ Rail Integrated Communities (RICs)" from the February 11 Special Development Services meeting be referred to the February 18, 2020 General Committee meeting.

**Carried**

## 12. ANNOUNCEMENTS

There were no announcements.

## 13. BY-LAWS - THREE READINGS

Moved by Councillor Andrew Keyes

Seconded by Councillor Karen Rea

That By-law 2020-6 be given three readings and enacted.

**Carried**

### **Three Readings**

13.1 BY-LAW 2020-6 ROAD DEDICATION BY-LAW - DOVE LANE

**Carried**

## **14. CONFIDENTIAL ITEMS**

Moved by Deputy Mayor Don Hamilton

Seconded by Regional Councillor Jim Jones

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

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - DECEMBER 10, 2019  
(10.0)

14.2 DEVELOPMENT SERVICES COMMITTEE

14.2.1 ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE,  
INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE -  
GEOEXCHANGE-BASED COMMUNITY ENERGY SYSTEM PILOT  
PROJECT UPDATE (WARDS 2 AND 6) (5.0)[Section 239 (2) (f)]

**Carried**

Moved by Regional Councillor Jack Heath

Seconded by Councillor Alan Ho

That Council rise from confidential session at 9:07 pm.

**Carried**

The Confidential items were approved by Council as follows:

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - DECEMBER 10,  
2019 (10.0)

Moved by Regional Councillor Joe Li

Seconded by Councillor Keith Irish

1. That the confidential Council minutes of December 10, 2019 be adopted.

**Carried**

## 14.2 DEVELOPMENT SERVICES COMMITTEE

### 14.2.1 ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE - GEOEXCHANGE-BASED COMMUNITY ENERGY SYSTEM PILOT PROJECT UPDATE (WARDS 2 AND 6) (5.0)[Section 239 (2) (f)]

Moved by Regional Councillor Jack Heath  
Seconded by Regional Councillor Jim Jones

1. That the confidential report on advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose - Geoexchange-Based Community Energy System Pilot Project Update (Wards 2 And 6) be received; and,
2. That Staff do all things necessary to give effect to this recommendation.

**Carried**

## 15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Keith Irish  
Seconded by Councillor Khalid Usman

That By-law 2020-7 be given three readings and enacted.

Three Readings

BY-LAW 2020-7 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF FEBRUARY 11, 2020.

**Carried**

## 16. ADJOURNMENT

Moved by Councillor Khalid Usman  
Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 9:10 p.m.

**Carried**

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor



## MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services

Prepared by: Ron Blake, Senior Development Manager

Date: February 24, 2020

Re: Applications for Zoning By-law Amendment and Draft Plan of Subdivision submitted by Condor Properties Ltd. to permit two residential towers of 50 and 45 storeys connected by a 10 storey podium at 25, 11, 9 and 5 Langstaff Road East (Ward 1)

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### RECOMMENDATION:

1. That the memo dated February 25, 2020 from the Commissioner, Development Services on "Application for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Condor Properties Ltd. to permit two residential towers of 50 and 45 storeys connected by a 10 storey podium at 25, 11, 9, and 5 Langstaff Road East (Ward 1), File Nos. ZA 18 162178 and SU 18 162178"; be received, and,
2. That Draft Plan of Subdivision 19TM-18006 (SU 18 162178) submitted by Condor Properties Ltd. be approved subject to the conditions attached in Appendix 'A' as may be modified by the Director of Planning and Urban Design or designate;
3. That Zoning By-law Amendment application (ZA 18 162178) submitted by Condor Properties Ltd. and attached as Appendix 'B' be finalized and enacted without further notice;
4. And that Staff be authorized and directed to do all things necessary to give effect to this resolution.



**PURPOSE:**

The purpose of this memorandum is to recommend Council approval of the final Zoning By-law and conditions of draft plan of subdivision which were endorsed by Council in draft form at the February 11, 2020 Council Meeting

**BACKGROUND:**

The attached appendices set out the recommended Zoning By-law Amendment and Conditions of Draft Plan of Subdivision approval for Condor Properties Ltd.'s Phase 1A development in the West Precinct of Langstaff Gateway. These documents were endorsed by Council at the February 11, 2020 meeting but at the time were still in draft form and have now been finalized.

**ATTACHMENTS:**

Appendix A: Conditions of Draft Plan Approval

Appendix B: Zoning By-law Amendment

## APPENDIX 'A'

### RECOMMENDED CONDITIONS OF DRAFT PLAN APPROVAL PLAN OF SUBDIVISION 19TM-18006 CONDOR PROPERTIES LTD.

#### 1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by WND Associates, identified as Project No. 05.705.01, dated October 17, 2019, as amended, incorporating the following redline revisions:
  - a. Remove Blocks D and E;
  - b. Revise the draft plan to provide for a north-south roadway (identified as Condo Lane A) as shown on Attachment 6-1 of the *Langstaff Gateway Transportation Precinct Study, Response to Region and Municipal Transportation Comments, October 2019*, that provides pedestrian, bicycle and transit vehicle access to the proposed transit transfer facility, as identified in Schedule 'FF' in the Langstaff Secondary Plan, facilitates underground parking beneath the road, and has a minimum pavement plus boulevard width consistent with the recommendations of the operational analysis required by Condition 9.3, to the satisfaction of the Director of Engineering in consultation with York Region;
  - c. Revise the draft plan to show a minimum right-of-way of 32.0 m for Street B; and
  - d. Make any adjustments to the boundaries of the Draft Plan of Subdivision necessary to satisfy items a. to c. above.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City 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 Prior to the release for registration of this Draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the City's Director of Engineering and Director of Planning and Urban Design, all required technical reports, studies, and drawings, including but not limited to, traffic studies, functional traffic designs, stormwater management reports, functional servicing reports, design briefs, watermain analysis reports, detailed design drawings, noise studies, etc., to support the draft Plan of Subdivision. The Owner agrees to revise this Draft Plan of Subdivision as necessary to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.
- 1.5 The Owner shall agree in the Subdivision Agreement to implement the designs and recommendations of the accepted technical reports/studies submitted in support of the draft Plans of Subdivision including but not

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limited to, traffic studies, functional road design, stormwater management reports, functional servicing reports, design briefs, watermain analysis reports, detailed design drawings, noise studies, etc., to the satisfaction of the City's Director of Engineering and Director of Planning and Urban Design, and at no cost to the City.

- 1.6 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, including, but not limited to, Municipal Class Environment Assessment, Traffic Impact Study, Internal Functional Traffic Design Study, Transportation Demand Management Plan, Stormwater Management Study (Environmental Master Drainage Plan), Functional Servicing Report, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.
- 1.7 The Owner shall covenant and agree in the Subdivision Agreement to design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to sewers, watermain, light standards, utilities, stormwater management facilities and roads to the satisfaction of, and at no cost to, the City.
- 1.8 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.
- 1.9 The Owner shall agree in the Subdivision Agreement or Pre-Servicing Agreement, whichever comes first, to submit financial security for the draft Plan of Subdivision as required by the City prior to the construction of municipal infrastructure required to service that phase of development.
- 1.10 The Owner acknowledges and agrees 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.
- 1.11 The Owner acknowledges and understands that prior to release for registration of this draft plan of subdivisions, amendments to Zoning By-laws 19-94 and 177-96, as amended, to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.12 Prior to release for registration, the Owner shall prepare and submit, to the satisfaction of the Director of Planning and Urban Design, a Final Precinct Plan subsequent to the version endorsed by Council at the time of Draft Approval that incorporates but is not limited to, the following revisions:

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- a. An Affordable Housing Strategy in accordance with Section 6.1.2 g) of the Secondary Plan, to the satisfaction of the Director of Planning and Urban Design, demonstrating how the 35 per cent affordable housing target within the Precinct on lands owned by the Owner will be achieved through the development.
  - b. The amount, delivery and timing of parkland to be provided within the West Precinct to the satisfaction of the Director of Planning and Urban Design. The conveyance of the Pomona Creek valleylands shall not count towards the parkland dedication requirement.
  - c. A Community Energy Plan in accordance with Section 11.3 e) of the Secondary Plan.
  - d. A Community Services and Facilities Implementation Strategy, to the satisfaction of the Director of Planning and Urban Design. The Strategy should address Sections 6.5.1b), 6.1d), 6.5.3c), and 11.3 e) of the Secondary Plan to demonstrate how community services and facility requirements will be delivered in Phase 1A and the rest of Phase 1.
  - e. Confirmed final location and timing of construction of a temporary fire station.
- 1.13 Prior to release for registration, the Owner shall prepare and submit, to the satisfaction of the Director of Planning and Urban Design, a Final Phasing Plan subsequent to the version endorsed by Council at the time of Draft Approval that incorporates, as appropriate, sanitary and water services, treatment capacity, construction and delivery of transit and transportation improvements, requirements for the delivery of community facilities, servicing allocation, and how required infrastructure will be delivered and funded. The Final Phasing Plan shall also establish the following:
- a. That the Owner will construct a multi use trail from Langstaff Road East to Richmond Hill Centre prior to approval of Sub-phase 1B in the West Precinct;
  - b. That the Owner will prepare and submit an implementation plan for a shuttle service to Richmond Hill Centre, developed in consultation with York Region and provided at no cost to the City, prior to approval of Sub-phase 1B in the West Precinct;
  - c. That construction of the Cedar Avenue extension between High Tech Road and Langstaff Road East will have commenced prior to approval of Sub-phase 1B in the West Precinct.
  - d. That the owner will acknowledge the need to provide an underground path connection system to the future subway station..
- 1.14 Prior to release for registration, the Owner shall prepare and submit a phase I Environmental Site Assessment (ESA), and all subsequent phases as required, in accordance with Section 11.3e) of the Secondary Plan.

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- 1.15 Prior to release for registration, the Owner shall prepare and submit a Financial Impact Analysis in accordance with Section 11.3e) of the Secondary Plan. The Terms of Reference of said Analysis shall be mutually agreeable between the Owner and the Director of Planning and Urban Design.
- 1.16 Prior to release for registration, the Owner shall prepare and submit a Master Operations and Maintenance Plan in accordance with Section 11.3e) of the Secondary Plan. The Terms of Reference of said Plan shall be mutually agreeable between the Owner and the Director of Planning and Urban Design.
- 1.17 Prior to release for registration, the Owner shall prepare and submit a Master Emergency Services Plan in accordance with Section 11.3e) of the Secondary Plan. The Terms of Reference of said Plan shall be mutually agreeable between the Owner and the Director of Planning and Urban Design.
- 1.18 Prior to final approval of engineering drawings and to the satisfaction of the Directors of Planning and Urban Design and Engineering, the Owner shall submit a minimum of three grading scenarios covering the lands between Yonge Street east of the CN Rail crossing that illustrate how the slopes of roads can be accommodated in an appropriate way and that the resulting slopes of roads will not negatively impact the viability of grade related commercial uses on these streets and will permit good access and appropriate grading of the Pomona Mills Creek Park. The following scenarios will be addressed:
- The roads cross over the CN Rail line and the creek remains open;
  - The roads cross over the CN Rail line and the creek is covered; and
  - The roads cross under the CN Rail line.
- 1.19 The Owner shall covenant and agree in the subdivision agreement to provide to the satisfaction of the Director of Planning and Urban Design a proposed 695 m<sup>2</sup> of ground floor space for community uses. The terms of the use of the space, including financial and duration, are to be determined through the subdivision agreement.

## 2. Engineering

- 2.1 Prior to the earlier of any construction including the execution of a pre-servicing agreement or Subdivision Agreement of Phase 1a within the draft Plan of Subdivision, the Owner shall satisfy all comments contained in the Engineering Department memorandum of March 1, 2019, which may be revised to the satisfaction of the Director of Engineering.

2.2 Prior to the release for registration of the Draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the Director of Engineering, 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.

2.3 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, transportation 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 of Markham, 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.

2.4 The Owner shall design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, watermains, light standards, utilities, stormwater management facilities and roads to the satisfaction of, and at no cost to, the City of Markham.

2.5 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.

2.6 The Owner shall agree in the Subdivision Agreement or Pre-Servicing Agreement, whichever comes first, to submit financial security for each phase of the Draft Plan of Subdivision as required by the City of Markham prior to the construction of municipal infrastructure required to service that phase of the development.

2.7 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.

### 3. Roads

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- 3.1 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").
  - 3.2 The Owner shall covenant and agree to design and construct all municipal roads in accordance with City standards and specifications.
  - 3.3 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.

#### 4. Municipal Services

- 4.1 The Owner shall covenant and agree to design and construct all municipal services in accordance with City standards and specifications.
- 4.2 Prior to the release for registration of the Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City of Markham that two independent water supply points for adequate redundancy and looping for domestic and fire protection purposes will be provided. The Owner further acknowledges and agrees that prior to the release for registration of the Draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the City of Markham, a detailed watermain analysis to satisfy the following requirements:

For Phase 1A, the City will allow the Owner to use Pressure District 5 (PD5) as one of the water supply sources subject to the following requirements:

- i. Provide a watermain analysis report to assess and confirm PD5 flow and pressure is adequate to provide domestic and fire protection for Phase 1A. In order to assess the proper boundary conditions the Owner will be required to carry out field flow and pressure monitoring for three (3) weeks in PD5 and to complete fire flow testing within PD5 to the satisfaction of the City. The watermain analysis report shall also include the analysis of impact to the existing PD5.
- ii. Subject to Region approval, the second water supply source can be provided from PD6. The owner will be required to design and construct new water connection to the Regional trunk watermain. The Owner will also be required to assess the condition of all the existing watermains and to remove and replace/upgrade any existing watermains that are in a poor condition or have inadequate capacity

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at no cost the City and to the satisfaction of the Director of Engineering.

- 4.3 The Owner acknowledges and agrees in the subdivision agreement that for any phase of development beyond Phase 1A, the Owner will be required to:
- i. Provide either a new connection to the 1050 mm Regional trunk watermain north of Langstaff Road or to retrofit the existing connections and upgrades the existing watermain network as required at no cost the City and to the satisfaction of the Director of Engineering.
  - ii. Submit watermain analysis report and water modelling simulation including maximum day demand, maximum day demand plus fire flow, peak hour demand, minimum day demand, average day demand scenarios. The boundary conditions used for the water modelling shall be part of the watermain analysis report.

The Owner is advised that the 300mm ductile iron watermain along Yonge Street is constructed in 1977. Prior to the approval of any connections to this watermain, the Owner will be required to examine the condition of this watermain and submit reports and drawings to assess and confirm the condition of this watermain to the satisfaction of Director of Engineering.

- 4.4 The Owner shall agree in the Subdivision Agreement not to 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.
- 4.5 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.
- 4.6 The Owner shall implement the Low Impact Development (LID) measures for Water Balance (WB) requirements in accordance with the City's LID Guidelines (November, 2018) and to the satisfaction of the Director of Engineering.
- 4.7 The Owner shall agree in the Subdivision Agreement to design and construct the proposed stormwater management storage tanks at their final locations within Street "B" to the satisfaction of Director of Engineering.



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- 4.8 The owner shall agree in the Subdivision Agreement to provide a detailed design and hydraulic calculations for the proposed 2.0m Ø temporary CSP culvert used for the diversion of Pomona Creek under Creek Street to show that design is adequate to convey the flow to the satisfaction of City and TRCA.
- 4.9 The Owner shall agree in the Subdivision Agreement to design and construct the proposed services (storm and sanitary sewers) external to the Plan to connect to the previously constructed stubs, as per the Construction Agreement dated September 1, 2017, west of the south culvert along Street "A".
- 4.10 The Owner shall covenant and agree in the Subdivision Agreement that if the proposed sewers connect to existing downstream sewers that are not assumed by the City, to undertake and pay for a sewer video inspection program for the existing sewers to the satisfaction of the Director of Engineering. The Owner further agrees to do the sewer video inspection:
- a) Prior to the connection being made;
  - b) Upon the removal of the temporary bulkhead or as directed by the Director of Engineering; and
  - c) Upon all roads, parking lots, driveways in the Owners Subdivision having been paved to the final grades, sidewalks, walkways, multi-use paths constructed and boulevards sodded.

The Owner further agrees to provide securities for the video inspection and for flushing and cleaning the existing downstream sewers to the satisfaction of the Director of Engineering

5. Lands to be Conveyed to the City/Easements

- 5.1 The Owner agrees prior to the registration of the draft plan of subdivision to acquire and convey to the City, free of all costs and encumbrances, any lands internal and external to the Draft Plan of Subdivision as necessary to complete the road infrastructure requirements.
- 5.2 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 watermain, storm and sanitary sewers to outfall trunks and stormwater management facilities to the satisfaction of the City.
- 5.3 Prior to the registration of this draft plan of subdivision, the owner shall take in consideration the existing 36" Enbridge gas main located in an easement

along the south limit of the plan. The owner shall revise all plans and sections to clearly indicate the easement limits.

The existing easement shall be discharged if it falls within the proposed municipal road allowance and new easement will be provided for private properties, as required.

6. Utilities

- 6.1 The Owner shall 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 of Markham and authorized agencies.
- 6.2 The Owner shall agree in the Subdivision Agreement to enter into any agreement or agreements required by any applicable utility companies, including Alectra, Enbridge, telecommunications companies, etc.
- 6.3 The Owner shall agree in the Subdivision Agreement to facilitate the construction of Canada Post facilities at locations and in a manner 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.
- 6.4 The Owner shall agree in the Subdivision Agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 6.5 The Owner shall covenant and agree in the Subdivision Agreement to provide a suitable temporary Community Mailbox 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 new residents as soon as homes are occupied
- 6.6 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.

- 6.7 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.

7. Environmental Clearance

- 7.1 The Owner shall covenant and agree in the Subdivision Agreement to retain a “Qualified Person” to prepare all necessary Environmental Site Assessments (ESA) and file Record(s) 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.
- 7.2 Prior to the earlier of any construction, including site alteration, the execution of a pre-servicing agreement or Subdivision Agreement, the Owner covenants and 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.
- 7.3 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 covenants and 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 standard 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.
- 7.4 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.

- 7.5 The Owner shall covenant and agree in the Subdivision Agreement to assume full responsibility for the environmental condition of the lands comprising the Draft Plan of Subdivision. The Owner shall further covenant and 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, suite, 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 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.

8. Streetlight Types

- 8.1 The Owner shall covenant and 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.

9. Transportation Engineering

- 9.1 Prior to the registration of Block A within this Plan of Subdivision, the Owner shall submit updates or addendums, as appropriate, to respond to all outstanding comments from the City of Markham and York Region, and other commenting agencies, related to the Transportation Precinct Study, to the satisfaction of the City's Director of Engineering and York Region. The Owner further agrees to revise the draft plan if required to incorporate the recommendations of these studies to the satisfaction of the Director of Engineering.

- 9.2 The Owner shall covenant and agree in the Subdivision Agreement to:

- a. Finalize the functional plan as shown on Attachment 6-1 of the *Langstaff Gateway Transportation Precinct Study, Response to Region and Municipal Transportation Comments, October 2019*, showing the following proposed works "External Works" including:
  - i. Langstaff Road East to its ultimate design, from Yonge Street to Creek Street;

- ii. Langstaff Road East from Yonge Street to east of the CN Rail line,

all to the satisfaction of the Director of Engineering.

- b. Prepare a detailed design of the External Works in accordance with the accepted functional plan referenced above, to the satisfaction of the Director of Engineering; and,
  - c. Construct the External Works in accordance with the accepted detailed design at no cost to the City, and to the satisfaction of the Director of Engineering.
- 9.3 Prior to the registration of Block A within this Plan of Subdivision, the Owner shall submit an operational analysis to the satisfaction of the Director of Engineering, that will, among other matters, provide information about how transit vehicles and other transportation services (taxis, Uber etc.) can provide access to the site and pick up and drop off passengers and will also provide recommendations on the widths and other design standards for internal roadways serving as transit vehicle access routes.
- 9.4 The Owner shall agree in the subdivision agreement to prepare and submit a parking justification report to address the parking supply for the Condor Development Phase 1A and the specific Transportation Demand Management measures that will be addressed through the site plan approval.

10. Waste Management/Markham District Energy

- 10.1 The Owner shall agree in the subdivision agreement to support and connect to an Automated Vacuum Waste Collection (AVAC) system if the city has formulated the necessary plans, designs and technical specifications to implement such a system prior to site plan application and the necessary infrastructure is available at the time of building construction.
- 10.2 The Owner shall agree in the subdivision agreement to support and connect to a District Heating and Cooling system if the city has formulated the necessary plans, designs and technical specifications to implement such a system prior to site plan application and the necessary infrastructure is available at the time of building construction.

11. Tree Inventory and Preservation Plans

- 11.1 Prior to release for registration, 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.

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- 11.2 Prior to release for registration, 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 Permit or Pre-Servicing Agreement to the satisfaction of the Director of Planning and Urban Design.
- 11.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 11.4 Prior to release for registration, the Owner shall submit for approval from the Director of Planning and Urban Design, as part of the tree inventory and tree preservation plan and 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 20 cm and 40 cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
  - b. All trees over 40 cm 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.
- 11.5 The owner acknowledges and agrees to implement the tree compensation schedule, including submission of an updated Tree Inventory and Preservation Plan and Landscape Plans.
12. Community Design
- 12.1 The Owner shall agree in the subdivision agreement to implement and incorporate all requirements of the Langstaff Gateway Urban Design and Streetscape Guidelines into all site plans, landscape plans, engineering plans and any other required design documents to the satisfaction of the Director of Planning and Urban Design.
13. Parkland
- 13.1 The Owner shall covenant and agree in the subdivision agreement that the parkland dedication requirement for Sub-Phase 1A will conform to the new city standards for urban parks in conformance to provincial legislation as amended from time to time, and yet to be developed. In the event that a new city urban park standard has not been formulated at the time that the

subdivision agreement is to be executed and in order to expedite the necessary approvals for Sub-Phase 1A, the Owner agrees to submit a letter of credit representing the parkland dedication requirements as then currently set out in the prescribed parkland dedication bylaw 195-90 on the understanding that if a new urban parkland dedication by-law has been implemented the parties will adjust the rates accordingly and retroactively.

- 13.2 Subject to Condition 13.1, the Owner shall agree in the subdivision agreement to dedicate a minimum of 2.655 ha of parkland and that this will satisfy the parkland dedication requirements for a total of up to but not exceeding the 1,090 units.
- 13.3 Subject to Condition 13.1, the Owner shall covenant and agree in the subdivision agreement to satisfy the parkland dedication requirement through the conveyance of the Pomona Creek Park to the City as external works (the “Off-Site Park”), free of all costs and encumbrances to the satisfaction of the Director of Planning and Urban Design, upon registration of the plan of subdivision. The conveyance of the Pomona Creek valleylands shall not count towards parkland dedication.
- 13.4 The Owner acknowledges and agrees that the conveyance of the Pomona Creek Park Block will satisfy a portion of the parkland dedication for this development. The remaining parkland dedication will be satisfied through the payment of cash-in-lieu of parkland as specified in the Parkland Dedication By-Law 195-90.
- 13.5 Subject to Condition 13.1, the City of Markham reserves the right to require land dedication or payment of cash-in-lieu of parkland or request a combination of approaches as specified in Parkland Dedication By-law 195-90, as amended.
- 13.6 If Pomona Creek Park is not dedicated at the time of approval in a condition satisfactory to the Director of Planning and Urban Design, including grading, servicing and public road access, then the Owner shall provide a letter of credit of an amount satisfactory to the Director of Planning and Urban Design to secure the Owner’s obligation to the City to provide a satisfactory park at the time that Phase 1A is completed.
- 13.7 The Owner acknowledges and agrees that additional parkland dedication will be required for Blocks B, C, D, E and F at the time of execution of the a future draft plan of subdivision or site plan agreement. The size and configuration of the park block(s) will be consistent with the Secondary Plan and revised Precinct Plan.
- 13.8 The Owner shall post approved copies of the Conceptual Park Design for the Off-Site Park in all sales offices for dwelling units within the draft plan of subdivision.

- 13.9 The Owner acknowledges and agrees that if, in the sole opinion of the Director of Planning and Urban Design, Pomona Creek Park is determined to not be usable as park space, the Owner shall accommodate a park on other lands owned by the Owner in close proximity to Block A, to the satisfaction of the Director of Planning and Urban Design.

14. Parkland Servicing

- 14.1 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain, free of stock piles and debris, all, park blocks within the subdivision to the satisfaction of the Director of Planning & Urban Design. The park blocks shall be maintained until such time as the parks have been constructed and formally assumed by the City.
- 14.2 The Owner shall submit grading, servicing and survey plans, including a plan demonstrating the interface between Pomona Creek Park and the restored valleylands, prepared by a qualified person for all park blocks, to the satisfaction of the Director of Planning & Urban Design.
- 14.3 The Owner shall provide a current geotechnical report by a qualified person all park blocks, to the satisfaction of the Director of Planning & Urban Design.

15. Parkland Environmental

- 15.1 The Owner covenants and agrees in the Subdivision Agreement to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and file Record(s) of Site Condition with the Provincial Environmental Site Registry for the Off-Site Park 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.
- 15.2 Prior to the earlier of any construction, including site alteration, the execution of a pre-servicing agreement or Subdivision Agreement, the Owner covenants and 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 the Off-Site Park land to be conveyed to the City for peer review and concurrence.
- 15.3 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 covenants and agrees to submit environmental clearance(s) and Reliance Letter(s) from a Qualified Person to the City for the Off-Site Park lands or interests in Off-Site Park 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 standard 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.

- 15.4 The Owner covenants and agrees to file a Record(s) of Site Condition with the Provincial Environmental Site Registry and provide a Letter of Acknowledgment from the Ministry of Environment, Conservation and Parks (MECP) for the Off-Site Park lands to be conveyed to the City prior to the conveyance.
- 15.5 The Owner covenants and agrees to convey the Off-Site Park lands to the City upon acceptance of the Record(s) of Site Condition by the Director of Engineering.
- 15.6 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.
- 15.7 The Owner covenants and agrees in the Subdivision Agreement to assume full responsibility for the environmental condition of the lands comprising the Off-Site Park. The Owner covenants and agrees 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, suite, 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 lands comprising the Off-Site Park, 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.

16. Landscape Works

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- 16.1 Prior to the release for registration of this Draft Plan of Subdivision, the Owner shall submit landscape plans prepared by a qualified landscape architect based upon: the Langstaff Gateway Urban Design and Streetscape Guidelines, as amended from time to time, and the City of Markham Streetscape Manual, as amended from time to time, to the satisfaction of the Director of Planning and Urban Design and including the following:
- a) Streetscape plans for all public streets and street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009;
  - b) A specialized depth of topsoil (200mm) in the entire municipal boulevard to appropriately plant boulevard trees in accordance with the City of Markham Streetscape Manual dated June 2009;
  - c) Wind mitigation measures as required for the Off-Site park;
  - d) Restoration works for the Pomona Creek Works valleylands;
  - e) Any other landscaping as determined in the Langstaff Gateway Urban Design and Streetscape Guidelines.
- 16.2 The Owner shall construct all landscaping referred to in condition 16.1 in accordance with the approved plans at no cost to the City.
- 16.3 The Owner shall not permit their builders to charge home purchasers for the items listed in condition 16.1.
- 16.4 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 4.1a)
  - 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 PARKS, WALKWAYS 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.”

#### 17. Financial

- 17.1 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, streetscape, wind mitigation and other landscaping requirements.
- 17.2 The Owner shall provide a Land Appraisal Report to the Manager of Real Property for the purpose of determining the required letter of credit amount contribution for the under-dedicated portion of the required parkland dedication. The Land Appraisal Report is subject to the City’s terms of reference and conformance with the *Parkland Dedication By-law 195-90* and with the *Planning Act*.

#### 18. Natural Heritage

- 18.1 The Owner shall provide a letter of credit in the Subdivision Agreement for the estimated cost of the valleyland restoration, construction and plantings.
- 18.2 Prior to subdivision registration, the Owner shall complete the restoration and realignment of Pomona Creek to the satisfaction of the Director of Planning and Urban Design.
- 18.3 Prior to subdivision registration, the Owner shall convey to the City of Markham the valleyland corridor (external to the Plan of Subdivision) in its final form, to the satisfaction of the Director of Planning and Urban Design, free and clear of encumbrances.
- 18.4 The Owner shall implement post-construction monitoring for valleyland restoration and plantings for a minimum of two years. An adaptive monitoring plan outlining the duration and type of monitoring requirements shall be submitted to the satisfaction of the Director of Planning and Urban Design.

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19. Development Charges

- 19.1 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.
- 19.2 The Owner acknowledges and understands that the subdivision agreement will not be executed by the Town until an Area-Specific Development Charges By-law has been passed by the Town or the Town Solicitor is satisfied with the arrangements for the payment to the Town by the developer of any necessary Area Specific Development Charges.

20. York Region

**Conditions/Clauses to be Included in the Subdivision Agreement**

- 20.1 The Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- 20.2 The Owner shall agree that the proposed sanitary outlet to the Region's 600 mm diameter Pomona Creek Sewer shall be designed and installed to the satisfaction of the Region.
- 20.3 The Owner shall agree to advise all potential purchasers of the existing and future introduction of transit services. The Owner/consultant is to contact YRT Contact Centre (tel. 1-866-668-3978) for route maps and future plan maps.
- 20.4 The Owner shall agree to implement the improvements recommended in the Transportation Study, to the satisfaction of the Region.
- 20.5 The Owner shall agree that a Site Plan Application approval from the Region is required to be in place before the commencement of any site alteration or construction works for all development blocks.

**Conditions to be Satisfied Prior to Final Approval**

- 20.6 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:

- 
- 20.7 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 site plan.
- 20.8 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.
- 20.9 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 branch and the Infrastructure Asset Management branch for record.
- 20.10 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 20.11 The applicant shall provide a revised Draft Plan of Subdivision to address the comments provided, to the satisfaction of the Region.
- 20.12 The applicant shall provide a Transportation Addendum to address the comments provided, to the satisfaction of the Region.
- 20.13 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.
- 20.14 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.
- 20.15 The Regional Corporate Services Department shall advise that Conditions 20.1 to 20.14 inclusive, have been satisfied.
21. Metrolinx
- 21.1 The Owner shall agree in the Subdivision Agreement to prepare and submit an overall utility coordination plan showing the location (shared or otherwise) and installation, timing and phasing of all required servicing infrastructure and utilities (ongrade, below-grade or above-grade, including on-site drainage facilities and streetscaping) – such location plan shall be to the satisfaction of the City and Metrolinx, having considered the requirements of those utility providers (including natural gas, hydro, and telecommunications service providers) that will conduct works within the subdivision. Further, the plan shall consider the respective standards and

specification manuals, where applicable, of the utility providers as well as potential Metrolinx transit infrastructure.

- 21.2 The Owner shall, at its own cost, prepare and register all reference plans, strata reference plans, easement documents, and agreements as may be required by Metrolinx as a result of this development.
- 21.3 The Owner shall agree in the Subdivision Agreement to include into all offers of purchase and sale, lease, or rental agreements, as well as stipulate in condominium declaration(s) for each unit, the following:

**Warning:** “The Purchaser and/or Lessee acknowledges and agrees that the proximity of the lands municipally described as 25 Langstaff Road East (the “Development”) to Metrolinx transit operations may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as “interferences”) to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. Notwithstanding the above, the Purchaser and/or Lessee agrees to release and save harmless the City of Markham and Metrolinx from all claims, losses, judgments or actions arising or resulting from any and all Interferences. Furthermore, the Purchaser and/or Lessee acknowledge and agree that an electromagnetic, stray current and noise warning clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.

## 22. Fire Department

- 22.1 The Owner shall covenant and agree in the Subdivision Agreement to satisfy the Fire Department as follows:

### **Fire Access Route:**

- a. Fire Access Route Signs are required and shall be installed by the Owner subject to Fire Department approval. Indicate the locations of the fire access route sign for review and approval. The signs are to be spaced a maximum of 30m apart on both sides of the fire access route and a maximum of 15m from the street curb. Signs to be set at an angle of not less than 30° and not more than 45° to a line parallel to the flow of traffic and should always be visible to approaching traffic. Refer to site plan for proposed locations along Condo Lanes “A” and “B”.

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The Fire Department will require a Letter of Credit in the amount of \$4,000.00 to ensure completion of the installation of the fire access route signs.

**Fire Department Connection:**

- b. The location of the Fire Department connection must be approved by the Fire Department to ensure unobstructed access at all times. Refer to site plan for proposed relocations.

**Private Hydrant:**

- c. Private Yard Hydrants will be required and the location of the hydrants and size of watermain must be approved by the Fire Department. Private hydrants are to be installed with a 100mm storz connection as per City of Markham engineering standards.

The Fire Department will require a Letter of Credit in the amount of \$10,000.00 to ensure completion of the installation of private hydrant(s).

**Water Supply:**

- d. The size of water mains and the hydrant locations must be approved by this department.

**Rapid Entry Key Box:**

- e. A rapid entry key box will be required for each building that is provided with a fire alarm or sprinkler system. The key box is to be located on the exterior wall adjacent to the principal entrance where the fire alarm annunciator is located or at the main building entrance where no fire alarm annunciator is provided. In multi tenant buildings the key box is to be located adjacent the exterior door of the sprinkler room.

The Fire Department will require a Letter of Credit in the amount of \$3,000.00 to ensure the proper installation of a rapid entry key box for the fire alarm and sprinkler systems.

**Items on the Site Plan:**

- f. Indicate the locations of the fire access route signs on the site plan.
- g. Indicate the location of the private hydrants on the site plan.
- h. Indicate the location of the fire department connection on the site plan.
- i. Indicate the location of the rapid entry key box on the site plan.

**Underground Servicing Plans:**

- j. Two copies of underground servicing site plans are to be submitted to the Fire Department for review and approval. Underground servicing plans are required to be reviewed and approved prior to the Site Plan Endorsement Stage.

**Plan of Condominium:**

- k. Prior to final approval the following conditions are required to be satisfied:

The property is inspected by the Markham Fire Department. Staff to ensure that the rapid entry key boxes, hydrants, fire department connections and addressing complies with the approved site plan drawings as approved by the City of Markham.

23. Toronto and Region Conservation Authority

- 23.1 Prior to final approval, the Owner shall satisfy all TRCA Conditions to the satisfaction of the Director of Planning and Urban Design.

24. CN Rail

- 24.1 Prior to final approval, the Owner shall satisfy all CN Rail Conditions to the satisfaction of the Director of Planning and Urban Design.

25. 407 ETR

- 25.1 Prior to final approval, the Owner shall satisfy all 407 ETR Conditions to the satisfaction of the Director of Planning and Urban Design.

26. Alectra Utilities

- 26.1 The developer is responsible to enter into an Offer to Connect agreement with Alectra Utilities pertaining to the electrical distribution system installation, energization and receipt of all applicable easements. The owner/developer shall be responsible for the costs of the relocation of existing plant to accommodate new road(s) and or driveways.

27. External Clearances

- 27.1 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 Regional Municipality of York Transportation and Community Planning Department shall advise that Conditions 17.1 to 17.16 have been satisfied.
- b) Metrolinx shall advise that Conditions 21.1 to 21.3 have been satisfied.
- c) The Fire Department shall advise that Condition 22.1 has been satisfied.
- d) The Toronto and Region Conservation Authority (“TRCA”) shall advise that all lands containing natural features, hazards and their associated buffers are zoned for environmental protection, densely planted and gratuitously dedicated into public ownership, free and clear of all encumbrances to the City of Markham and are to the TRCA’s satisfaction and that Condition 23.1 has been satisfied.
- e) CN Rail shall advise that Condition 24.1 has been satisfied.
- f) 407 ETR shall advise that Condition 25.1 has been satisfied.
- g) Alectra Utilities shall advise that Conditions 26.1 has been satisfied.



BY-LAW 2020-\_\_\_\_\_

**A By-law to amend By-law 2551, as amended**  
*(to delete lands from the designated areas of By-laws 2551)*  
**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 2551, as amended, are hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated areas of By-law 2551, as amended.
- 2. That 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 additional lands as shown on Schedule “A” attached hereto.
  - 2.2 By zoning the lands outlined on Schedule “A” attached hereto:  
  
from:  
**Rural Industrial (R-IND)**  
  
to:  
**Community Amenity Four \*647 (CA4\*647) Zone, and  
Open Space One (OS1) Zone**
- 3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.647	Condor Properties Ltd. 25 Langstaff Road	Parent Zone CA4
File ZA 18 162178		Amending By-law 2020-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *647 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.647.1 Only Permitted Uses		
The following are the only permitted uses:		
	Residential Uses:	
a)	Apartment Dwellings	
b)	Multiple Dwellings	
c)	Home Occupations	
d)	Home Child Care	
	Non-Residential Uses:	
d)	Art Galleries	
e)	Community Centres	
f)	Libraries	
g)	Museums	
h)	Non-Profit Fitness Centres	
i)	Schools, Public	
j)	Business Offices	
k)	Commercial Fitness Centres	
l)	Day Nurseries	

m)	<i>Financial Institutions</i>
o)	<i>Medical Offices</i>
p)	<i>Parking Garages</i>
q)	<i>Personal Service Shops</i>
r)	<i>Places of Amusement</i>
s)	<i>Places of Entertainment</i>
t)	<i>Places of Worship</i>
u)	<i>Private Clubs</i>
v)	<i>Recreational Establishments</i>
w)	<i>Repair Shops</i>
x)	<i>Restaurants</i>
y)	<i>Retail Stores</i>
z)	<i>Schools, Commercial</i>
aa)	<i>Schools, Private</i>
bb)	<i>Supermarkets</i>
cc)	<i>Veterinary Clinics</i>
<b>7.647.2 Special Zone Standards</b>	
The following special zone standards shall apply:	
a)	For the purposes of this by-law, the south <i>lot line</i> shall be deemed to be the <i>front lot line</i> notwithstanding any further division of the land
b)	Non-residential uses are permitted only in the first and second <i>storey</i> of a <i>building</i>
c)	Minimum <i>gross floor area</i> for non-residential uses including <i>public uses</i> – 930 square metres
d)	The minimum <i>gross floor area</i> non-residential use including public uses outlined in c) above shall be located on the <i>first storey</i>
e)	Maximum <i>gross floor area</i> for any individual <i>retail store</i> or <i>supermarket</i> -1870 square metres
f)	Minimum indoor communal amenity area required – 1365 square metres
g)	Minimum outdoor communal amenity area required – 1365 square metres
h)	Minimum setback to the <i>first storey</i> i) <i>Front yard</i> - 2.5 metres ii) <i>Easterly yard</i> – 2 metres iii) <i>Northerly yard</i> – 2 metres iv) <i>Westerly yard</i> – 0.3 metres
i)	Minimum setback to all <i>storeys</i> above the <i>first storey</i> – 0.1 metres
j)	Maximum <i>building height</i> inclusive of mechanical penthouse or architectural features: i) 33 metres ii) For portions of a <i>building</i> within 35 metres of the northerly and easterly <i>yards</i> – 163 metres iii) For portions of a building within 35 metres of the southerly yard and 45 metres of the westerly <i>yard</i> – 163 metres
k)	Minimum setback between portions of a <i>building</i> above 33 metres, described in section j) ii) and j) iii) above – 25 metres
l)	Notwithstanding k) above, <i>balconies</i> and <i>porches</i> are permitted to project 1.5 metres from the main wall of a <i>building</i> into the <i>setback</i> between portions of a <i>building</i>
m)	The minimum vertical distance between the floor and the ceiling of the <i>first storey</i> shall be 3.5 metres non-inclusive of dropped bulkheads
n)	The minimum vertical distance between the floor and the ceiling of the second <i>storey</i> shall be 2.7 metres non-inclusive of dropped bulkheads
o)	Maximum <i>floor space index</i> – 15.5
p)	Minimum <i>landscaped open space</i> - 10%
q)	Minimum number of <i>parking spaces</i> per <i>dwelling unit</i> – 0.5 <i>parking spaces</i> per unit;
r)	Minimum number of <i>parking spaces</i> for visitor and non-residential uses within a <i>building</i> - 0.15 <i>parking spaces</i> per unit
s)	All required <i>accessible parking spaces</i> shall be located the lands zoned CA4*647
t)	Minimum number of bicycle storage spaces – 0.25 bicycle storage spaces per <i>unit</i>
u)	18 <i>parking spaces</i> may be provided in <i>tandem</i>
v)	The provisions of Table A2 and Table B7 shall not apply.

2. SECTION 37 CONTRIBUTION

- 2.1 A contribution by the Owner to the City of facilities, services, or matters in accordance with Section 37 of the Planning Act, as amended, shall be required. 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.

Read and first, second and third time and passed on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

\_\_\_\_\_  
Frank Scarpitti  
Mayor

Amanda File No. ZA 18 162178



## EXPLANATORY NOTE

### BY-LAW 2020-\_\_\_\_

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

**Condor Properties Ltd.**  
**25 Langstaff Road**  
**ZA 18 162178**

### Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.72 hectares (1.78 acres), which is located north of Kirk Drive and west of Yonge Street in the Langstaff Community.

### Existing Zoning

The subject lands are zoned **Rural Industrial (R-IND)** Zone under By-law 2551, as amended.

### Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands under By-law 177-96, as amended as follows:

from:

**Rural Industrial (R-IND)**

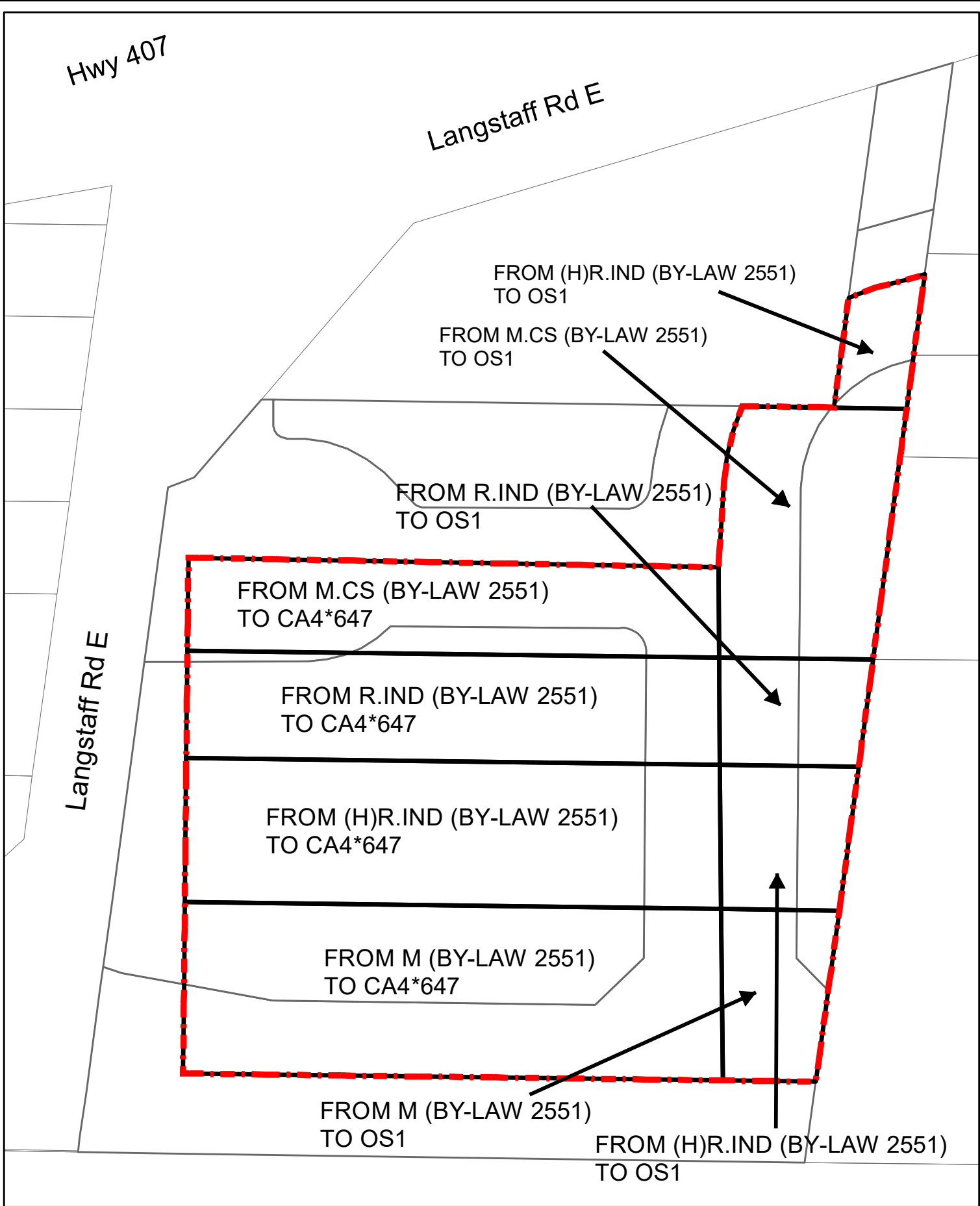
to:

**Community Amenity Four (CA4) Zone, and  
Open Space One (OS1) Zone**

in order to permit a mixed-use development on the 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.



# SCHEDULE "A" TO BY-LAW

## AMENDING BY-LAWS 2551 AND 177-96 DATED

- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
- BOUNDARY OF ZONE DESIGNATION(S)
- R.IND

RURAL INDUSTRIAL
- M.CS

SELECT INDUSTRIAL WITH CONTROLLED STORAGE
- M

SELECT INDUSTRIAL
- (H)

HOLDING PROVISION
- CA4

COMMUNITY AMENITY FOUR
- OS1

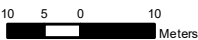
OPEN SPACE ONE

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.

Q:\Geomatics\New Operation\By-Laws\SUISU\_ZA18162178\Schedule A.mxd



DEVELOPMENT SERVICES COMMISSION



Drawn By: RT    Checked By: BR    DATE: 07/02/2020

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office



Report to: Development Services Committee

Meeting Date: February 10, 2020

**SUBJECT: RECOMMENDATION REPORT**

Authorization for Submission of a Minor Variance  
Application by King Square Limited on the lands municipally  
known as 9390 Woodbine Avenue (Ward 2)

**PREPARED BY:** Amanda Crompton, ext. 2621  
Planner II

**RECOMMENDATION:**

- 1) That the report entitled “Authorization for Submission of a Minor Variance Application by King Square Limited on the lands municipally known as 9390 Woodbine Avenue (Ward 2)”, dated February 10, 2020, be received;
- 2) That in accordance with the provisions of subsections 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 variances from the provisions of Zoning By-law 2019-35, before the second anniversary of the day on which the by-law was approved by Council; and
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

This report recommends that King Square Limited (the “Owner”) be permitted to apply to the Committee of Adjustment for a variance from the provisions of Zoning By-law 2019-35 before the second anniversary of the day on which the by-law was approved by Council.

**BACKGROUND:**

The approximately 2.09 ha (5.2 ac) subject lands are located on the northwest corner of Woodbine Avenue and Markland Street, municipally known as 9390 Woodbine Avenue (See Figure 1).

The subject lands contain a three-storey, 31,899 square metre shopping centre with 1,373 parking spaces. Construction of the shopping centre was completed in April 2019. In September 2019, the Plan of Standard Condominium was registered, creating and delineating the common elements and transferrable commercial units. Currently, occupancy of the condominium units within the King Square Shopping Centre is ongoing.

In March 2019, site-specific Zoning By-law 2019-35 was approved by Council to introduce a variety of additional permitted uses, including a ‘Recreational Establishment’ use to a maximum gross floor area (GFA) of 450 square metres. At the time, the 450 square metre ‘Recreational Establishment’ use was sought by the Owner to facilitate operation of an indoor playground.

**PROPOSAL:**

As outlined in a letter dated December 24, 2019 from the Owner's agent, KLM Planning Partners Inc. (see Appendix 'A' attached), the Owner wishes to submit a Minor Variance Application to seek relief from the 450 square metre GFA limit for a 'Recreational Establishment' use on the subject lands. As shown on Appendix 'B' attached, the Owner's proposal is for a 'Recreational Establishment' use of up to 2,128 square metres. However, as per Section 45(1.3) of the Planning Act, R.S.O. 1990, c.P.13 (the 'Planning Act'), an application for a variance from the provisions of a by-law is not permitted before the second anniversary of the day on which the by-law was amended, unless Council has declared by resolution that such an application is permitted. Since site-specific Zoning By-law 2019-35 was approved in March 2019, authorization from Council is required to permit the requested Minor Variance Application.

**REGULATORY CONTEXT:****Bill 73 "Smart Growth for Our Communities Act, 2015"**

On December 3, 2015, the Province of Ontario enacted Bill 73 "Smart Growth for Our Communities Act, 2015", which amended the Planning Act and the Development Charges Act, 1997. Several changes to the Planning Act came into force on July 1, 2016. One of the changes to the Planning Act is the introduction of a two year moratorium (or "freeze") on three types of amendments, subject to Council's discretion to provide relief from the prohibition:

1. Amendments of a new Official Plan;
2. Amendments of a new comprehensive Zoning By-law; and
3. Minor variances of a by-law that has already been amended for the land, building or structure.

The focus of this report is on the Planning Act change that prohibits applying for a minor variance of a by-law for two years following the passing of an owner-initiated zoning by-law amendment (item 3 above), unless permitted by Council resolution, as detailed below:

**Section 45 (1.2)**

*Subsection (1.3) applies when a by-law is amended in response to an application by the owner of any land, building or structure affected by the by-law, or in response to an application by a person authorized in writing by the owner. 2015, c. 26, s. 29 (2).*

**Section 45 (1.3)**

*Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).*

The only exception to this rule is where Council has declared by resolution, pursuant to Section 45 (1.4) of the Planning Act that an application can proceed. Section 45 (1.4) of



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the Planning Act allows Council to exempt by resolution a specific application, class of applications, or applications generally from the two year moratorium:

Section 45 (1.4)

*Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).*

**DISCUSSION AND CONCLUSION:**

Since the enactment of Bill 73 and the subsequent amendments to the Planning Act, the Planning and Urban Design Department have implemented an approach that assumes no Minor Variance Applications are permitted before the second anniversary of the day on which the by-law was amended, unless Council has declared by resolution that such an application is permitted. Staff can, and have, included a resolution in Recommendation Reports to permit Minor Variance Applications within two years of the enactment of an amending by-law. However, in this instance, the resolution was not requested by the Owner.

At the time of the passing of Zoning By-law 2019-35, the Owner's agent signed a Declaration Form which read "I am aware that no applications for minor variance for the subject property will be permitted within two (2) years of Council enactment of the zoning by-law amendment, without Council authorization of such application".

Given that the subject lands are occupied by a shopping centre with many individual non-residential condominium units, the space and use requirements of future tenants may change, triggering the need for Minor Variance Applications. In this case, a potential tenant of the King Square Shopping Centre is seeking a larger indoor playground facility and/or an indoor badminton facility.

Staff recommend that Council authorize the Owner to apply to the Committee of Adjustment for variances from the provisions of Zoning By-law 2019-35, before the second anniversary of the day on which the by-law was approved by Council. Any Minor Variance Application submitted for the subject lands will go through the standard review process, which involves an evaluation by Staff of the appropriateness of the Minor Variance Application, through the lens of the four tests set out by Section 45(1) of the *Planning Act*, and a decision by the Committee of Adjustment.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable.

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**BUSINESS UNITS CONSULTED AND AFFECTED:**

Not applicable.

**RECOMMENDED BY:**

Biju Karumanchery, MCIP, RPP  
Director of Planning & Urban Design

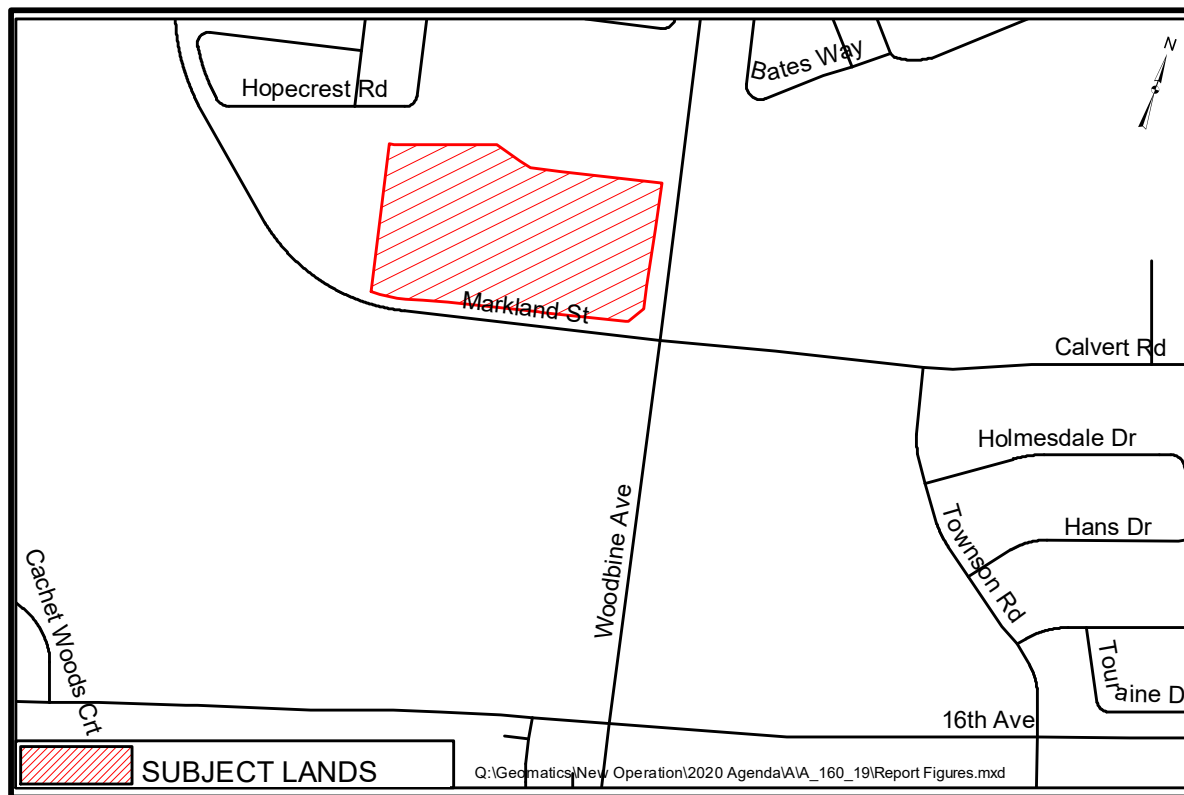
Arvin Prasad, MCIP, RPP  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1: Location Map

Appendix A: Letter from KLM Planning Partners Inc.

Appendix B: Minor Variance Sketch – Proposed Recreational Use





P-2943

December 24, 2019

City of Markham  
Development Services Committee  
101 Town Centre Boulevard  
Markham, Ontario  
L3R 9W3

**ATTENTION: Development Services Committee**

**RE: Minor Variance Application – Recreational Establishment Use  
King Square - 9390 Woodbine Avenue  
Markham Ontario, L6C 0M5  
Related File: ZA 18 176569**

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Members of Committee,

On behalf of our client King Square Ltd., and with respect to the above noted lands, KLM Planning Partners Inc. is pleased to submit for your consideration this request for a resolution to allow processing of a Minor Variance application by Markham's Committee of Adjustment.

The subject lands presently contain a three-storey, 31,899 square metre shopping centre with 1,373 parking spaces. A variety of uses are permitted within the shopping centre, however occupancy of the individual non-residential condominium units is ongoing, which presents some uncertainty as to anticipated user size within the development.

A site-specific zoning by-law (2019-35) was approved on March 19, 2019 which introduced a variety of additional permitted uses including "Recreational Establishment" use to a maximum GFA of 450 square metres. The recreational establishment use was sought to facilitate a potential indoor playground operation whose space requirements have since changed, and who now require an area of up to 2,128 square meters of GFA to accommodate their business. An indoor badminton facility is also being considered as an alternate or joint tenant. In review of the site-specific by-law, the materials leading to its approval, and location of the proposed use and the range of surrounding uses within the development, it is apparent that the maximum floor area for the playground (recreational) use was informed by the unit size shown at the time.

A parking memo (appended) has been prepared by WSP to assess the potential parking impact of replacing the area previously intended for a banquet hall use with the recreational establishment use – the review determined that the change in use would result in a parking surplus of 151 parking spaces due to the

difference in applicable parking ratios per Markham's Parking By-law 28-97 (1 space per 9 sq.m for a banquet hall, vs. 1 space per 25 sq.m for a recreational establishment).

Given that the most recent site-specific zoning by-law (2019-35) was approved on March 19, 2019, no application for minor variance can be submitted before the 2<sup>nd</sup> anniversary of the day of passage per section 45(1.3) of the Planning Act, unless Council declares a resolution that the application is permitted. As such, this letter has been submitted requesting a council declaration permitting the submitted Minor Variance application to move forward.

Appreciating the time taken to consider the request. We trust the above is sufficient, please do not hesitate to contact the undersigned with any questions.

Yours truly,

**KLM PLANNING PARTNERS INC.**

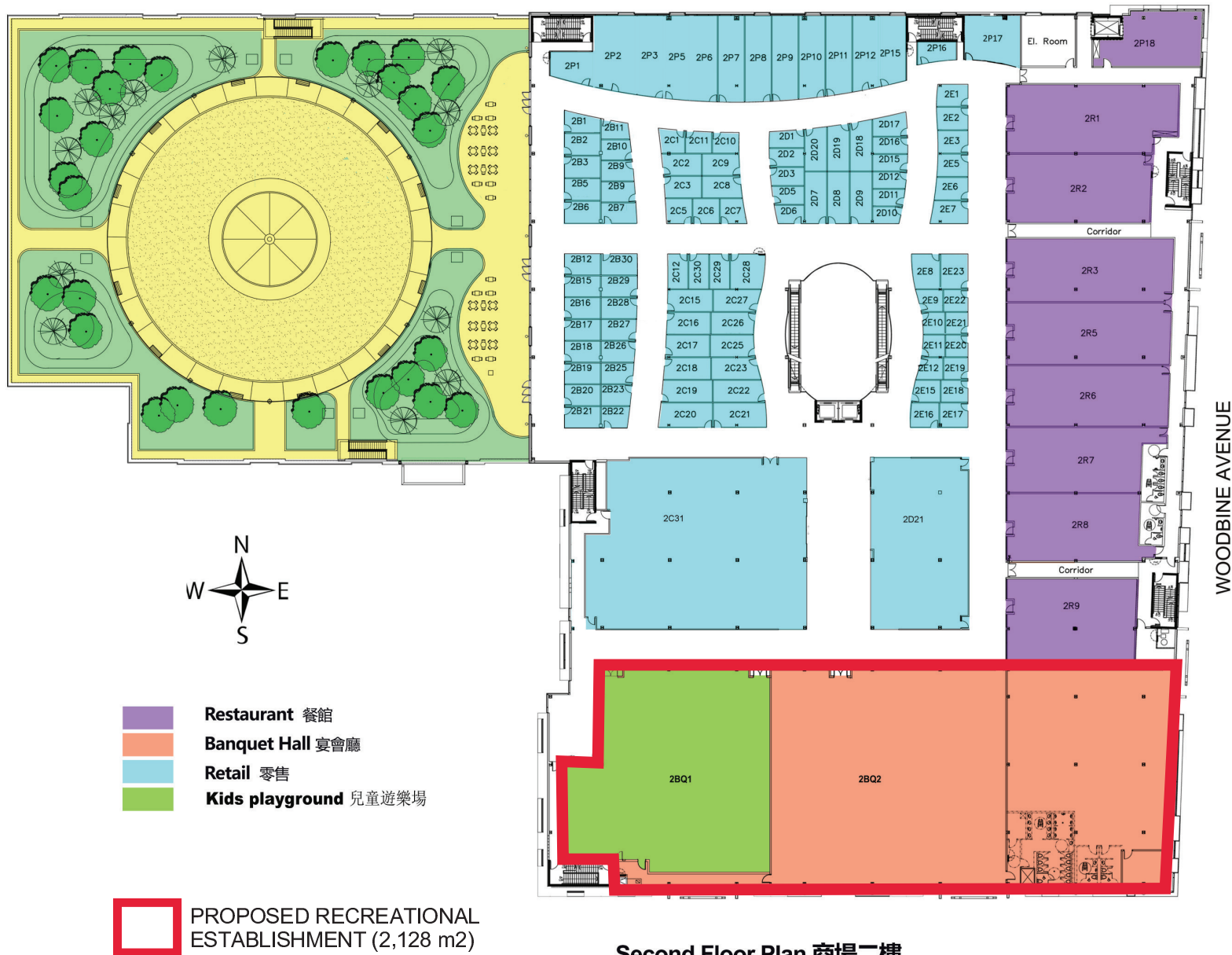


Billy Tung BES, MCIP, RPP  
PARTNER



Marshall Smith, BES, PMP, MCIP, RPP  
INTERMEDIATE PLANNER

# Minor Variance Sketch - Proposed Recreational Use





Report to: Development Services Committee

Meeting Date: February 10, 2020

**SUBJECT: RECOMMENDATION REPORT**

Applications for Official Plan and Zoning By-law Amendments submitted by Kingsberg Warden Developments Inc. to permit an 8-storey, 91 unit residential building on the lands municipally known as 3882 Highway 7 East (Ward 3)

**PREPARED BY:** Amanda Crompton, ext. 2621  
Planner II

**REVIEWED BY:** Stephen Lue, MCIP, RPP, ext. 2520  
Manager, Central District

**RECOMMENDATION:**

1. That the report entitled “RECOMMENDATION REPORT, Applications for Official Plan and Zoning By-law Amendments submitted by Kingsberg Warden Developments Inc. to permit an 8-storey, 91 unit residential building on the lands municipally known as 3882 Highway 7 East (Ward 3)”, dated February 10, 2020, be received;
2. That the Official Plan Amendment application submitted by Kingsberg Warden Developments Inc., to amend the 2014 Official Plan, be approved, and that the draft Official Plan Amendment attached as Appendix ‘A’ be finalized and enacted without further notice;
3. That the Zoning By-law Amendment application submitted by Kingsberg Warden Developments Inc., to amend Zoning By-law 118-79, as amended, be approved and that the draft Zoning By-law Amendment attached as Appendix ‘B’ be finalized and enacted without further notice;
4. That in accordance with the provisions of subsection 45 (1.4) of the *Planning Act, R.S.O. 1990*, as amended, the Owner shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of Zoning By-law 2020-XXX, before the second anniversary of the day on which the by-law was approved by Council; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

This report recommends approval of Official Plan Amendment and Zoning By-law Amendment applications submitted by Kingsberg Warden Development Inc. to provide for an eight-storey, 91-unit residential building on the lands municipally known as 3882 Highway 7 East.

The Official Plan Amendment proposes to redesignate the subject lands from 'Residential Mid Rise' to 'Residential High Rise' to allow for an increase in height and density. The Zoning By-law Amendment proposes to rezone the property to 'Residential Three (R3)' with site-specific development standards related to building height, maximum floor areas, separation distances, and the number of residential units.

Since the applications were first submitted in 2018, revisions to the proposed built form and massing were made to address comments from the public and City Staff. It is the opinion of Staff that the proposed Official Plan Amendment and Zoning By-law Amendment are appropriate and represent good planning. The proposal provides for infill residential development adjacent an existing transit route along an arterial road, in a manner that is compatible with the character and pattern of development in the surrounding area.

### **PURPOSE:**

This report recommends approval of Official Plan Amendment and Zoning By-law Amendment applications (the "Applications"), submitted by Kingsberg Warden Developments Inc. (the "Owner"), to permit an eight-storey and 91-unit residential building, consisting of 143 underground parking spaces (the "Development").

### **BACKGROUND:**

#### **Subject Lands and Area Context**

The 0.28 ha (0.7 ac) subject lands are located on the north side of Highway 7, east of Warden Avenue (the "Subject Lands"), as shown on Figure 1: Location Map. The Subject Lands have frontage of 38.4 m (126 ft) along Highway 7 East, a lot depth of approximately 147 m (482 ft), and currently contains a single-storey building occupied by the Markville Montessori Private School, as shown on Figure 2: Aerial Photo. The surrounding land uses include:

- North: existing single-detached dwellings and Tenbury Drive
- East: an existing place of worship
- South: high-rise residential developments (existing and proposed)
- West: an existing four-storey residential building

#### **Application Process**

- The Applications were deemed complete by staff on September 24, 2018
- The Development Services Committee ("DSC") received the Preliminary Report on December 11, 2018
- The Statutory Public Meeting was held on June 24, 2019
- The second submission was received by staff in November 2019

### **PROPOSAL:**

#### **Official Plan Amendment ("OPA")**

The Owner proposes a residential building consisting of 91-units on the Subject Lands, as shown on Figure 3: Conceptual Plan. The OPA proposes to redesignate the subject lands from 'Residential Mid Rise' to 'Residential High Rise' and allow for an eight-storey



building with a maximum floor space index (“FSI”) of 3.36. The draft Official Plan Amendment is attached as Appendix ‘A’.

### **Zoning By-law Amendment (“ZBA”)**

The ZBA proposes to delete the subject lands from By-law 75-98, as amended, incorporate the subject lands into By-law 177-96, as amended, and zone the subject lands ‘Residential Three (R3)’, with site-specific development standards related to building height, maximum floor areas, separation distances, and the number of residential units. The draft Zoning By-law Amendment is attached as Appendix ‘B’.

Since the initial submission of the Applications in September 2018, the Development has been revised by the Owner to address comments from the public and City Staff. Some key changes include the following:

- i) a reduced building height from 10-storeys with a mechanical penthouse (38.85 m) to eight-storeys without mechanical penthouse (29.5 m)
- ii) a corresponding reduced gross floor area (“GFA”) from 12,156 m<sup>2</sup> to 9,641 m<sup>2</sup> and density from 4.24 FSI to 3.36 FSI
- iii) an increased number of residential units from 80 to 91
- iv) an increased number of parking spaces from 120 to 143

The Owner expects to submit a future Site Plan Application in 2020 to facilitate the development of the Subject Lands.

### **PUBLIC CONSULTATION:**

A Public Meeting was held on June 24, 2019. Matters with respect to the Applications were identified through written submissions and comments made by the public and DSC members. The following is a summary of the matters raised to date:

- concerns with the proposed building height and density, with impacts to privacy, shadow and screening on neighbouring properties
- concerns with connection to Tenbury Drive and the provision for sufficient on-site parking to eliminate overflow parking on neighbouring properties

The Discussion section of this report outlines how these comments have been addressed or considered.

### **PLANNING POLICY AND REGULATORY CONTEXT:**

The Applications are subject to a planning policy framework established by the Province, Region of York and City of Markham under the *Planning Act, R.S.O. 1990*. The following section describes how the Applications meet the respective policies and regulations:

#### **Provincial Policy Framework**

##### Provincial Policy Statement, 2014 (the “2014 PPS”)

The 2014 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters include building strong healthy communities

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with an emphasis on efficient development and land use patterns, wise use and management of resources and protecting public health and safety.

The Subject Lands are located within a defined settlement area and designated for development in both the York Region and City of Markham Official Plans. Consistent with the policies of the 2014 PPS, the Development promotes infill intensification, which efficiently uses land, resources and infrastructure and supports alternative modes of transportation, including active transportation and transit. The Development would contribute to the mix of housing types in the area, which range from single-detached dwellings and townhouses to mid and high-rise buildings. Staff are satisfied that the Development is consistent with the 2014 PPS.

Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”)

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form.

The Subject Lands are located within the ‘Built-Up Area’, immediately north of an ‘Urban Growth Centre’ (Markham Centre), in the Growth Plan. The Growth Plan specifies minimum intensification targets to be accommodated in the delineated built-up area, with the objective of achieving complete communities that feature a mix of land uses and housing options, expanding convenient access to a range of transportation options, and fostering a compact built form and an attractive and vibrant public realm. Staff opine that the Development conforms to the Growth Plan as it promotes a range and mix of housing types, supports active transportation options, optimizes the use of existing infrastructure in a compact form.

The Planning Act

Section 45(1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law comes into effect. It also permits Council to pass a resolution to allow an applicant to apply for a minor variance(s) within two years of the passing of a by-law.

The Owner requests that Council grant exemption from subsection 45(1.4) of the *Planning Act*, which will permit applications for minor variances within two years of enactment of the amending by-law attached as Appendix ‘A’. Staff have no objection to this request as the detailed site plan and building elevations are in the conceptual design stage and may be refined at the future Site Plan Application stage triggering a minor variance request. Staff will have the opportunity to review the appropriateness of any requested minor variances should such applications be made in the future. This provision is included in the Resolution of Council.

## **Regional Policy Framework**

### York Region Official Plan (the “2010 ROP”)

The Subject Lands are designated ‘Urban Area’ on Map 1 of the 2010 ROP, which permits a wide range of residential, commercial, industrial, and institutional uses. The 2010 ROP sets out a minimum of 40% of all residential development in York Region to occur within the built-up area as defined by the Province’s Built Boundary in the Growth Plan. The Development is infill that supports the use of existing infrastructure, including an arterial road and existing transit. Staff are satisfied that the Development conforms to the 2010 ROP.

## **City of Markham Policy Framework**

### Existing Official Plan Designation

The Subject Lands are currently designated ‘Residential Mid Rise’ in the City’s 2014 Official Plan (the “2014 Official Plan”), as partially approved on November 24, 2017 and updated on April 9, 2018. The ‘Residential Mid Rise’ policies permit a broad range of residential uses in buildings ranging in height from three to six-storeys, with a maximum overall density of 2.0 FSI. The ‘Residential Mid Rise’ policies include development criteria directing height and density away from low-rise designations to frontages along arterial and major collector roads. Where buildings are located adjacent to areas designated for low-rise development, the angular plane test must be met. The Subject Lands are also subject to site-specific policy 9.19.9e), which restricts building heights to a minimum of two-storeys and a maximum of 3.5-storeys.

### Proposed Official Plan Amendment

Since the Development exceeds the maximum building height and density permissions of the ‘Residential Mid Rise’ designation, an OPA is required. The OPA application proposes to redesignate the Subject Lands to ‘Residential High Rise’ and allow for an eight-storey building with a maximum density of 3.36 FSI.

### Existing Zoning By-law

The Subject Lands are currently zoned ‘Medium Density Residential One – Hold (RMD1 (H))’ by By-law 118-79, as amended by By-law 75-98 and applies to the Subject Lands and the lands to the west, which are occupied by the Ellington Park condominium, as shown on Figure 2: Aerial Photo and Figure 4: Area Context/Zoning. By-law 75-98 permits the following:

- apartments and a broad range of commercial uses, requiring the following:
  - a minimum front yard of 12 m (39 ft)
  - a minimum lot area of 0.75 ha (1.8 ac)
  - a minimum rear yard of 17 m (56 ft)
  - a minimum side yard of 12 m (39 ft)
  - a maximum building height of 7.5 m (25 ft) within 15 m (49 ft) of side lot line and within 25 m of a rear lot line
  - a maximum building height of 15 m for the remainder of the lot
  - a maximum density of 60 units per hectare (24 units per acre)
- A Holding (H) provision applies until such time as a Site Plan or equivalent Development Agreement is executed

Staff understand that at the time of By-law 75-98 approval, the Subject Lands were proposed to be included in what is now the Ellington Park condominium development.

#### Proposed Zoning By-law Amendment

A ZBA application is required to rezone the Subject Lands to 'Residential Three (R3)' with site-specific development standards related to building height, maximum floor areas, separation distances, and the number of residential units.

#### **DISCUSSION:**

The following section identifies how the matters raised throughout the Applications review process, including those raised at the Public Meeting, have been resolved, based on the following themes:

1. Height and Massing
2. Vehicular Access and Parking
3. Site Grading and Servicing

#### **Height and Massing**

Members of the public expressed concern with the proposed building height. Local residents noted potential built form impacts, such as privacy and shadow concerns, given the proximity of the Development to an established low-rise residential community to the north and Ellington Park Condominium to the west.

Since the original submission in 2018, the Owner revised the Development to reduce the building height from 10-storeys (38.85 m) to eight-storeys (29.5 m). The Owner terraced the building to minimize shadow and privacy impacts to the low-rise residential community to the north and Ellington Park Condominium to the west. The building steps down from the south (eight-storeys) to the north (two-storeys) to ensure the tallest portion of the building is located adjacent a major arterial road (Highway 7 East), and away from the low-rise residential neighbourhood to the north. The building also steps down from the east (eight-storeys) to the west (two and four-storeys), to minimize shadow and privacy impact to the residents of Ellington Park Condominium. Additionally, the design calls for enclosed balconies and reduced glass exteriors to further minimize privacy concerns.

The Shadow Impact Study prepared by Graziani and Corazza Architects and submitted by the Owner, shows acceptable shadow impact to the established low-rise residential neighbourhood to the north, the existing Ellington Park Condominium to the west, and the existing place of worship to the east. Furthermore, at the ground level, the Owner proposes a mix of landscape (mixed tree, shrub and meadow plantings) to provide appropriate screening of the Subject Lands from the surrounding adjacent properties. Staff will review the landscape plan details through the future Site Plan Application.

#### **Vehicular Access and Parking**

The Development includes one vehicular access to the Subject Lands, being a right-in right-out access along Highway 7 East. In letters dated October 26, 2018, and October 24,

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2019, York Region recommended the addition of a second vehicular access to Tenbury Avenue. In response to the concerns raised by the neighbouring residents, the Owner does not propose a second vehicular access. However, to permit pedestrian porosity, the Development includes a pedestrian connection to Tenbury Avenue. As part of the review of the future Site Plan Application, the City and the Owner will engage York Region to resolve the vehicular access matter for the Subject Lands.

The Development meets the parking requirement standards of the Zoning By-law and therefore, the ZBA application does not contemplate an amendment to the parking standards. Two levels of on-site underground parking with 143 spaces will accommodate the residents and visitors and will eliminate overflow parking on neighbouring properties.

### **Site Grading and Servicing**

Through the review of the Applications, representatives of the place of worship identified their concerns with grading and impacts on the lands to the east. Though Engineering staff anticipate no grading impacts on the surrounding properties, staff will review the details of this matter during the future Site Plan Application process. Furthermore, the Engineering Department has not identified any concerns with respect to the servicing allocation. Final approval of a Functional Servicing Report will occur through the future Site Plan Application process.

### **Future Site Plan Application**

The development on the Subject Lands will require Site Plan Approval from the City of Markham. A Conceptual Plan (see Figure 3: Conceptual Plan) and perspective drawings (see Figure 5: Perspective-North East from Highway 7) were submitted in support of the OPA and ZBA applications to assist Staff with their review and evaluation; however, a formal Site Plan Application is required.

The future Site Plan Application process will include evaluation of the site plan layout, building elevations, landscape and tree planting, pedestrian connectivity, vehicular circulation and access, parking layout and location, interface with the surrounding existing and planned developments, sustainable initiatives, and parkland dedication or cash-in-lieu of parkland. The Owner anticipates submitting a Site Plan Application for the Subject Lands this year.

### **Exemption from Regional Approval**

In a letter dated October 26, 2018, York Region delegated approval authority for the OPA to the City of Markham. In a letter dated October 24, 2019, the Region further indicated that there was no objection to approval of the OPA.

### **CONCLUSION:**

It is the opinion of Staff that the proposed Official Plan Amendment and Zoning By-law Amendment are appropriate and represent good planning. The Development provides for infill residential intensification on the Subject Lands adjacent an arterial road with existing transit, and in a manner that is compatible with the character and pattern of development in the surrounding area. It is, therefore, recommended that the proposed amendment to the City's 2014 Official Plan, attached as Appendix 'A', and the proposed

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amendment to Zoning By-law 118-79, as amended, attached as Appendix 'B', be approved.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The Applications align with the City's strategic priorities of managing growth and municipal services to ensure safe and sustainable communities.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Applications have been circulated to various departments and external agencies, and no concerns were identified on the proposed Official Plan Amendment or Zoning By-law Amendment. The requirements of the City and external agencies for development on the Subject Lands will be addressed through the future Site Plan Application process.

**RECOMMENDED BY:**

Biju Karumanchery, MCIP, RPP  
Director of Planning & Urban Design

Arvin Prasad, MCIP, RPP  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1: Location Map

Figure 2: Aerial Photo

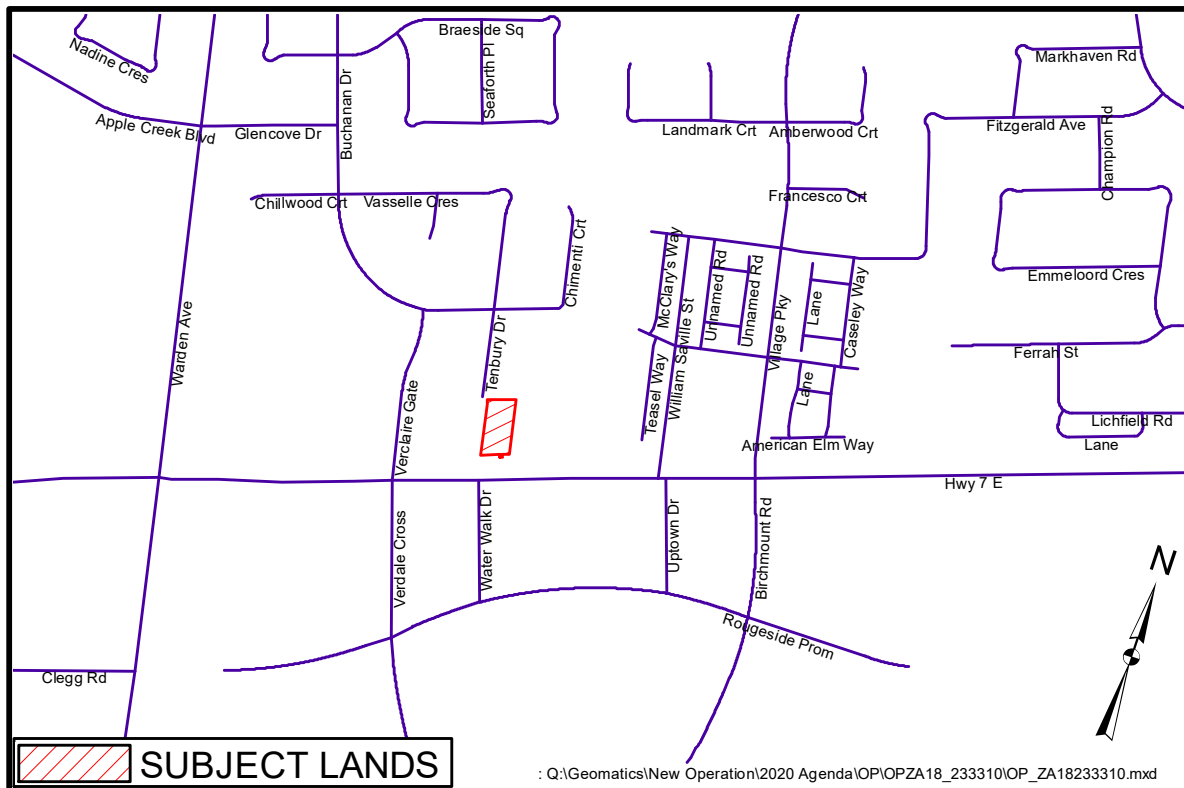
Figure 3: Conceptual Plan

Figure 4: Area Context/Zoning

Figure 5: Perspective Drawing

Appendix 'A': Draft Official Plan Amendment

Appendix 'B': Draft Zoning By-law Amendment







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# AIR PHOTO 2018

APPLICANT: KINGSBERG WARDEN DEVELOPMENTS INC.  
3882 HIGHWAY 7

FILE No: OP/ZA 18233310(AC)

  SUBJECT LANDS

DATE: 15/01/20



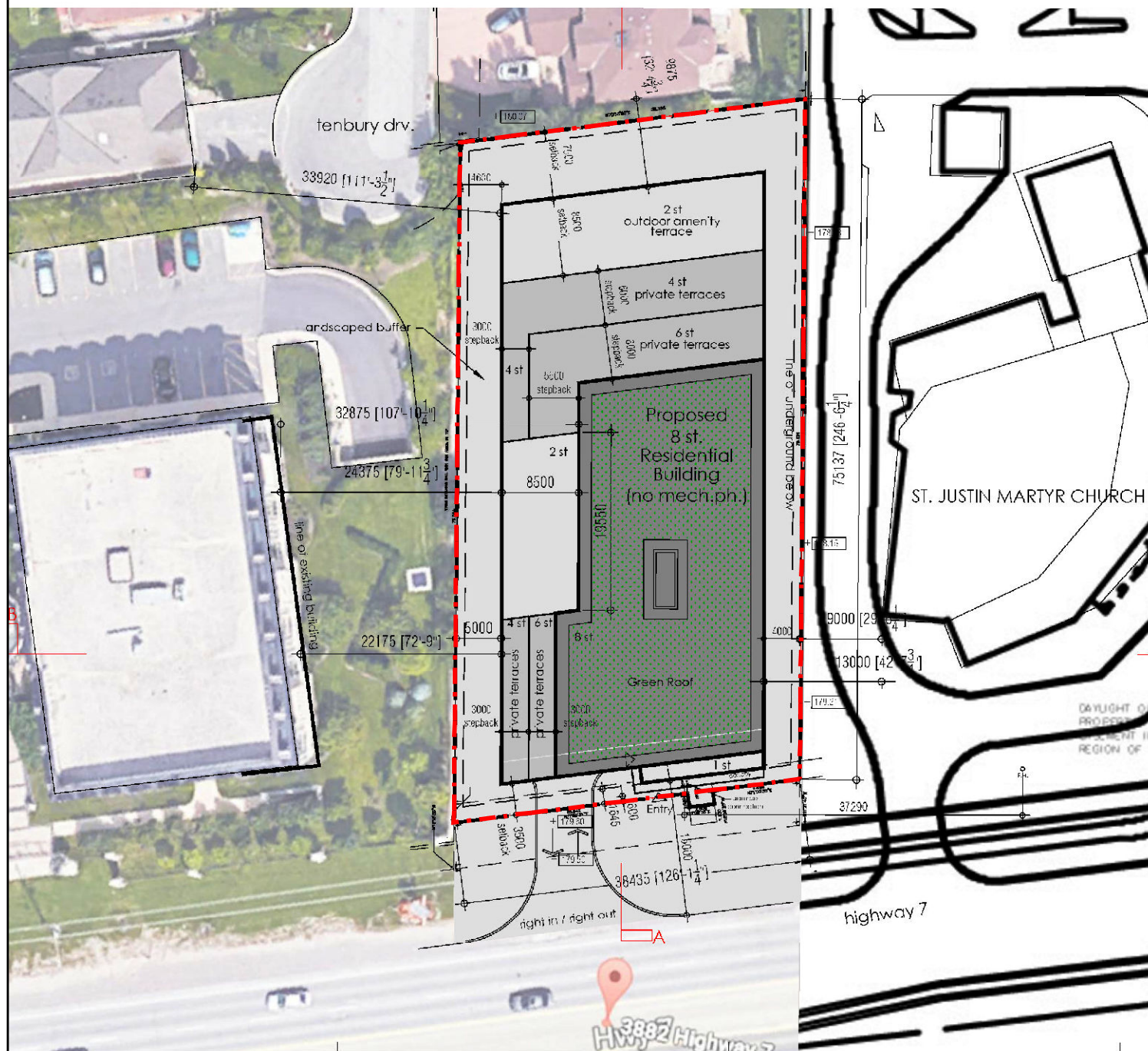
DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: AC

FIGURE No. 2





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# SITE PLAN

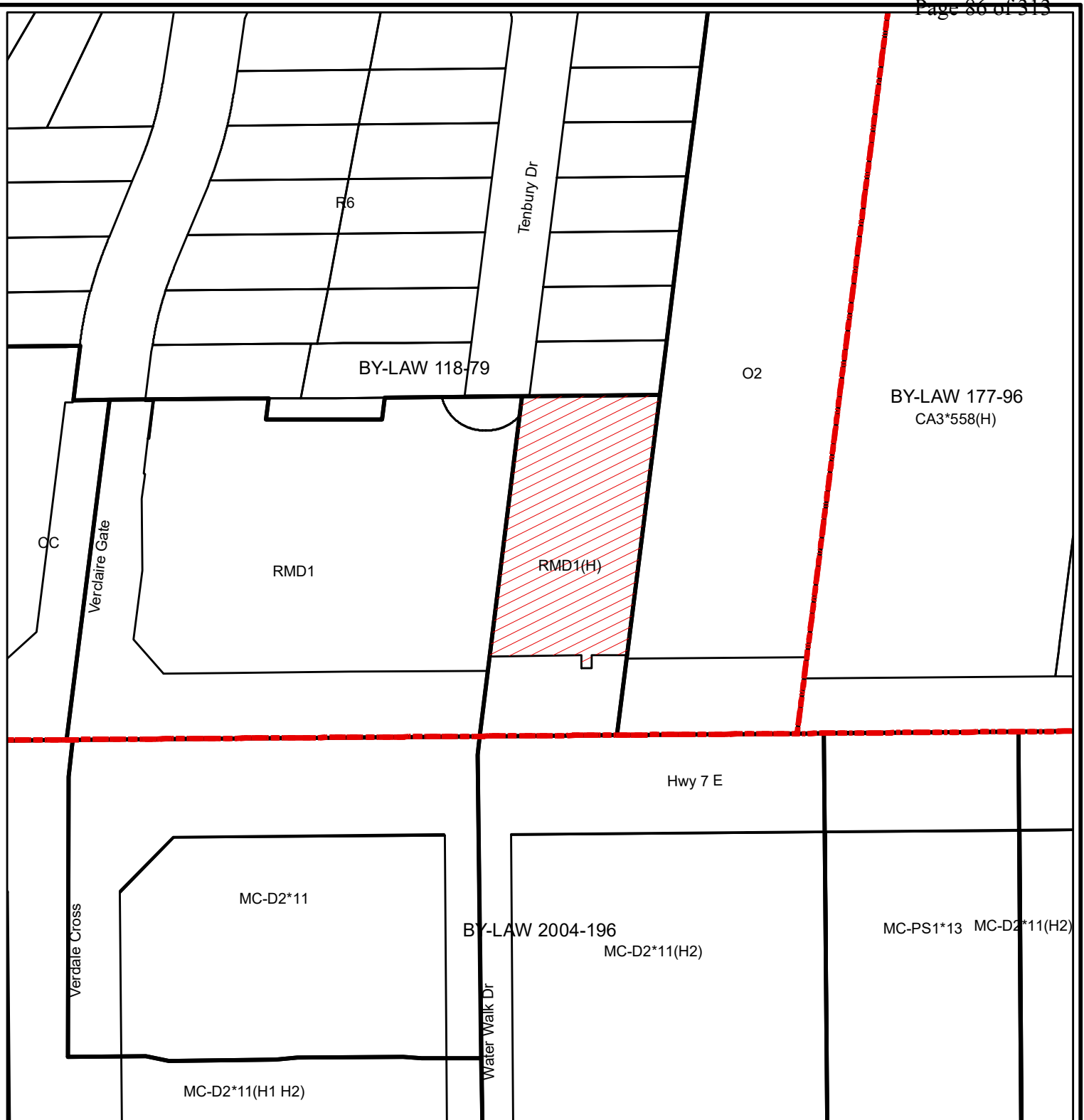
APPLICANT: KINGSBERG WARDEN DEVELOPMENTS INC.  
3882 HIGHWAY 7

FILE No: OP/ZA 18233310(AC)

  SUBJECT LANDS

DATE: 15/01/20

FIGURE No. 3



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# AREA CONTEXT/ZONING

APPLICANT: KINGSBERG WARDEN DEVELOPMENTS INC.  
3882 HIGHWAY 7

FILE No: OP/ZA 18233310(AC)

 SUBJECT LANDS

DATE: 15/01/20



DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: AC

FIGURE No. 4







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# PERSPECTIVE - NORTH EAST FROM HIGHWAY 7

APPLICANT: KINGSBERG WARDEN DEVELOPMENTS INC.  
3882 HIGHWAY 7

FILE No: OP/ZA 18233310(SH)



DATE: 15/01/20

**Appendix 'A'**

**CITY OF MARKHAM**

**OFFICIAL PLAN AMENDMENT NO. XXX**

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

(Kingsberg Warden Developments Inc.)

February 2020

**Appendix 'A'**

**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 City of Markham, By-law No. \_\_\_\_\_ - \_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the \_\_\_\_ th day of February, 2020.

\_\_\_\_\_  
Kimberley Kitteringham  
CITY CLERK

\_\_\_\_\_  
Frank Scarpitti  
MAYOR

## Appendix 'A'

**THE CORPORATION OF THE CITY OF MARKHAM****BY-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 FEBRUARY, 2020.

\_\_\_\_\_  
Kimberley Kitteringham  
CITY CLERK

\_\_\_\_\_  
Frank Scarpitti  
MAYOR

## Appendix 'A'

**CONTENTS****PART I - INTRODUCTION**

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**Appendix 'A'**

DRAFT

**PART I - INTRODUCTION**

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



## Appendix 'A'

**PART I - INTRODUCTION****1.0 GENERAL**

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule "A" attached thereto, constitutes Official Plan Amendment No. XXX to the Official Plan 2014, as amended. Part II is an operative part of this Official Plan Amendment.

**2.0 LOCATION**

The Amendment applies to lands comprising 0.28 hectares (0.70 acres) located on the north side of Highway 7 East, between Warden Avenue and Birchmount Road, as shown on Schedule "A" attached hereto. The lands are municipally known as 3882 Highway 7 East.

**3.0 PURPOSE**

The purpose of this Official Plan Amendment is to re-designate the subject lands from 'Residential Mid Rise' to 'Residential High Rise' to provide for a residential building with a maximum building height of 8 storeys. The amendment will also modify Section 9.19 to add a new site-specific policy applicable to the subject lands.

**4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

The subject lands are currently designed 'Residential Mid Rise' in the Official Plan 2014, and are subject to Area and Site Specific Policy 9.19.9 e), which restricts building heights to a maximum of 3.5 storeys.

This amendment will provide for an 8 storey residential building on the subject lands that is compatible with the character and pattern of development in the surrounding area. The proposal provides for residential intensification adjacent to an existing transit route along an arterial road (Highway 7 East). The proposed residential building steps down from 8 storeys on the north and west sides to ensure the tallest portion of the building is located adjacent to Highway 7 East, and away from the low rise residential neighbourhood to the north.

**Appendix 'A'**

DRAFT

**PART II - THE OFFICIAL PLAN AMENDMENT**

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

## Appendix 'A'

## 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 the subject lands from 'Residential Mid Rise' to 'Residential High Rise', as shown on Schedule "A" attached hereto.
- 1.2 Section 9.19 of the Official Plan 2014, as amended, is hereby amended by:
- a) Amending Section 9.19.1 to add a reference to a new section 9.19.13 in Figure 9.19.1 as follows:

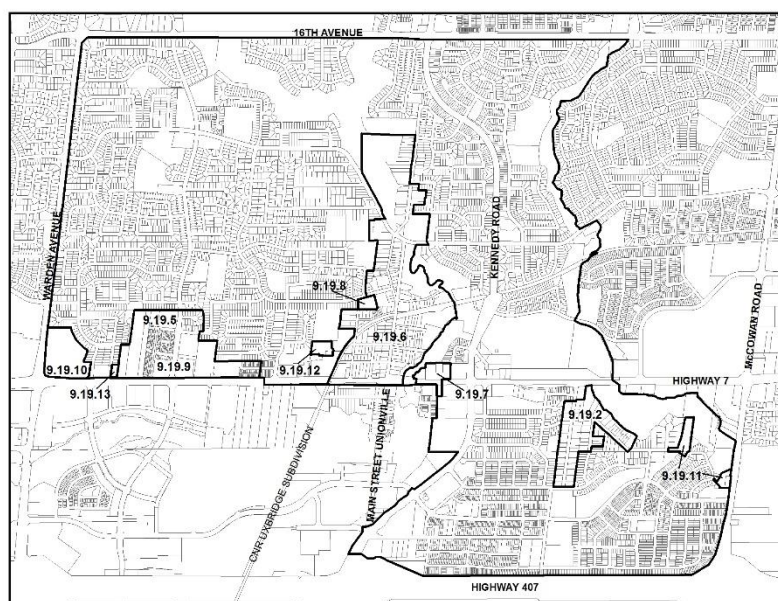


Figure 9.19.1

- b) Adding a new subsection 9.19.13 and Figure 9.19.13 as follows:

“9.19.13 3882 Highway 7 East

The following height and density provisions shall apply to the 'Residential High Rise' lands located at 3882 Highway 7 East as shown in Figure 9.19.13:

- a) The maximum building height shall be 8 storeys; and,  
 b) The maximum *floor space index* is 3.8.

## Appendix 'A'

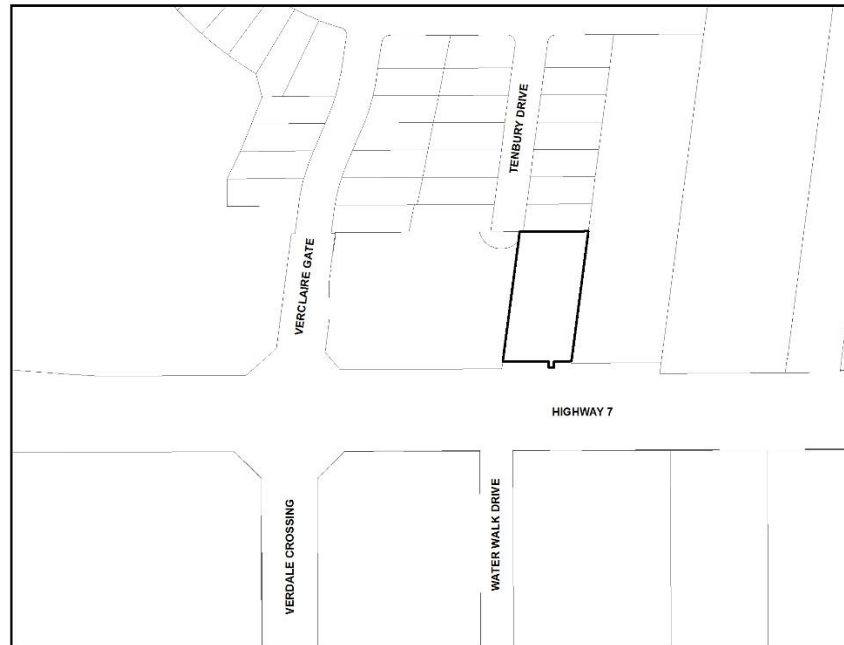


Figure 9.19.13”

- c) Removing the reference in Section 9.19.9(e) to 3882 Highway 7 East; and,
- d) Removing the hatching applied to 3882 Highway 7 East in Figure 9.19.9 as follows:



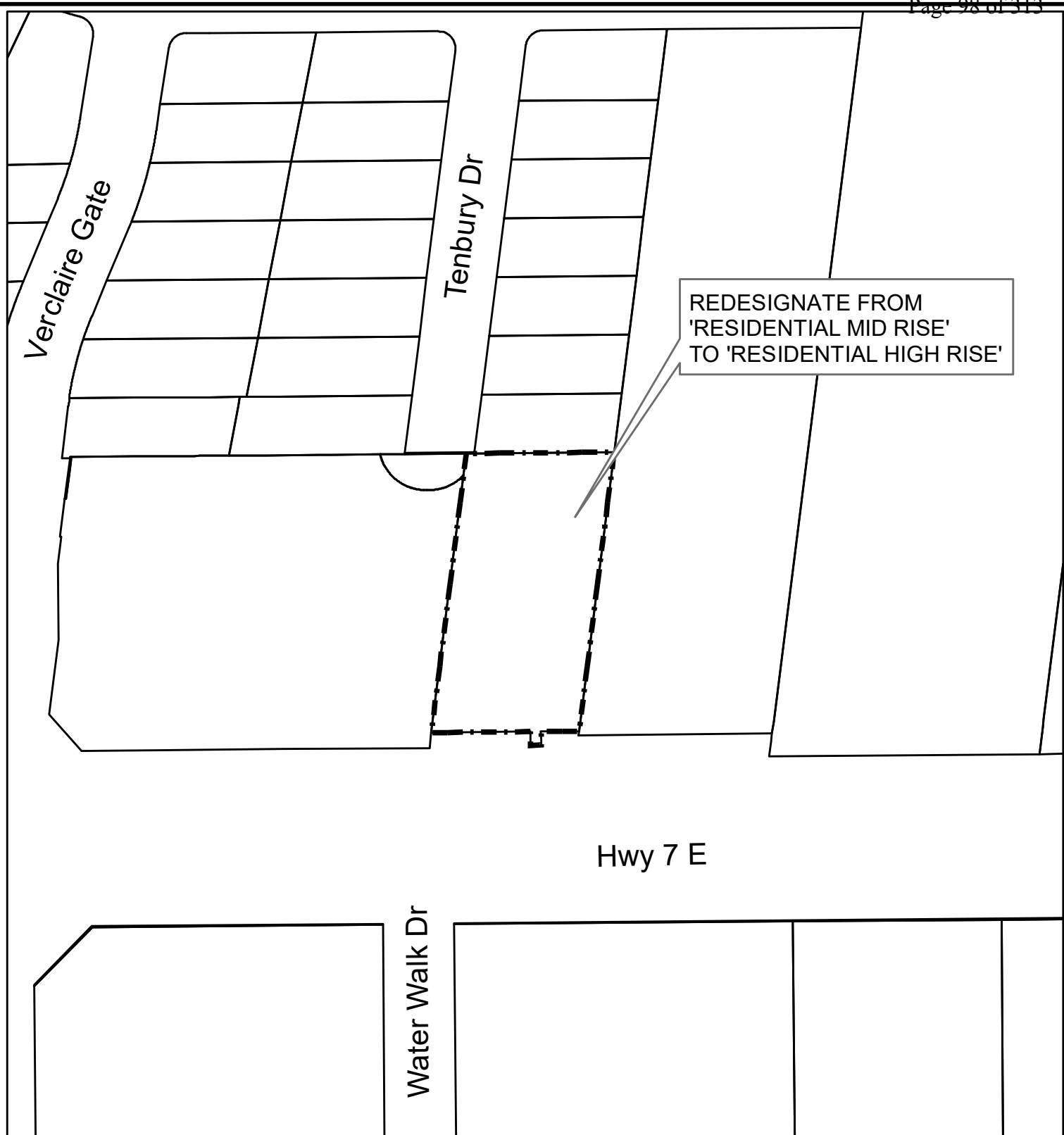
**Appendix 'A'****2.0 IMPLEMENTATION AND INTERPRETATION**

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

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

This Amendment to the City of Markham Official Plan 2014, as amended, is exempt from approval by the Region of York. Following adoption, 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 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.



# AMENDMENT TO MAP 3 - LAND USE CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT





BY-LAW 2020-\_\_\_\_\_

**A By-law to amend By-law 118-79, as amended by By-law 75-98**  
*(to delete lands from the designated areas of By-law 118-79)*  
**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 118-79, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated areas of By-law 118-79, as amended.
- 2. That 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 additional lands as shown on Schedule ‘A’ attached hereto.
  - 2.2 By zoning the lands outlined on Schedule ‘A’ attached hereto  
  
from:  
**Medium Density Residential One – Hold [RMD1(H)]**  
**under By-law 118-79, as amended**  
  
To:  
**Residential Three (R3\*645) Zone**  
**under By-law 177-96**
  - 2.3 By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.645	Kingsberg Warden Development Inc. 3882 Highway 97	Parent Zone R3
File ZA 18 233310		Amending By-law 2020-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 2020-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.645.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	The provisions of Table B5 shall not apply	
b)	Maximum <i>Floor Space Index (FSI)</i> – 3.8	
c)	Minimum required <i>rear yard</i> setback – 7.5 metres	
d)	Minimum required <i>front yard</i> setback – 1.6 metres	
e)	Minimum required <i>interior side yard</i> – 4.0 metres	
f)	Maximum <i>height</i> – 30.0 metres	
g)	Angular Plane means an imaginary line that originates from a <i>lot line</i> and inclines at an angle identified below, across the entire <i>lot</i> . No portion of a building or structure may extend above the angular plane i) <i>Rear lot line</i> – 45 degrees ii) <i>Westerly lot line</i> – 73 degrees	
h)	Notwithstanding g) ii) above, the maximum height of any portion of a building within 13.5 metres of the westerly side lot line, greater than 21.8 metres from the front lot line, and greater than 33.6 metres from the rear lot line, shall be 9.5 metres	

i)	the maximum number of <i>dwelling units</i> – 91
j)	Minimum <i>outdoor amenity space</i> of – 230 square metres
k)	Notwithstanding section 6.6.1.a.i, an architectural feature may encroach into the <i>required front yard</i> and be located 0.6 metres from the <i>front lot line</i>

3. SECTION 37 CONTRIBUTION

A contribution by the Owner to the City for the purpose of public art, in the amount of \$850.00 per residential unit in 2020 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*, as amended, shall be required.

A contribution by the Owner to the City for the purposes of facilities, services, or matters, in accordance with Section 37 of the *Planning Act*, as amended, shall be required in the amount of \$160,000 in 2020 dollars, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI).

Both 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.

Read and first, second and third time and passed on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

\_\_\_\_\_  
Frank Scarpitti  
Mayor





**EXPLANATORY NOTE**

**BY-LAW 2020-\_\_\_\_**  
**A By-law to amend By-law 177-96, as amended**

**Kingsberg Warden Development Inc.**  
**PLAN 4295 PT LOT 5 AND EXP PLAN YR2204201 PARTS 3 AND 4**  
**ZA 18 233310**

**Lands Affected**

The proposed by-law amendment applies to 0.28 hectares (0.70 acres) of land on the north side of Highway 7 East, west of Warden Avenue, and municipally known as 3882 Highway 7 East.

**Existing Zoning**

By-law 118-79, as amended, currently zones the subject lands “Medium Density Residential One - Hold [RMD1 (H)]”.

**Purpose and Effect**

The purpose and effect of this By-law is to delete the subject lands from the designated area of By-law 118-79, as amended, amend By-law 177-96 to incorporate the subject lands into the designated area of By-law 177-96, and to rezone the subject lands as follows:

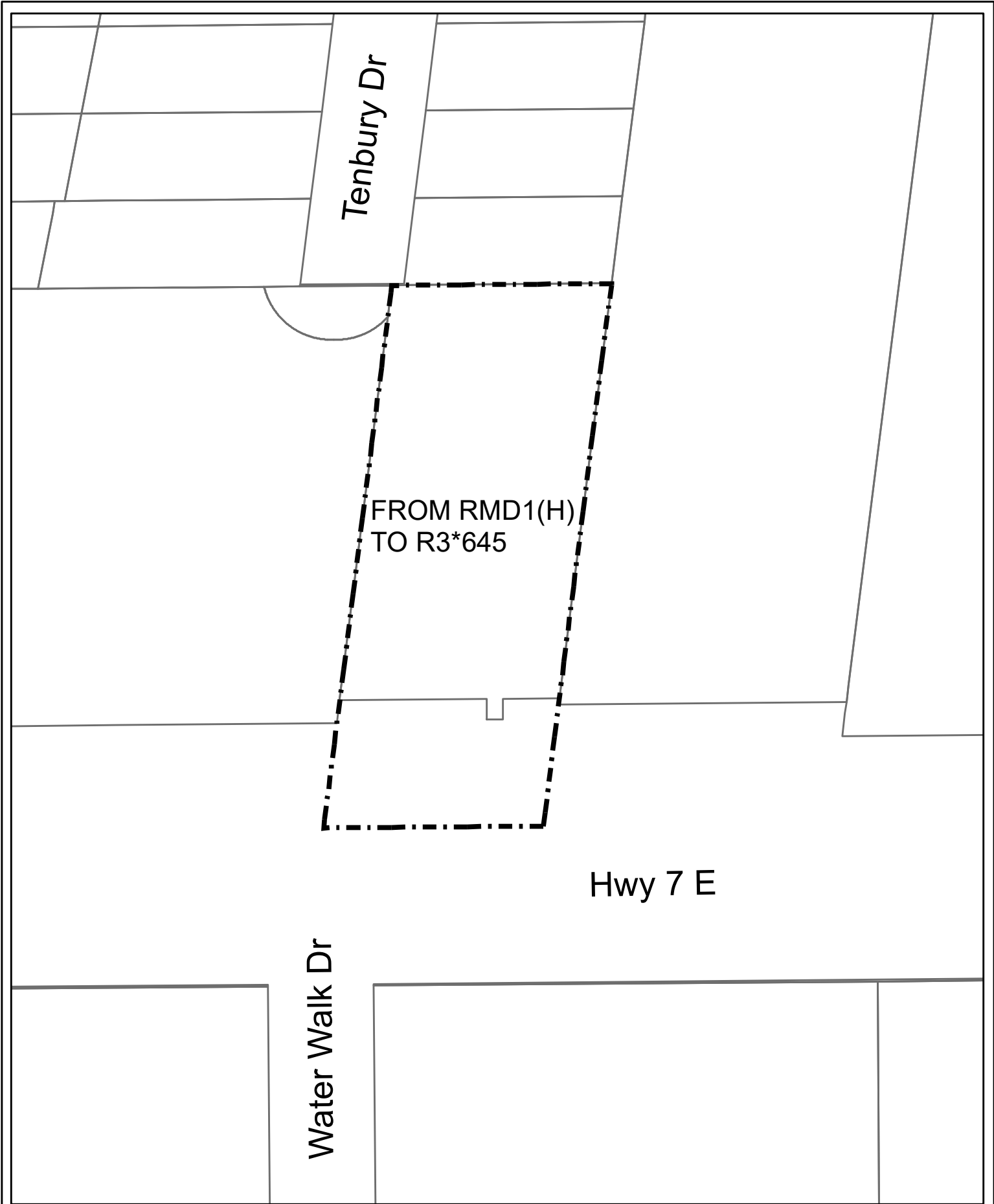
from:  
**Medium Density Residential One – Hold [RMD1 (H)]**  
**under By-law 118-79, as amended**

to:  
**Residential Three\*645 (R3\*645)**  
**under By-law 177-96**

in order to permit a residential development on the 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.



# SCHEDULE "A" TO BY-LAW

## AMENDING BY-LAWS 118-79 AND 177-96 DATED

- BOUNDARY OF AREA COVERED BY THIS SCHEDULE
- RMD1

Medium Density Residential One

(H)

Hold Provision
- R3

Residential Three
- \*No.

Exception Section Number

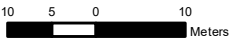


THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by -law, the information contained in the text of the zoning by -law of the municipality shall be deemed accurate.

Q:\Geomatics\New Operation\By-Laws\OPIOP\_ZA18233310\Schedule A.mxd



DEVELOPMENT SERVICES COMMISSION



Drawn By: RT    Checked By: AC    DATE:22/1/2020

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office



Report to: Development Services Committee

Meeting Date: February 10, 2020

**SUBJECT:** Award of RFP 195-R-19 Consulting Engineering Services for a Municipal Class Environmental Assessment Study for Elgin Mills Road from Prince Regent Street to McCowan Road (Wards 2, 5 and 6)

**PREPARED BY:** Andrew Crickmay, Senior Capital Works Engineer, Ext. 2065  
Marija Ilic, Manager, Infrastructure and Capital Works, Ext. 2136

**REVIEWED BY:** Alain Cachola, Senior Manager, Infrastructure and Capital Works, Ext. 2711

#### **RECOMMENDATION:**

1. That the report entitled “Award of RFP 195-R-19 Consulting Engineering Services for a Municipal Class Environmental Assessment Study for Elgin Mills Road from Prince Regent Street to McCowan Road (Wards 2, 5 and 6)”, be received; and,
2. That the Contract for RFP 195-R-19 Consulting Engineering Services for a Municipal Class Environmental Assessment Study for Elgin Mills Road from Prince Regent Street to McCowan Road be awarded to the highest ranked lowest priced bidder, Cole Engineering Group Limited in the amount of \$482,292.64, inclusive of HST; and,
3. That a 10% contingency in the amount of \$48,229.26, inclusive of HST, be established to cover any additional costs to deliver the Municipal Class EA Project and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
4. That an allowance in the amount of \$61,056.00, inclusive of HST, be established for permits and additional fees that may be required as part of the study; and,
5. That the Engineering Department Capital Administration Fee in the amount of \$71,242.01, inclusive of HST, be transferred to Revenue Account 640-998-8871 (Capital Admin Fees); and,
6. That the project cost of \$662,819.91 (\$482,292.64 + \$48,229.26 + \$61,056.00 + \$71,242.01) inclusive of HST, be funded from capital account 640-101-5699-19033 (Elgin Mills Municipal Class Environmental Assessment Study) with budget available of \$567,000; and

7. That the budget shortfall in the amount of \$95,819.91 (\$567,000 - \$662,819.91) be funded from the Development Charges Reserve; and
8. That the Regional Municipality of York be informed of Council's decision; and further
9. 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 Council approval to:

- Award contract 195-R-19 Consulting Engineering Services for a Municipal Class Environmental Assessment Study for Elgin Mills Road ("Elgin Mills EA Study") to Cole Engineering Group Limited ("Cole Engineering"), and
- Approve the increase in the 2019 Capital Budget 640-101-5699-19033 "Elgin Mills Road Municipal Class EA Project" in the amount of \$95,819.91, inclusive of HST, to be funded from the Development Charges Reserve

### **BACKGROUND:**

With the anticipated development in the North District (formerly known as the Future Urban Area or FUA) or North Markham Future Urban Area ("NM FUA"), the following regional and municipal roads, and intersections are required to be built or widened in order to accommodate the projected population growth:

**Table 1 - Roads**

<b>Road</b>	<b>Section</b>	<b>Jurisdiction</b>
Elgin Mills Road	Victoria Square Boulevard to approximately 1000m east of Kennedy Road	currently Markham, future York Region
Warden Avenue	Major Mackenzie Drive to 19 <sup>th</sup> Avenue	York Region
Kennedy Road	Major Mackenzie Drive to Elgin Mills Road	York Region
19 <sup>th</sup> Avenue	Woodbine Avenue to Warden Avenue	Markham

**Table 2 - Intersections**

<b>Intersection</b>	<b>Jurisdiction</b>
Elgin Mills Road and Victoria Square Boulevard	York Region
Elgin Mills Road and Warden Avenue	York Region
Elgin Mills Road and Kennedy Road	York Region
Woodbine Avenue and 19 <sup>th</sup> Avenue	York Region

The North District will also require internal collector roads, which were identified in the FUA Conceptual Master Plan. The NM FUA landowners are currently undertaking a Schedule C Municipal Class EA Study to confirm that proposed NM FUA collector road network, including roads that will intersect with Elgin Mills Road.

In addition, the City of Markham (“City”) completed the Municipal Class Environmental Assessment Study for the entirety of Victoria Square Boulevard in 2018 and is currently undertaking detailed design for improvements of the road, including the intersection with Elgin Mills Road.

### **OPTIONS/ DISCUSSION:**

The City completed the FUA Conceptual Master Plan Volume 2 – Transportation, Water, and Wastewater Master Plan in accordance with the Municipal Class Environmental Assessment, satisfying Class EA Phase 1 (Identify the Problem/Opportunity) and Class EA Phase 2 (Identify Alternative Solutions and Establish the Preferred Solution). The Elgin Mills Road corridor was included in the FUA Conceptual Master Plan (“CMP”) Volume 2.

With the City having completed Phase 1 and 2 of the EA Study for Elgin Mills Road (between Victoria Square Boulevard and 1000m east of Kennedy Road), the City is now carrying out the remaining Municipal Class EA Phases - Phase 3 (Identify Alternative Design Concepts for the Preferred Solution) and Phase 4 (Prepare an Environmental Study Report).

As the limit of the Elgin Mills EA Study extends easterly to McCowan Road and westerly to Prince Regent Street, Phases 1 through 4 will be completed for these sections under this study.

### **Bid Information (195-R-19)**

Bid closed on	December 5, 2019
Number picking up bid document	14
Number responding to bid	8

### **Proposal Evaluation**

The Evaluation Team was comprised of staff from the Engineering Department and facilitated by staff from the Procurement Department. The technical evaluation was based on pre-established evaluation criteria as outlined in the Request for Proposal: 5% qualifications and experience of the consulting firm, 15% qualifications and experience of the project manager and team, 15% demonstrated understanding of the project, 35% project methodology, schedule and work plan, and 30% price, totaling 100%.

<b>Bidder</b>	<b>Total Score (out of 100)</b>	<b>Rank Results</b>
Cole Engineering Group Ltd.	85	1

Note: Bid prices ranged from \$482,293 to \$937,102.75 (Incl. of HST).

Staff is recommending the highest ranked / lowest priced bidder as their proposal demonstrated their experience and capability to undertake projects of similar size and scope. They have a comprehensive understanding of the project requirements and provided a thorough methodology and work plan.

## FINANCIAL CONSIDERATIONS

Budget available	\$ 567,000.00	640-101-5699-19033 Elgin Mills Road Municipal Class EA Project
Less cost of award	\$ 426,833.44 \$ 45,792.00 \$ 9,667.00 \$ 482,292.64 \$ 48,229.26 \$ 560,521.90  \$ 61,056.00 \$ 71,242.01 \$ 662,819.91	Consulting Services (Incl. of HST) Allowances* Provisional Items ** Bid Price (Incl. of HST) Contingency @ 10% Cost of Award (Incl. of HST)  Permits / Additional Fees *** Engineering Admin Fees Total Project Cost
Budget remaining after award	(\$ 95,819.91)	*****

\*The allowances will cover the requirement for any additional topographic surveys and legal surveys.

\*\*The provisional items are for public facilitator services, preliminary foundation investigation and design report, and a structural design report.

\*\*\*The permits and additional fees includes TRCA review fees, EA notifications and public meeting rentals, legal fees, as well as additional studies/analyses deemed necessary as a result of findings during the EA Study (i.e. additional boreholes, tree inventory, Phase II ESA, slope stability, etc.)

\*\*\*\*Shortfall in the amount of \$95,819.91 will be funded from the Development Charges Reserve.

The original budget of \$567,000.00 was approved by Council on June 25, 2019 under the Elgin Mills Road Municipal Class Environmental Assessment Report. The approved budget was for a study area from Victoria Square Boulevard to 1000m east of Kennedy Road. After the project budget was approved, Staff was directed to change the scope by extending the study limit to McCowan Road.

## HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

## ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed work for Elgin Mills Road will be required to accommodate the proposed development of the North District. The North District expansion will accommodate a portion of Markham's growth to 2031 as identified in the Markham Official Plan 2014 and York Region Official Plan 2010.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Finance department was consulted and their comments have been addressed in this report.

**RECOMMENDED BY:**

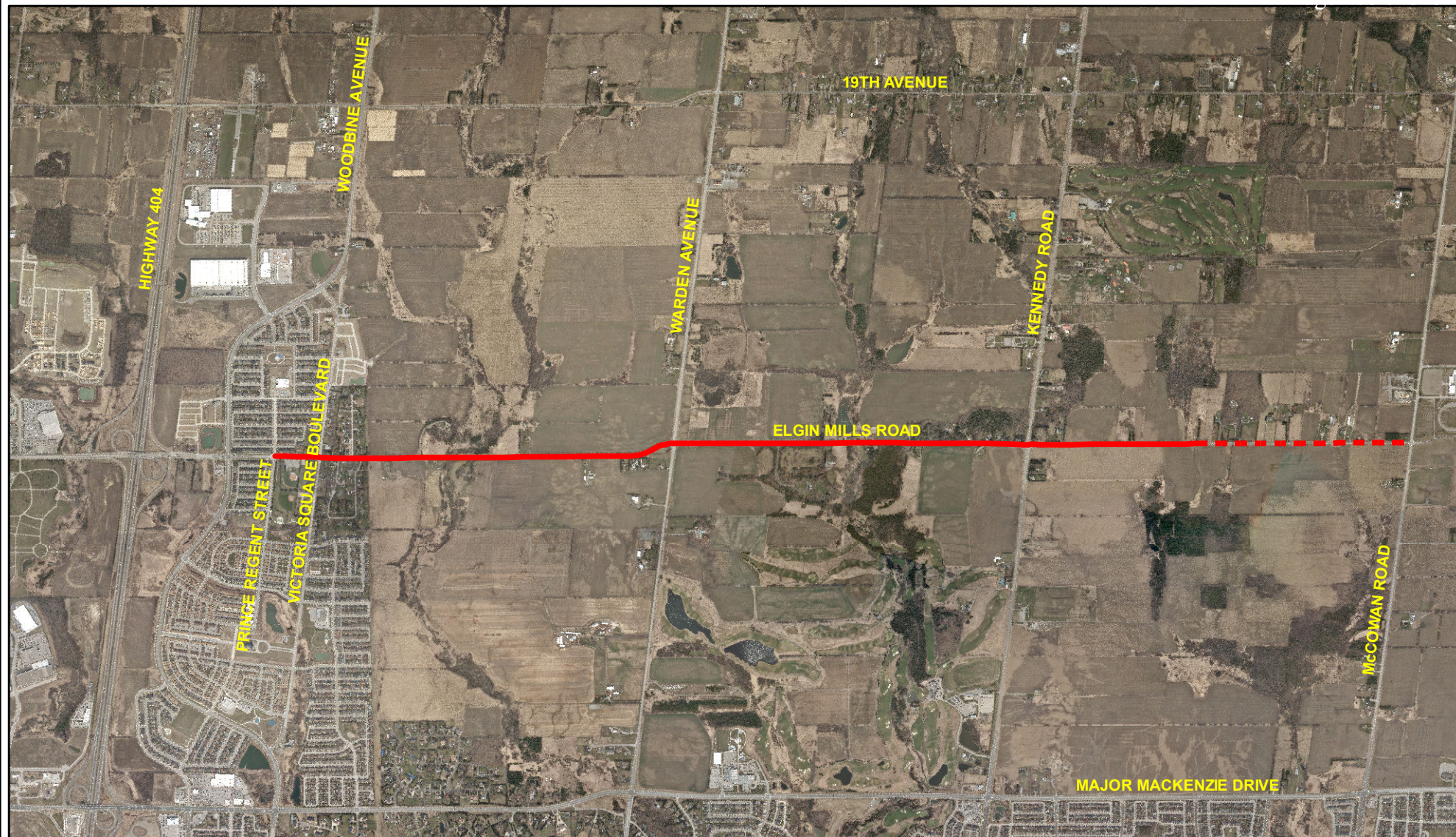
Brian Lee, P.Eng.  
Director of Engineering

Arvin Prasad, MCIP, RPP  
Commissioner, Development  
Services



**ATTACHMENTS:**

Figure 1 – Study Map, Elgin Mills Road





# ELGIN MILLS EA

-  Prince Regent Street to 1000m east of Kennedy Road
-  Extension to McCowan Road







Report to: Development Services Committee

Meeting Date: February 11, 2020

**SUBJECT:** Supplementary Report: City of Markham Comments on York Region's Draft Employment Framework – 2041 Regional Municipal Comprehensive Review

**PREPARED BY:** Marg Wouters, MCIP, RPP, Senior Manager, Policy & Research, ext 2909

### **RECOMMENDATION:**

1. That the report entitled “Supplementary Report: City of Markham Comments on York Region’s Draft Employment Framework – 2041 Regional Municipal Comprehensive Review” dated February 11, 2020 be received;
2. That the February 11, 2020 report entitled “Supplementary Report: City of Markham Comments on York Region’s Draft Employment Framework – 2041 Regional Municipal Comprehensive Review, which includes the report dated September 23, 2019 entitled “City of Markham Comments on York Region’s Draft Employment Framework – 2041 Regional Comprehensive Review” attached as Appendix ‘A’, as well as the direction from Development Services Committee regarding 11 requests for employment land conversion, be forwarded to York Region as Markham Council’s input to date on the Region’s 2041 Municipal Comprehensive Review;
3. That Council supports the consideration of the following additional request for the conversion of employment area lands to a non-employment land use, as described in Appendix ‘B’ to the February 11, 2020 report, in the 2041 Regional Municipal Comprehensive Review:
  - a) Neamsby Investments Inc, 5821 to 5933 14<sup>th</sup> Avenue;
4. That Council does not support the consideration of the following additional request for the conversion of employment area lands to a non-employment land use as described in Appendix ‘B’ to the February 11, 2020 report, in the 2041 Regional Municipal Comprehensive Review:
  - a) Varmo Investment Company, 108, 111-113, 112-118 Doncaster Ave;
5. That Council supports the staff-initiated conversion of the following additional employment areas lands for non-employment uses, as described in the September 23, 2019 report attached as Appendix ‘A’ to this report, as follows:
  - a) The parcel(s) municipally known as 110 Copper Creek Drive in Box Grove, as described in Appendix ‘E’ to the September 23, 2019 report; and
6. That staff be authorized and directed to do all things necessary to give effect to the resolution.

**EXECUTIVE SUMMARY:**

At the September 23, 2019 Development Services Committee meeting, a staff report providing comments on York Region's draft employment framework as part of the 2041 Municipal Comprehensive Review (MCR) was considered. Recommendations contained in the report, regarding 10 requests for employment land conversion, were referred to a Sub-Committee for further consideration and recommendation. This report brings forward the Sub-Committee's recommendations on those 10 conversion requests as well as an additional request, for a Development Services Committee recommendation. The staff recommendation for each of these requests remains unchanged from the September 23, 2019 report.

This report also provides staff recommendations on two additional conversion requests that were not received in time for Sub-Committee consideration, and brings forward a staff recommendation regarding a City-initiated conversion from the September 23, 2019 report. A summary of all 13 conversion requests, including staff and Sub-Committee recommendations, is provided in Table 1.

Regional Council is the approval authority for employment conversion requests. Regional staff are currently undertaking their own analysis of each of the conversion requests in Markham and elsewhere in York Region, and expect to bring forward their recommendations to Regional Council in early 2020.

It is recommended that the February 11, 2020 staff report, along with Development Services Committee recommendations on the 11 conversion requests considered by Sub-Committee, be forwarded to York Region as Markham Council's input to date on the Region's 2041 Municipal Comprehensive Review.

**PURPOSE:**

The purpose of this report is to bring forward the recommendations of the Development Services Sub-Committee regarding requests to convert certain employment area lands to non-employment uses. The report also provides recommendations on two additional requests for conversion that were not considered by Sub-Committee. The requests for conversion are being considered as part of the Region's 2041 Municipal Comprehensive Review (MCR).

**BACKGROUND:**

On September 23, 2019, Development Services Committee considered a staff report (attached as Appendix 'A' to this report) providing comments on the Region's Draft Employment Framework prepared as part of the 2041 MCR. The report contained recommendations on a number of requests for employment land conversion submitted to the Region as part of the MCR. Committee received the report but referred the consideration of staff's recommendations regarding the 10 conversion requests to a Sub-

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Committee for further discussion and a report with recommendations back to Development Services Committee.

The Sub-Committee held four meetings between October and early December 2019. At the meetings, both staff and the applicants presented their positions on the requests for conversion. In addition, at the November 8<sup>th</sup> Sub-Committee meeting an additional request for conversion, and an outstanding request for redesignation from 2013 were also considered.

The minutes of the Sub-Committee meetings were brought to the January 27, 2020 Development Services Committee meeting. The recommendations of the Sub-Committee as well as background information on the two additional matters dealt with by the Sub-Committee are provided below. In addition, staff recommendations are provided for two additional conversion requests not considered by Sub-Committee. A summary of all 13 conversion requests, including staff and Sub-Committee recommendations, is provided in Table 1.

#### **OPTIONS/ DISCUSSION:**

Regional Council is the approval authority for employment conversion requests. The Region imposed a deadline of November 29, 2019 for submission of conversion requests to be considered as part of the 2041 MCR. Regional staff are currently undertaking their own analysis of each of the conversion requests in Markham and elsewhere in York Region, and expect to bring forward their recommendations to Regional Council in early 2020. Development Services Committee recommendations on conversion requests in Markham will be considered as input to Regional staff recommendations. Following conclusion of the Region's 2041 MCR, employment land conversions cannot be considered until the next Regional MCR.

Following the direction given at the September 23, 2019 Development Services Committee meeting, the following Sub-Committee recommendations are brought forward for a recommendation.

#### **Sub-Committee Recommendations**

The Sub-Committee's recommendations on the 10 requests for conversion outlined in the September 23, 2019 staff report (see Appendix 'A'), as documented in the minutes of the Sub-Committee meetings of November 8<sup>th</sup> and December 3<sup>rd</sup> 2019, are as follows:

1. Markham Woodmills Development Inc – Hwy 404/Elgin Mills (Cathedral)

That a decision on the request for conversion submitted by Markham Woodmills Development Inc. for the lands located at the northeast corner of the intersection of Highway 404 and Elgin Mills Road be postponed until such time as the feasibility of access from Elgin Mills Road to the subject property is determined.

2. 162870 Ontario Ltd and 162871 Ontario Ltd (Tucciarone) – 2718 and 2730 Elgin Mills Road (Cathedral)

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That a decision on the request for conversion submitted by 1628740 Ontario Inc. and 1628741 Ontario Inc. for the lands located at 2718 and 2730 Elgin Mills Road be postponed until such time as the feasibility of access from Elgin Mills Road to the neighbouring properties to the west and northwest is determined.

3. Condor Properties Ltd, 2920 16<sup>th</sup> Avenue (Cachet)

That a decision on the request for conversion submitted by Condor Properties Ltd for the lands located at 2920 16<sup>th</sup> Avenue be postponed for further consideration of the feasibility of securing affordable, purpose-built rental, and/or seniors housing as well as significant retention of on-site employment and acceleration of the Highway 404 overpass.

4. Wemat Group - Hwy 7/Hwy 404 (Commerce Valley/Leitchcroft)

That a decision on the request for conversion submitted by The Wemat Group for the lands located at the southwest corner of the intersection of Highway 7 and Highway 404 be postponed to allow for the submission of a revised development concept plan to be considered at a future meeting.

5. Belfield Investments Ltd - Hwy 407/Woodbine Ave (Rodick Road)

The Development Services Sub-Committee not support the request for conversion submitted by Belfield Investments Inc. for the lands located at 8050 Woodbine Avenue, consistent with Recommendation 4.d. of the September 23, 2019 report to Development Services Committee entitled "City of Markham Comments on York Region's Draft Employment Framework - 2041 Regional Municipal Comprehensive Review".

6. Wu's Landmark/First Elgin Developments Ltd - 10900 Warden Ave and 3450 Elgin Mills Rod (ROPA3 – FUA Employment Block)

That the Development Services Sub-Committee supports the deferral of Council's consideration of the request for conversion submitted by Wu's Landmark/First Elgin Mills Development Inc. for the lands located at 10900 Warden Avenue and 3450 Elgin Mills Road through the Future Urban Area Employment Block Secondary Plan study, consistent with Recommendation 3.b. of the September 23, 2019 report to Development Services Committee entitled "City of Markham Comments on York Region's Draft Employment Framework - 2041 Regional Municipal Comprehensive Review".

7. Meadow Park Investments Inc – 77 Anderson Avenue (Mount Joy Business Park)

That the Development Services Sub-Committee supports the deferral of Council's consideration of the request for conversion submitted by Meadow Park Investments Inc. for the lands located at 77 Anderson Avenue to the Markham Road-Mount Joy Secondary Plan study, consistent with Recommendation 3.a. of the September 23, 2019 report to Development Services Committee entitled "City of Markham Comments on York Region's Draft Employment Framework - 2041 Regional Municipal Comprehensive Review".

8. Norfinch Construction (Toronto) Ltd (Cornell)

That the Development Services Sub-Committee supports the deferral of Council's consideration of the request for conversion submitted by Norfinch Construction Ltd. for the lands located at 7485 Highway 7 to the Cornell Centre Secondary Plan study and Markham Sub-Committee, consistent with Recommendation 3.d. of the September 23, 2019 report to Development Services Committee entitled "City of Markham Comments on York Region's Draft Employment Framework - 2041 Regional Municipal Comprehensive Review".

9. Cornell Rouge Development Corporation, Varlese Brothers Limited, 2432194 Ontario Inc., and 2536871 Ontario Inc., 7386-7482 Highway 7, 8600-8724 Reesor Road

That the Development Services Sub-Committee support the deferral of Council's consideration of the request for conversion submitted by Cornell Rouge Development Corporation, Varlese Brothers Ltd., 2432194 Ontario Inc. and 2536871 Ontario Inc. for the lands located at 7386-7482 Highway 7 and 8600-8724 Reesor Road to the Cornell Centre Secondary Plan study and Markham Sub-Committee, consistent with Recommendation 3.c. of the September 23, 2019 report to Development Services Committee entitled "City of Markham Comments on York Region's Draft Employment Framework - 2041 Regional Municipal Comprehensive Review".

10. Primont Homes and Cornell Rouge Development Corp – Hwy 7 (Cornell)

That the Development Services Sub-Committee support the request for conversion submitted by Primont Homes and Cornell Rouge Development Corporation of the lands located at the northwest corner of Highway 7 and Donald Cousens Parkway, consistent with Recommendation 2.a. of the September 23, 2019 report to Development Services Committee entitled "City of Markham Comments on York Region's Draft Employment Framework - 2041 Regional Municipal Comprehensive Review".

**Additional Conversion Request Considered by Sub-Committee**

At the November 8, 2019 Sub-Committee meeting, an additional conversion request received by the Region in October 2019 nor a 1.1 ha parcel at 136 Markland Street, was also considered. The lands are identified and described in further detail in Appendix 'B', and staff and Sub-Committee recommendations are provided below.

11. King Square Ltd, 136 Markland Street (Cachet)

**Applicant request and justification:** To allow the property to be developed with a building that would contain a mix of uses, including employment uses (office, personal service etc), residential uses, and potentially community uses. The applicant justification is that the building as proposed would maintain an employment function while adding complementary residential uses, and that the Business Park uses are not likely to locate on the site given its size and irregular configuration. A planning justification letter was submitted addressing the Growth Plan and Region's employment conversion criteria.

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**Staff recommendation and comments:** Staff do not support the request for the following reasons:

- The subject lands are located within the portion of the viable Cachet employment area that extends along the west side of Markland Street from 16<sup>th</sup> Avenue to Major Mackenzie Drive. Although the net developable area of the parcel is likely less than a hectare, allowing residential uses on these lands would compromise the viability of this employment area northward and southward of the property by, among other things, increasing land values.
- Staff also note that the subject lands are immediately north of the 5.9 ha lands which Condor Properties are seeking to convert. The King Square request is an example of staff's concern with conversion 'creep' or 'domino effect', i.e., having employment land owners seek the same non-employment use permissions when adjacent properties are approved for conversion.

At the November 8, 2019 Sub-Committee meeting, the applicant for King Square Ltd presented their position and staff presented their recommendation to not support the conversion request.

Consideration of this request, along with the adjacent Condor Properties request to the south, was deferred to an additional Sub-Committee meeting held on December 3, 2019 at which the surrounding land use context, road network, and development activity in the vicinity were to be considered. The December 3, 2019 Sub-Committee recommendation, consistent with the recommendation for the Condor Properties request, is as follows:

11. That a decision on the request for conversion submitted by King Square Ltd for the lands located at 136 Markland Street be postponed for further consideration for the feasibility of securing affordable, purpose-built rental, and/or seniors housing as well as significant retention of on-site employment and acceleration of construction of the Highway 404 overpass.

### **Status of Conversion Requests from the 2031 MCR/Markham Official Plan 2014**

As part of the presentations to Sub-Committee, staff provided an update on the status of conversion requests approved in 2013 as part of the City's 2031 MCR. Of the 12 applications received, involving 116-149 hectares of employment lands, 8 applications (70 ha) were approved for conversion at the time. For the applications approved for conversion, the employment land designation in the Official Plan 2014 was shown as 'deferred' pending confirmation of an alternate non-employment designation through adoption of a site-specific official plan amendment.

Of the 8 approved applications, two were approved for solely residential uses (low-rise) and six applicants committed to making up lost jobs by delivering the equivalent or more jobs (mainly office and retail) on mixed use or remaining employment lands. As of late 2019, three draft plans of subdivision for low-rise residential were under review and one had been approved. Two site plan applications for residential development were also under review. No site plan applications for office or other non-residential uses had yet been received for any of the conversions supported by Council.

Catholic Cemeteries (OP 13-116842)

As mentioned in the September 23, 2019 report, one of the remaining outstanding requests for conversion/redesignation received in 2013 was for the 22 ha Catholic Cemeteries lands at 3010 and 3196 19<sup>th</sup> Avenue (see location map in Appendix 'C').

Prior to the adoption of the new Official Plan in 2013, Markham Council resolved to defer consideration of the application for two years to allow staff to work with the applicant to identify a mutually-agreeable alternate location for the proposed use. The lands are designated 'Future Employment Area' in the Official Plan with a 'Deferral' symbol linked to a site-specific policy to that effect.

Although the Mayor and staff have been working with Catholic Cemeteries since that time, an appropriate alternate location has not yet been identified.

It should be noted that in 2016 the Region undertook a Cemetery Needs Analysis and Policy Framework Study as input to the land needs analysis for the 2041 MCR. The study looked at cemetery needs Region-wide and found that York Region had a sufficient cemetery land capacity to accommodate 35-60 years of resident (York Region) and non-resident (outside York Region) demand. Although cemetery land shortfalls were identified for certain municipalities, Markham was not among them, and although Roman Catholics were identified as a user group with a Region-wide cemetery land shortfall, the study found that Markham already accommodated a large share of York Region's total cemetery lands, including Catholic cemeteries.

At the November 8, 2019 Sub-Committee meeting, a representative for Catholic Cemeteries sought Council direction on the outstanding application. The Sub-Committee recommendation was that staff meet with the applicant prior to the end of 2019 to discuss options for either identifying a potential mutually-agreeable location for a cemetery, or proceeding with the processing of the Official Plan amendment application, prior to reporting back to Council. Staff met with the applicant in December 2019 and are continuing to work with the applicant to seek alternate sites for the cemetery.

**Additional conversion requests not considered by Sub-Committee**

In a March 2019 Regional staff report dealing with employment land conversions, an additional request for conversion was identified which was not included in the September 23, 2019 Markham staff report, or considered by Sub-Committee. This request, submitted by Neamsby Investments for lands on the south side of 14<sup>th</sup> Avenue between Middlefield Rd and Markham Rd, has been revived and is described in further detail in Appendix 'B' to this report. Staff supports this conversion request for the reasons outlined in the assessment below.

12. Neamsby Investments Inc, 5821 to 5933 14<sup>th</sup> Avenue (Armadale)

**Applicant request and justification:** To redesignate the 3.75 ha lands from employment to allow for residential uses. The applicant justification is that the lands are the only remaining employment lands on the south side of 14<sup>th</sup> Avenue and that they directly abut an existing and emerging residential neighbourhood.

**Staff recommendation and comments:** Staff support this request for the following reasons:

- these employment lands are the lands that remained after a larger 22 ha employment area south of 14<sup>th</sup> Avenue was approved for conversion to residential uses during the City's 2031 MCR. These remnant employment area lands are separated from the Armadale employment area to the north by 14<sup>th</sup> Avenue, and non-employment uses on the lands would not affect the viability of the employment lands north of 14<sup>th</sup> Avenue.
- the location of the lands on an arterial road in close proximity to a community centre and a major shopping centre would be suitable for a mixed use designation allowing for intensive commercial (e.g., office) and residential uses, particularly residential uses that achieve other Official Plan objectives, such as affordable housing.
- Council should also have regard for the Growth Plan requirement that redevelopment of employment lands should maintain or retain space for a similar number of jobs on the lands; provision of some type of employment in the form of small scale offices would be consistent with Council's recommendation in 2013.

A second additional request for conversion was submitted to the Region in late November 2019 for lands on Doncaster Avenue in the Thornhill employment area. The submission was made prior to the Region's November 29, 2019 deadline for accepting employment conversion requests to be considered as part of the 2041 MCR. Markham staff do not support the conversion request for the reasons outlined in the assessment below.

### 13. Varmo Investment Company, 108, 111-113 and 112-118 Doncaster Avenue (Thornhill)

**Applicant request and justification:** To redesignate the 0.94 ha lands (3 parcels) from employment to allow for residential uses (townhouses and stacked townhouses). The applicant justification is that a large retail presence along Doncaster Avenue makes it appear to function as a retail street rather than an employment area, and conversion of the lands to residential uses would be consistent with their location close to a school and park and at the end of a retail street. A planning justification letter was submitted outlining the applicable official plan and zoning designations.

**Staff recommendation and comments:** Staff do not support this request for the following reasons:

12. The subject lands are located within the portion of the Thornhill employment area that extends along both sides of Doncaster Avenue from just east of Yonge Street to just west of Henderson Avenue, and extending northward to Glen Cameron Rd. Although the total net developable area of the 3 parcels is about a hectare, allowing residential uses on these lands would compromise the viability of the employment area lands northward and southward of the property by, among other things, increasing land values.



**Recommendation**

The staff recommendations for the requests considered by Sub-Committee remain unchanged from the September 23, 2019 report. The Sub-Committee recommendations are being brought to Development Services Committee through this report for a decision.

It is recommended that the February 11, 2020 staff report, along with Development Services Committee recommendations on the 11 conversion requests considered by Sub-Committee, be forwarded to York Region as Markham Council's input to date on the Region's 2041 Municipal Comprehensive Review.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

This report relates to the Safe and Sustainable Community priority of Building Markham's Future Together.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Planning & Urban Design and Economic Development departments have been consulted regarding the recommendations of this report.

**RECOMMENDED BY:**

Biju Karumanchery  
Director, Planning and Urban Design

Arvin Prasad, Commissioner of  
Development Services

**ATTACHMENTS:**

Table 1 - Summary of Employment Land Conversion Considerations in Markham

Appendix 'A'- September 23, 2019 Staff Report entitled "City of Markham Comments on York Region's Draft Employment Framework – 2041 Regional Municipal Comprehensive Review"

Appendix 'B' - Location Map and Description for Additional Employment Conversion Request - King Square Ltd, Neamsby Investments Ltd, Varmo Investment Company

Appendix 'C' - Catholic Cemeteries Lands at 3010 and 3196 19<sup>th</sup> Avenue

<b>Table 1: Summary of Employment Land Conversion Considerations in Markham</b>				
	<b>Landowner (Employment Area)</b>	<b>Employment Area Proposed for Conversion/Redesignation (ha)</b>	<b>Staff Recommendation (Sept 23, 2019)</b>	<b>Subcommittee Recommendation (Dec 3, 2019)</b>
	<b>Submissions Considered by Subcommittee</b>			
1.	Markham Woodmills (Cathedral)	1.9	Do not support	Postpone decision, pending access resolution
2.	1628740 Ontario Inc. (Cathedral)	1.0	Support only if access to Elgin Mills Rd remains restricted	Postpone decision, pending access resolution
3.	Condor Properties (Cachet)	5.9	Do not support	Postpone decision, pending feasibility of affordable housing
4.	The Wemat Group (Commerce Valley/Leitchcroft)	17.1	Do not support	Postpone decision, pending revised development concept
5.	Belfield Investments (Rodick Road)	3.3	Do not support	Do not support
6.	Wu's Landmark / First Elgin Mills Developments (ROPA3)	29.0	Defer to Secondary Plan	Defer to Secondary Plan
7.	Meadow Park Investments (Mount Joy Business Park)	0.4	Defer to Secondary Plan	Defer to Secondary Plan
8.	Norfinch Construction (Cornell)	0.75	Defer to Secondary Plan	Defer to Secondary Plan
9.	Cornell Rouge Development, Varlese Brothers et al (Cornell)	17.9	Defer to Secondary Plan	Defer to Secondary Plan
10.	Primont Homes and Cornell Rouge Development (Cornell)	1.0	Support, as per Council 2013 decision	Support, as per Council 2013 decision
11.	King Square (Cachet) <i>(introduced at Nov 8/19 Sub-Committee meeting)</i>	1.1	Do not support (Feb 11, 2020 report)	Postpone decision, pending feasibility of affordable housing
	<b>Subtotal</b>	<b>89.9 (222 ac)</b>		
	<b>New Submissions (not considered by Subcommittee)</b>		<b>Staff Recommendation (Feb 11, 2020)</b>	<b>Sub-Committee Recommendation</b>
12.	Neamsby Investments (Armadale)	3.75	Support	n/a
13.	Varmo Investment Co, Doncaster Ave	0.94	Do not support	n/a
	<b>Subtotal</b>	<b>4.69 (11.5 ac)</b>		
	<b>Other</b>		<b>Staff Recommendation</b>	<b>Sub-Committee Recommendation</b>
	Catholic Cemeteries <i>(from 2013 MCR)</i>	22 ha	Defer, as per Council 2013 decision	n/a
	Box Grove parcel <i>(City-initiated)</i>	1.3 ha	Support (Sept 23, 2019)	n/a
	<b>Subtotal</b>	<b>23.3 (57.6 ac)</b>		
	<b>Total</b>	<b>117.89 (291.1 ac)</b>		

Report to: Development Services Committee

Meeting Date: September 23, 2019

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**SUBJECT:** City of Markham Comments on York Region's Draft  
Employment Framework – 2041 Regional Municipal  
Comprehensive Review

**PREPARED BY:** Marg Wouters, Senior Manager, Policy & Research (x. 2909)  
Lily-Ann D'Souza, Planner II, Policy & Research (x. 3115)

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**RECOMMENDATION:**

1. That the report and presentation entitled "City of Markham Comments on York Region's Draft Employment Framework – 2041 Regional Municipal Comprehensive Review" dated September 23, 2019, be received;
2. That Council supports the consideration of the following requests for the conversion of employment area lands to a non-employment land use, as described in Appendix 'D' to this report, in the 2041 Regional Municipal Comprehensive Review:
  - a. Primont Homes and Cornell Rouge Development Corp., Part of Lot 11, Concession 9; and
  - b. 1628740 Ontario Inc., at 2718 and 2730 Elgin Mills Road, subject to York Region confirming that no access to the employment area lands along Highway 404 immediately to the west of the subject lands is possible from Elgin Mills Rd through the subject lands;
3. That Council's consideration of the following requests for the conversion of employment area lands to a non-employment land use, as described in Appendix 'D' and 'Appendix 'E' to this report, be deferred and evaluated through secondary plan studies:
  - a. Meadow Park Investments, 77 Anderson Avenue, as well as the additional parcels in the Mount Joy Business Park;
  - b. Wu's Landmark/First Elgin Mills Developments Inc., 10900 Warden Avenue & 3450 Elgin Mills Road;
  - c. Cornell Rouge Development Corporation, Varlese Brothers Limited, 2432194 Ontario Inc., and 2536871 Ontario Inc., 7386-7482 Highway 7, 8600-8724 Reesor Road; and
  - d. Norfinch Construction (Toronto) Ltd., 7845 Highway 7;
4. That Council does not support the consideration of the following requests for the conversion of employment area lands to a non-employment land use, as described in Appendix 'D' to this report, in the 2041 Regional Municipal Comprehensive Review:
  - a. Markham Woodmills Developments Inc., northeast Hwy 404/Elgin Mills Road;
  - b. Condor Properties Limited, 2920 16th Avenue;

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- c. The Wemat Group, southwest Hwy 404/Hwy 7; and
  - d. Belfield Investments, 8050 Woodbine Avenue;
- 5. That Council supports the staff-initiated conversion of the following additional employment area lands for non-employment uses, as described in Appendix 'E' to this report, in the 2041 Regional Municipal Comprehensive Review:
    - a. The parcel(s) municipally known as 110 Copper Creek Drive in Box Grove;
  - 6. That Committee allow for deputations by applicants following the staff presentation, and prior to consideration of the staff report and recommendations;
  - 7. That the report entitled "City of Markham Comments on York Region's Draft Employment Framework – 2041 Regional Municipal Comprehensive Review" dated September 23, 2019, be forwarded to York Region as Markham Council's input to date on the Region's 2041 Municipal Comprehensive Review;
  - 8. And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

The purpose of this report is to provide comments on work completed to date regarding York Region's employment strategy, which is being developed as part of the Region's 2041 municipal comprehensive review (MCR). Provincial policy requires the Region and Markham to plan for employment and to protect employment area lands.

Markham's employment strategy to 2031 is reflected in the Official Plan 2014. The Official Plan 2014 provides a range of land use designations and policies that provide for a land supply that is sufficient to accommodate Markham's employment forecast to 2031, as well as policies intended to protect the employment land supply. In addition to identifying and protecting employment lands in accordance with provincial requirements, 'good planning' and community vision objectives also factor into Markham's planning for employment.

In order to understand and plan for the changing nature of employment to 2041, York Region commissioned a study which identified a number of employment trends such as increasing globalization, stable growth in manufacturing and rapid growth in professional and serviced-based industries, automation, importance of access to transit and amenities, intensification of employment areas, and the importance of strategic locations for economic growth.

The Region has received 10 requests for conversion/redesignation of employment area lands in Markham. Decisions on these requests will be taken into account by the Region in the development of employment forecasts and associated land needs to 2041.

Staff has met with almost all of the applicants or their representatives either individually or in meetings initiated by Regional staff, and have evaluated all proposals. Based on this analysis staff recommend:

- a) that the following employment conversion requests be supported:
  - Primont Homes and Cornell Rouge Development Corp., Part of Lot 11, Concession 9; and
  - 1628740 Ontario Inc., for lands at 2718 and 2730 Elgin Mills Road, subject to York Region confirming that no access to the employment area lands immediately to the west of the subject lands is possible from Elgin Mills Rd through the subject lands;
- b) that the following employment conversion requests not be supported:
  - Markham Woodmills Developments Inc., northeast Hwy 404/Elgin Mills Road;
  - Condor Properties Limited, 2920 16th Avenue;
  - The Wemat Group, southwest Hwy 404/Hwy 7; and
  - Belfield Investments, 8050 Woodbine Avenue;
- c) that the following employment conversion requests be deferred to secondary planning processes:
  - Meadow Park Investments, 77 Anderson Avenue, as well as the additional parcels in the Mount Joy Business Park;
  - Wu's Landmark/First Elgin Mills Developments Inc., 10900 Warden Avenue & 3450 Elgin Mills Road;
  - Cornell Rouge Development Corporation, Varlese Brothers Limited, 2432194 Ontario Inc., and 2536871 Ontario Inc., 7386-7482 Highway 7, 8600-8724 Reesor Road; and
  - Norfinch Construction (Toronto) Ltd., 7845 Highway 7.

It is recommended that this report be forwarded to York Region as the City of Markham's comments on the Region's employment strategy work to date, including recommendations on requests for employment land conversion.

#### **PURPOSE:**

The purpose of this report is to provide comments on work completed to date regarding York Region's employment strategy, which is being developed as part of the Region's 2041 municipal comprehensive review (MCR). Among other things, the report includes staff recommendations on a number of landowner requests for conversion of employment lands to non-employment uses in Markham as input to the employment strategy.

#### **BACKGROUND:**

In an April 9, 2019 staff report to Development Services Committee, Markham staff provided an update on the status of the York Region 2041 MCR. Among other things, the MCR will recommend population and employment forecasts to 2041 for each of the nine local municipalities including Markham, and propose policy amendments to bring the Regional Official Plan into conformity with provincial policy, specifically the

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Provincial Policy Statement, Growth Plan 2019, Greenbelt Plan 2017 and Oak Ridges Moraine Plan 2017.

One of the components of the MCR is the development of an employment strategy, which will include:

- A land needs assessment and employment forecasts to 2041 for each local municipality;
- Delineation and designation of employment areas in the Region as well as density targets (a new requirement in the Growth Plan);
- An employment framework including principles, key attributes, and the roles of Centres and Corridors, employment areas, and community areas in attracting high quality jobs;
- Updated Regional Official Plan employment policies; and
- Identification of the role of local municipalities in implementing the employment strategy and recommended tools for implementation.

The employment strategy work to date includes an assessment of employment trends since the previous 2031 Regional MCR, an overview of vacant employment lands within the Region and the initial identification and delineation of employment areas within the Region. In addition, the Region has developed criteria by which to assess requests for conversion of employment area lands to non-employment uses. This work is documented in the following reports to Regional Council:

- [York Region 2017 Vacant Employment Land Inventory \(March 22, 2018\)](#)
- [Proposed Employment Area Conversion Criteria \(March 7, 2019\)](#)
- [Planning for Employment Background Report \(May 9, 2019\)](#)

The land needs assessment and employment forecast to 2041 will take into account employment conversion requests. The April 2019 Markham staff report provided an initial overview of a number of requests for employment land conversion received by the Region as part of the MCR, as well as the criteria being proposed by the Region in their March, 2019 report for assessing the conversion requests. Markham staff recommendations are provided in this report regarding these and additional requests received to date.

To provide the policy context underlying staff's comments on the Region's employment strategy work to date, this report also provides an overview of how Markham plans for employment in the Official Plan.

This report is organized as follows:

- 1) Markham's requirement to plan for employment lands, including current Provincial and Regional policy requirements
- 2) Markham's employment strategy to 2031
- 3) Planning for employment to 2041
- 4) Markham's employment areas and vacant land supply
- 5) Conversion request assessment and recommendations; and
- 6) Recommendations and next steps.

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**OPTIONS/ DISCUSSION:****1.0 Markham is required to plan for employment and to protect employment area lands**

Markham's requirement to plan for employment lands is based on Provincial policy as implemented through the York Region Official Plan. Markham has a long history of placing priority on planning for a strong and competitive economy, building on the City's success as a diverse and major employment centre in York Region. Since 2005, the Province has also recognized the importance of the role of employment in ensuring complete communities, including the need to protect employment lands. Provincial, Regional and Markham policy on planning for employment lands, including protection of employment area lands, is outlined in more detail below.

**1.1 Provincial policy direction for protecting employment area lands has been in place since mid-2000s**

The Province introduced a new policy framework in the mid 2000s that placed a greater emphasis on the protection of employment lands within municipalities. This new policy direction was reflected in the 2005 Provincial Policy Statement (PPS), the 2006 Growth Plan for the Greater Golden Horseshoe (Growth Plan), and modifications to the *Planning Act* in 2007. The new policy direction was partially a response to the loss of employment lands through conversion to other uses following a downturn in the economy in the 1990s. The combination of a downturn in the manufacturing sector and resulting vacancies, along with strong growth in residential and commercial (particularly big box) retail markets, resulted in pressure on the vacant employment land supply to be converted for these uses.

Conversion of employment lands is problematic in at least two respects. Firstly, once employment lands are converted to another use, the lands are lost from the supply of available land for employment uses. Secondly, the new non-employment uses can also destabilize adjacent employment lands by increasing their value and therefore decreasing their viability as affordable land for large land-intensive business operations. The introduction of non-employment uses, particularly sensitive uses such as residential development, can also make it difficult for existing employment uses adjacent to the converted site to continue to function or expand because of compatibility issues with the newly introduced non-employment uses.

In order to prevent compromise of the long term employment land supply, and to protect the future economic well-being of the Province and the Greater Golden Horseshoe, the Province made protection of employment lands a priority. The protection of employment lands also works hand-in-hand with provincial policy direction to create complete communities that offer more options for living and working in close proximity, thereby reducing travel times and the need for continuous expansion of the urban area.

Although specific policies regarding planning for employment in the various provincial planning documents have been amended since the original policies were introduced in the



mid 2000s, the principle of the need to protect employment lands remains, as outlined below.

Planning Act and Provincial Policy Statement (2014)

The *Planning Act* establishes the legislated ground rules for land use planning in Ontario, including the authority for the Province to identify matters of provincial interest through issuance of provincial policy statements. More specifically, the *Planning Act* provides for the protection of employment lands by requiring municipalities to confirm or amend their policies dealing with areas of employment, including designations and policies addressing conversion, by means of a 5-year review to the Official Plan. The *Planning Act* allows municipalities to deny requests for employment land conversion, without the possibility of applicants appealing to the Local Planning Appeal Tribunal (LPAT), unless these requests are made and occur during the course of a municipal comprehensive review.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Municipalities must keep their official plans up to date with the PPS and all decisions of Council 'shall be consistent with' the PPS.

The policies in Section 1.3 of the PPS 2014 provide province-wide direction to promote economic development and protect employment areas over the long term. Section 1.3.1 requires that municipalities promote economic development and competitiveness by:

- providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- ensuring the necessary infrastructure is provided to support current and projected needs.

Section 1.3.2 specifically provides for the protection of employment lands by stipulating that planning authorities may permit conversion of lands within employment areas to non-employment uses only through a comprehensive review, and only where it has been demonstrated that the land is not required for employment purposes over the long term, and that there is a need for the conversion. There are also specific requirements to plan for:

- protecting and preserving employment areas for current and future uses;
- protecting employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations; and
- providing the opportunity to plan for (but not designate lands) beyond 20 years for the long-term protection of employment lands.

The employment policies of the PPS are currently being amended to align with recent changes to employment policies in the Growth Plan 2019. A more comprehensive overview and comments on all of the proposed changes to the PPS will be brought forward to Committee in a separate report.

#### Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan builds on the policy foundation of the PPS, providing additional and more specific land use planning policies to manage growth in Greater Golden Horseshoe. Municipalities are required to bring their Official Plans into conformity with the Growth Plan, and all municipal planning decisions must conform with the Plan.

With respect to employment, the Growth Plan provides employment forecasts to 2041 that upper-tier municipalities must plan to achieve, as well as policies that relate to the provision of a range of employment types and the protection of employment lands, similar to the PPS. These include, among others:

- promoting economic development and competitiveness through efficient land use, transit-supportive built forms and densities and by ensuring the availability of sufficient land for employment to accommodate forecasted growth;
- establishing a structure for employment by identifying where specific types of employment uses should be directed:
  - major office and institutional uses in urban growth centres (UGS) or areas with frequent or higher order transit services;
  - retail and offices uses near existing or planned transit or accessible by walking or cycling, and;
  - manufacturing, warehousing and logistics in the vicinity of existing major highway interchanges and other transportation corridors;
- identifying and designating employment lands in upper-tier and lower-tier official plans and protecting them over the long-term;
- protecting the viability of employment lands from non-employment uses, particularly sensitive uses such as residential uses and major retail uses;
- developing strategies to minimize and mitigate adverse impacts on industrial and manufacturing uses where the development of nearby sensitive, major retail and major office uses cannot be avoided;
- protecting employment lands from conversion to other uses and identifying when conversions may be permitted;
- identifying provincially significant employment zones (PSEZs);
- promoting intensification and higher densities on employment lands to optimize transit investments and encourage walking and cycling;
- ensuring space is retained for a similar number of jobs when redeveloping employment lands; and
- providing direction to support existing office parks through improved connectivity, an appropriate mix of amenities, and intensification while limiting non-employment uses that would impact the primary function of the area.

These policies are meant to ensure that the Greater Golden Horseshoe continues to be an important centre of business, by helping municipalities plan for economic growth by

increasing the diversity of jobs and economic activity, accommodating skilled workers, creating new opportunities and attracting new investment.

Municipal requirements regarding conversion of employment area lands

The Growth Plan 2019 provides for more specific conversion policies building on the policy direction of the PPS. Policy 2.2.5.9 provides that conversions of lands within employment areas may only be permitted through a municipal comprehensive review and provides five tests that must be met. Policy 2.5.9.10 provides for flexibility for consideration of conversion requests outside of municipal comprehensive review for employment lands not identified as provincially significant.

Additionally, policy 2.5.9.11 provides direction for consideration of major retail in employment areas. Both Policy 2.5.9.10 and 2.5.9.14 speak to the establishment of development criteria to ensure that redevelopment of employment lands maintain a significant number of jobs on the lands.

**1.2 York Region Official Plan (YROP) requirements for the planning and protection of employment area lands are consistent with the Growth Plan 2006**

The YROP identifies a total employment forecast of 240,400 jobs for Markham by 2031, representing approximately 30% of the Region-wide forecast of 780,000 jobs. The forecasts were developed through a Regional land budget exercise as part of the Region's 2031 MCR, and formed part of the employment and economic development strategy for York Region that established Markham's role in accommodating employment of various types within the Region.

The YROP requires that Markham protect, maintain and enhance the long term viability of all employment area lands designated for employment uses. The YROP provides for consideration of conversion of lands within employment areas to non-employment area uses provided that a municipal comprehensive review has been completed in accordance with the applicable policies, forecasts and land budget of the Region.

Other relevant YROP policies include the provision for a limited amount of ancillary uses on employment lands provided that the proposed use is designed to primarily service businesses in the employment lands. As well, the YROP policies provide for local municipalities to determine the location, amount and size of ancillary uses on employment lands that is commensurate with the planned function, size and scale of the overall employment land area.

The policies in the YROP are reflective of the 2006 Growth Plan. The 2041 MCR will provide the basis for an amendment(s) to the YROP to bring it into conformity with the 2019 Growth Plan and other provincial policies and plans (e.g., Greenbelt Plan, Oak Ridges Moraine Plan and PPS) that have been updated since that time.

## **2.0 Markham's employment strategy to 2031 is reflected in the Official Plan 2014**

The employment area lands and policies identified in Markham's Official Plan 2014 are based on an Employment Lands Strategy undertaken by Markham in 2009/2010, as well as the Markham 2020 Economic Development Strategy.

Markham 2020 identified four key employment sectors for which it has a comparative advantage and for Markham to pursue:

- Convergence of Information and Communication Technology and Life Sciences;
- Information, Entertainment and Cultural Industries;
- Professional, Scientific and Technical Services; and
- Finance and Insurance.

The Strategy identified that companies within these key sectors are located in a wide range of building types and forms, reflecting the variations in accommodation preferred by a high proportion of smaller companies. It also identified that Markham's competitiveness is constrained by the limited and diminishing supply of appropriately sized and located employment lands available for development, particularly for sale to end-users. To remain competitive, Markham requires a development-ready land supply that can serve the growth needs of existing businesses as they transition through the growth cycle from small to larger space requirements, and adapt to changing functional and technological building requirements.

The 2009 Employment Lands Strategy (ELS) provided an analysis of the employment forecasts assigned to Markham for the three broad employment types used by the Province and Region in preparing the forecasts. The three employment types include:

- Major Office Employment (MOE) – employment located in large office buildings, provided for in employment areas or in community areas;
- Employment Land Employment (ELE) - employment related to manufacturing, processing, warehousing and distribution uses (typical of traditional industrial activities occurring in Markham business parks) and which typically requires large, serviced land areas near major transportation routes;
- Population Related Employment (PRE) – employment that clearly serves the population and the traveling public (e.g., retail, service, institutional uses); generally located within communities but small amounts also provided for in employment areas.

The ELS represented a balanced approach to meeting Markham's employment growth needs to 2031, with a variety of choices for accommodating identified key sectors of Markham's economy. The ELS further recommended that all lands designated for employment, but particularly industrial lands, be protected from conversion to major retail and residential uses, citing concern that conversions would accelerate the City's pending industrial land deficit. The recommendations were endorsed by Council as the basis for the employment land use designations and policies in the Official Plan.

## 2.1 How the Official Plan 2014 accommodates employment forecasts to 2031 and protects employment land supply

The Official Plan 2014 provides a range of land use designations and policies that provide for a land supply that is sufficient to accommodate Markham's employment forecast to 2031, as well as policies intended to protect the employment land supply.

The total employment forecast provided in the Official Plan is based on forecasts for the three employment types mentioned previously (MOE, ELE, and PRE), as shown in Table 1.

<b>Table 1: Forecast Employment Growth in Markham by Employment Type, 2006 to 2031</b>			
<b>Employment Type</b>	<b>2006 (total)</b>	<b>2006-2031 (additional)</b>	<b>2031 (total)</b>
Major Office	47,400	37,400	84,800
Employment Land	50,000	33,000	83,000
Population Related	47,500	25,100	72,600
<b>Total Employment</b>	<b>144,800</b>	<b>95,500</b>	<b>240,400</b>
<b>Source: York Region, as reflected in Markham's Official Plan 2014.</b>			

To ensure economic viability and diversity, and the opportunity for jobs across all employment types, a sufficient land supply must be designated to plan for and accommodate each employment type. In addition, the Official Plan must incorporate policies that will ensure an adequate supply of land will be retained over time to accommodate the forecasts established for Markham.

The Region's job forecasts by type were translated into land area in Markham through the application of a density assumption (jobs per net hectare) for each type of employment, resulting in the need for just over 2,200 hectares (developed and vacant) across a variety of land use designations.

Map 3 – Land Use in the Official Plan 2014 establishes land use designations intended to accommodate the forecast ELE, MOE and PRE employment as identified in Table 2 and Appendix 'A'. The majority of the forecast employment (70% or 168,000 jobs) is accommodated in employment area designations, which are protected from conversion. These designations include the 'Business Park Employment', 'Business Park Office Priority Employment', 'General Employment', 'Service Employment' and 'Future Employment Area' designations. Most of Markham's employment areas are located within the Hwy 404/Woodbine Ave corridor. The remaining 17% of employment (72,000 jobs) is accommodated in the Mixed Use, Commercial or Residential designations throughout the city.

<b>Table 2: Primary Land Use Designations Accommodating Employment Types in Markham Official Plan 2014*</b>	
<b>Employment Type</b>	<b>Land Use Designation</b>
Major Office	Business Park Office Priority Employment Business Park Employment Service Employment Commercial Mixed Use Mid Rise and High Rise Mixed Use Office Priority Mixed Use Health Care Campus
Employment Land	General Employment Business Park Employment Future Employment Area
Population-Related	Mixed Use (all designations) Residential (all designations) Commercial Service Employment
<i>*A small amount of each type of employment may be found in other designations.</i>	

The assignments of employment by type were in balance with the available land in the designations and consistent with the planned function of each employment designation in Map 3 – Land Use. These designations and associated policies were carefully designed to accommodate a broad range of employment opportunities, and to distinguish the planned function of the lands in order to reduce possible land use conflicts. This ensures viability of employment lands for the long term, and also ensures that different types of employment continue to be viable. Policies are also included in the Official Plan regarding the conversion of employment area lands, consistent with the Growth Plan at the time.

## **2.2 Community planning objectives and economic development considerations**

In addition to identifying and protecting employment lands to accommodate employment forecasts for the long term in accordance with provincial requirements, there are also ‘good planning’ and community vision objectives that factor into planning for employment.

Markham has a long history of planning for a balance of housing and employment uses, especially with access to major transit and road networks, in an effort to build complete communities. For example, the Box Grove and Cornell communities were planned with a critical mass of employment lands centred around the Hwy 407 and Donald Cousens Parkway interchange to provide live/work opportunities in close proximity, and to reduce outbound commuting, for the communities in east Markham. In addition, the employment lands along the Hwy 7 rapid transit corridor, particularly around the Hwy 404 interchange (e.g., Commerce Valley, Allstate Parkway), continue to make sense to support intensive transit-oriented job opportunities, primarily in the form of major office development.

Markham's economy has benefited greatly by the presence of Hwy 404 and Hwy 407, and Markham has historically reserved lands along these corridors for employment uses. The requirement to plan and protect for employment uses near major highway interchanges (e.g., Hwy 404 and Hwy 407 corridors) is directed in Provincial policy.

Determining appropriate locations for employment, and preserving and wisely managing the land supply to accommodate employment are essential to ensuring that forecast employment growth can occur, and that Markham will retain a competitive advantage in attracting and retaining businesses that will contribute to a strong and vibrant local economy. These actions contribute to achieving the objectives set out in the Official Plan 2014 regarding live/work balance and supporting investment in rapid transit.

Some of the factors and priorities that are essential to incorporate into decisions about planning for employment in Markham are as follows:

- Securing and preserving a supply of employment land sufficient in amount, location and diversity is essential to accommodating forecast employment, and ensuring that Markham will be economically competitive in retaining and attracting new industrial and office development. The loss of land that accommodates wealth-generating industrial and major office employment (which deliver the greatest economic returns and tax assessment), to other uses that contribute less to the City's economy, or that potentially increase costs to the City, will impact long term prosperity.
- Industrial and major office uses are far more location sensitive than retail/service and residential uses. Their location requirements establish the necessity of protecting land suited to accommodating industrial employment and preferred locations for major office development.
- New office development located in the Yonge Street and Hwy 7 corridors and served by regional rapid transit has the greatest chance to be large scale and successful. Major office development displays higher densities of people than any other form of development including residential and retail/service uses. The resulting potential in transit riders is correspondingly higher and provides the greatest support to transit investment.
- Provision for some major office development away from regional rapid transit corridors complements other employment uses in business parks and diversifies mixed-use development. Relatively little land is required in such locations, but should be accorded priority in relation to visibility and accessibility to the highway and arterial road systems. There will likely never be sufficient office market demand in Markham to require all business park land for office use. The balance of the lands in business parks are needed for, and should remain devoted to, industrial and other uses that require large sites and good highway access.
- Lands required for industrial use must be protected from the intrusion of economically competitive uses and conflicting sensitive uses that threaten a sustained

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environment for viable, competitive business operations. The incremental loss of smaller employment land parcels can lead to destabilization of a larger employment area (e.g., erosion of employment lands in the Hwy 404 corridor over time).

- Markham enjoys a supply of designated employment land and a stock of relatively new, well-maintained industrial buildings that provide a competitive choice of accommodation that is an economic advantage for the City. Maintaining and building on this advantage over the long term to the benefit of existing and new businesses is critical to the economic success and sustainability of Markham.

### **3.0 Planning for Employment to 2041 – Understanding the Changing Nature of Employment**

As part of the 2041 MCR, the Growth Plan requires the Region to plan for 900,000 jobs Region-wide by 2041, which represents approximately 264,000 additional jobs from 2018 levels. In order to understand and plan for the changing nature of employment, York Region commissioned an employment trends study, the key findings of which are incorporated in the Region's "Planning for Employment Background Report".

The key trends in employment identified in the Region's report are as follows:

- The globalization of markets, automation, and the digital economy are key drivers reshaping the Greater Golden Horseshoe economy.
- The outlook for employment growth in York Region remains favourable, driven by rapid growth in higher skilled and knowledge-based jobs. York Region has become a top destination for business across a number of economic sectors. The employment growth outlook is for stable growth in manufacturing and rapid growth in professional and services-based industries, including knowledge-based and creative industries.
- Automation has the potential to increase demand or create jobs in higher-skilled industries; despite 24% of the Region's labour force being at risk of automation, York Region is well positioned to withstand the impacts of automation and Artificial Intelligence (AI) with an economy increasingly focused on higher skilled activities. The impacts are anticipated to be gradual, with automation likely to create more jobs in the long run.
- Amenity rich and transit accessible work environments will be critical to employers to attract and retain talent. Regional Centres and Corridors, supporting a range of employment opportunities are well-positioned to attract highly skilled, knowledge-based jobs.
- Driven by rapid growth in Centres and Corridors, major office employment is anticipated to continue to outpace growth in all other employment type.
- Strategically located throughout the Region, employment areas continue to be major drivers of economic activity. Maintaining an appropriate supply of



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employment areas will be critical for providing flexibility for employers in high quality locations over the long term. Protection of employment areas is essential as the demand for employment land is anticipated to remain strong (e.g., increasing demand for warehouse and distribution facilities as well as flex-office space uses).

- Recent trends show that increases in employment area employment (e.g., manufacturing and industrial employment) is being driven by service and knowledge-based sectors. These employment sectors are being accommodated in a range of building types including older and more mature industrial areas resulting in a ‘blurring of the lines’ between employment area employment and office employment.
- There is a trend toward intensification in employment areas. Since 2011, over 60% of employment area employment growth has been accommodated through intensification of existing built parcels or growth in existing buildings.
- Retail locations remain important as their role evolves to incorporate different types of retail delivery and support online retailers.
- Municipalities in Canada and around the world are changing the way in which they plan employment areas, developing creative solutions to rejuvenate employment areas and stimulate economic growth. Increasing flexibility along corridors and improving built form are two common approaches to increase attractiveness of employment areas.

Given the above analysis, the Region will be exploring the following policy considerations with local municipalities and the public in the development of the Region’s employment policy framework:

- planning for the changing nature of employment by promoting transit supportive high quality urban environments attractive to office development as the knowledge economy evolves;
- protecting employment areas over the long term for a broad range of employment uses, including growth in transportation, logistics and warehouse facilities;
- appropriate land use flexibility in suitable employment area locations; and
- developing strategies to support redevelopment and rejuvenation of employment areas.

Markham Planning and Economic Development staff generally concur with the past and future trends analysis undertaken in the Region’s reports. In a November 2016 presentation to Development Services Committee providing a performance review of the City’s Markham 2020 economic development strategy, staff also identified the need to:

- protect against future employment land conversion;
- ensure a healthy supply of suitably serviced employment lands;

- evolve the City's highly concentrated employment areas into employment 'communities' that include cultural, transit and other amenities to attract and retain workers and employers;
- brand the Hwy 404/Hwy 7/Hwy 407 employment corridor as a regional technology hub for knowledge-based companies in the GTA;
- protect remaining employment lands across Markham, and in particular in east Markham, for high quality employment; and
- facilitate the planning and development of the Future Urban Area employment lands.

#### **4.0 Markham's Employment Areas and Supply of Vacant Land**

As mentioned, employment in Markham is planned and provided for in a number of official plan designations, including designations solely identified for employment purposes (employment areas) as well as designations that provide for a mix of employment and other uses (Mixed Use and Commercial).

The Region is now required under the Growth Plan to identify employment areas in the Regional Official Plan, which are defined in the Growth Plan and PPS as:

*"areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities".*

##### **4.1 Comments on Markham Employment Areas to be identified in York Region Official Plan**

The Region's "Planning for Employment Background Report" identifies employment areas proposed to be identified in the Region's Official Plan. The employment area boundaries presented in the report will serve as the basis for discussions with local municipalities in determining the delineation of employment areas through the MCR.

The employment areas in Markham, provided in Appendix 'B' to this report, are generally consistent with the lands designated under the various employment designations in Markham's Official Plan. However, Markham staff note two employment areas which should be reconsidered for non-employment uses as part of this MCR. These include a parcel(s) in Box Grove and nine parcels that comprise the Mount Joy Business Park, as shown in Appendix 'E' and described as follows:

- 1) Business Park Employment designation for the lands consisting primarily of 110 Copper Creek Drive in Box Grove – these lands are fully developed with an office building and retail uses but were once part of a larger employment area designation extending the length of the north side of Copper Creek Drive from 9<sup>th</sup> Line to Donald Cousens Parkway. A number of Council decisions over the years have resulted in this former employment area being developed mainly with retail and residential uses, and no other employment area designations remain along Copper Creek Drive. An employment area designation for 110 Copper Creek Drive is no longer appropriate and staff recommend that these and other lands

north of Copper Creek Drive be provided a non-employment designation, consistent with the current and planned function of the area, when an amendment is undertaken to bring the Markham Official Plan into conformity with the updated Regional Official Plan.

- 2) Mount Joy Business Park – this 4.0 hectare developed business park consists of nine parcels on the east side of Anderson Avenue between Bur Oak Avenue and Castlemore Avenue. The lands are identified as being with the Markham Road – Mount Joy Secondary Plan area in the 2014 OP and are designated Service Employment on Map 3 - Land Use, reflecting the existing businesses on eight of the parcels (the northerly parcel is occupied by a place of worship). Given proximity to the Mount Joy GO station and the more recent work on identifying major transit station areas (MTSAs) around higher order transit stations, staff recommend advising the Region that the Service Employment designation on these lands will be reviewed as part of the upcoming Markham Road – Mount Joy Secondary Plan Study.

The Region acknowledges that building compact, mixed use, complete communities includes planning for employment in the right locations and that in some circumstances, conversion may be appropriate if it supports other planning objectives and/or enhances the urban structure (e.g., in locations suitable for an intensified land use or an area where the original employment area context has changed). The two locations noted above are examples of such circumstances.

In addition to the two areas noted above, the Region should also be aware that the Official Plan Amendment application submitted by the Catholic Archdiocese in 2013 (OP-13116842) in support of redesignation of their 22 ha of employment lands at 3010 and 3196 19<sup>th</sup> Avenue in the Future Urban Area Employment Block is still under review. The applicant agreed at the time to a deferral of the 'Future Employment Area' designation on the lands, and efforts continue to resolve the deferral.

As part of the Regional employment strategy, the Region will be consulting with local municipalities on the level of detail to be provided in the employment designations in the Regional Official Plan. At present, Markham staff are of the opinion that the Region should identify employment areas with a single generic designation in the Regional Official Plan, and that the more detailed employment designations should be left to local official plans. Staff will seek Markham Council direction on this matter once the Region releases draft mapping and policies in 2020.

#### **4.2 Markham had approximately 500 hectares of vacant employment area lands in 2017, representing 20% of the Region's vacant land supply**

The Region identifies the availability of a wide range of vacant employment lands as integral to the fiscal health of a community, directly affecting economic development and diversification of the assessment base. Markham's employment area lands total approximately 1,776 hectares, comprising approximately 23% of the Region's employment areas. Of these 1,776 hectares approximately 500 ha or 28% are vacant.

<b>Table 3: Vacant Employment Lands in Markham and York Region 2017</b>				
<b>Levels of Servicing</b>	<b>York Region (ha)</b>	<b>Percent</b>	<b>Markham (ha)</b>	<b>Percent</b>
Private Services	104	4	-	<1
Full Regional & Local Services	595	23	197	39
Some Regional and/or Local Services or Capacity Required	1,630	63	258	51
Regional & Local Services Required	259	10	51	10
Total	2,588	100	506	100
<b>Parcel Size</b>	<b>York Region</b>	<b>Percent</b>	<b>Markham</b>	<b>Percent</b>
Less than 1 ha	267	41	60	44
1-5 ha	237	37	53	39
Greater than 5 ha	143	22	23	17
Total	647	100	136	100
<b>Source:</b>				
<b>York Region</b>				

The Region notes the following with respect to the status of vacant employment area lands in Markham and Region-wide:

- the supply of vacant employment lands remains healthy and needs to be protected; Markham has 506 ha or 20% of vacant lands, second to Vaughan with 40% (1,042 ha)
- Just under 40% of Markham's vacant employment lands are fully serviced, with the majority (60%) requiring some level of Regional or local services, or servicing allocation;
- Approximately 23% of vacant parcels in Markham are greater than 5 ha in size, which is important for attracting large, land intensive development types like distribution centres, warehouses and campus development; and
- The rate of intensification on employment lands has increased Region-wide since 2013.

Markham staff will continue to work with the Region in updating the employment area boundaries and vacant land inventory in Markham to capture any changes since 2017.

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## **5.0 Comments and Recommendations Regarding Employment Conversion Requests**

The Growth Plan 2019 provides specific direction for the consideration of conversion of employment area lands to non-employment uses. Employment area lands that are identified as provincially significant (through PSEZ mapping) can only be considered for conversion by Regional or single tier municipalities, and only as part of a municipal comprehensive review. Employment area lands not identified as provincially significant can be considered prior to the next MCR.

As part of the Region's 2041 MCR, over 50 requests for conversion have been received. Ten of the requests, totaling 78 hectares (193 acres), are in Markham. All of the submissions in Markham include requests to redesignate the lands to allow residential or a mix of uses, which if approved would result in the permanent removal of the lands from the City's supply of employment areas.

These 78 hectares are in addition to the approximately 70 hectares of employment area lands that were approved for non-employment uses between 2013 and 2019 for a total potential loss of 148 hectares (366 acres) since 2013.

### **5.1 York Region has developed additional conversion criteria to ensure conversion decisions are made on a more comprehensive basis than provided for in the Growth Plan**

In March, 2019, the Region released proposed criteria to be applied by Regional staff, in consultation with local municipal staff, when assessing requests for employment area conversions to inform recommendations to Regional Council. Recommendations on the conversion requests will be used to inform the land needs assessment and draft land budget to be released early in 2020.

The Region's criteria, provided in Appendix 'C', were developed with input from local municipal staff, and informed by employment land protection policies in other jurisdictions. The 14 criteria build on the five employment conversion tests identified in the Growth Plan 2019 in order to comprehensively address additional key provincial and regional objectives, including protection of employment areas adjacent to the 400-series highways and other goods-movement infrastructure, and ensuring availability of a healthy supply of large size parcels. The additional criteria are also intended to ensure an equitable and transparent process for review of the requests.

Growth Plan policy 2.2.5.9 states that municipalities may permit conversion of lands within employment areas to non-employment uses, only through a municipal comprehensive review where it has been demonstrated that the following five tests have been met:

- a) there is a need for the conversion;
- b) the lands are not required over the horizon of the Growth Plan (2041) for the employment purposes for which they are designated;

- 
- c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;
  - d) the proposed uses will not adversely affect the overall viability of the employment area, or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and
  - e) there are existing or planned infrastructure and public service facilities to accommodate the proposed uses.

The Region's additional criteria are grouped according to the five theme areas of supply, viability, access, infrastructure and Region-wide interests as follows:

- Supply – prohibiting conversions in recently designated and largely vacant employment areas, and preserving large sized employment parcels to meet future needs of businesses with specific locational requirements, including protection of land beyond 2041; that is, conversions will not be considered in employment areas recently brought into the urban boundary to meet employment forecasts, including ROPA3 lands (Future Urban Area Employment Block) in Markham;
- Viability – prohibit consideration if entire perimeter of the site is surrounded by lands designated and intended to remain designated for employment purposes;
- Access – consider location of the site, particularly proximity to goods movement corridors such as 400-series highways, rail corridors, etc;
- Infrastructure – consider importance of providing residents and employers with high quality public services and infrastructure; and
- Region-wide Interests – criteria to ensure other regional or local municipal planning objectives are not compromised, and that potential issues that cross regional boundaries are considered.

The proposed criteria will be used to inform recommendations on whether a request is appropriate and enhances the policy objectives in the YROP, or if it will negatively impact long term supply and/or viability of employment areas.

Markham staff's recommendations on the conversion requests resulting from application of the Growth Plan and York Region criteria are provided below.

## 5.2 Assessment of Conversion Requests in Markham

As mentioned, as part of the Region's 2041 MCR, the Region must plan for the additional 264,000 jobs to 2041 assigned to the Region through the Growth Plan. The Region will be distributing this employment growth to the local municipalities through their land budget exercise taking into account availability of vacant land in employment areas and intensification potential of developed employment areas for certain types of employment (e.g., employment area employment and major office), as well as

availability of lands in other designations (e.g., mixed use designations) for population-related and major office jobs. The analysis of vacant employment lands will take into consideration the Region-wide requests for conversion of employment area lands.

A location map and description of the 10 requests received by the Region to date for conversion/redesignation of employment lands in Markham are provided in Appendix 'D'. Staff have undertaken an evaluation of each of the proposals based on the five Growth Plan tests, as well as the additional criteria developed by the Region. The staff recommendations for each of the requests are summarized in Table 4.

<b>Table 4: Employment Land Conversion Requests in Markham</b>			
<b>Map No.</b>	<b>Landowner (Employment Area)</b>	<b>Employment Area Proposed for Conversion/Redesignation (ha)</b>	<b>Staff Recommendation</b>
1.	Markham Woodmills (Cathedral)	1.9	Do not support
3.	Condor Properties (Cachet)	5.9	Do not support
4.	The Wemat Group (Commerce Valley/Leitchcroft)	17.1	Do not support
5.	Belfield Investments (Rodick Road)	3.3	Do not support
	<b>Subtotal</b>	<b>28.2 (69.7 ac)</b>	
6.	Wu's Landmark / First Elgin Mills Developments (ROPA3)	29.0	Defer to Secondary Plan for FUA Employment Block
7.	Meadow Park Investments (Mount Joy Business Park)	0.4	Defer to Markham Rd-Mount Joy Secondary Plan
8.	Norfinch Construction (Cornell)	0.75	Defer to Cornell Centre Secondary Plan
9.	Cornell Rouge Development, Varlese Brothers et al (Cornell)	17.9	Defer to Cornell Centre Secondary Plan
	<b>Subtotal</b>	<b>48.05 (118.7 ac)</b>	
2.	1628740 Ontario Inc. (Cathedral)	1.0	Support only if access to Elgin Mills Rd remains restricted
10.	Primont Homes and Cornell Rouge Development (Cornell)	1.0	Support (as per Council 2013 decision)
	<b>Subtotal</b>	<b>2.0 (4.9 ac)</b>	
	<b>Total</b>	<b>78.25 (193 ac)</b>	

Staff have met with almost all of the applicants or their representatives either individually or in meetings initiated by Regional staff, and all of the applicants have been made aware of the opportunity to address Committee at the time this report is considered.

Staff's comments on the requests are provided below, first generically with respect to the five Growth Plan tests, and second as evaluated individually against any additional York Region criteria related to site attributes. Markham staff's assessment is based on supporting documentation submitted to the Region (which varied greatly in level of detail) and well as discussions at meetings.

Analysis of five Growth Plan 2019 tests for all requests:

The tests for conversion in the Growth Plan policy 2.2.5.9 are as follows:

*The conversion of lands within employment areas to non-employment uses may be permitted only through a municipal comprehensive review where it is demonstrated that:*

*a) There is a need for the conversion;*

Staff maintain that there is no need for conversion of employment lands in Markham on the basis of providing for additional residential or retail/service lands, including affordable housing; there is sufficient land supply in Markham to meet the City's population and intensification forecasts to 2041 without converting employment lands; similarly there is sufficient land in mixed use designations to provide for retail and other non-residential uses without converting employment lands.

However, Markham staff maintain that employment area lands are needed over the long term (beyond 2041) to maintain an adequately diverse supply of lands to ensure Markham's economic continuing competitiveness.

*b) The lands are not required over the horizon of this Plan [2041] for the employment purposes for which they are designated; and c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;*

As the Region has not yet provided their employment forecast for Markham to 2041, staff cannot assess the conversion requests against these tests. However, staff maintain that the reference to the planning horizon (2041) in this criteria is short-sighted and also inconsistent with other policies in the Growth Plan 2019 which provide for the planning of employment beyond 2041. Staff maintain there will always be a need for employment lands for all types of employment, not just small scale office and retail, and particularly lands for employment uses which require large parcels with access to goods movement corridors, as the Growth Plan directs.

*d) The proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets of this Plan, as well as the other policies of this Plan;*

As for tests b) and c), staff are not able to assess the conversion requests against achieving the minimum intensification and density targets of the Growth Plan as the Region will be undertaking this analysis as part of their employment land needs assessment.

However, the first part of the criteria regarding the adverse effect of conversions on the overall viability of the employment area is the key concern in most of the conversion requests, as outlined in the discussion below. In some cases, support for the conversion request would result in the remaining employment lands no longer providing the critical mass needed to ensure the success of an employment area, or limit the types of businesses that could locate within them; and in other cases, the proposed uses introduce sensitive uses that could limit the types of employment uses that would be attracted to adjacent employment lands. Critical mass is important to those industries that like to locate close to other businesses where there are synergetic relationships, or to those businesses that like to locate close to where there



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is nearby land available for expansion. The loss of employment lands and introduction of sensitive uses represents a loss of future economic opportunities, and a loss of growth options for existing industries.

- e) *There are existing or planned infrastructure and public service facilities to accommodate the proposed uses.*

Infrastructure capacity is generally not an issue with these requests, although availability or access to public service facilities is an issue with some.

Based on the above, the analysis for each of the conversion requests below is based primarily on the adverse effect the conversion requests would have on the viability of adjacent employment areas. Adverse impact on viability of neighbouring employment lands is critical as it could lead to pressures for subsequent conversion requests (i.e., a domino effect) on remaining employment lands.

Other considerations in the staff assessment that were common to a number of the requests include:

- Staff did not undertake a detailed analysis of number of jobs proposed to be lost, maintained or gained in each request, as it is the type of jobs and businesses, rather than the total number of jobs and businesses that is more important in providing a range of job opportunities for residents and maintaining diversity in the City's assessment base; the Region's reports demonstrate the need to continue to plan for a variety of employment sites;
- There is likely not enough demand for the amount of small scale office development being proposed, and there are many other more appropriate locations for these uses elsewhere in the City;
- There is a need and an appropriate place for both mixed use employment environments (e.g., Markham Centre and Langstaff Gateway) and protected employment areas (Hwy 404/Hwy 7); staff do not agree that there needs to be a full mix of uses in employment areas – rather a mix of uses can be provided at the periphery, but within walking distance of, employment areas;
- With respect to fiscal impact, the development of lands for employment area uses also has a positive impact on the City's overall finances and residential tax rate - property taxes collected on employment lands ease the pressure on the residential tax base to pay for City services;
- It should be noted that provision of affordable housing should not in and of itself be considered an appropriate criteria for employment conversion. However, where it is determined that conversion can be supported, affordable housing could be identified as priority for alternate use, but only in locations where it is appropriate from a community planning perspective (i.e., in proximity to transit, retail and community services).

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### Staff Recommendations for Employment Conversion Requests

#### 1. Markham Woodmills Development Inc – Hwy 404 Elgin Mills (Cathedral)

**Applicant request and justification:** Propose conversion of a portion of their site (1.9 ha of the total 3.2 ha parcel) for mid-rise (4-6 storey) residential (seniors housing) and small-scale office uses. The applicant justification for this conversion request is based on providing for mixed use employment areas and complete communities. A planning rationale was submitted in support of the request.

**Staff recommendation and comments:** Staff do not support this request for the following reasons:

- these lands are immediately adjacent to Hwy 404 and have been identified as provincially significant (in draft PSEZ mapping) and regionally significant (in YROP)
- although access to the lands has been constrained by development of a new residential subdivision to the east (Holborn subdivision) which was previously employment lands, approval of residential uses adjacent to Hwy 404 sets a precedent for loss of the remaining employment lands on the property, as well as the separate parcel to the north, and is contrary to the policies in the Growth Plan and PPS for protecting employment lands along major goods movement corridors.
- although the applicant proposes to provide for office uses between the proposed residential and Hwy 404, the types of small scale offices and seniors housing being proposed are more conducive to mixed use areas well-served by transit elsewhere in the City, rather than along the Hwy 404 corridor.
- recognizing the limited access to these lands (through a collector road from Woodbine Avenue), rather than introducing residential uses to these areas, staff recommend considering more flexibility in uses that would be appropriate in these employment areas given the site constraints (e.g., long term stay hotel). These may be uses that are not considered appropriate for employment areas throughout the City, but may be appropriate in limited, specific locations such as this where more traditional employment uses may not be feasible because of site, access or other constraints.

#### 2. 1628740 Ontario Ltd (Tucciarone) – 2718 and 2730 Elgin Mills Road (Cathedral)

**Applicant request and justification:** To allow low-rise residential development as a continuation of the recently approved Holborn residential subdivision to the north. The applicant's justification for conversion to residential is that the lands (total of 1.0 ha) only have access from a new local residential street in the new subdivision, as agreed with York Region through the approval of the subdivision.

**Staff recommendation and comment:** Given the access constraints, staff recommend support of the request to convert the employment areas lands, subject to York Region confirming that no access to the employment area lands immediately to the west of the subject lands (i.e., Markham Woodmills lands) is possible from Elgin Mills Road through the subject lands. As the subject lands are identified as provincially and regionally significant, having very good visibility from Hwy 404, if the Region is agreeable to providing access from Elgin Mills Road, staff would not support conversion of these

lands, but would instead recommend that the lands be developed with the Markham Woodmills lands for employment area purposes.

### 3. Condor Properties Ltd, 2920 16<sup>th</sup> Avenue (Cachet)

**Applicant request and justification:** That 5.9 ha (part of former Buttonville Golf and Country Club lands) be converted to a Mixed Use designation to accommodate a variety of commercial and residential uses on the site. Justification is based on arguments regarding the changing nature of employment, and limited access to the employment lands from 16<sup>th</sup> Avenue. Supporting documents include a justification brief based on Regional and Growth Plan conversion criteria.

**Staff recommendation and comments:** Staff do not support this request for the following reasons:

- the lands have good visibility from Hwy 404 and are identified as provincially significant (within draft PSEZ mapping)
- although staff acknowledge that access from 16<sup>th</sup> Avenue is restricted, staff maintain that the lands can be developed with employment area uses with access from Markland Avenue in a manner similar to existing businesses on the west side of Markland Avenue, and in a manner that still allows for the development of the adjacent parcel to the east.
- although the site is smaller than the 10 ha+ definition of large sites in the Region's conversion criteria, staff still consider it to be a site of sufficient size to be attractive for employment uses.
- Allowing conversion of this parcel to residential and mixed uses will affect the viability of the remaining employment parcels northward along Markland Street by, among other things, increasing land values.

### 4. Wemat Group, Hwy 7/Hwy 404 (Commerce Valley/Leitchcroft)

**Applicant request and justification:** To allow for a partial conversion of the 17 ha lands including high-rise residential, hotel and convention centre, major office and mixed use. The applicant justification is partly based on the site's location at the intersection of two transit corridors being an ideal site for intensification. A planning rationale, fiscal and economic impact analysis, transportation memorandum, preliminary servicing concept and land use compatibility report were submitted in support of the request.

**Staff recommendation and comments:** Staff do not support the request for the following reasons:

- the lands have excellent visibility and access from Hwy 404, Hwy 407 and Highway 7 and are identified as provincially significant (within draft PSEZ mapping)
- the lands are a vital component of the Commerce Valley Business Park and should be reserved for employment uses; allowing residential uses on even a portion of the lands would adversely affect the viability of the surrounding Commerce Valley employment lands by, among other things, increasing land values.

- the lands are considered a large-sized employment site according to the Region's conversion criteria and should be protected over the long term to support a diverse range, size and mix of employment uses.
- Markham Council, in considering a similar conversion request in 2013, approved additional uses on the lands (OPA 15), but specifically did not approve the consideration of residential uses on these lands.

##### 5. Belfield Investments Ltd, Hwy 407/Woodbine Ave (Rodick Road)

**Applicant request and justification:** To add residential use permissions to the 3.3 ha lands while maintaining current employment use permissions, in order to achieve redevelopment of the property into a high density mixed use site appropriate to a major transit station area. The applicant justification for this conversion request is based on proximity to a future Hwy 407 transitway station at Woodbine Avenue. No supporting documents were submitted.

**Staff recommendation and comments:** Staff do not support this request for the following reasons:

- although not identified as provincially significant in the draft PSEZ mapping, the lands lie within the Hwy 404/Woodbine corridor which makes up a large portion of the PSEZ mapping and Council has asked the Province to include the lands in the mapping.
- the lands are completely surrounded by employment uses and the introduction of non-employment uses would destabilize the surrounding Rodick Road employment area south of Hwy 407, by among other things, increasing land values and introducing sensitive uses.
- with respect to the applicant's submission that a mix of uses are appropriate given the proximity to a future transit station, it is staff's opinion that consideration of an intensified mixed use area in this location should be done within a much larger area context, which is premature at this time.

##### 6. Wu's Landmark/First Elgin Developments Ltd, 10900 Warden Ave and 3450 Elgin Mills Rd (ROPA3 - FUA Employment Block)

**Applicant request and justification:** To redesignate the 29.0 ha Future Employment Area lands to a Mixed Use designation to allow for a mix of medium and high density residential uses, at-grade retail, office and recreational uses. The applicant justification for the conversion is that the request is not technically a conversion as the Future Employment Area designation is not yet in force. However, a planning opinion report was submitted in support of the request, which addressed the Growth Plan and Region's employment conversion criteria.

**Staff recommendation and comments:** Staff recommend deferring consideration of this conversion request to the Secondary Plan for the FUA Employment Block for the following reasons:

- this recommendation is consistent with Council's recommendation for the outstanding Romandale Farms Ltd application for conversion in 2013 (File No OP-1311427) for the majority of the lands in this request. At the time Council

directed that the Romandale application be deferred to the secondary plan process for the Employment Block. The secondary plan for the Future Employment Block is expected to be initiated in 2021.

- these, and other lands within the FUA Employment Block, were added within the urban boundary specifically for employment area (industrial) purposes as part of the 2031 MCR, and represent the last opportunity in Markham for additional employment lands within reasonable distance from 400 series highway (Hwy 404).
- the lands are considered a large-sized employment site according to the Region's conversion criteria and should be protected over the long term to support a diverse range, size and mix of employment uses.

#### 7. Meadow Park Investments Inc – 77 Anderson Ave (Markham Road – Mount Joy Corridor)

**Applicant request and justification:** To redesignate the 0.4 ha lands from an employment designation to a Mixed Use – High Rise designation. The applicant justification for the conversion is that the current employment designation represents an under-utilization of the site, give its location across the street from the Mount Joy GO station and the identification of the area as a 'Potential Secondary Hub' in the Official Plan.

**Staff recommendation and comments:** Staff recommend deferring consideration of this conversion request to the impending Markham Road – Mount Joy Secondary Plan Study for the following reasons:

- the Secondary Plan Study will be confirming whether an employment area designation for the lands within the Mount Joy Business Park (including the lands at 77 Anderson Ave) is still appropriate, given proximity to the Mount Joy GO station and staff's recent work on identifying draft major transit station areas (MTSAs) around higher order transit stations.

#### 8. Norfinch Construction (Toronto) Ltd (Cornell)

**Applicant request and justification:** to redesignate the 0.75 ha lands from employment to Mixed Use Mid Rise in the same way as other lands are designated along Hwy 7 in Cornell Centre. No justification was provided.

**Staff recommendation and comments:** Staff recommend deferring consideration of this conversion request to the Cornell Centre Secondary Plan process currently underway for the following reasons:

- the lands are identified as strategic employment lands in the YROP, reflecting their close proximity to the Hwy 407/Donald Cousens Parkway interchange; and the conversion of these employment lands could adversely affect the long term viability of all of the remaining employment lands south and north of Hwy 7 by, among other things, increasing land values and introducing sensitive land uses.
- however, staff acknowledge that the current employment uses and designations for the lands fronting Hwy 7 may not be consistent with the emerging vision for the Cornell Rouge National Urban Park Gateway in this area, and more intensive

uses that provide animation to the street and contribute to the development of the Gateway should be considered. The identification of specific appropriate uses should be undertaken, in consultation with landowners along Hwy 7, as part of the final stages of the Cornell Centre Secondary Plan.

9. Cornell Rouge Development Corporation, Varlese Brothers Ltd, 2432194 Ontario Inc and 2536871 Ontario Inc (Cornell)

**Applicant request and justification:** To provide for the development of a mixed-use community with employment, commercial and medium and high density residential uses on the 17.9 ha lands. The applicant justification is that the proposed concept furthers the City's vision for the Rouge National Urban Park gateway and that the vision cannot be achieved through employment uses alone. A planning rationale with concept plan, and economic and fiscal analysis were submitted in support of the request.

**Staff recommendation and comments:** Staff recommend deferring consideration of this conversion request to the Cornell Centre Secondary Plan currently underway for the following reasons:

- the lands are identified as strategic employment lands in the YROP, reflecting their close proximity to the Hwy 407/Donald Cousens Parkway interchange; and the conversion of these employment lands could adversely affect the long term viability of all of the remaining employment lands south and north of Hwy 7 by, among other things, increasing land values and introducing sensitive land uses.
- if the conversion of this large landholding leads to the conversion of the remaining employment lands in Cornell, only the Armadale and Bullock Drive employment areas would remain east of Markham Centre.
- however, staff acknowledge that the current employment uses and designations for the lands fronting Hwy 7 may not be consistent with the emerging vision for the Cornell Rouge National Urban Park Gateway in this area, and more intensive uses that provide animation to the street and contribute to the development of the Gateway should be considered. The identification of specific appropriate uses should be undertaken, in consultation with landowners along Hwy 7, as part of the final stages of the Cornell Centre Secondary Plan.

10. Primont Homes and Cornell Rouge Development Corp, Hwy 7 (Cornell)

The Primont Homes request for conversion was supported by Markham Council during the City's 2031 MCR leading up to the 2014 Official Plan, and Markham Council subsequently adopted Official Plan Amendment 252 (OPA 252) for a mix of uses, including residential, office and retail on these lands. OPA 252 is awaiting Regional approval, and therefore the lands are still shown with an employment designation in the Official Plan. Based on the adoption of OPA 252, staff have no objection to the Primont Homes request for conversion.

## **6.0 Provincial consultation continues on Provincially Significant Employment Zones**

As part of the review of Growth Plan in 2019, draft mapping of provincially significant employment zones (PSEZs) was developed by the Province. In Markham, only lands

identified within the Highway 404/Woodbine Avenue corridor were identified as provincially significant (shown in Appendix 'D').

The Province's consultation on the PSEZs is still underway. Markham Council has provided comments on the draft PSEZ mapping, and staff will continue to engage with the Province and the Region with respect to Council's comments and the longer term intent and use of the PSEZ mapping and how it will be reflected in the YROP.

## **7.0 RECOMMENDATIONS AND NEXT STEPS**

It is recommended that this report be forwarded to York Region as the City of Markham's comments on the Region's employment strategy work to date, including recommendations on requests for employment land conversion. The recommendations in this report should be considered as input into the 2041 land budget and proposed amendments to the Regional Official Plan arising from the MCR.

Staff will report back to Committee once the 2041 land budget, or any other consultation documents are released. Staff will also be reporting to Committee with comments on the Region's draft MTSAs. In the meantime, staff will continue to work with the Province on finalizing PSEZ mapping as it relates to Markham employment lands.

Following Regional Council approval of the MCR and updated Regional Official Plan, Markham Staff will initiate an amendment(s) to the Markham Official Plan to bring it into conformity with the updated Regional Official Plan.

### **FINANCIAL CONSIDERATIONS:**

Not applicable.

### **HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

This report relates to the Safe and Sustainable Community priority of Building Markham's Future Together.

### **BUSINESS UNITS CONSULTED AND AFFECTED:**

The Economic Development and Legal Departments have been consulted regarding the recommendations of this report.

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**RECOMMENDED BY:**

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Biju Karumanchery  
Director, Planning and Urban Design

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Arvin Prasad, Commissioner of  
Development Services

**ATTACHMENTS:**

Appendix 'A': Map 3 – Land Use, Markham Official Plan 2014

Appendix 'B': York Region Profiles of Employment Areas in Markham

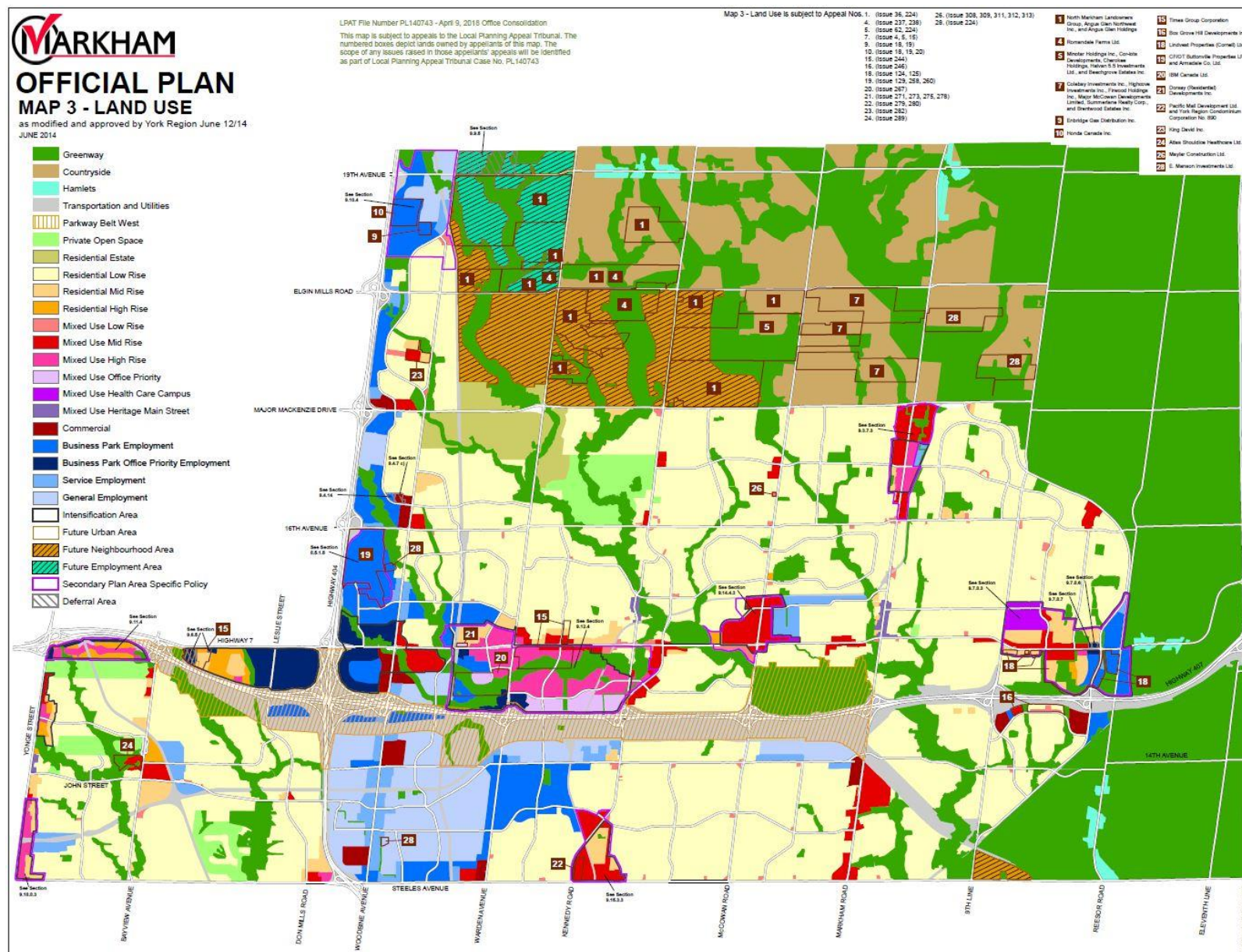
Appendix 'C': York Region Employment Conversion Criteria

Appendix 'D': Location Map and Description of Employment Conversion Requests in  
Markham

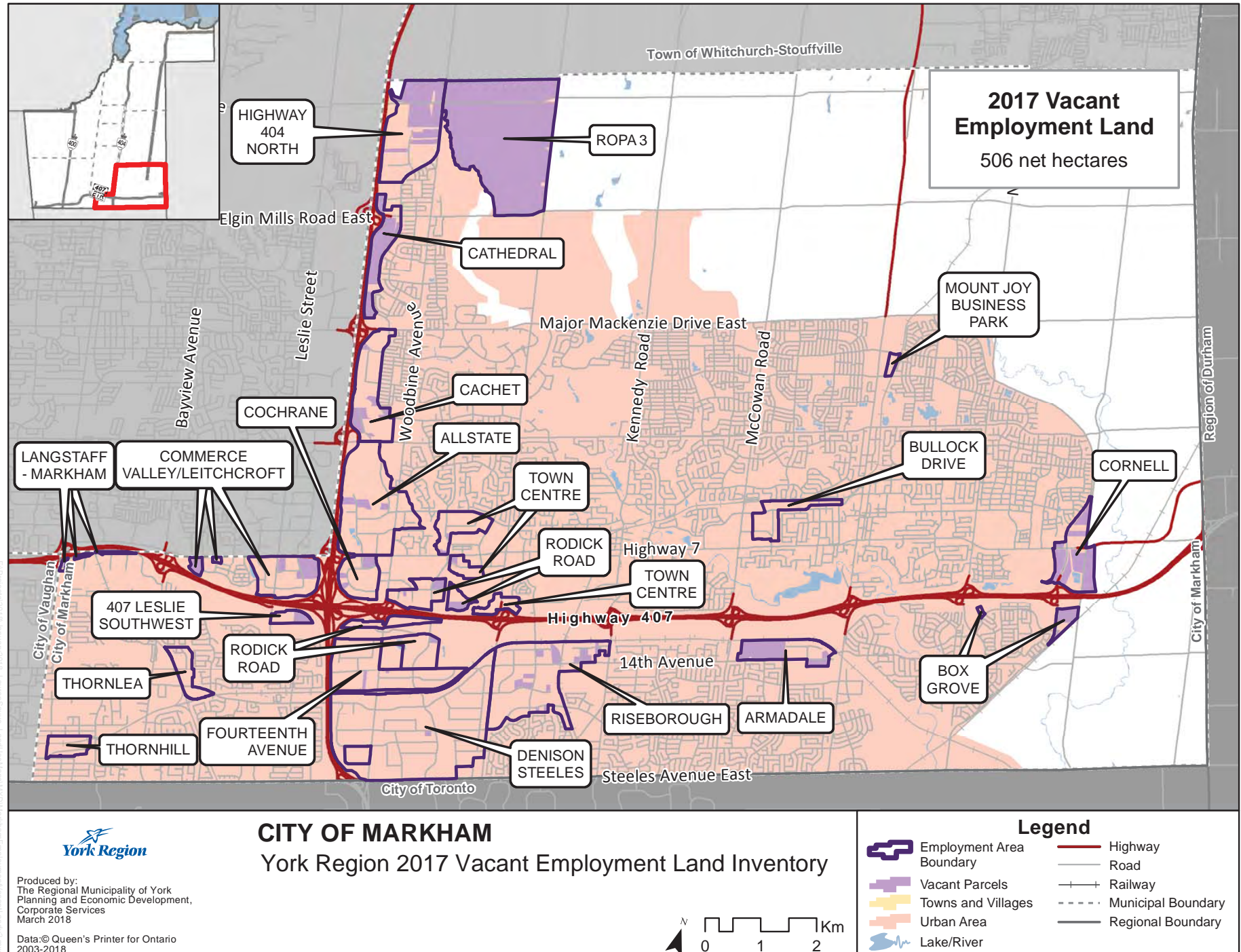
Appendix 'E': Additional Lands Proposed to be Considered for a Non-Employment  
Designation in Markham



## Appendix 'A'





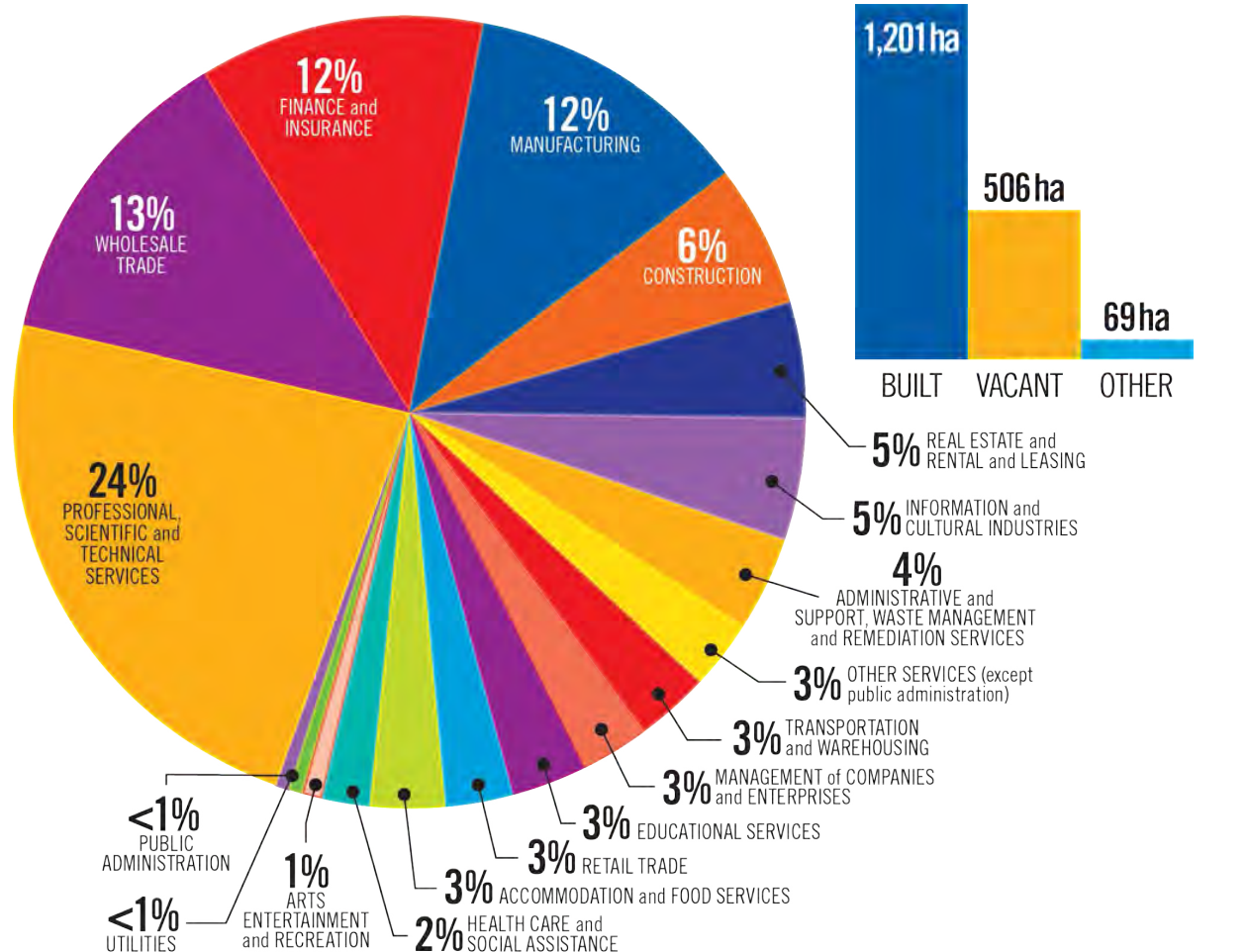


# MARKHAM EMPLOYMENT AREAS SUMMARY

22

- ▶ The City of Markham's employment areas account for 66 per cent of the City's total surveyed employment
- ▶ Employment areas in the City are an attractive place to do business as they are well located along highway corridors and are in close proximity to higher order transit stations
- ▶ With 506 hectares of vacant employment land available, the City has many competitive development opportunities for prospective employers
- ▶ Markham's employment areas are home to several major employers including: All State Insurance, CAA, Honda, Huawei, IBM, Seneca College, TD Insurance, TD Waterhouse, and WSP Canada

## DISTRIBUTION of EMPLOYMENT by SECTOR 2018



# 116,690 JOBS in 2018

**20% INCREASE (19,530 JOBS) SINCE 2008**

**82% SERVICES PRODUCING** **18% GOODS PRODUCING**

**80% ONSITE** **20% OFFSITE**

**14% RETAIL and PERSONAL SERVICES**

**MAJOR OFFICE**  
**56,660 JOBS 121 BUILDINGS**

**EXISTING EMPLOYMENT AREA DENSITY 97 JOBS per HECTARE**

**41 SITES [53 ha] TOTAL AREA**  
 with **INTENSIFICATION POTENTIAL**

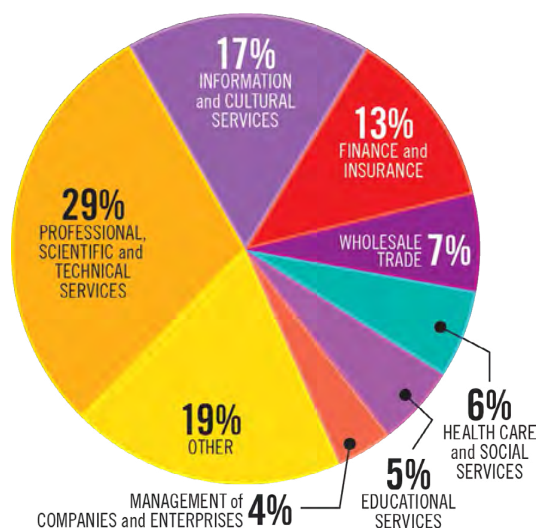




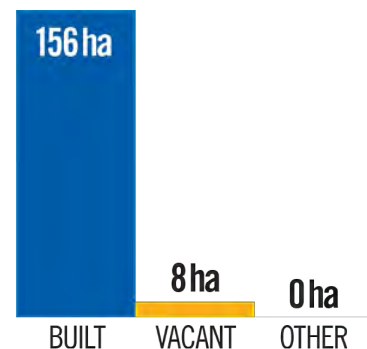
## ALLSTATE CITY of MARKHAM

- ▶ The Allstate employment area accounts for the second largest share of employment land employment in the City of Markham and is home to a number of the Region's top employers including Huawei Technologies and Allstate Insurance
- ▶ This business park is home to a number of prestige office and industrial developments. Furthermore, out of all of the City's employment areas, it has the largest number of major office buildings and 72 per cent of all jobs in this area are located within major offices
- ▶ It is home to Buttonville airport and is located adjacent to Highway 404 and the Highway 7 transit corridor
- ▶ Since 2008, over 50 per cent of job growth has been in the ICT cluster, making it a notable contributor to the Region's growing ICT cluster

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



### 164 TOTAL HECTARES 2017



**15,250 JOBS** in 2018  
**27% INCREASE** (3,270 JOBS) SINCE 2008

**93%** SERVICES PRODUCING      **7%** GOODS PRODUCING

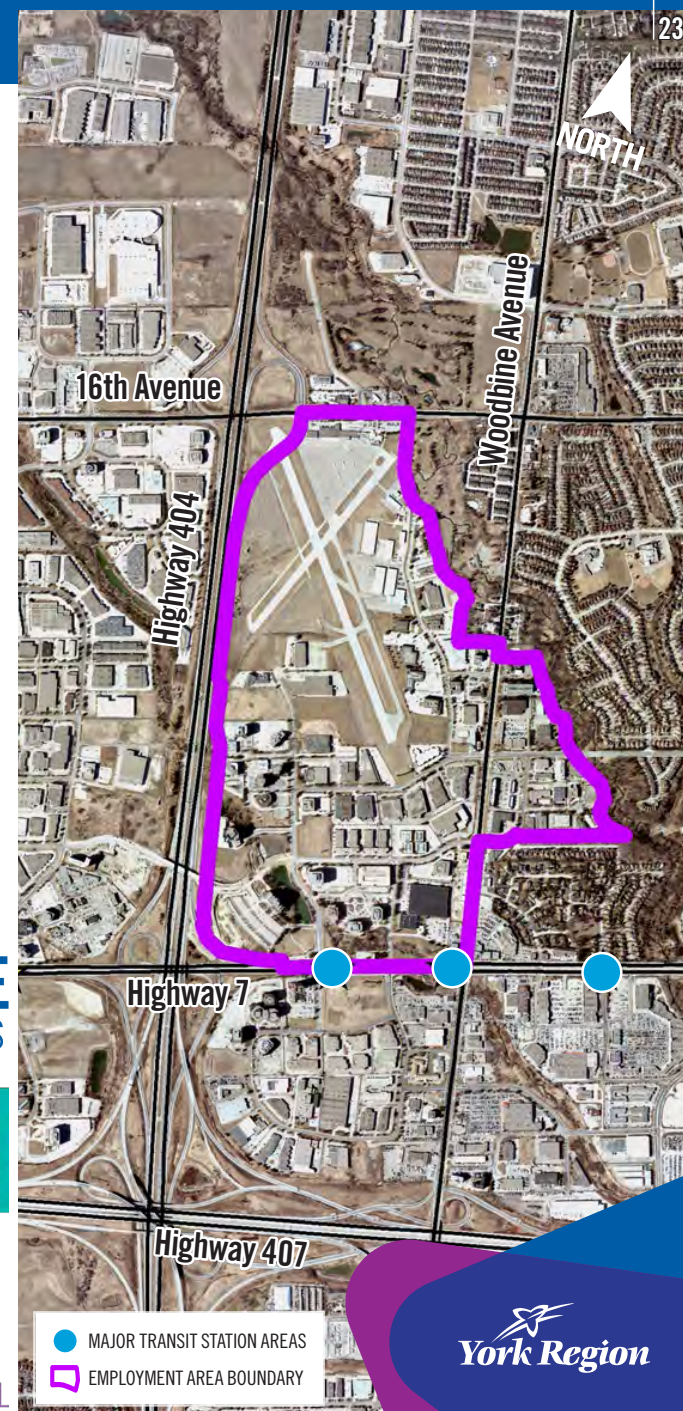
**82%** ONSITE      **18%** OFFSITE

**22%** RETAIL and PERSONAL SERVICES

**MAJOR OFFICE**  
 10,790 JOBS 32 BUILDINGS

EXISTING EMPLOYMENT AREA  
**DENSITY 97** JOBS per HECTARE

**9 SITES** [14ha] TOTAL AREA  
 with INTENSIFICATION POTENTIAL

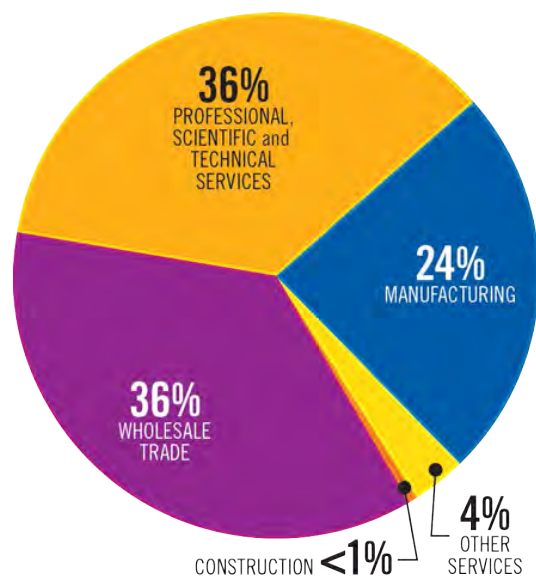




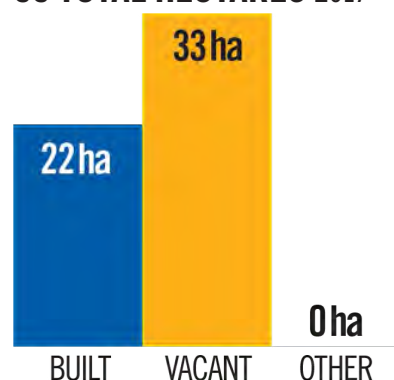
## ARMDALE CITY of MARKHAM

- ▶ This employment area is comprised of a variety of industrial buildings with uses predominantly in the wholesale trade, and manufacturing sectors
- ▶ It is in close proximity to Highway 407 and located along arterial roads with access to nearby residential areas
- ▶ With 33 hectares of vacant employment land available, there are development opportunities for future employers

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



### 55 TOTAL HECTARES 2017



**1,070 JOBS** in 2018  
 6% INCREASE (60 JOBS) SINCE 2008

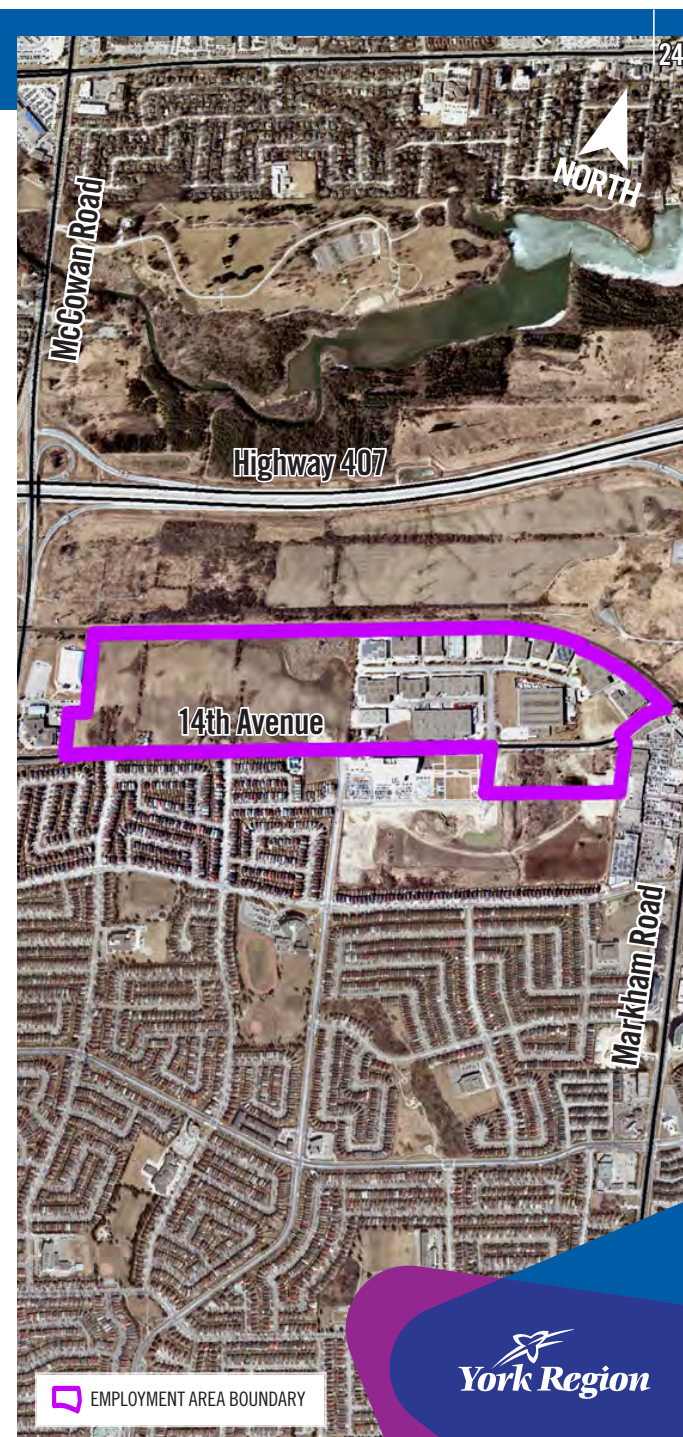
**76%** SERVICES PRODUCING    **24%** GOODS PRODUCING

**98%** ONSITE    **2%** OFFSITE

**3%** RETAIL and PERSONAL SERVICES

EXISTING EMPLOYMENT AREA  
**DENSITY 48** JOBS per HECTARE

**2 SITES** [2.0ha TOTAL AREA]  
 with INTENSIFICATION POTENTIAL

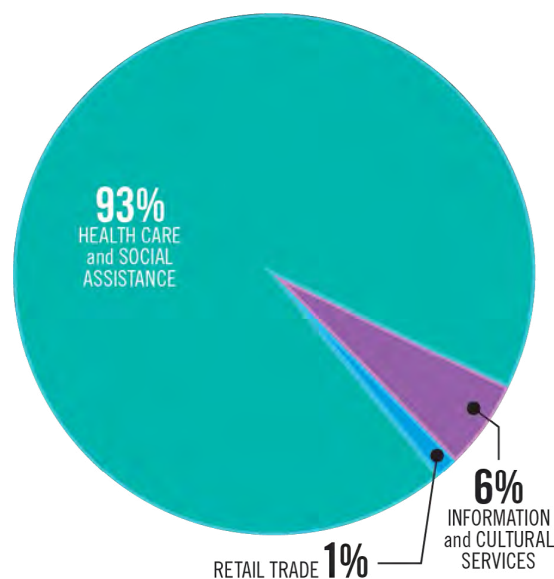




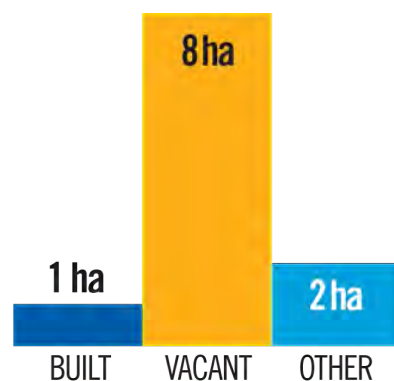
## BOX GROVE CITY of MARKHAM

- ▶ This employment area is integrated into Markham's Box Grove community. It is adjacent to existing residential neighborhoods, natural heritage features and commercial developments that serve the community
- ▶ The majority of lands in this employment area are vacant and can be found in close proximity to the Highway 407 and Donald Cousens Parkway interchange making them ideal locations for freight-supportive businesses to locate

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



### 11 TOTAL HECTARES 2017



**160 JOBS** in 2018

**INCREASE** of 160 JOBS SINCE 2008

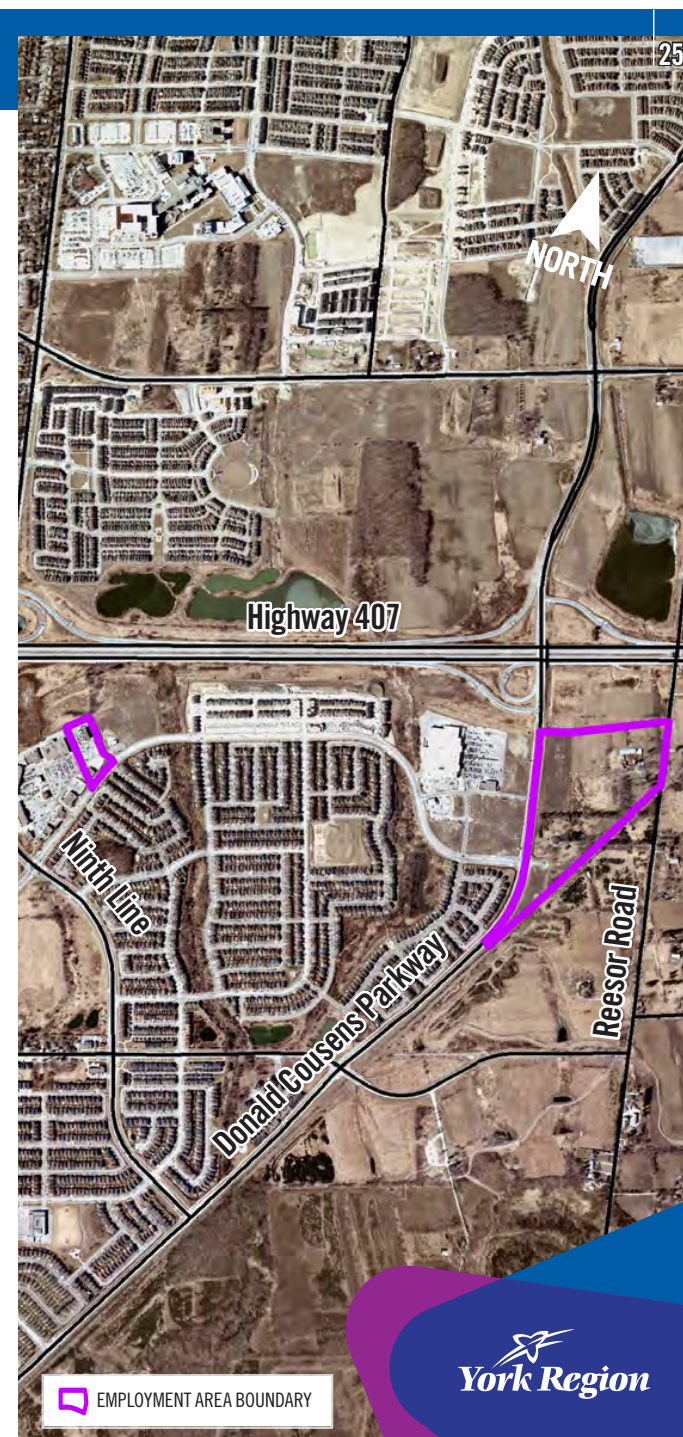
**100%** SERVICES PRODUCING **0%** GOODS PRODUCING

**90%** ONSITE **10%** OFFSITE

 **7%** RETAIL and PERSONAL SERVICES

 **MAJOR OFFICE**  
160 JOBS 1 BUILDING

**EXISTING EMPLOYMENT AREA DENSITY 128 JOBS per HECTARE**



 EMPLOYMENT AREA BOUNDARY

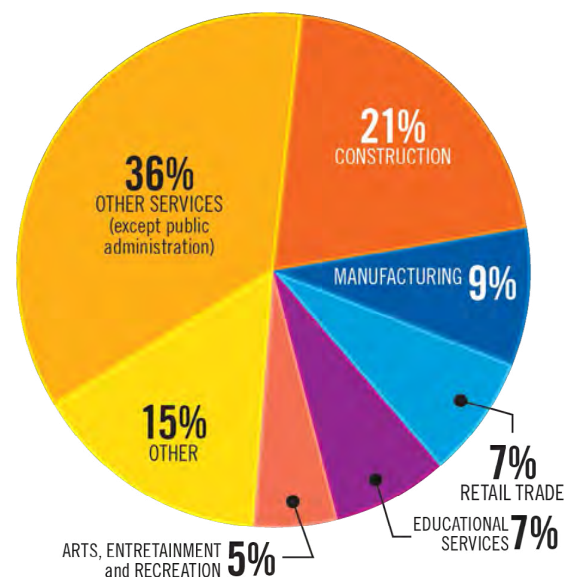
 York Region



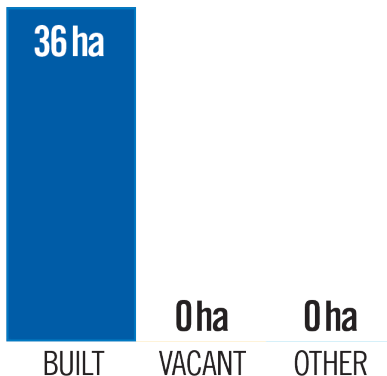
## BULLOCK DRIVE CITY of MARKHAM

- ▶ The Bullock drive employment area is comprised of a mix of service, retail, and light industrial uses and is located along arterial roads making it accessible to businesses and surrounding residential communities
- ▶ The western portion of the employment area is bordered by an intensification area and is serviced by rapid transit routes
- ▶ Over the past ten years, the composition of employment in this area has transitioned from traditional industrial and warehouse uses to smaller scale service employment uses

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



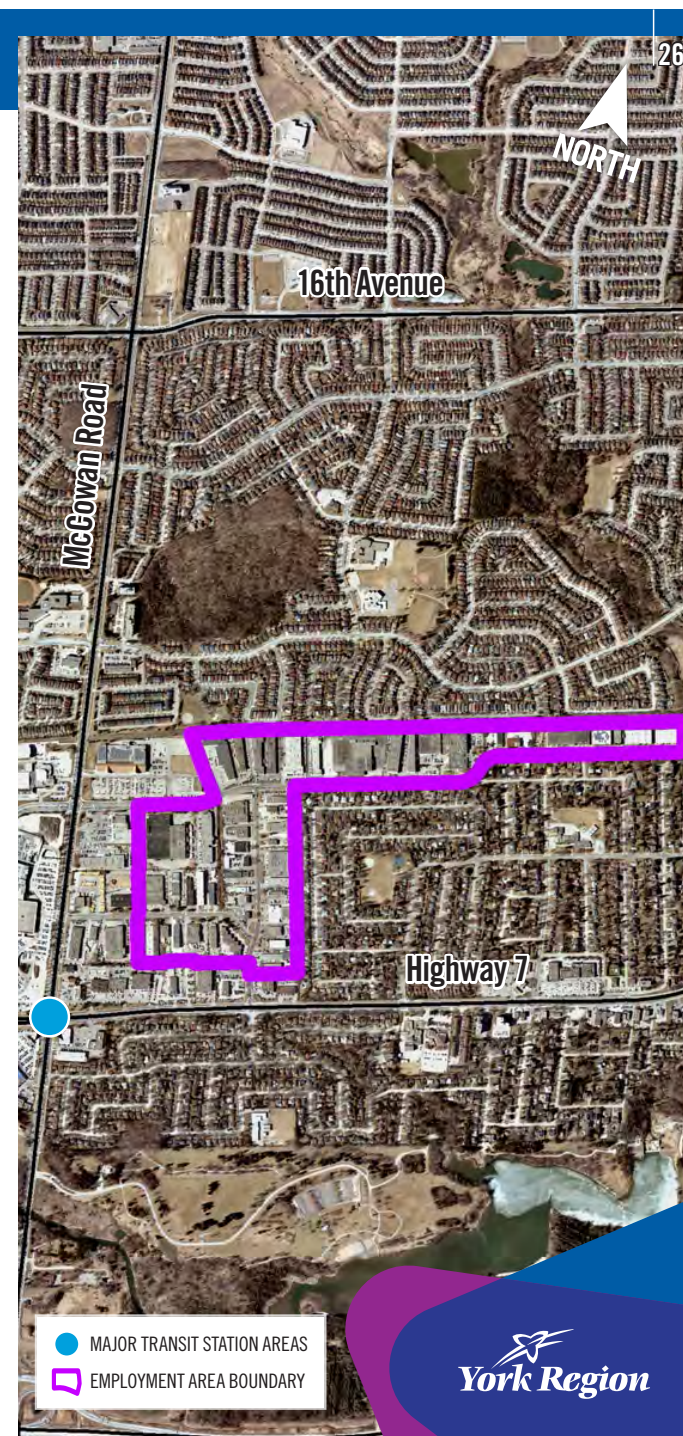
### 36 TOTAL HECTARES 2017



**1,630 JOBS** in 2018  
**27% DECREASE** (-590 JOBS) SINCE 2008

**71% SERVICES PRODUCING**    **29% GOODS PRODUCING**  
**81% ONSITE**    **19% OFFSITE**  
**50% RETAIL and PERSONAL SERVICES**

EXISTING EMPLOYMENT AREA  
**DENSITY 46** JOBS per HECTARE

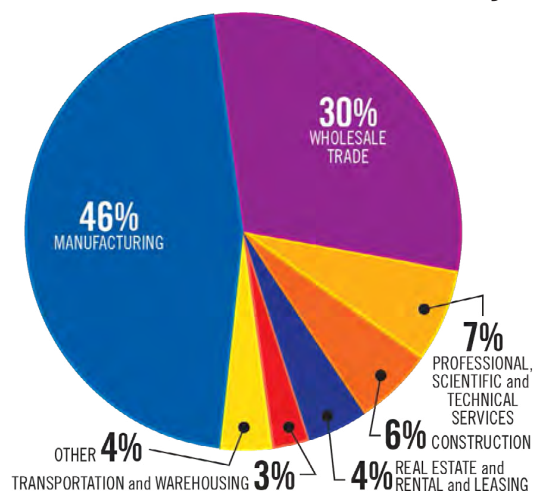




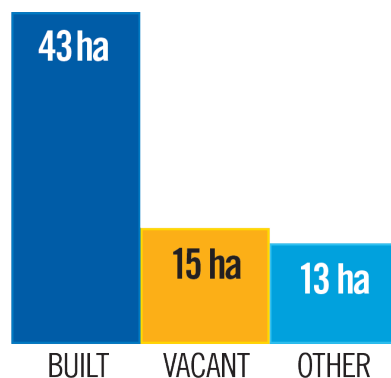
## CACHET CITY of MARKHAM

- ▶ The location of the Cachet employment area offers existing and prospective employers excellent visibility and accessibility to Highway 404 and fosters opportunities for economic synergies with its neighbouring employment areas
- ▶ It is comprised of prestige industrial and office buildings which are home to some of the Region's top employers including GE Grid IQ Innovation centre and Phillips Canada
- ▶ The largest share of employment growth can be attributed to the manufacturing sector, accounting for 86 per cent of job growth since 2008
- ▶ A portion of the employment area contains protected natural features, however with 15 hectares of vacant employment land available there is opportunity available for future development

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



### 71 TOTAL HECTARES 2017



**3,050 JOBS** in 2018

51% INCREASE (1,030 JOBS) SINCE 2008

48% SERVICES PRODUCING    52% GOODS PRODUCING

93% ONSITE    7% OFFSITE

3% RETAIL and PERSONAL SERVICES

**MAJOR OFFICE**  
1,090 JOBS 3 BUILDINGS

EXISTING EMPLOYMENT AREA  
**DENSITY 72** JOBS per HECTARE

**3 SITES** [8.0 ha] TOTAL AREA  
with INTENSIFICATION POTENTIAL

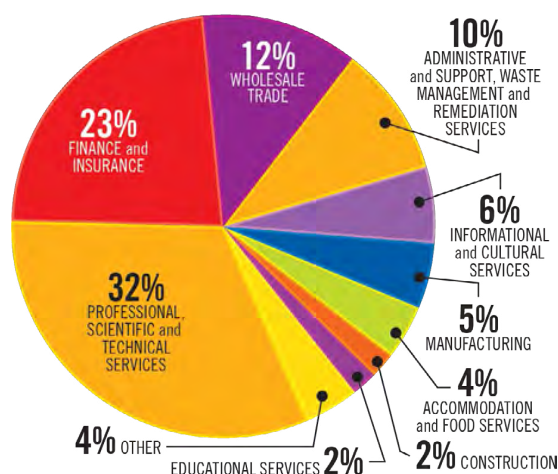




## COCHRANE CITY of MARKHAM

- This employment area is located within the Highway 7 East corridor and is adjoined to the Highway 404 and Highway 407, offering visibility and access to the Regional Rapid transit corridor
- The finance and insurance sector experienced the largest share of employment growth, increasing from a 7 per cent share in 2008 to a 23 per cent share in 2018
- Over 70 per cent of jobs in this employment area are located in major office buildings and are home to some large employers in knowledge-based sectors including Torco Financial Group, Ceridian Canada and WSP Global

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



**5,150 JOBS** in 2018  
**7% INCREASE** (320 JOBS) SINCE 2008

**92% SERVICES PRODUCING**      **8% GOODS PRODUCING**

**78% ONSITE**      **22% OFFSITE**

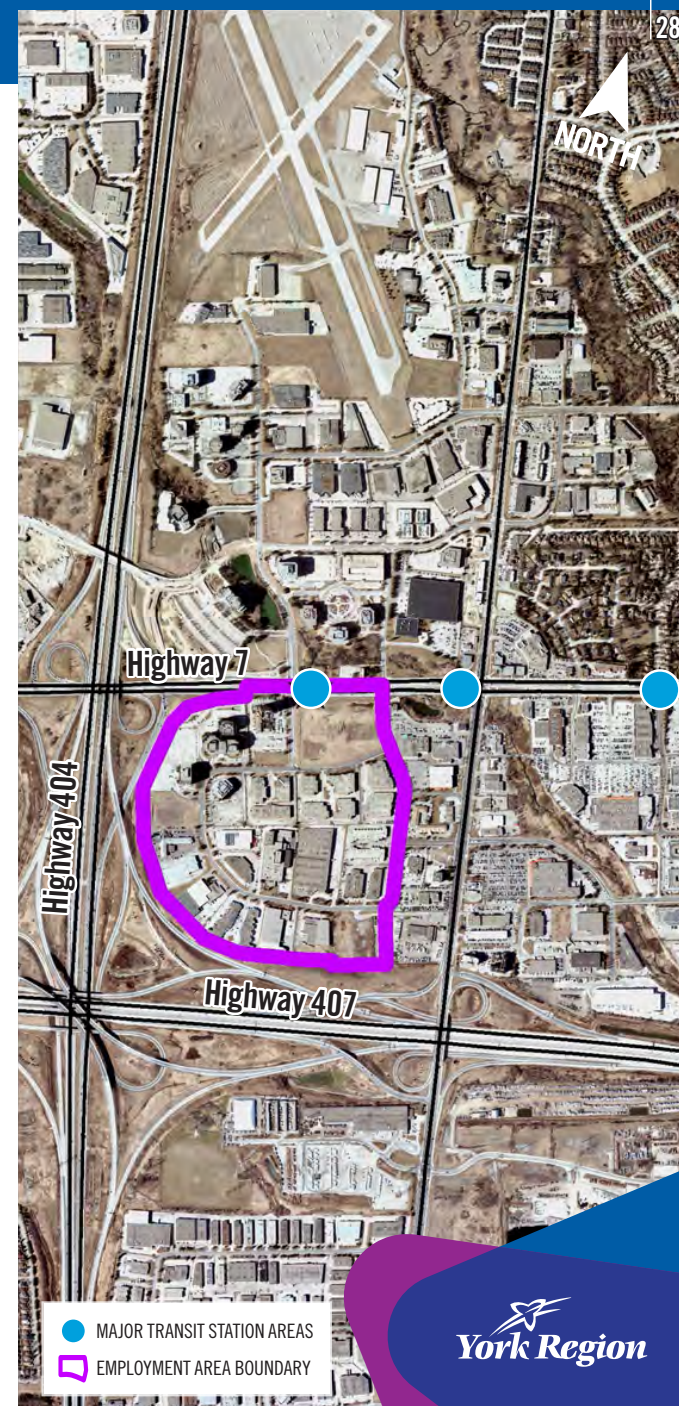
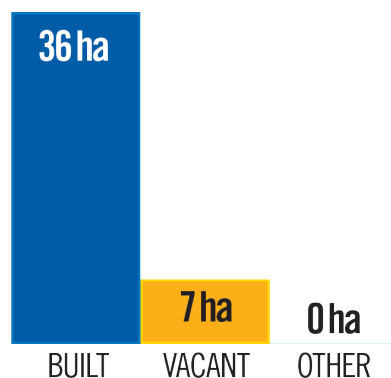
**11% RETAIL and PERSONAL SERVICES**

**MAJOR OFFICE**  
 3,720 JOBS 9 BUILDINGS

**EXISTING EMPLOYMENT AREA DENSITY 144 JOBS per HECTARE**

**3 SITES** [3.0 ha] TOTAL AREA  
 with INTENSIFICATION POTENTIAL

### 43 TOTAL HECTARES 2017

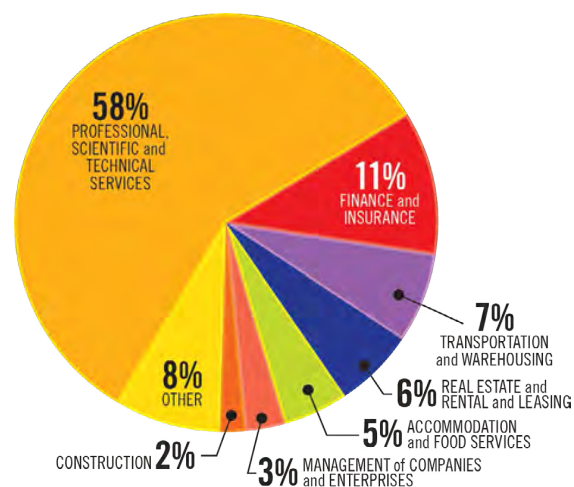




# COMMERCE VALLEY LEITCHCROFT CITY of MARKHAM

- ▶ This employment area is well located within the Highway 7 East corridor and bounded by Highway 407 to the south and Highway 404 to the east
- ▶ This area is comprised of a significant concentration of offices which are home to a number of the Region's top ICT employers including CGI Information Systems and AMD Technologies
- ▶ Over 65 per cent of job growth in the past ten years has been in the finance and insurance and professional, scientific and technical services sectors

## DISTRIBUTION of EMPLOYMENT by SECTOR 2018



**14,450 JOBS** in 2018  
**28% INCREASE** (3,150 JOBS) SINCE 2008

**96%** SERVICES PRODUCING      **4%** GOODS PRODUCING  
**78%** ONSITE      **22%** OFFSITE

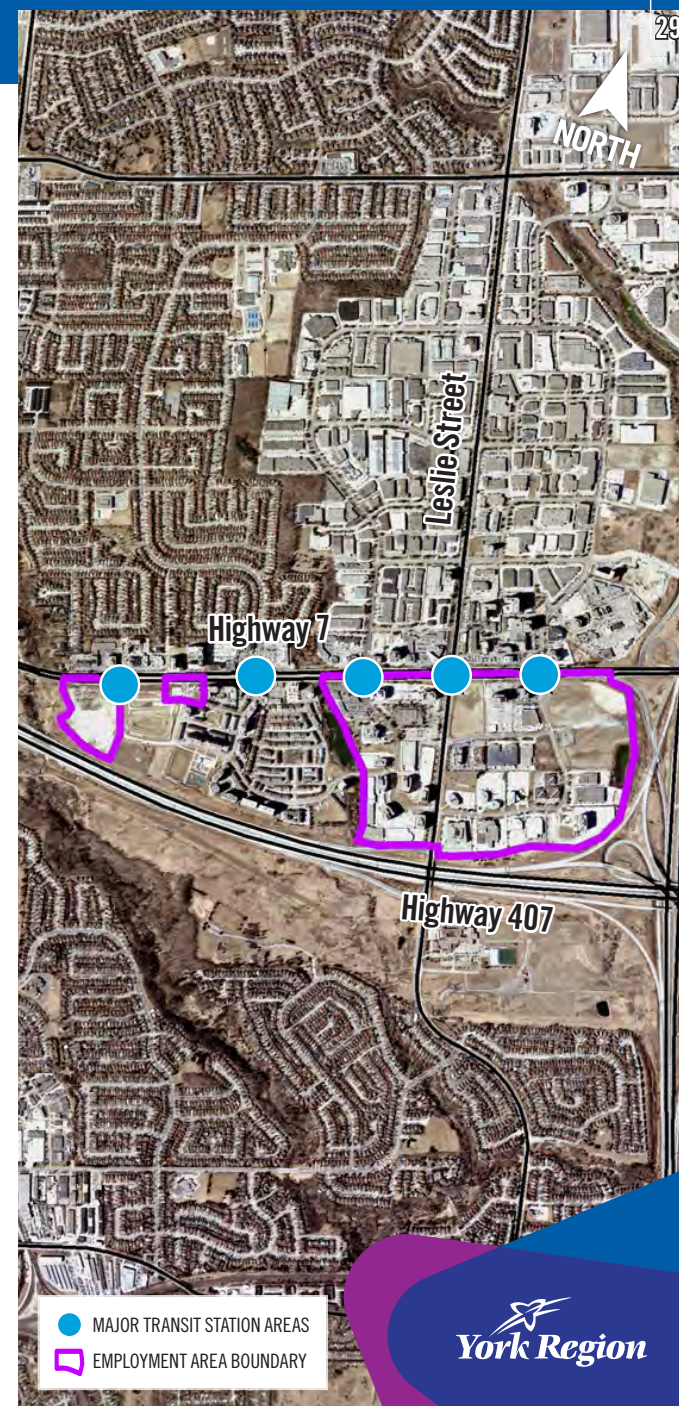
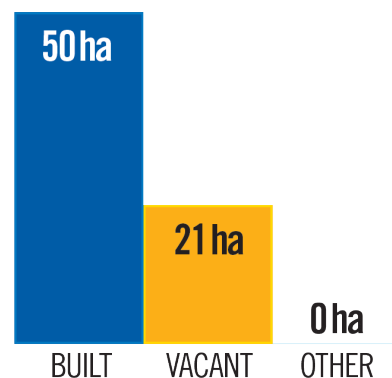
**7%** RETAIL and PERSONAL SERVICES

**MAJOR OFFICE**  
 13,670 JOBS 19 BUILDINGS

**EXISTING EMPLOYMENT AREA DENSITY 289 JOBS per HECTARE**

**2 SITES** [2.0ha TOTAL AREA]  
 with INTENSIFICATION POTENTIAL

## 71 TOTAL HECTARES 2017

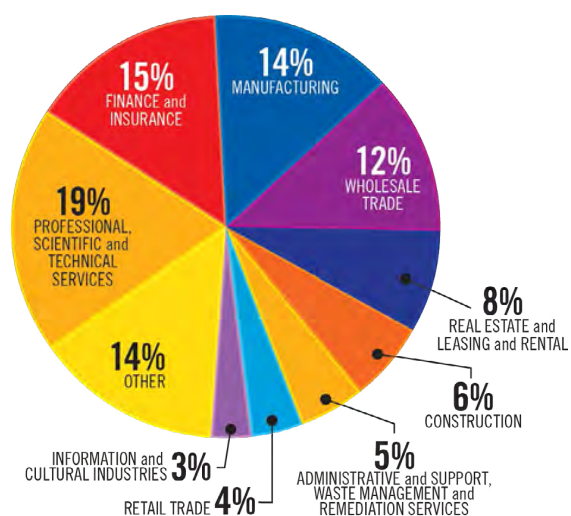




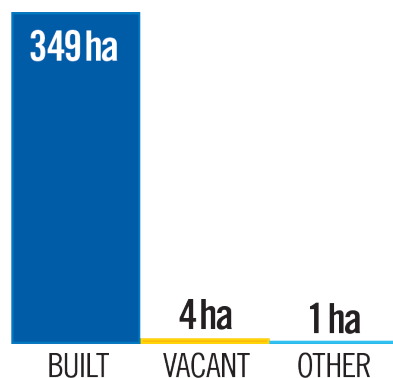
## DENISON STEELES CITY of MARKHAM

- ▶ This is the largest employment area in terms of the number of jobs and accounts for 34 per cent of all employment area employment in the City of Markham
- ▶ It sits on the municipal border between York Region and the City of Toronto and is easily accessible via Highway 404
- ▶ Over 6,100 jobs have been added to this employment area since 2008. Over 54 per cent of this growth can be attributed to the Finance and Insurance sector
- ▶ Its diverse economic composition includes a mix of traditional industrial/warehousing and office uses. Since 2008, the majority of growth has occurred in office type uses

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



### 354 TOTAL HECTARES 2017



**39,600 JOBS** in 2018

18% INCREASE (6,160 JOBS) SINCE 2008

80% SERVICES PRODUCING 20% GOODS PRODUCING

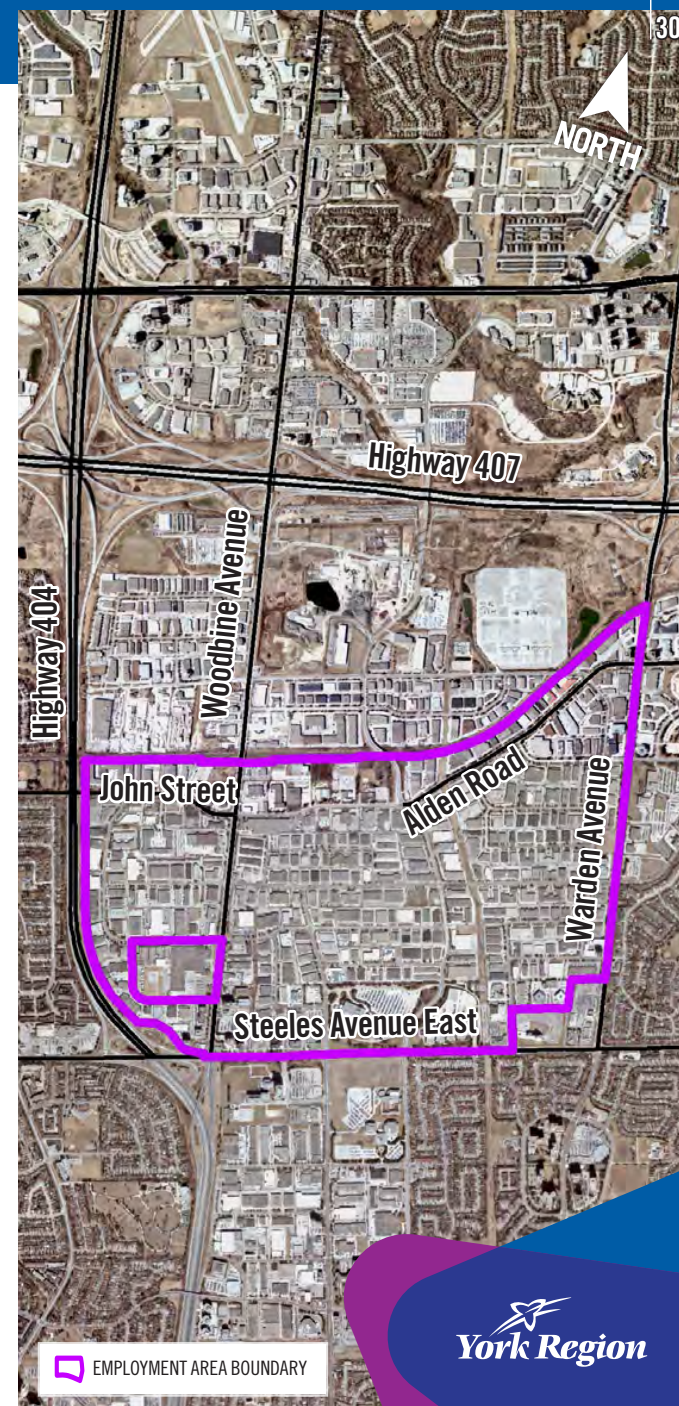
76% ONSITE 24% OFFSITE

14% RETAIL and PERSONAL SERVICES

**MAJOR OFFICE**  
14,420 JOBS 21 BUILDINGS

EXISTING EMPLOYMENT AREA  
**DENSITY 113** JOBS per HECTARE

**4 SITES** [3.0 ha] TOTAL AREA  
with INTENSIFICATION POTENTIAL



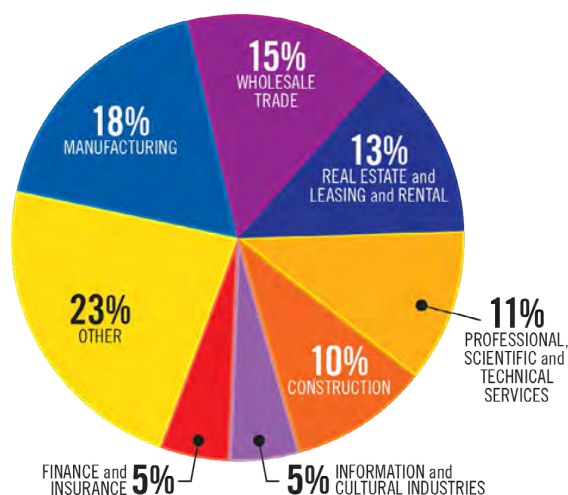
York Region



## FOURTEENTH AVENUE CITY of MARKHAM

- This established employment area is situated southeast of Highway 404 and Highway 407
- Despite experiencing declines in the manufacturing and transportation/warehousing sectors in the past ten years, it can still be characterized as a traditional employment area with industrial and warehousing uses
- The real estate and rental and leasing and construction sectors accounted for the largest share of employment growth since 2008

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



**8,200 JOBS** in 2018  
9% INCREASE (700 JOBS) SINCE 2008

**71%** SERVICES PRODUCING **29%** GOODS PRODUCING

**86%** ONSITE **14%** OFFSITE

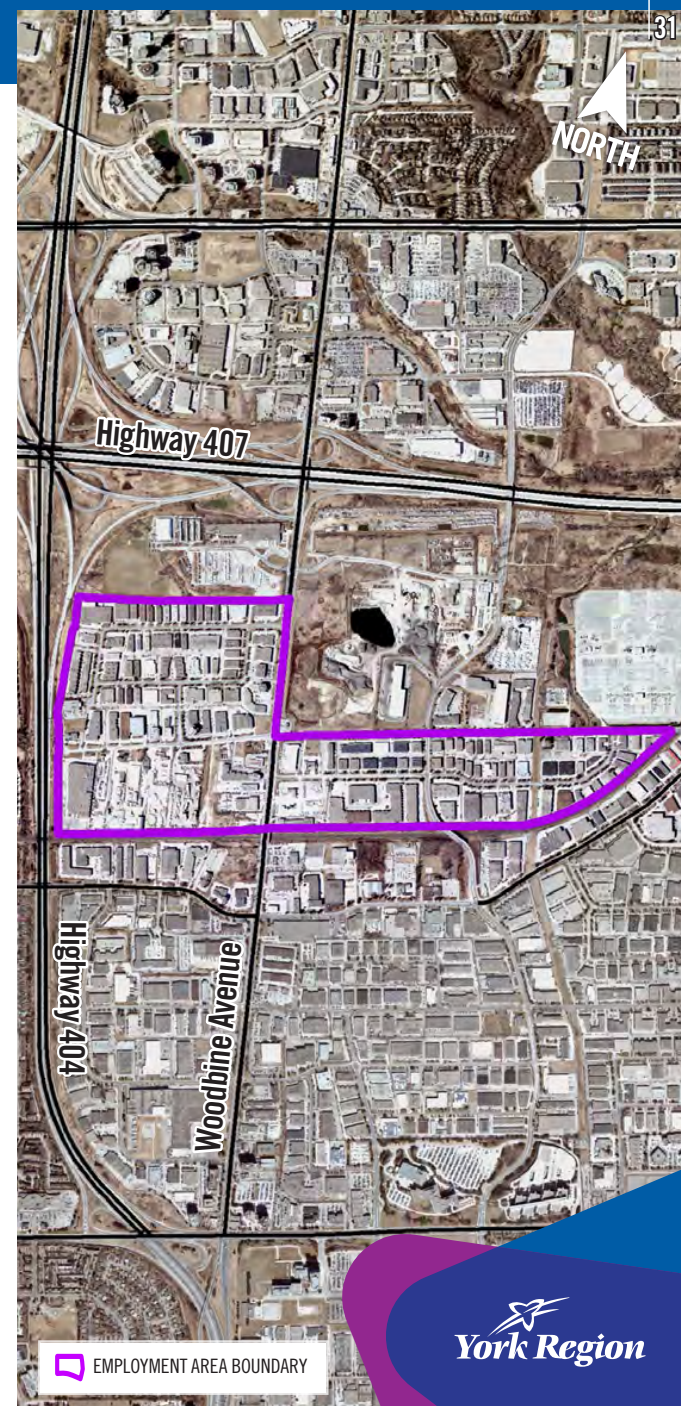
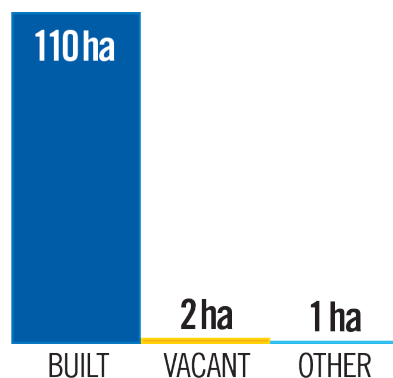
**13%** RETAIL and PERSONAL SERVICES

**MAJOR OFFICE**  
1,660 JOBS 4 BUILDINGS

EXISTING EMPLOYMENT AREA  
**DENSITY 74** JOBS per HECTARE

**3 SITES** [2.0ha] TOTAL AREA  
with INTENSIFICATION POTENTIAL

### 113 TOTAL HECTARES 2017

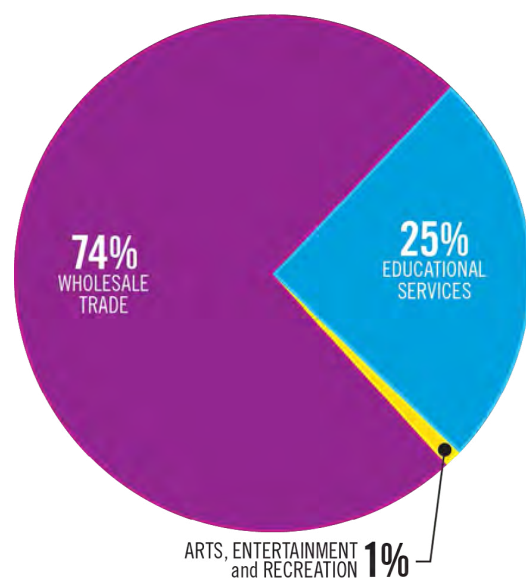




## HIGHWAY 404 NORTH CITY of MARKHAM

- ▶ This employment area offers excellent visibility and accessibility from the adjoining 400 series highway and has further development potential with 48 hectares of vacant land
- ▶ Honda Canada, Enbridge Gas and Mobis Parts Canada have located their operations here over the past ten years. All three employers feature prestige industrial and office uses and account for all 1,220 jobs in this employment area

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



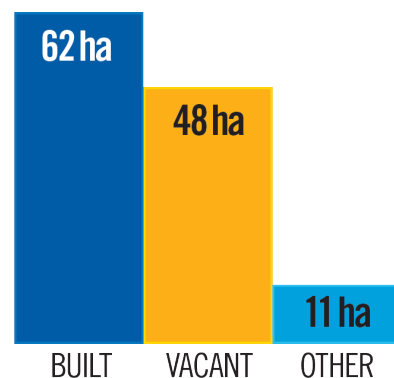
**1,220 JOBS** in 2018  
**10,083% INCREASE** (1,210 JOBS) SINCE 2008

**100%** SERVICES PRODUCING    **0%** GOODS PRODUCING

**84%** ONSITE    **16%** OFFSITE

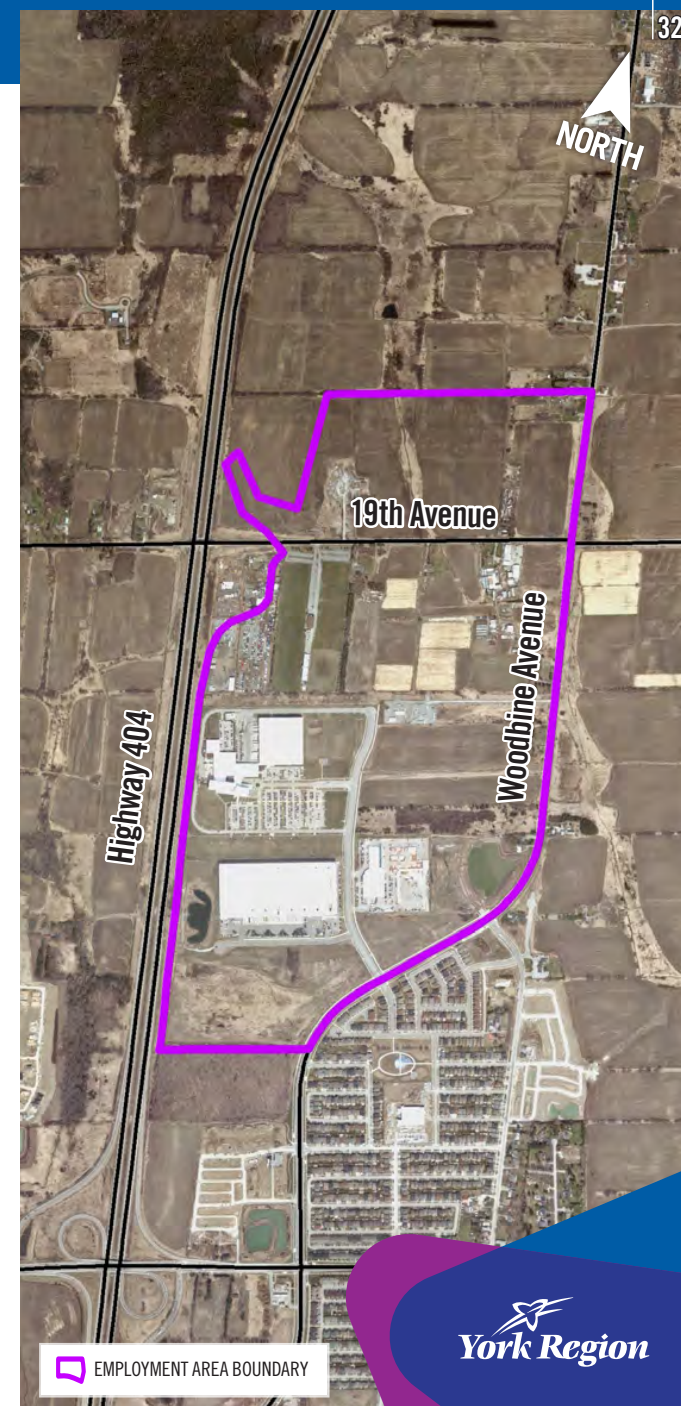
**1%** RETAIL and PERSONAL SERVICES

### 121 TOTAL HECTARES 2017



**MAJOR OFFICE**  
 1,040 JOBS 2 BUILDINGS

**EXISTING EMPLOYMENT AREA DENSITY 20 JOBS per HECTARE**

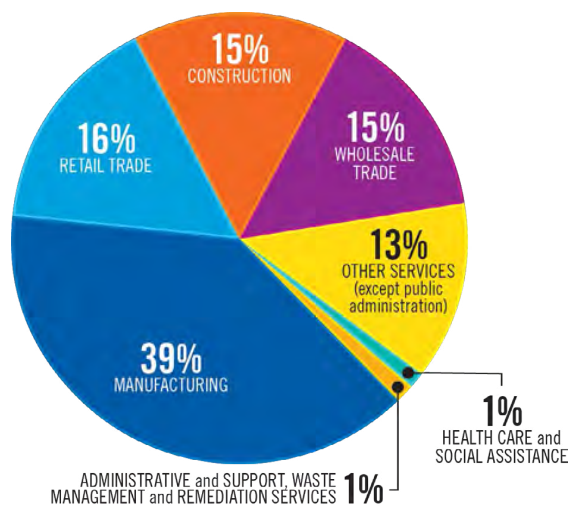


**York Region**

# MOUNT JOY BUSINESS PARK CITY of MARKHAM

- ▶ The Mount Joy business park is located within the mixed-use Markham Rd/Mount Joy corridor
- ▶ This area is adjacent to the Mount Joy GO station and is well integrated into the surrounding communities of Berczy Village, Wismer Commons and Greensborough
- ▶ Employment growth has remained relatively steady since 2008. The area is mainly comprised of small scale multi-unit industrial buildings used for light manufacturing and wholesale businesses

## DISTRIBUTION of EMPLOYMENT by SECTOR 2018



**160 JOBS** in 2018

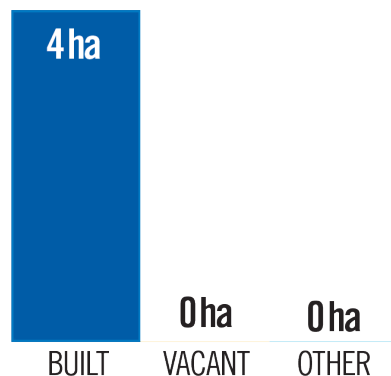
14% INCREASE (20 JOBS) SINCE 2008

46% SERVICES PRODUCING    54% GOODS PRODUCING

93% ONSITE    7% OFFSITE

29% RETAIL and PERSONAL SERVICES

## 4 TOTAL HECTARES 2017



EXISTING EMPLOYMENT AREA DENSITY **45** JOBS per HECTARE

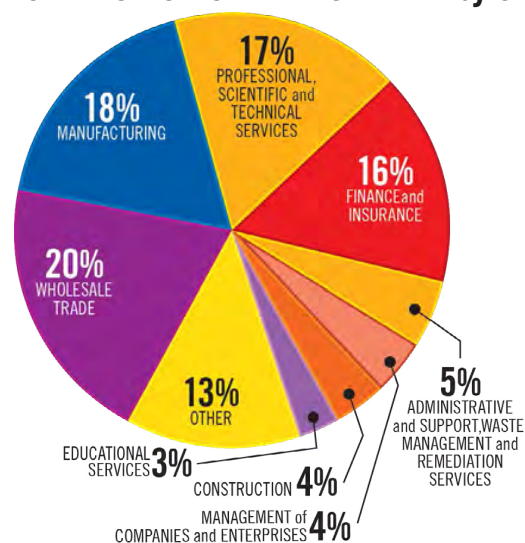




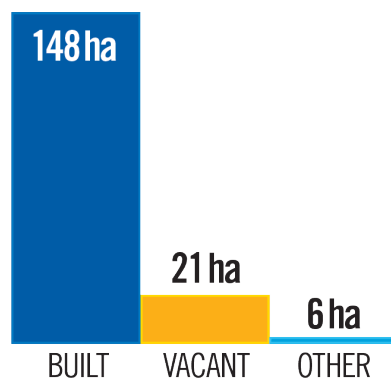
## RISEBOROUGH CITY of MARKHAM

- This employment area is conveniently located at the southeast corner of Highway 407 and Warden Avenue and with access to frequent transit service on the surrounding arterial roads. It is comprised of a range of prestige office and industrial buildings and is home to a number of top employers including TD Insurance, Veoneer Canada, Enercare Home Services and GM Canada
- The wholesale trade, administrative and support, waste management and remediation services and manufacturing sectors all experienced notable growth over the past ten years despite an overall net decline in employment in this area
- 29 of the 511 businesses located in this area employ over 100 employees and account for 60 per cent of all jobs in the business park

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



### 175 TOTAL HECTARES 2017



**13,740 JOBS** in 2018  
6% DECREASE (-950 JOBS) SINCE 2008

**78%** SERVICES PRODUCING **22%** GOODS PRODUCING

**86%** ONSITE **14%** OFFSITE

**6%** RETAIL and PERSONAL SERVICES

**MAJOR OFFICE**  
5,870 JOBS 18 BUILDINGS

EXISTING EMPLOYMENT AREA  
**DENSITY 93** JOBS per HECTARE

**5 SITES** [5.0 ha TOTAL AREA]  
with INTENSIFICATION POTENTIAL

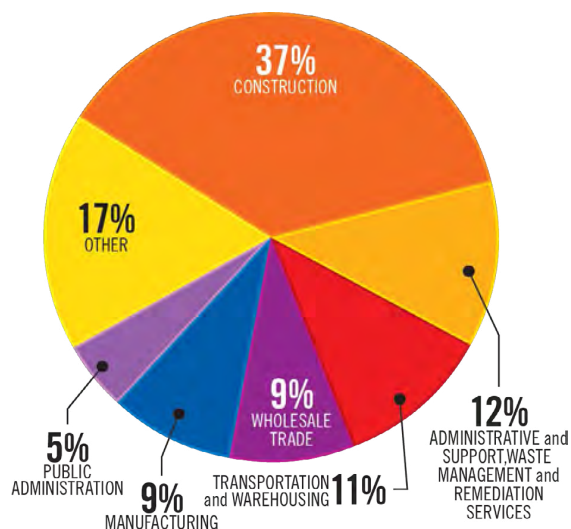




## RODICK ROAD CITY of MARKHAM

- ▶ The northern part of this employment area is located close to the Highway 7 east corridor and Markham Centre and is comprised of mainly industrial standalone and industrial condo buildings in the Administrative and support, waste management and remediation services, wholesale trade and manufacturing sectors
- ▶ The employment lands south of Highway 407 are home to The Miller Group, one of the Region's top employers. This business alone accounts for nearly all of the construction sectors jobs within this employment area and accounted for 51 per cent of job growth in this area over the past ten years
- ▶ Both the northern and southern parts of this employment area are easily accessed via Highway 407

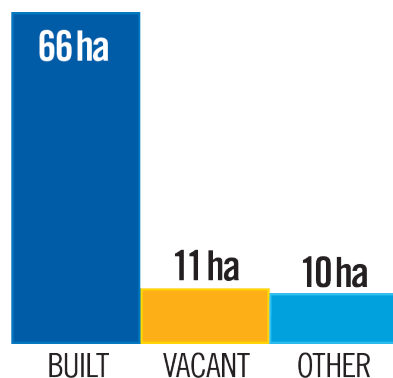
### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



**3,210 JOBS** in 2018  
**180% INCREASE** (2,060 JOBS) SINCE 2008

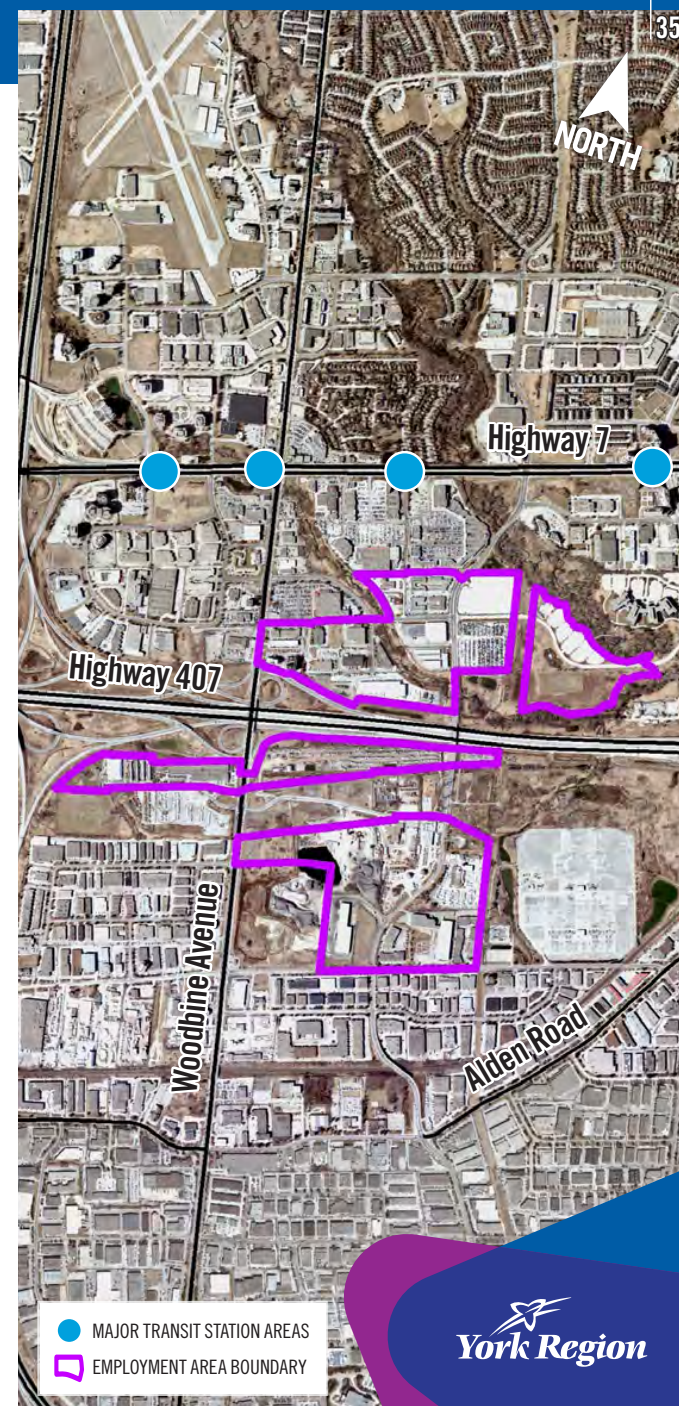
**50% SERVICES PRODUCING**   **50% GOODS PRODUCING**  
**55% ONSITE**   **45% OFFSITE**  
**10% RETAIL and PERSONAL SERVICES**

### 87 TOTAL HECTARES 2017



EXISTING EMPLOYMENT AREA  
**DENSITY 49** JOBS per HECTARE

**5 SITES** [8.0 ha] TOTAL AREA  
 with INTENSIFICATION POTENTIAL

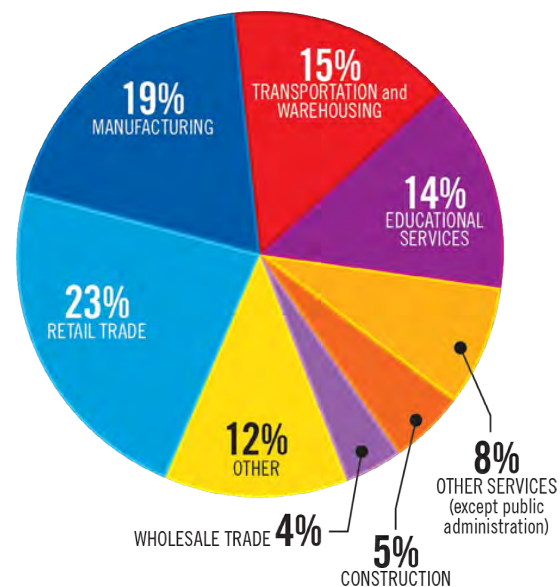




## THORNHILL CITY of MARKHAM

- ▶ The Thornhill employment area is located adjacent to the Yonge Steeles Corridor mixed-use area and is transit supportive with existing York Region Transit/VIVA bus routes and the future Yonge subway extension
- ▶ Employment in this area has remained relatively stable over the past ten years
- ▶ Employment uses in the area are comprised of light industrial, small office and retail uses that primarily serve the surrounding community and businesses

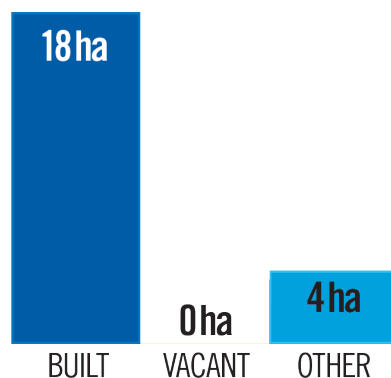
### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



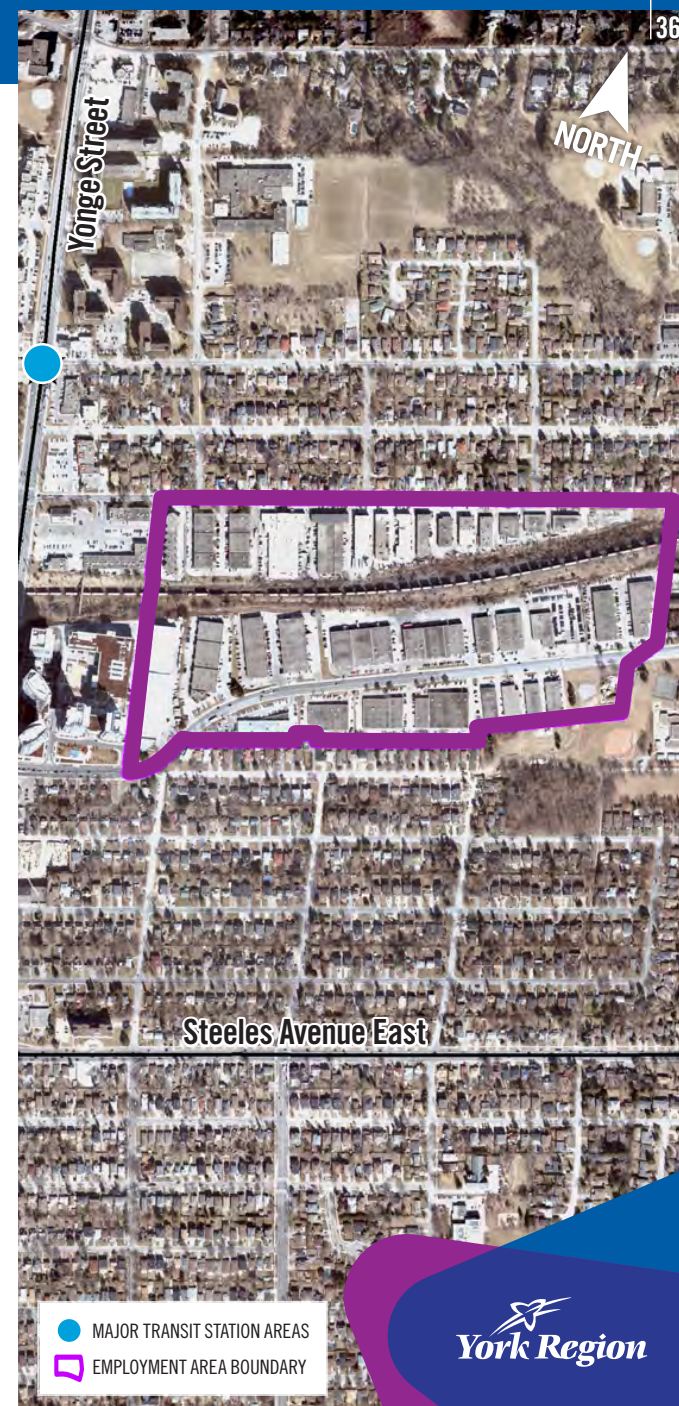
**1,530 JOBS** in 2018  
6% INCREASE (80 JOBS) SINCE 2008



### 22 TOTAL HECTARES 2017



EXISTING EMPLOYMENT AREA  
**DENSITY 86** JOBS per HECTARE

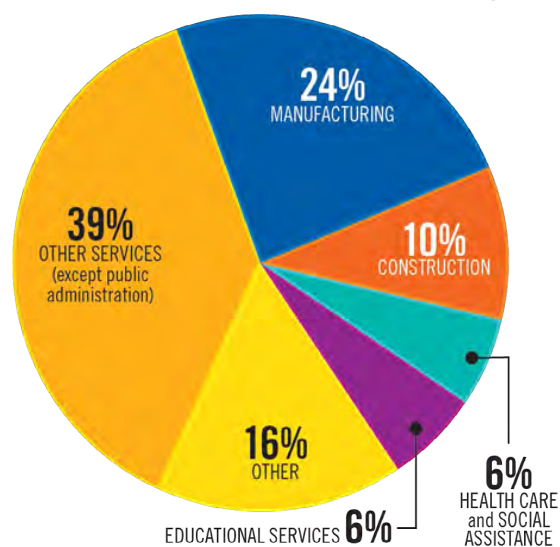




# THORNLEA CITY of MARKHAM

- ▶ The Thornlea employment area is situated in the community of Thornhill
- ▶ This area is comprised of a mix of multi-unit buildings that provide light industrial uses and services to businesses and residents
- ▶ The other services and manufacturing sectors account for the largest shares of employment in this area. These businesses are primarily in automotive repair and light manufacturing including millwork and food production
- ▶ Despite an overall decline in employment due to job losses in the manufacturing sector in the past ten years, growth in the other services sector was able to recover the majority of jobs lost

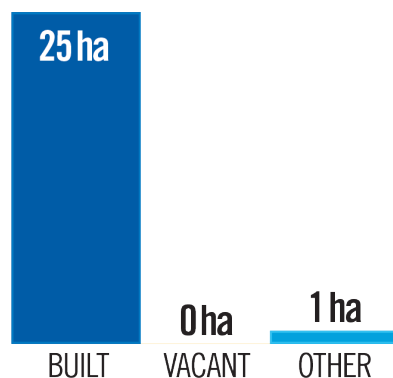
## DISTRIBUTION of EMPLOYMENT by SECTOR 2018



**1,020 JOBS** in 2018  
6% DECREASE (-60 JOBS) SINCE 2008

66% SERVICES PRODUCING    34% GOODS PRODUCING  
88% ONSITE    12% OFFSITE  
43% RETAIL and PERSONAL SERVICES

## 26 TOTAL HECTARES 2017



EXISTING EMPLOYMENT AREA  
**DENSITY 41** JOBS per HECTARE

**1 SITE** [1.0ha] TOTAL AREA  
with INTENSIFICATION POTENTIAL

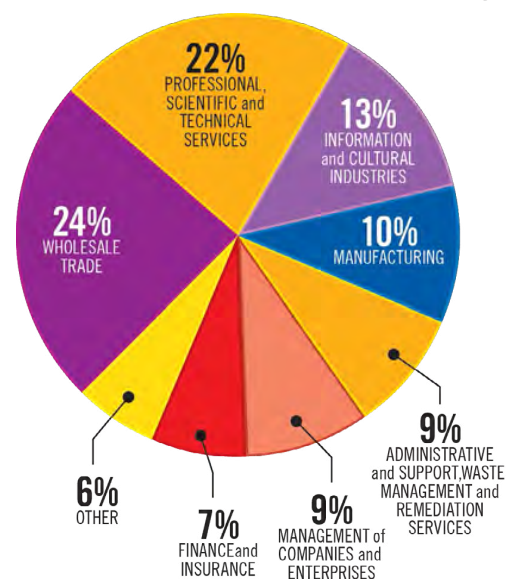




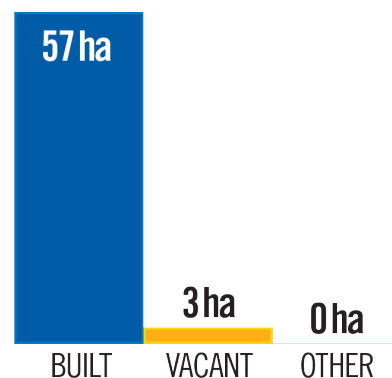
## TOWN CENTRE CITY of MARKHAM

- The Town Centre employment area is located within Markham Centre and is strategically located along the Highway 7 rapid transit corridor and is adjacent to Highway 407
- The area is primarily comprised of major office and office/industrial developments and is home to some of the Region's large employers including Hydro One, Jonas Software and Allergan Inc.
- Over the past ten years, a number of companies in the wholesale trade, information and cultural industries and the management of companies and enterprises sectors have located their operations here and significantly contributed to the City and Region's knowledge based clusters

### DISTRIBUTION of EMPLOYMENT by SECTOR 2018



### 60 TOTAL HECTARES 2017



**7,040 JOBS** in 2018  
**70% INCREASE** (2,890 JOBS) SINCE 2008

**89% SERVICES PRODUCING**    **11% GOODS PRODUCING**

**86% ONSITE**    **14% OFFSITE**

**14% RETAIL and PERSONAL SERVICES**

**MAJOR OFFICE**  
 4,250 JOBS 12 BUILDINGS

**EXISTING EMPLOYMENT AREA DENSITY 123 JOBS per HECTARE**

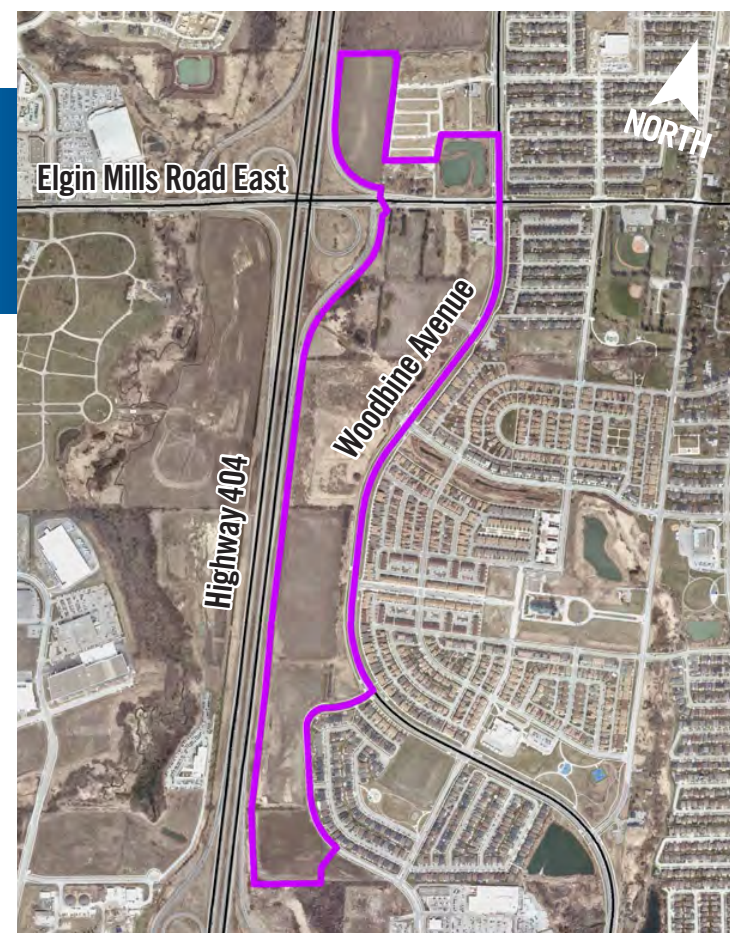
**3 SITES** [2.0ha TOTAL AREA]  
 with INTENSIFICATION POTENTIAL





## CATHEDRAL (VACANT)

- The Cathedral employment area has a total area of 45 net Ha – 37 of which were vacant and available for future development as of 2017
- This employment area is strategically located along Highway 404, offering excellent visibility and access to the goods movement corridor



39

## CORNELL (VACANT)

- The Cornell employment area has a total area of 52 net Ha – 37 of which were vacant in 2017
- Cornell is strategically located adjacent to Highway 407

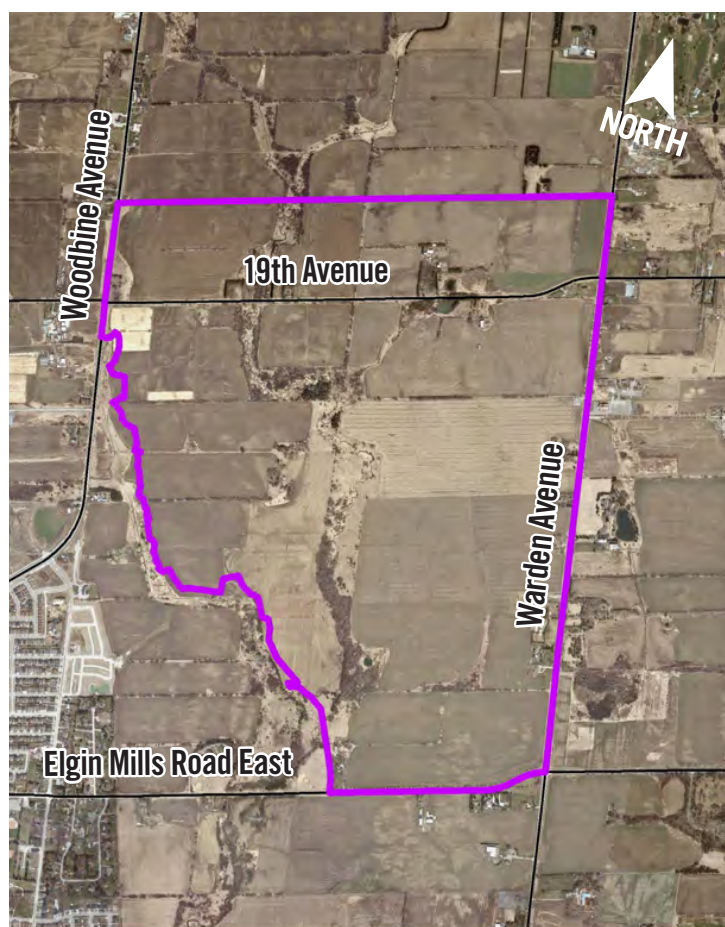


## LANGSTAFF (VACANT)

- The Langstaff employment area is located within the Richmond Hill/Langstaff Gateway Urban Growth Centre (UGC). The UGC is situated at the crossroads of numerous existing and planned transportation corridors and is anticipated to accommodate up to 32,000 people and 15,000 jobs
- The two hectares of employment land, which are currently home to approximately 50 jobs, are slated for future redevelopment in the gateway's master plan with employment uses being focused at the transit nodes and bordering Highway 407 granting greater access and exposure to prospective employers



40



## ROPA 3 (VACANT)

- ROPA 3 was brought into the Region's urban boundary through the 2010 ROP as part of the 2031 Growth Plan conformity exercise
- There is a total of 248 ha in this employment area with 246 ha vacant in 2017
- The employment area is located in close proximity to Highway 404 and Elgin Mills Road East



## HIGHWAY 407 LESLIE SOUTHWEST (VACANT)

- 100 per cent of the employment in this employment area is in the Education services sector
- There is a total of 14Ha in the 407 Leslie Southwest employment area with 6 Ha vacant in 2017
- The employment area is located adjacent to Highway 407



**Appendix 'C'**  
**York Region Employment Conversion Criteria**

Criteria	Theme Area	Description
1. The lands are not required over the horizon of the Growth Plan (GP) for the employment purposes for which they are designated ( <i>GP 2.2.5.9 b</i> ).	Supply	<ul style="list-style-type: none"> <li>Intended to ensure an appropriate amount of land designated as employment to accommodate the employment forecast over the planning horizon.</li> </ul>
2. The Region <i>and local municipality</i> will maintain sufficient employment lands to accommodate forecasted employment growth, <i>including sufficient employment land employment growth</i> , to the horizon of the Growth Plan ( <i>modified GP 2.2.5.9.c</i> ).	Supply	<ul style="list-style-type: none"> <li>Intended to ensure that both York Region and the local municipal land needs assessments will be considered when evaluating conversion requests.</li> <li>Additionally, the words “sufficient employment land employment growth” were added to identify that protecting ELE jobs is a Regional priority as employment lands are home to the majority of the Region’s jobs.</li> </ul>
3. Non-employment uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets and other policies in the Growth Plan ( <i>modified GP 2.2.5.9 d</i> ).	Viability	<ul style="list-style-type: none"> <li>Intended to ensure that the viability of the employment area is maintained and that density (Designated Greenfield Area, Employment Area) and intensification (Urban Growth Centres, Strategic Growth Areas, and Major Transit Station Areas) targets can be met.</li> </ul>
4. There are existing or planned infrastructure and public service facilities to accommodate the non-employment uses ( <i>e.g. sewage, water, energy, transportation</i> ) ( <i>modified GP 2.2.5.9 e</i> ).	Infrastructure	<ul style="list-style-type: none"> <li>When evaluating conversions consider if the existing or planned infrastructure and public service facilities are available to support the non-employment uses.</li> </ul>



### York Region Employment Conversion Criteria

Criteria	Theme Area	Description
5. There is a need for the conversion (GP 2.2.5.9 a).	Region Wide Interest	<ul style="list-style-type: none"> <li>• Need can generally be defined by considering land supply and the urban structure. When applying this criteria, the following questions should be asked:</li> <li>• Is there not enough land to accommodate the development objectives elsewhere?</li> <li>• Are there specific characteristics of the proposed site that would result in a non-employment use being better integrated with the regional or local urban structure or better support Regional and local planning objectives?</li> </ul>
6. The following employment areas will not be considered for conversion as they have not yet had the opportunity to develop due to servicing constraints or have recently been brought into the urban boundary to accommodate employment land employment growth to 2031: Keswick Business Park, Queensville, Highway 404 (ROPA 1), ROPA 3, and Highway 400 North (ROPA 52).	Supply	<ul style="list-style-type: none"> <li>• Due to the nature, character, and potential success of these employment areas, time to develop should be given prior to considering these areas for conversion.</li> <li>• Queensville: Secondary Plan was approved for this employment area in 1998. Water/wastewater servicing is not available to this area and is contingent on the Upper York Sewage Solution – currently scheduled for 2026.</li> <li>• ROPA 1: Brought into the urban boundary through YROP-2010. Minimal opportunity for development exists in this employment area as full build out is contingent on the Upper York Sewage Solution – currently scheduled for 2026.</li> <li>• ROPA 3: Brought into the urban boundary through the YROP- 2010. Additional infrastructure is required to support the full buildout of this employment area.</li> <li>• ROPA 52: Brought into the urban area through YROP-2010. The Northeast Vaughan sewer upgrade (currently scheduled for 2028) is required to support the full buildout of this area.</li> <li>• Keswick Business Park: Secondary Plan for this employment area was approved in 2004. Despite having regional servicing available, the area has no local water/ waste water servicing.</li> </ul>

### York Region Employment Conversion Criteria

Criteria	Theme Area	Description
<p>7. The employment area will not be considered for conversion if the entire perimeter of the site is surrounded by lands designated for employment uses and is not viable to continue as an employment area.</p>	Viability	<ul style="list-style-type: none"> <li>• An important component of employment area viability is location. If a site proposed for conversion creates a “hole” in the employment area, the employment area becomes disconnected. If a site becomes disconnected, it has the potential to impact a larger area than just the site being converted as well as sites immediately adjacent.</li> <li>• This can also impact market attractiveness and limit choice of different sized sites for new businesses or existing business expansions in the surrounding area. It can also open the door to future land use compatibility issues depending on the type of non- employment use permitted on those converted lands.</li> </ul>
<p>8. Conversion of the site would not compromise the Region’s and/or local municipality’s supply of large sized employment area sites (i.e. 10 ha or greater) which allow a range uses including but not limited to land extensive uses such as manufacturing, warehousing, distribution and logistics.</p>	Supply	<ul style="list-style-type: none"> <li>• Protecting a diverse range, size and mix of employment areas ensures a competitive economic environment as stated in policy 2.2.5.1b of the Growth Plan. The Region has been experiencing substantial growth in many land extensive sectors such as manufacturing, warehousing, distribution and logistics, a trend that is likely to continue with automation and artificial intelligence. Preserving these sites for prospective employers is important.</li> <li>• What is the size of the proposed site?</li> <li>• Does the site have the potential to accommodate land extensive uses?</li> </ul>
<p>9. The conversion will not destabilize or adversely affect current or future viability and/or identity of the employment area with regards to:</p> <ol style="list-style-type: none"> <li>a) Hindering the operation or expansion of existing or future businesses</li> <li>b) Maintaining lands abutting or in proximity to the conversion site for employment purposes over the long term</li> </ol>	Viability	<ul style="list-style-type: none"> <li>• Intended to determine if the proposed conversion will impact the current or future viability of the employment area.</li> <li>• There are many factors that can be used to measure the impact a conversion may have on the success of an employment area.</li> <li>• This criteria is supportive of Growth Plan policies 2.2.5.1a and 2.2.5.7c</li> </ul>

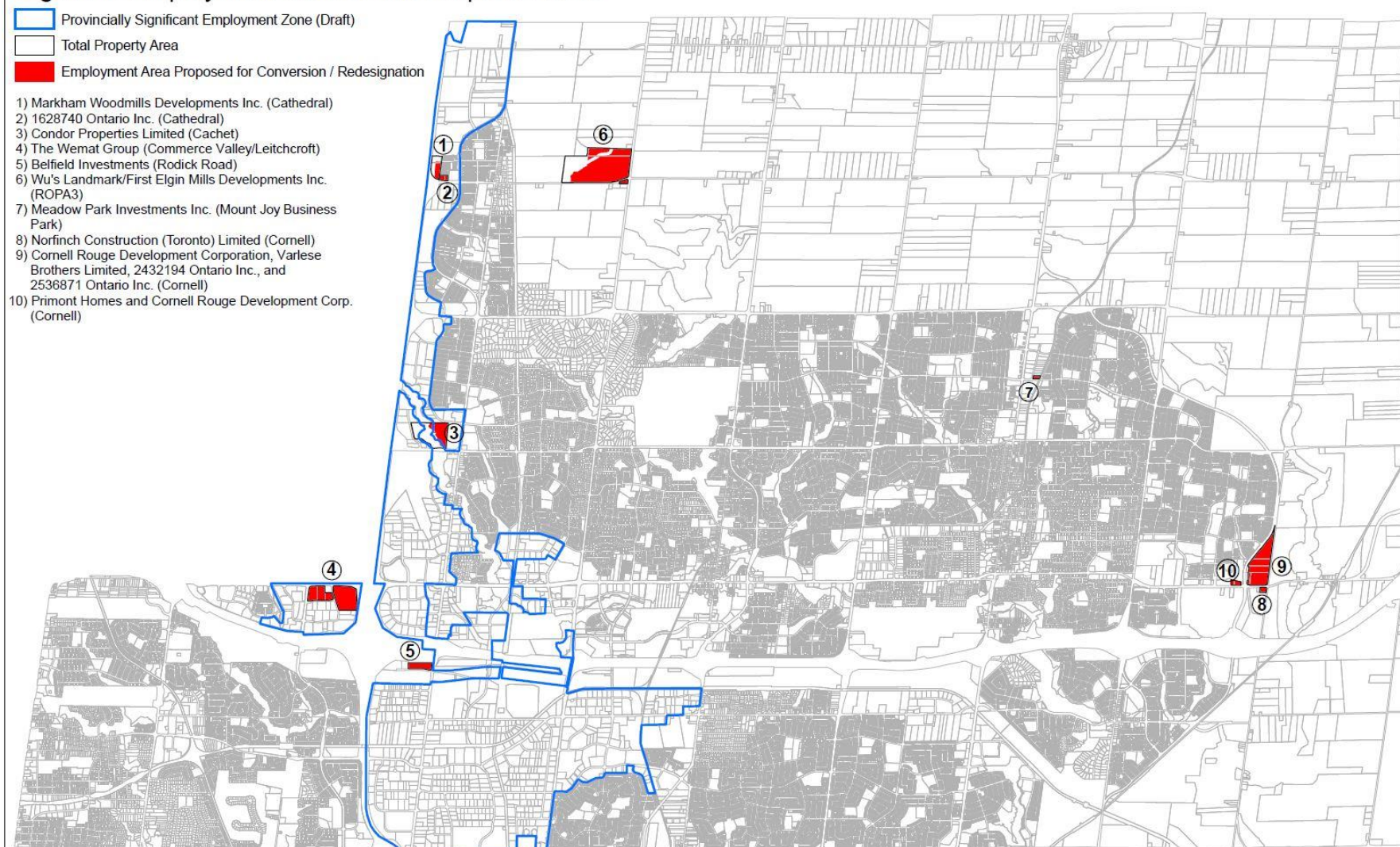
### York Region Employment Conversion Criteria

Criteria	Theme Area	Description
10. The conversion to a non- employment use is compatible with the surrounding uses such as existing employment uses, residential or other sensitive land uses and will mitigate existing and/or potential land use conflicts	Viability	<ul style="list-style-type: none"> <li>The land uses adjacent to a conversion site must be considered when evaluating the conversion request.</li> <li>Will the conversion potentially enhance the character and condition of that proposed site? And will it be compatible with existing and future uses in the area?</li> </ul>
11. The site offers limited development potential for employment land uses due to factors including size, configuration, access and physical conditions	Viability	<ul style="list-style-type: none"> <li>Employment areas are not equal in their attributes and desirability. Existing functional attributes of an employment area such as size, configuration, access and physical conditions are an indication of the area's current and long-term viability.</li> </ul>
12. The proposed site is not adjacent to 400-series highways, is not located in proximity to existing or planned highways and interchanges, intermodal facilities, airports and does not have access to rail corridors	Access	<ul style="list-style-type: none"> <li>This criteria supports the Growth Plan and Regional Official Plan policies around preserving employment areas located near major goods movement corridors to support employment activities that require heavy truck and rail traffic (OP policy 4.3.6, GP policy 2.2.5.1.b, 2.2.5.8). Additionally, these sites offer highway frontage, which is a desirable feature for attracting new investment to the Region (Goal 5 of the Economic Development Action Plan).</li> </ul>
13. The proposed conversion to a non-employment use does not compromise any other planning policy objectives of the Region or local municipality.	Region Wide Interest	<ul style="list-style-type: none"> <li>When evaluating conversion requests, all Regional and Local planning objectives must be met. In the event that a particular conversion request does not meet one of the planning objectives of the Official Plan, but does meet the criteria, a rationale as to why the conversion is not recommended will be considered under this criterion.</li> </ul>
14. Cross-jurisdictional issues have been addressed	Region Wide Interest	<ul style="list-style-type: none"> <li>Intended to ensure that potential conflicts/shared access/servicing with neighbouring upper- and single-tier municipalities (Peel, Toronto, Durham, Simcoe) as well as local municipalities are considered and addressed when evaluating a conversion request.</li> </ul>

## Appendix 'D'




### Location Map and Description of Employment Conversion Requests in Markham

**Figure 1: Employment Conversion Requests 2019**



Document Path: G:\Geomatics\Documents\Planning\Policy\WATL\and for Approval\Issuing Employment Land.mxd

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham


1. Markham Woodmills Developments Inc. (Cathedral)	
<b>Address</b>	Northeast Corner of Elgin Mills Road East and Highway 404
 <p><b>MARKHAM</b></p> <p>  Total Area Under Application   Employment Area Proposed for Conversion / Redesignation </p> <p><b>Official Plan Land Uses</b></p> <ul style="list-style-type: none"> <li>Business Park Employment</li> <li>Business Park Office Priority Employment</li> <li>Commercial</li> <li>Countryside</li> <li>Future Employment Area</li> <li>Future Neighbourhood Area</li> <li>General Employment</li> <li>Greenway</li> <li>Hamlet</li> <li>Mixed Use Health Care Campus</li> <li>Mixed Use Heritage Main Street</li> <li>Mixed Use High Rise</li> <li>Mixed Use Low Rise</li> <li>Mixed Use Mid Rise</li> <li>Mixed Use Office Priority</li> <li>Private Open Space</li> <li>Residential Estate</li> <li>Residential High Rise</li> <li>Residential Low Rise</li> <li>Residential Mid Rise</li> <li>Service Employment</li> <li>Transportation and Utilities</li> </ul> <p>Streets shown: Hwy 404, Elgin Mills Rd E, Woodbine Ave, La Tache Cres, Lord Melborne St, Lane, Rumney St, Lane, Fred Woistholme Dr, Hammersmith Lane, Breyworth Rd, Concetta Conte Ave, Lane, Walter Scott Cres.</p>	
<b>Site Area</b>	3.18 ha (gross), 1.9 ha (net)
<b>Site and Area Context</b>	<p><b>Subject site:</b></p> <p>The subject site is located on the north side of Elgin Mills Road between Highway 404 and Woodbine Avenue, and is visible from Highway 404. The conversion request pertains to the eastern portion of the property and maintains the western portion for employment related purposes.</p> <p><b>Surrounding uses:</b></p> <p>North – Vacant land designated for ‘Business Park Employment’ uses and a City-owned woodlot.</p> <p>East – Lands designated for ‘Low Rise Residential’ uses currently under development, and lands designated for ‘Service Employment’ uses (which are also the subject of a conversion request).</p> <p>South – Northbound ramp from Elgin Mills Road East to Highway 404.</p> <p>West – Highway 404.</p>
<b>Identified in draft PSEZ mapping</b>	Yes

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

<b>1. Markham Woodmills Developments Inc. (Cathedral)</b>	
<b>Region Official Plan</b>	Urban Area, Strategic Employment Lands – Conceptual
<b>Official Plan Designation(s)</b>	Service Employment, Business Park Employment
<b>Secondary Plan Designation(s)</b>	N/A
<b>Zoning</b>	Business Park (BP) and Business Corridor (BC) per By-law 177-96
<b>Proposal</b>	To provide for a mixed-use development that accommodates a mix of office and residential space within a live-work type of environment. The proposal includes a range of building heights – 2 to 5 storeys for the office buildings and 4 to 6 storeys for the residential buildings (170-255 units). The two proposed office buildings will be located along the Highway 404 frontage, with the two proposed residential buildings located along the eastern portion of the subject site adjacent to the residential subdivision under development. Given that the subject site is located east and north of the Highway 404 northbound onramp, access for the mixed use development will be provided through an extension of a collector road from the residential development to the east.



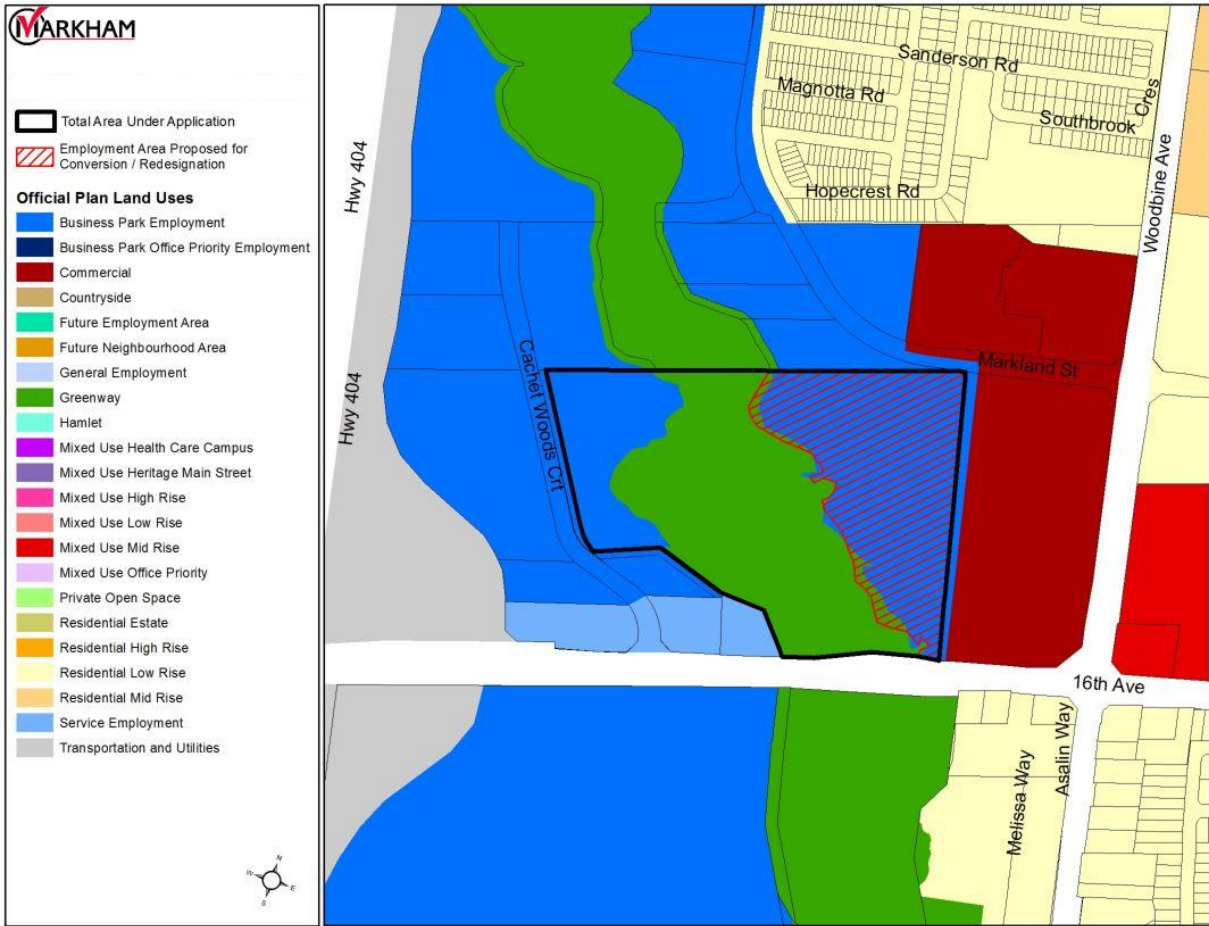
## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

2. 1628740 Ontario Inc. (Cathedral)	
<b>Address</b>	2718 and 2730 Elgin Mills Road
 <p><b>Official Plan Land Uses</b></p> <ul style="list-style-type: none"> <li>Business Park Employment</li> <li>Business Park Office Priority Employment</li> <li>Commercial</li> <li>Countryside</li> <li>Future Employment Area</li> <li>Future Neighbourhood Area</li> <li>General Employment</li> <li>Greenway</li> <li>Hamlet</li> <li>Mixed Use Health Care Campus</li> <li>Mixed Use Heritage Main Street</li> <li>Mixed Use High Rise</li> <li>Mixed Use Low Rise</li> <li>Mixed Use Mid Rise</li> <li>Mixed Use Office Priority</li> <li>Private Open Space</li> <li>Residential Estate</li> <li>Residential High Rise</li> <li>Residential Low Rise</li> <li>Residential Mid Rise</li> <li>Service Employment</li> <li>Transportation and Utilities</li> </ul>	
<b>Site Area</b>	1.0 ha (gross and net)
<b>Site and Area Context</b>	<p><b>Subject site:</b> The subject site is located on the north side of Elgin Mills Road East between Highway 404 and Woodbine Avenue.</p> <p><b>Surrounding uses:</b> North – Lands designated for 'Low Rise Residential' uses currently under development. East – An existing stormwater management pond currently designated as 'Greenway'. South – Elgin Mills Road East. West – Vacant lands designated for 'Service Employment' and 'Business Park Employment' uses (which are also the subject of a conversion request) and Highway 404.</p>
<b>Identified in draft PSEZ mapping</b>	Yes

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

<b>2. 1628740 Ontario Inc. (Cathedral)</b>	
<b>Region Official Plan</b>	Urban Area, Strategic Employment Lands – Conceptual
<b>Official Plan Designation(s)</b>	Service Employment
<b>Secondary Plan Designation(s)</b>	N/A
<b>Zoning</b>	Rural Residential One Zone (RR1) and Agriculture One Zone (A1) per By-law 304-87
<b>Proposal</b>	To provide for the continuation of 'Low Rise Residential' development of lands to the north (OPA No. 12) through the creation of 33 lots and a public road. The proposal includes a total of 27 townhouses, 3 single detached homes and 2 heritage homes.

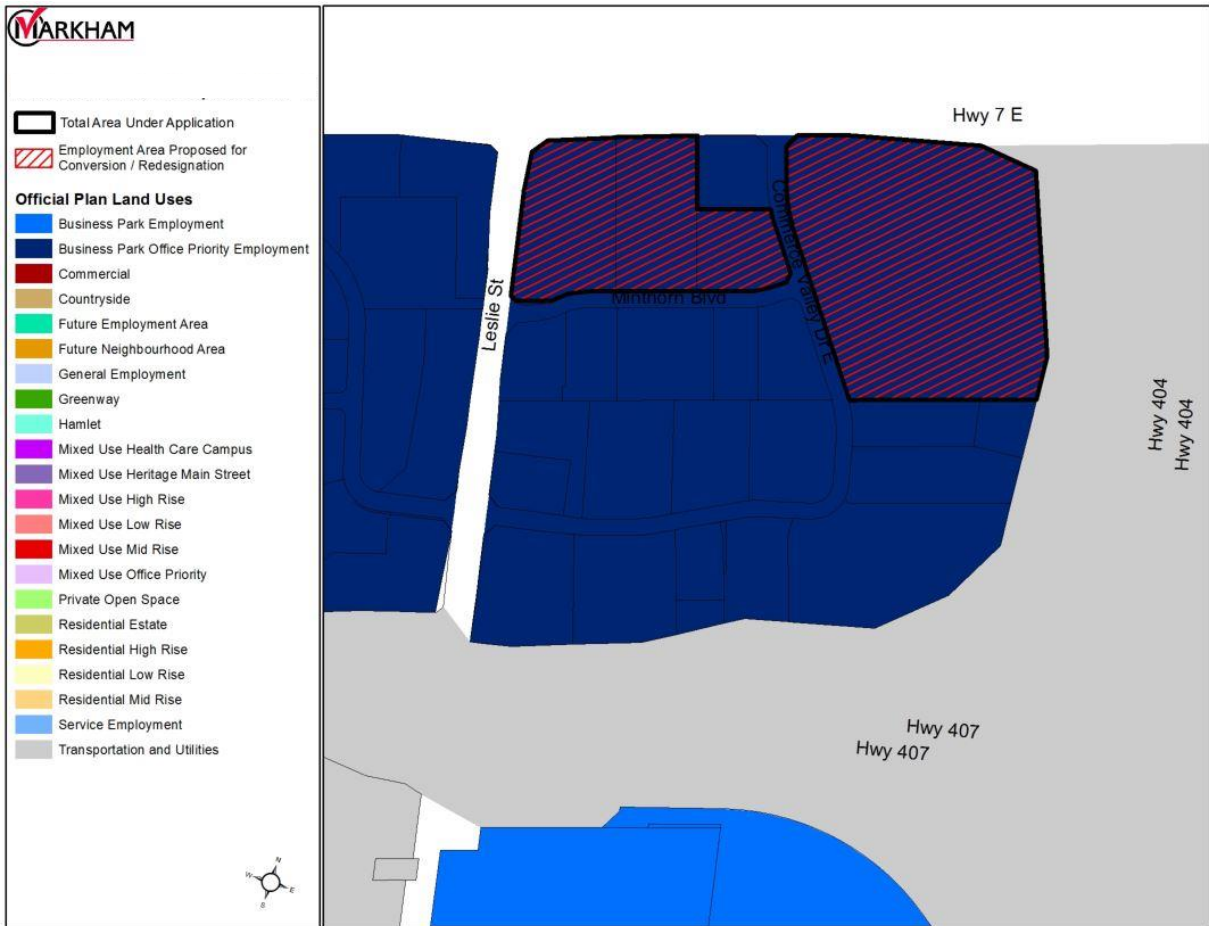
## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

3. Condor Properties Limited (Cachet)	
<b>Address</b>	2920 16th Avenue
 <p><b>Official Plan Land Uses</b></p> <ul style="list-style-type: none"> <li>Business Park Employment</li> <li>Business Park Office Priority Employment</li> <li>Commercial</li> <li>Countryside</li> <li>Future Employment Area</li> <li>Future Neighbourhood Area</li> <li>General Employment</li> <li>Greenway</li> <li>Hamlet</li> <li>Mixed Use Health Care Campus</li> <li>Mixed Use Heritage Main Street</li> <li>Mixed Use High Rise</li> <li>Mixed Use Low Rise</li> <li>Mixed Use Mid Rise</li> <li>Mixed Use Office Priority</li> <li>Private Open Space</li> <li>Residential Estate</li> <li>Residential High Rise</li> <li>Residential Low Rise</li> <li>Residential Mid Rise</li> <li>Service Employment</li> <li>Transportation and Utilities</li> </ul>	
<b>Site Area</b>	16.6 (gross), 5.9 ha (net) subject to conversion request
<b>Site and Area Context</b>	<p>Subject site: The subject site is located on the north side of 16th Avenue between Cachet Woods Court and Woodbine Avenue, south of Markland Avenue. The Greenway system traverses through the site, splitting the developable area into two portions. The larger eastern portion (5.9 ha) is the subject of this employment land conversion request, while the smaller western portion (1.7 ha) is being retained for employment uses to be developed at a later date.</p> <p>Surrounding uses:</p> <p>North – Lands designated for 'Business Park Employment' uses that are currently occupied, an existing residential subdivision, and King Square Shopping Centre.</p> <p>East – A vacant site (also owned by Condor Properties) designated for 'Commercial' uses.</p> <p>South – Residential townhomes and a continuation of the Greenway system.</p> <p>West – The Greenway system and lands designated for 'Service Employment' and 'Business Park Employment' uses abutting Highway 404</p>

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

<b>3. Condor Properties Limited (Cachet)</b>	
<b>Identified in draft PSEZ mapping</b>	Yes
<b>Region Official Plan</b>	Urban Area
<b>Official Plan Designation(s)</b>	Business Park Employment, Greenway
<b>Secondary Plan Designation(s)</b>	N/A
<b>Zoning</b>	Commercial Recreation (CR) and Open Space (O1) per By-law 304-87
<b>Proposal</b>	<p>To provide for a variety of residential, employment and commercial uses. The intent is to redevelop the eastern portion of the subject site in conjunction with the adjacent property to the east, 2960 16th Avenue, also owned by Condor Properties Limited.</p> <p>Mixed use office and retail development will be located along Woodbine Avenue for employment uses. A portion of the lands along 16th Avenue are proposed for exclusive retail use, and a service commercial use, such as a gas station, is proposed at the intersection of Markland Street and Woodbine Avenue. Park space is located at the centre of the block to ensure accessibility and also adjacent to the valley system to highlight the unique natural amenity on the site. Residential uses are proposed through the remainder of the site and provide a range of housing forms and unit types to meet the housing needs of the City and Region's residents. Access onto the site will be provided via entrances on Markland Street, Woodbine Avenue and 16th Avenue.</p>

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham


4. The Wemat Group (Commerce Valley/Leitchcroft)	
<b>Address</b>	Southwest Quadrant of Highway 7 & Highway 404
 <p><b>Official Plan Land Uses</b></p> <ul style="list-style-type: none"> <li>Business Park Employment</li> <li>Business Park Office Priority Employment</li> <li>Commercial</li> <li>Countryside</li> <li>Future Employment Area</li> <li>Future Neighbourhood Area</li> <li>General Employment</li> <li>Greenway</li> <li>Hamlet</li> <li>Mixed Use Health Care Campus</li> <li>Mixed Use Heritage Main Street</li> <li>Mixed Use High Rise</li> <li>Mixed Use Low Rise</li> <li>Mixed Use Mid Rise</li> <li>Mixed Use Office Priority</li> <li>Private Open Space</li> <li>Residential Estate</li> <li>Residential High Rise</li> <li>Residential Low Rise</li> <li>Residential Mid Rise</li> <li>Service Employment</li> <li>Transportation and Utilities</li> </ul>	
<b>Site Area</b>	18.5 ha (gross), 17.1 ha (net)
<b>Site and Area Context</b>	<p>Subject site: The subject site is located on the south side of the Highway 7 rapid transit corridor (VIVA BRT) between Leslie Street and Highway 404.</p> <p>Surrounding uses:</p> <p>North – Lands designated as 'Employment Corridor' and 'Employment Area' in the Town of Richmond Hill.</p> <p>East – Highway 404.</p> <p>South – 'Business Park Office Priority Employment' lands and Highway 407.</p> <p>West – Lands designated for 'Business Park Office Priority Employment' uses.</p>
<b>Identified in draft PSEZ mapping</b>	Yes
<b>Region Official Plan</b>	Urban Area
<b>Official Plan Designation(s)</b>	Business Park Office Priority Employment

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

<b>4. The Wemat Group (Commerce Valley/Leitchcroft)</b>	
<b>Secondary Plan Designation(s)</b>	N/A
<b>Zoning</b>	Select Industrial and Limited Commercial Zone (M.C.) per By-law 165-80
<b>Proposal</b>	<p>A partial employment land conversion from 'Business Park Office Priority Employment' to 'Mixed Use' to allow for a comprehensive mixed-use transit-oriented community as follows:</p> <p>Residential GFA – 76,500 sq. m. (850 units)  Retail/Commercial GFA – 14,637 sq. m.  Office GFA – 58,140 sq. m.  Hotel &amp; Convention GFA - 9,987 sq. m.  Total GFA - 159, 264 sq. m.</p>



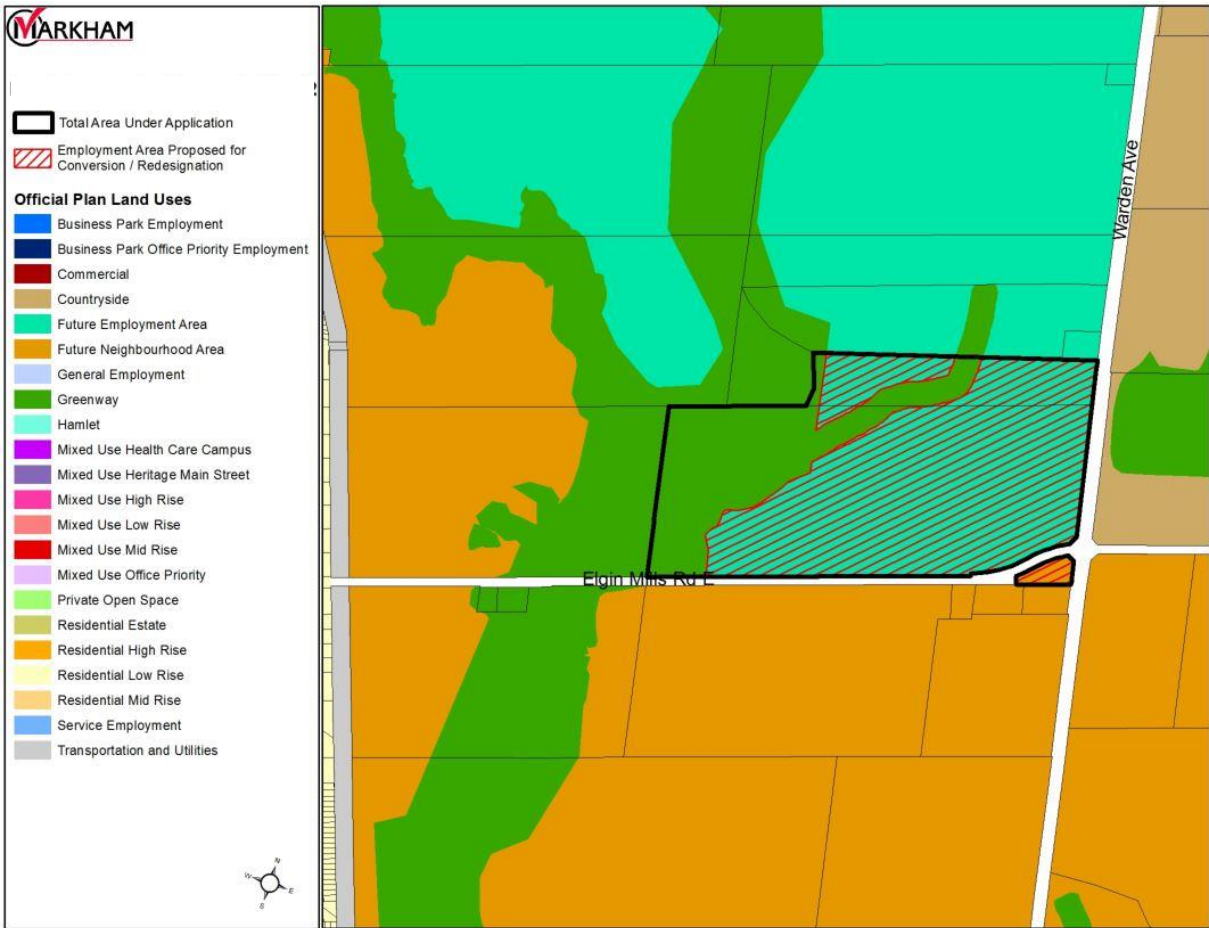
## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

5. Belfield Investments Inc. (Rodick Road)	
<b>Address</b>	8050 Woodbine Avenue
	
<b>Site Area</b>	3.3 ha (gross and net)
<b>Site and Area Context</b>	<p>Subject site: The subject site is situated immediately south of Highway 407 and fronts onto the west side of Woodbine Avenue.</p> <p>Surrounding uses:</p> <p>North – Highway 407, and lands designated for 'Business Park Office Priority Employment' uses.</p> <p>East – Woodbine Avenue and lands designated for 'Business Park Employment' uses.</p> <p>South – Burncrest Road and a hydro transmission corridor. A parking lot serving as bus storage is situated beneath the hydro corridor.</p> <p>West – Lands designated for 'Business Park Employment' uses.</p>
<b>Identified in draft PSEZ mapping</b>	No, however Markham staff have recommended the addition of the subject site to the PSEZ overlay.
<b>Region Official Plan</b>	Urban Area

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

<b>5. Belfield Investments Inc. (Rodick Road)</b>	
<b>Official Plan Designation(s)</b>	Business Park Employment and Service Employment
<b>Secondary Plan Designation(s)</b>	N/A
<b>Zoning</b>	Business Corridor (BC) and Business Park (BP) per By-law 177-96 and Agricultural Zone (A.1) and Rural Industrial (M.4) per By-law 2284-68
<b>Proposal</b>	To provide for a high density mixed-use redevelopment of the subject site that features employment and residential uses that would be appropriate in proximity to a transit station on the future Highway 407 Transitway.

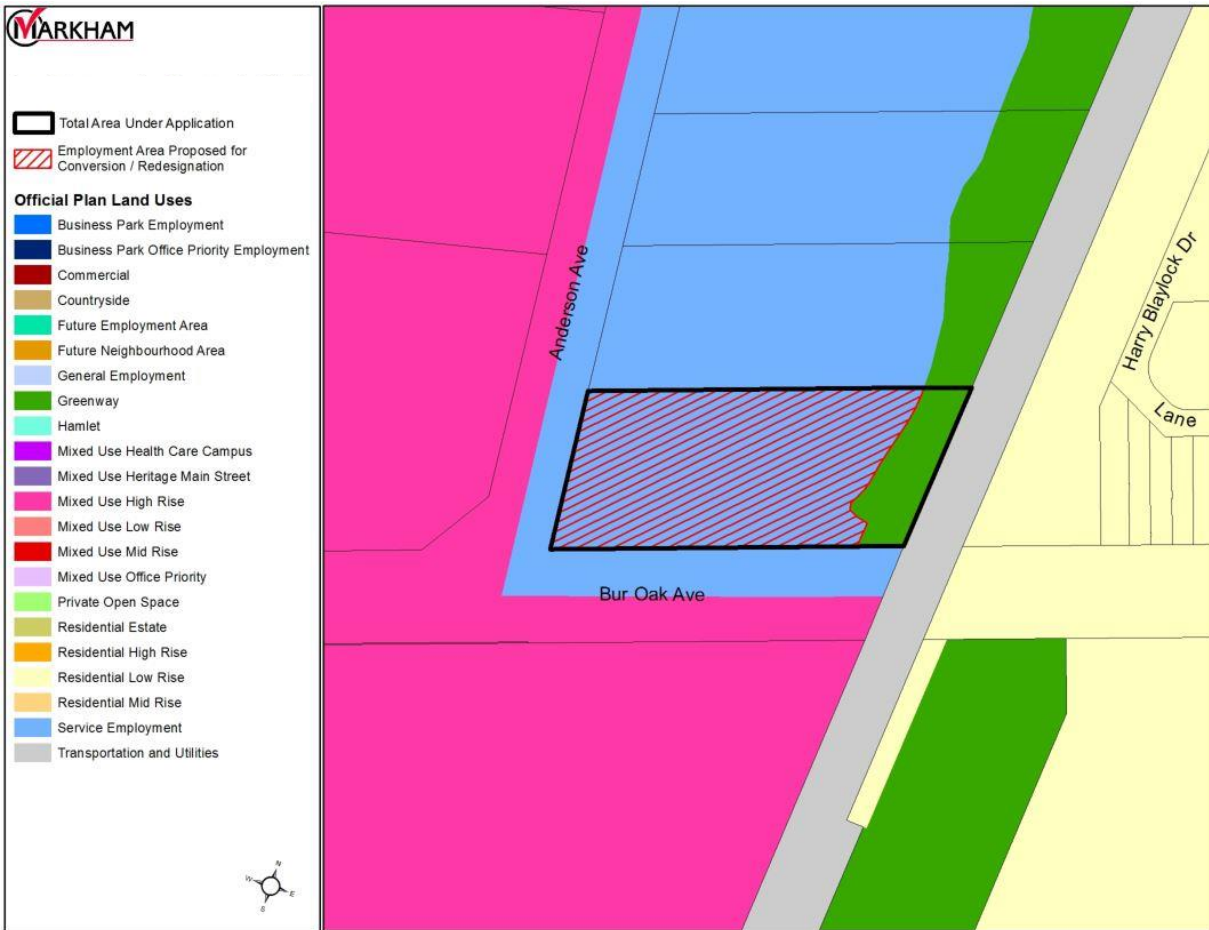


## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

6. Wu's Landmark / First Elgin Mills Developments Inc. (ROPA3)	
<b>Address</b>	10900 Warden Avenue & 3450 Elgin Mills Road
 <p>The map shows the subject site (hatched area) located north of Elgin Mills Road East and west of Warden Avenue. The site is surrounded by various land use designations: Future Employment Area (green), Future Neighbourhood Area (orange), and Residential High Rise (yellow). The legend identifies the following land uses: Business Park Employment (blue), Business Park Office Priority Employment (dark blue), Commercial (red), Countryside (brown), Future Employment Area (green), Future Neighbourhood Area (orange), General Employment (light blue), Greenway (dark green), Hamlet (light green), Mixed Use Health Care Campus (purple), Mixed Use Heritage Main Street (pink), Mixed Use High Rise (magenta), Mixed Use Low Rise (light pink), Mixed Use Mid Rise (red), Mixed Use Office Priority (light purple), Private Open Space (light green), Residential Estate (yellow), Residential High Rise (yellow), Residential Low Rise (light yellow), Residential Mid Rise (orange), Service Employment (blue), and Transportation and Utilities (grey). The map also shows the location of the subject site relative to Warden Ave and Elgin Mills Rd E.</p>	
<b>Site Area</b>	46.0 ha (gross), 29.0 ha (net)
<b>Site and Area Context</b>	<p>Subject site: The subject site comprises two municipally addressed properties located north of Elgin Mills Road East and west of Warden Avenue. The subject site is part of a larger area proposed for employment uses in the City's Future Urban Area and are the subject of site-specific appeals to the City's 2014 Official Plan.</p> <p>Surrounding uses:</p> <p>North – A Regional Works Yard has been proposed for the lands immediately north of the subject site.</p> <p>East – Warden Avenue and lands designated as 'Countryside' and 'Greenway'.</p> <p>South – Elgin Mills Road East and land lands planned for residential community uses within the Berczy Glen Secondary Plan area</p> <p>West – 'Greenway' and 'Future Neighbourhood Area' lands</p>
<b>Identified in draft PSEZ mapping</b>	No

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

<b>6. Wu's Landmark / First Elgin Mills Developments Inc. (ROPA3)</b>	
<b>Region Official Plan</b>	Urban Area
<b>Official Plan Designation(s)</b>	'Future Employment Area' and 'Greenway' (under site-specific appeal).
<b>Secondary Plan Designation(s)</b>	N/A
<b>Zoning</b>	Agriculture One (A1) and Open Space (O1) per By-law 304-87
<b>Proposal</b>	To optimize this corner of Elgin Mills Road and Warden Avenue by proposing a compact development consisting of a vibrant mix of medium and high density residential uses, at-grade retail, office and recreational uses.

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham


7. Meadow Park Investments Inc. (Mount Joy Business Park)	
<b>Address</b>	77 Anderson Avenue
 <p><b>MARKHAM</b></p> <p>  Total Area Under Application   Employment Area Proposed for Conversion / Redesignation </p> <p><b>Official Plan Land Uses</b></p> <ul style="list-style-type: none"> <li>Business Park Employment</li> <li>Business Park Office Priority Employment</li> <li>Commercial</li> <li>Countryside</li> <li>Future Employment Area</li> <li>Future Neighbourhood Area</li> <li>General Employment</li> <li>Greenway</li> <li>Hamlet</li> <li>Mixed Use Health Care Campus</li> <li>Mixed Use Heritage Main Street</li> <li>Mixed Use High Rise</li> <li>Mixed Use Low Rise</li> <li>Mixed Use Mid Rise</li> <li>Mixed Use Office Priority</li> <li>Private Open Space</li> <li>Residential Estate</li> <li>Residential High Rise</li> <li>Residential Low Rise</li> <li>Residential Mid Rise</li> <li>Service Employment</li> <li>Transportation and Utilities</li> </ul>	
<b>Site Area</b>	0.5 ha (gross), 0.4 ha (net)
<b>Site and Area Context</b>	<p>Subject site: The subject site is located immediately north of Bur Oak Avenue between Anderson Avenue and the CNR/Stouffville GO Rail corridor. The property is currently occupied by a car wash.</p> <p>Surrounding uses:</p> <p>North – Lands within the Mount Joy Business Park designated 'Service Employment'.</p> <p>East – The CNR/Stouffville GO Rail corridor and an established residential area.</p> <p>South – Lands designated for 'Mixed Use High Rise' uses, currently occupied by the Mount Joy GO station and parking lot.</p> <p>West – Lands designated 'Mixed Use High Rise'.</p>
<b>Identified in draft PSEZ mapping</b>	No
<b>Region Official Plan</b>	Urban Area

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

<b>7. Meadow Park Investments Inc. (Mount Joy Business Park)</b>	
<b>Official Plan Designation(s)</b>	Service Employment, Greenway
<b>Secondary Plan Designation(s)</b>	N/A
<b>Zoning</b>	Open Space Zone One (OS1) and Select Industrial with Limited Commercial (M.IC) per By-law 88-76
<b>Proposal</b>	To redesignate the subject site from 'Service Employment' to 'Mixed Use High Rise' to enable redevelopment of the site and surrounding area in a comprehensive manner for more appropriate land uses over time that are aligned with emerging municipal and provincial initiatives.



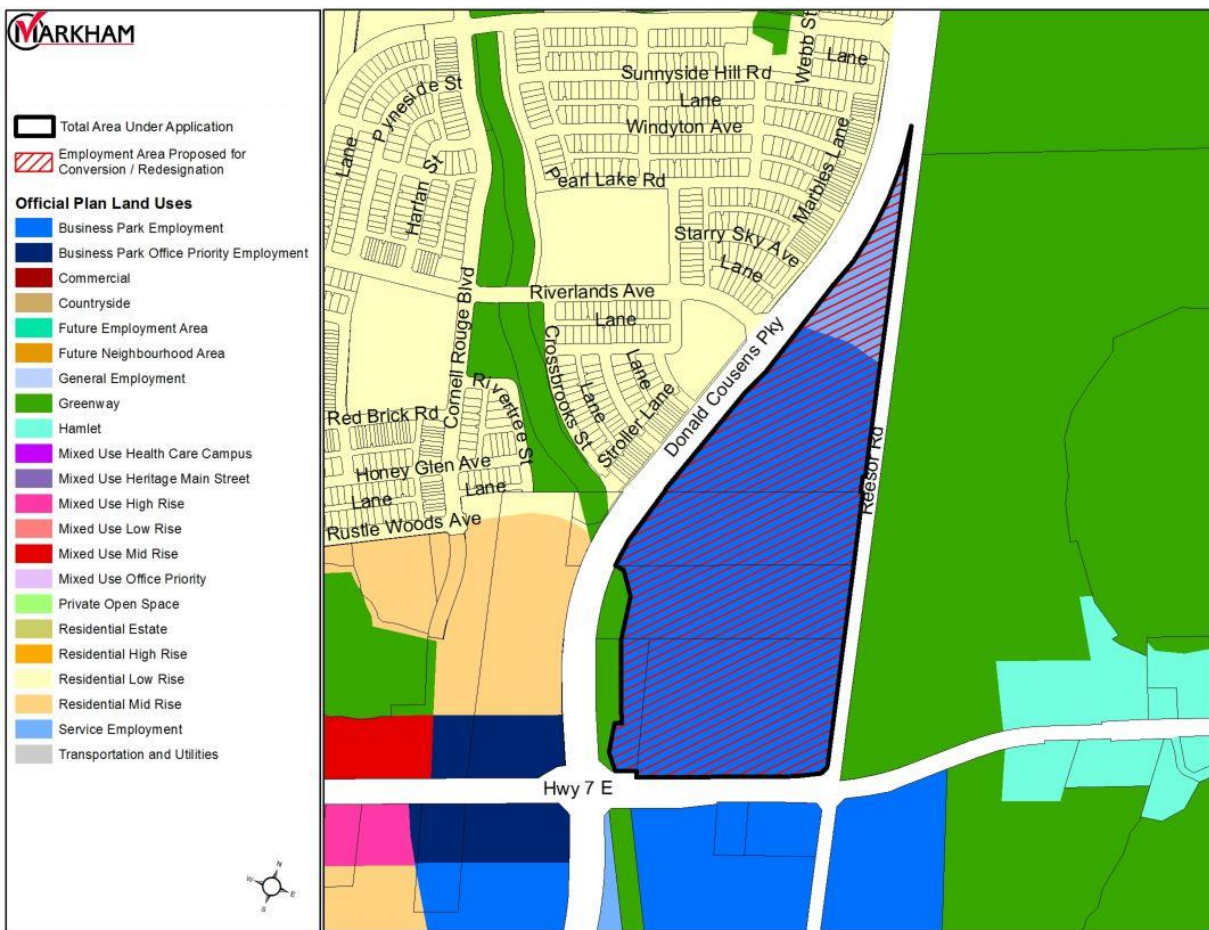
## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

8. Norfinch Construction (Toronto) Limited (Cornell)	
<b>Address</b>	7485 Highway 7 (Part of Lot 11, Concession 9)
	
<b>Site Area</b>	0.75 ha (gross and net)
<b>Site and Area Context</b>	<p>Subject site: The subject site is located at the easterly limits of Cornell Centre on the southwest corner of Reesor Road and Highway 7.</p> <p>Surrounding uses:</p> <p>North – Highway 7 East and lands designated for 'Business Park Employment' uses.</p> <p>East – Reesor Road and lands designated for 'Business Park Employment' uses.</p> <p>South/West – Lands designated for 'Business Park Employment' uses.</p>
<b>Identified in draft PSEZ mapping</b>	No
<b>Region Official Plan</b>	Urban Area, Strategic Employment Area - Conceptual
<b>Official Plan Designation(s)</b>	Business Park Employment (2014 OP designation not yet in effect)

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

<b>8. Norfinch Construction (Toronto) Limited (Cornell)</b>	
<b>Secondary Plan Designation(s)</b>	Business Park Area (under 1987 OP)
<b>Zoning</b>	Highway Commercial Two (HC2) per By-law 304-87
<b>Proposal</b>	To redesignate the subject lands as 'Mixed Use Mid Rise' in the same way as other lands are designated along Highway 7 within Cornell Centre.

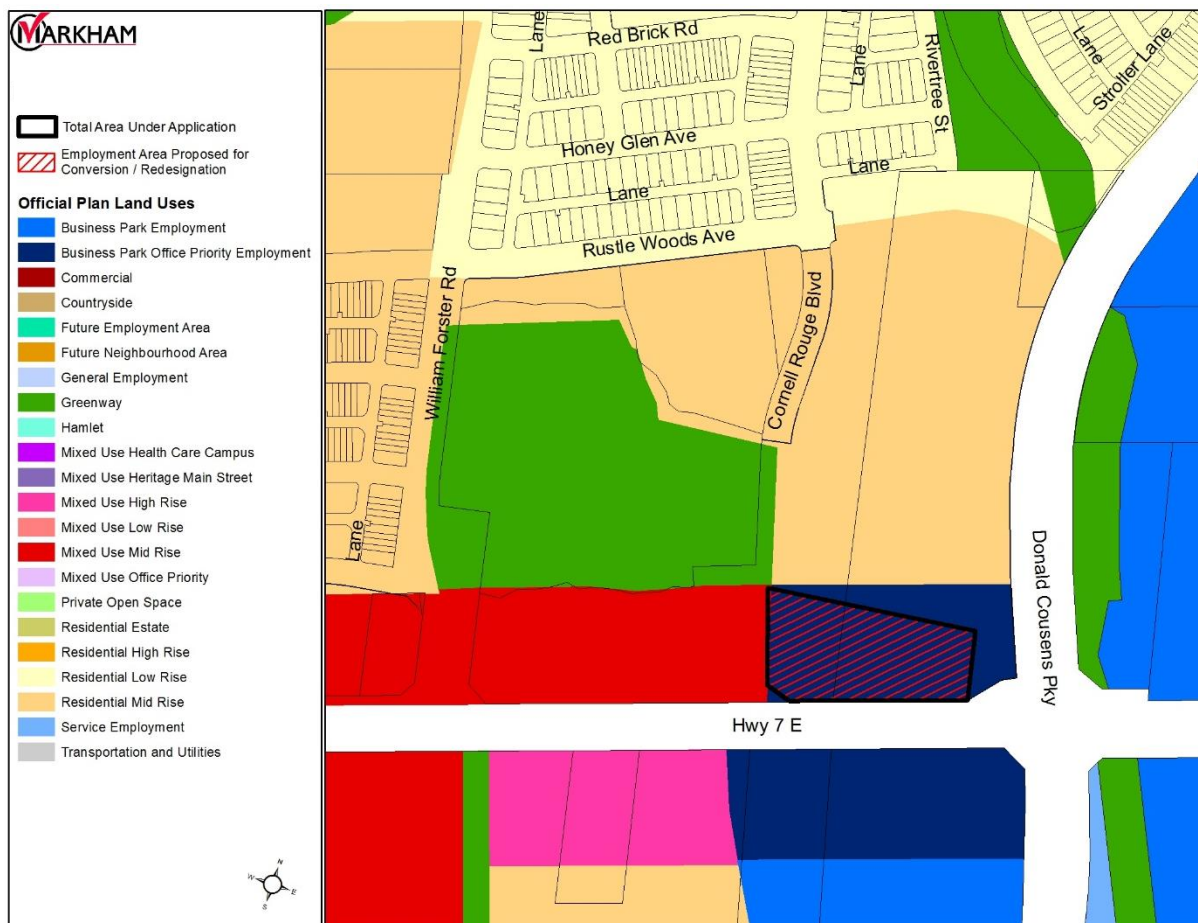
## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

9. Cornell Rouge Development Corporation, Varlese Brothers Limited, 2432194 Ontario Inc., and 2536871 Ontario Inc. (Cornell)	
<b>Address</b>	7386-7482 Highway 7 East, 8600-8724 Reesor Road
 <p><b>MARKHAM</b></p> <p><b>Legend:</b></p> <ul style="list-style-type: none"> <li>Total Area Under Application (Black outline)</li> <li>Employment Area Proposed for Conversion / Redesignation (Hatched area)</li> <li><b>Official Plan Land Uses:</b> <ul style="list-style-type: none"> <li>Business Park Employment (Blue)</li> <li>Business Park Office Priority Employment (Dark Blue)</li> <li>Commercial (Red)</li> <li>Countryside (Light Green)</li> <li>Future Employment Area (Yellow)</li> <li>Future Neighbourhood Area (Orange)</li> <li>General Employment (Light Blue)</li> <li>Greenway (Dark Green)</li> <li>Hamlet (Light Cyan)</li> <li>Mixed Use Health Care Campus (Purple)</li> <li>Mixed Use Heritage Main Street (Pink)</li> <li>Mixed Use High Rise (Light Orange)</li> <li>Mixed Use Low Rise (Light Yellow)</li> <li>Mixed Use Mid Rise (Yellow)</li> <li>Mixed Use Office Priority (Light Green)</li> <li>Private Open Space (Light Blue)</li> <li>Residential Estate (Light Green)</li> <li>Residential High Rise (Orange)</li> <li>Residential Low Rise (Light Yellow)</li> <li>Residential Mid Rise (Yellow)</li> <li>Service Employment (Blue)</li> <li>Transportation and Utilities (Grey)</li> </ul> </li> </ul> <p>The map shows the subject site (hatched area) located between Donald Cousens Parkway and Reesor Road, north of Highway 7 East. Surrounding areas include residential neighborhoods, commercial areas, and greenways.</p>	
<b>Site Area</b>	17.9 (gross and net)
<b>Site and Area Context</b>	<p>Subject site: The subject site is located on the north side of Highway 7 East and comprises the entire block between Donald Cousens Parkway and Reesor Road.</p> <p>Surrounding uses:</p> <p>North/West – Stormwater channel and, beyond Donald Cousens Parkway, low rise and mid rise residential neighbourhoods and lands currently designated 'Business Park Office Priority Employment' lands along Highway 7.</p> <p>East – Rouge National Urban Park (designated 'Greenway System').</p> <p>South – Lands designated for 'Business Park Office Priority Employment' uses.</p>
<b>Identified in draft PSEZ mapping</b>	No
<b>Regional Official Plan</b>	Urban, Strategic Employment Lands (Conceptual)

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

<b>9. Cornell Rouge Development Corporation, Varlese Brothers Limited, 2432194 Ontario Inc., and 2536871 Ontario Inc. (Cornell)</b>	
<b>Official Plan Designation(s)</b>	Business Park Employment and Service Employment (2014 OP designations not yet in effect)
<b>Secondary Plan Designation(s)</b>	Business Park Area and Business Park Area – Automotive Service Centre (under 1987 OP)
<b>Zoning</b>	Rural Residential Two Zone (RR2), Rural Residential Four Zone (RR4) and Agriculture One Zone (A.1) per By-law 304-87
<b>Proposal</b>	To provide for the development of a mixed-use community with employment, commercial, and residential uses. The proposed concept plan shows 48,760 m2 of commercial/office/retail and 18,000 m2 of hotel GFA in the southern portion of the lands fronting Highway 7, and 1,279 townhouses and apartment units in the northerly portion of the lands.

<b>Address</b>	Part of Lot 11, Concession 9
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<b>Site Area</b>	1.0 (gross and net)
<b>Site and Area Context</b>	<p>Subject site: The subject site is located on the north west corner of Donald Cousens Parkway and Highway 7 East within the Cornell Secondary Plan area.</p> <p>Surrounding uses:</p> <p>North – Lands designated for ‘Mid Rise Residential’ uses currently under development.</p> <p>East – Donald Cousens Parkway, and lands designated for ‘Business Park Employment’ uses (also the subject of a conversion request).</p> <p>South – Highway 7, and lands designated for ‘Business Park Office Priority Employment’ Uses.</p> <p>West – Lands designated for ‘Commercial’ uses.</p>
<b>Identified in draft PSEZ mapping</b>	No
<b>Regional Official Plan</b>	Urban, Strategic Employment Lands (Conceptual)

## Appendix 'D' – Location Map and Description of Employment Conversion Requests in Markham

<b>10. Primont Homes and Cornell Rouge Development (Cornell)</b>	
<b>Official Plan Designation(s)</b>	Business Park Office Priority Employment (2014 OP designations not yet in effect)
<b>Secondary Plan Designation(s)</b>	Business Park Area, Business Park Area (under 1987 OP)
<b>Zoning</b>	Rural Residential Two Zone (RR2) and Rural Residential Four Zone (RR4) per By-law 304-87
<b>Proposal</b>	To permit residential uses, in addition to already permitted office, employment and retail uses, within a proposed mixed use building. Markham Council has adopted Official Plan Amendment 252 redesignating the lands to Mixed Use, however Regional approval is still required.



Appendix 'E'

Additional Lands Proposed to be Considered for a Non-Employment Designation in Markham

1. 110 Copper Creek Drive (Box Grove)

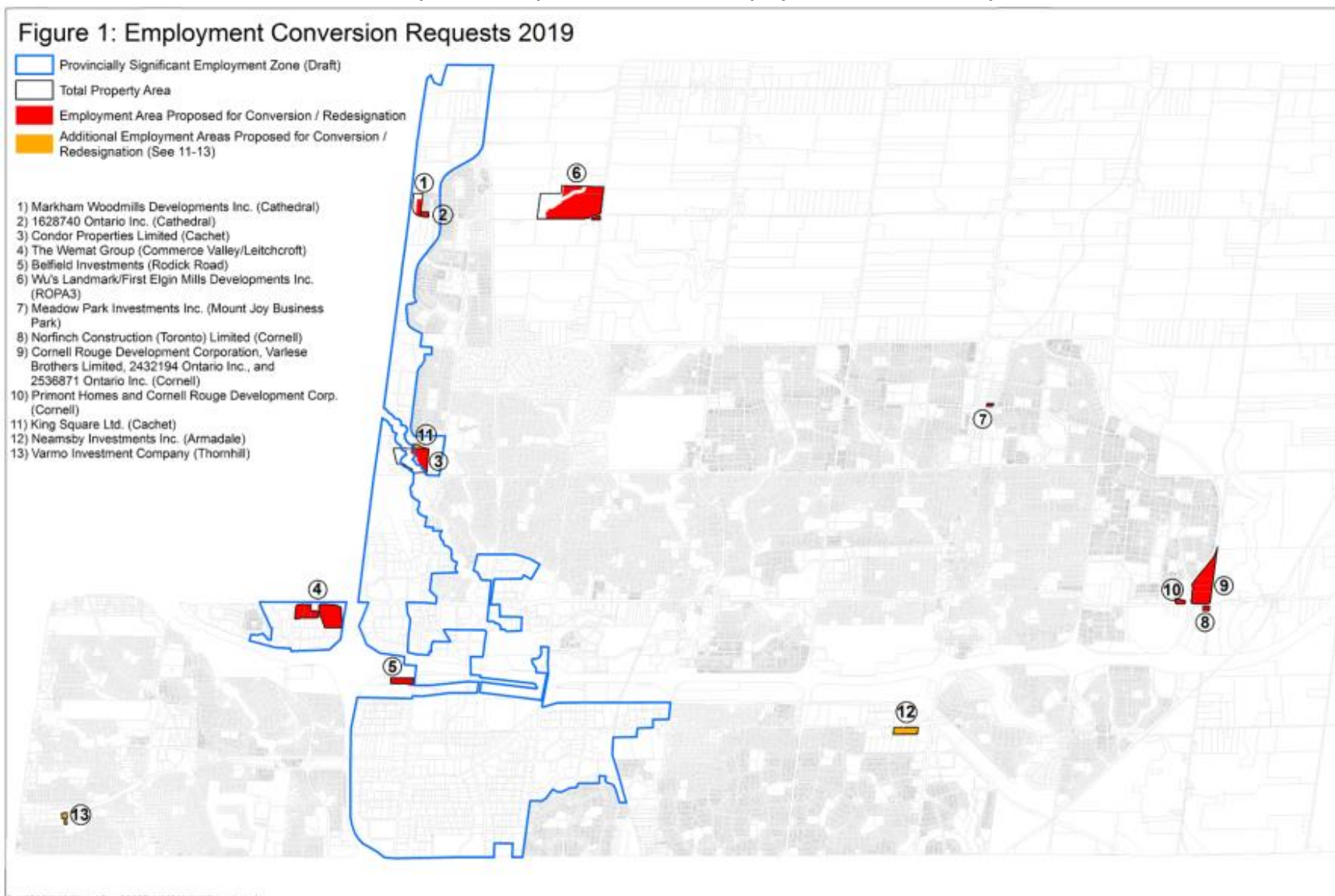


2. Mount Joy Business Park



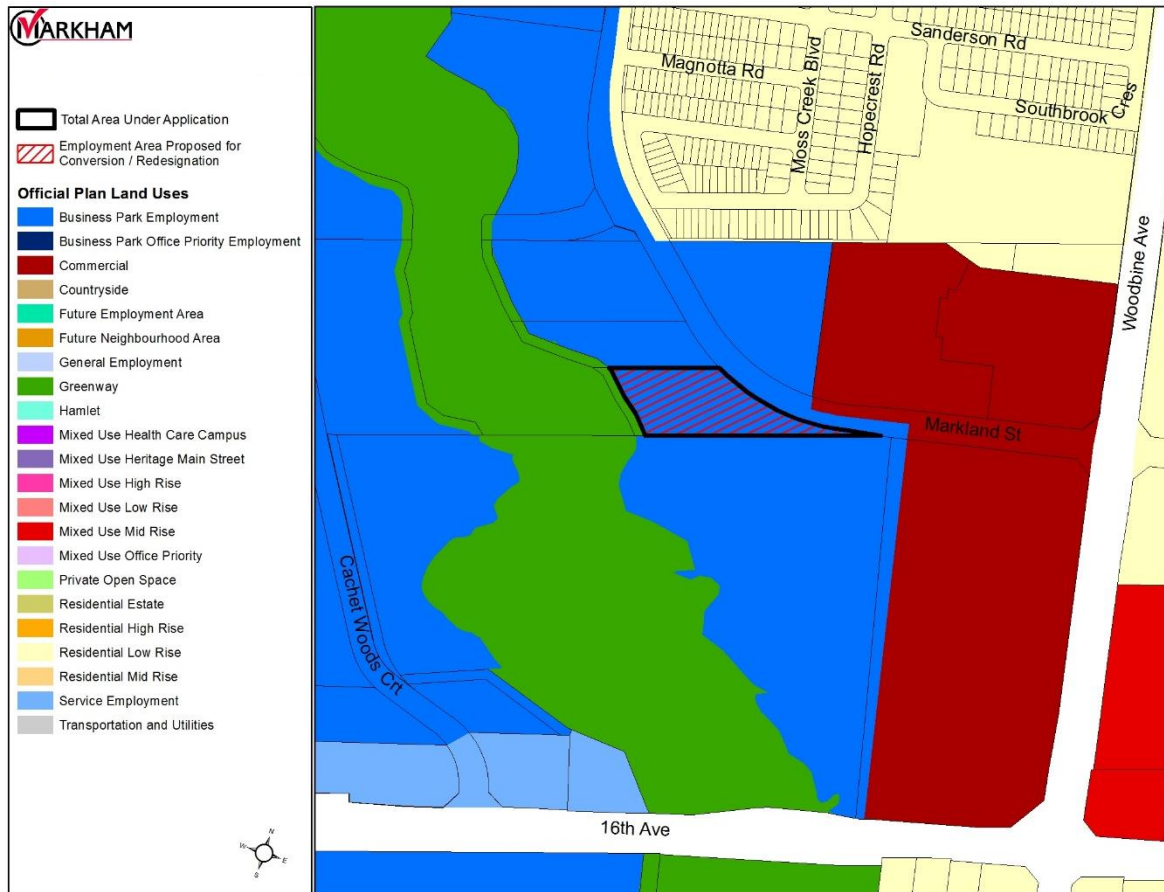


**Appendix 'B'**  
**Location Map and Description of Additional Employment Conversion Requests**



## Appendix 'B'

## Location Map and Description of Additional Employment Conversion Requests

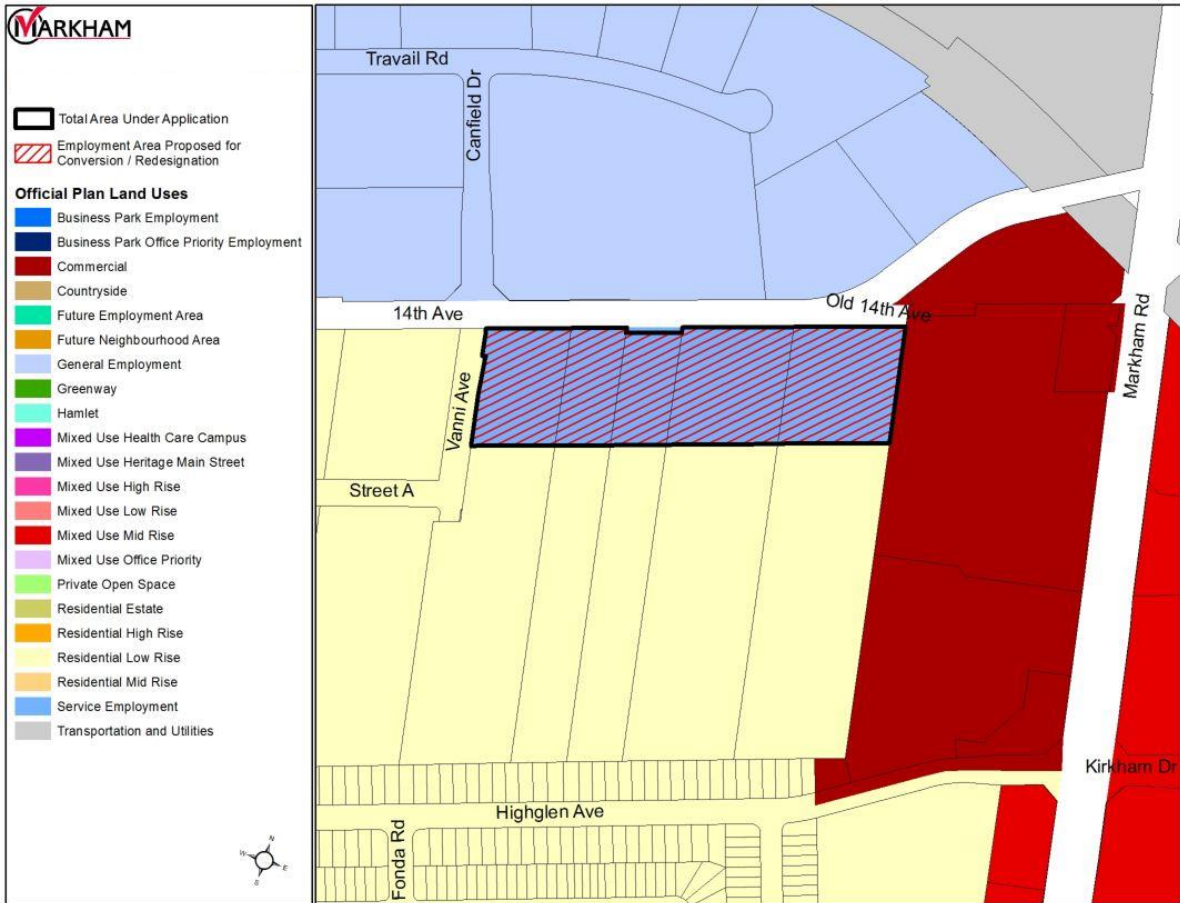
11. King Square Ltd (Cachet)	
<b>Address</b>	136 Markland Street
 <p><b>Official Plan Land Uses</b></p> <ul style="list-style-type: none"> <li>Business Park Employment</li> <li>Business Park Office Priority Employment</li> <li>Commercial</li> <li>Countryside</li> <li>Future Employment Area</li> <li>Future Neighbourhood Area</li> <li>General Employment</li> <li>Greenway</li> <li>Hamlet</li> <li>Mixed Use Health Care Campus</li> <li>Mixed Use Heritage Main Street</li> <li>Mixed Use High Rise</li> <li>Mixed Use Low Rise</li> <li>Mixed Use Mid Rise</li> <li>Mixed Use Office Priority</li> <li>Private Open Space</li> <li>Residential Estate</li> <li>Residential High Rise</li> <li>Residential Low Rise</li> <li>Residential Mid Rise</li> <li>Service Employment</li> <li>Transportation and Utilities</li> </ul>	
<b>Site Area</b>	1.1 ha (gross)
<b>Site and Area Context</b>	<p>Subject site: The subject lands are located on the southwest side of Markland Street, (north of 16th Avenue and west of Woodbine Avenue).</p> <p>Surrounding uses:</p> <p>North – Lands designated 'Business Park Employment' occupied by an office building; east of Markland Street, lands under application for residential development, and lands under application for high rise residential and hotel uses</p> <p>East – Vacant lands intended for residential and mixed uses on the east side of Markland Street</p> <p>South – Vacant lands designated 'Business Park Employment'</p> <p>West – Lands designated 'Greenway', and 'Business Park Employment' closer Highway 404</p>
<b>Identified in draft PSEZ mapping</b>	Yes

## Appendix 'B'

## Location Map and Description of Additional Employment Conversion Requests

11. King Square Ltd (Cachet)	
<b>Region Official Plan</b>	Urban Area
<b>Official Plan Designation(s)</b>	Business Park Employment, Greenway
<b>Secondary Plan Designation(s)</b>	N/A
<b>Zoning</b>	<i>Commercial Recreation (CR) and Open Space (O1) per By-law 304-87</i>
<b>Proposal</b>	To allow the property to be developed with a building that would contain a mix of uses, including employment uses (office, personal service, etc.), residential uses, and potentially community uses. A preliminary concept (not included with submission) demonstrates that a tall building with a total gross floor area of approximately 13,500 square metres could be accommodated on the site.

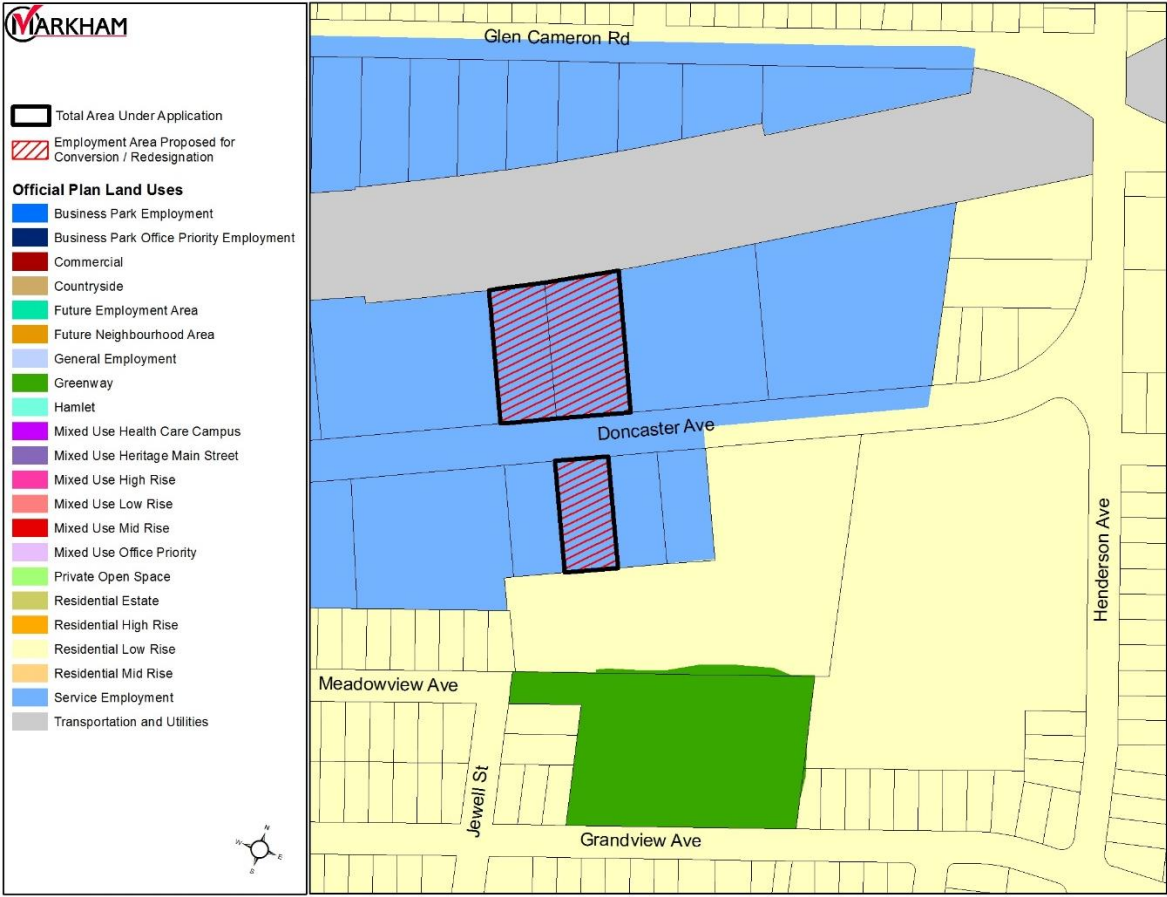
**Appendix 'B'**  
**Location Map and Description of Additional Employment Conversion Requests**

<b>12. Armadale (Neamsby Investments Inc.)</b>	
<b>Address</b>	5821, 5845, 5865, 5875, 5933 14th Ave
	
<b>Site Area</b>	4.8 ha (gross) 3.75 ha (net)
<b>Site and Area Context</b>	<p>Subject site: The subject lands are located on the south side of 14th Avenue between Middlefield Road and Markham Road, and comprises the northern portions of five individually addressed lots.</p> <p>North – Employment lands designated for ‘Service Employment’ and ‘General Employment’ uses on the north side of 14<sup>th</sup> Avenue</p> <p>East – An established commercial plaza</p> <p>South – Low rise residential lands developed by Neamsby Investments Inc. following an employment conversion request in 2013</p> <p>West – The recently completed Aaniin Community Centre</p>
<b>Identified in draft PSEZ mapping</b>	No
<b>Region Official Plan</b>	Urban Area

**Appendix 'B'**  
**Location Map and Description of Additional Employment Conversion Requests**

<b>12. Armadale (Neamsby Investments Inc.)</b>	
<b>Official Plan Designation(s)</b>	Service Employment
<b>Secondary Plan Designation(s)</b>	9.2 Armadale – See section 9.2.10 for site specific policy.
<b>Zoning</b>	<i>Business Corridor (BC), Residential Two (R2), and Major Commercial Zone (M.J.C.) per By-law 177-96</i>
<b>Proposal</b>	To provide for residential uses

**Appendix 'B'**  
**Location Map and Description of Additional Employment Conversion Requests**

<b>13. Varmo Investment Company (Thornhill)</b>	
<b>Address</b>	108, 111-113 and 112-118 Doncaster Avenue
 <p><b>Official Plan Land Uses</b></p> <ul style="list-style-type: none"> <li>Business Park Employment</li> <li>Business Park Office Priority Employment</li> <li>Commercial</li> <li>Countryside</li> <li>Future Employment Area</li> <li>Future Neighbourhood Area</li> <li>General Employment</li> <li>Greenway</li> <li>Hamlet</li> <li>Mixed Use Health Care Campus</li> <li>Mixed Use Heritage Main Street</li> <li>Mixed Use High Rise</li> <li>Mixed Use Low Rise</li> <li>Mixed Use Mid Rise</li> <li>Mixed Use Office Priority</li> <li>Private Open Space</li> <li>Residential Estate</li> <li>Residential High Rise</li> <li>Residential Low Rise</li> <li>Residential Mid Rise</li> <li>Service Employment</li> <li>Transportation and Utilities</li> </ul>	
<b>Site Area</b>	0.94 ha (gross)
<b>Site and Area Context</b>	<p>Subject site: The subject lands are located on the north and south sides of Doncaster Avenue, east of Yonge Street and west of Henderson Avenue. 108-110 and 112-118 Doncaster Avenue are located on the north side of Doncaster Avenue, while 111-113 Doncaster Avenue is located on the south side of the street.</p> <p>North – The railway corridor as well as lands designated for ‘Service Employment’ uses</p> <p>East – ‘Service Employment’ lands occupied by several businesses on both sides of Doncaster Avenue, and by low rise residential properties further east</p> <p>South – A school, park and a low rise residential neighbourhood</p> <p>West – ‘Service Employment’ lands occupied by several businesses on both sides of Doncaster Avenue</p>
<b>Identified in draft PSEZ mapping</b>	No
<b>Region Official Plan</b>	Urban Area

## Appendix 'B'

## Location Map and Description of Additional Employment Conversion Requests

13. Varmo Investment Company (Thornhill)	
Official Plan Designation(s)	Service Employment
Secondary Plan Designation(s)	N/A
Zoning	<i>Industrial (M) per By-law 2053</i>
Proposal	To provide for residential uses (townhomes or stacked townhomes)



**Appendix 'C'**  
**Catholic Cemeteries Lands at 3010 and 3196 19<sup>th</sup> Avenue**





Report to: General Committee

Meeting Date: February 18, 2020

**SUBJECT:** Transfer of Unclaimed Refundable Security Deposits  
**PREPARED BY:** Kevin Ross, Manager Development Finance & Payroll, ext. 2126  
 Fred Rich, Manager, Strategy & Insurance Risk Management, ext. 3733  
**REVIEWED BY:** Francesco Santaguida, Assistant City Solicitor, ext. 3583

**RECOMMENDATION:**

1. That the report entitled, “Transfer of Unclaimed Refundable Security Deposits” be received; and,
2. That the Treasurer be authorized to transfer unclaimed security deposits, up to the amount of \$773,000.00, representing deposits placed prior to December 31, 2014 for undertakings, to the Corporate Rate Stabilization Reserve; and,
3. That the cost incurred to place the Public Notice, exclusive of HST, be offset against the refundable security deposits to be transferred to the City’s reserve; and,
4. That the Treasurer be authorized to transfer future unclaimed security deposits to the Corporate Rate Stabilization Reserve; and,
5. That the Treasurer be authorized to release any security deposits, from the Corporate Rate Stabilization Reserve in the event of a future, eligible, refund claim; and further,
6. 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 obtain Council’s approval to transfer unclaimed security deposits received through Undertakings (prior to December 31, 2014) to the Corporate Rate Stabilization Reserve, where the deposits remain unclaimed after publication of notices. Council approval is also requested to permit the Treasurer to transfer any future unclaimed deposits for undertakings and agreements to the reserve and to draw on this account to issue refunds, in the event of future eligible claims.

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**BACKGROUND:**

Refundable deposits are received from homeowners and developers to provide security for work that is approved through permits or agreements with the City. Security deposits are received through undertakings and development agreements to ensure that required works are completed to the satisfaction of the City.

Undertakings are entered into by homeowners if they wish to install a pool, where they will be required to place a pool deposit to ensure the safety of the pool, or if they would like to construct a new house – where there is a requirement for lot grading and road damage deposits to ensure that adjoining lots are not adversely impacted by water run-off and the sidewalks and curbs are not destroyed. These deposits are received in cash and should be held for less than 5 years as the works secured are short-term in nature.

Development agreements such as site plan control and plans of subdivisions are entered into by homeowners and landowners/developers for the construction and/or expansion of residential and non-residential buildings. Security deposits received through these agreements, are mainly in the form of a letter of credit and secure a wider range of obligations such as, the construction of engineering-related above and below ground works, landscaping and trees, fence construction, lot grading, fire safety and, waste removal facilities. These agreements are for more complex construction than that approved through undertakings, and as such, the security is held for longer periods up to 15 years.

Security deposits for undertakings and development agreements are held over the period of construction, to be returned once the work is complete and certified to the City's satisfaction. The onus for claiming refunds of these deposits rests with the parties who placed the deposit, requiring them to advise the City that their projects are complete, which leads to an inspection process that, if passed, results in a refund of the deposit. While the majority of security deposits are returned to homeowners/developers, many requests for inspection, (which initiates the refund process) have not been forthcoming over the years, and has led to an accumulation of security deposits being held by the City.

In order to manage the unclaimed security deposits being held, staff have over the years received Council approval to place public notices in newspapers and on the City's website, inviting all eligible homeowners/developers to apply for a release of security deposits being held for work included in undertakings and agreements. The last such report, *Transfer of Unclaimed Security Deposits* was approved by Council on December 13, 2016 and authorized the transfer of deposits placed prior to December 31, 2007. Staff are now seeking approval for a similar exercise for security deposits held through undertakings.

Taking into account the time required to complete the construction of approved work, and obtain the inspections/documentation required to release the security deposits being held, it was determined that cash balances being held prior to December 31, 2014 for undertakings would be reviewed and homeowners/developers prompted to apply for a refund of their deposits.

The security deposits being held in cash for undertakings are as follows:

ACCOUNT NO.	ACCOUNT NAME	PRE-DECEMBER 31 <sup>st</sup> 2014 BALANCES	NO. OF DEPOSITS
027-2140011	ROAD DAMAGE	\$ 65,000.00	260
027-2140019	POOL CONSTRUCTION	\$ 10,000.00	2
027-2140020	LOT GRADING	\$ 698,000.00	157
		<b>\$ 773,000.00</b>	<b>419</b>

### OPTIONS/ DISCUSSION:

City staff, consistent with past practice, will place advertisements in the Economist & Sun, Thornhill Liberal, and on the City's website, inviting all eligible homeowners/developers to apply for a release of cash security deposits being held for work included in undertakings prior to December 31, 2014. The advertisements will be run twice in each of the Economist & Sun and Thornhill Liberal in the first quarter of 2020 and prospective applicants will be given two months to submit a claim. A notice will also be posted to the City's website during this period to be removed one month after the second notice is published.

The alternative to placing a public notice to invite applications for the refund of cash deposits for completed works is to attempt to locate each individual, and then provide that homeowner/developer with a letter or other form of notice regarding the deposit held by the City. Placing a public notice which invites homeowners/developers to apply for a refund provides a more expeditious method to make contact, and places the onus on the applicant to prove that the works have been satisfactorily completed. This approach of placing a public notice has been used by the City and other municipalities in the past to address similar unclaimed security deposit balances.

It is recommended that the unclaimed security deposits (up to the amount of \$773,000) be transferred to the Corporate Rate Stabilization Reserve after the expiration of the notice on the City's website. This reserve is a contingency reserve which gives the City the flexibility of satisfying claims for refunds in the future. The deposit information will be detailed and retained in the event subsequent claims are received.

It is also recommended that the Treasurer be authorized to withdraw monies from the Corporate Rate Stabilization Reserve to satisfy refund claims, if any, which may be verified after this transfer occurs. In 2016 the City undertook a similar process, where Council approved the transfer of long-outstanding security deposits totaling \$1,739,367.81 to the Corporate Rate Stabilization Reserve; subsequent to this transfer, the City received only 6 requests for refunds relating to these funds, which totaled \$25,985 (or 1.5% of the amount transferred).

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In order to limit the amount of unclaimed security deposits, and encourage security deposit owners to expeditiously complete the works, staff will be effecting procedural changes (transfer clause) to undertakings and agreements in 2020.

**FINANCIAL CONSIDERATIONS**

By placing a public notice, this serves as a means of notifying and prompting action from security deposit owners who may be eligible for a refund of their security deposit. Security deposits are held to ensure that work in support of undertakings and agreements with the City, are completed to the required standard. The security deposits being held relate to works that were either completed, or to be completed, by the landowner/developer within their development. As such, there is no identifiable financial impact to the City beyond the cost to run the notice in the newspapers.

The amount of \$773,000.00 (which represents 419 developers/landowners) as depicted in the chart above, will be reduced by the cost to place the advertisements and, any verifiable claim that may be received from the public notice, prior to the transfer to the Corporate Rate Stabilization Reserve.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

This is consistent with the City's goal of stewardship of money and resources and demonstrates sound, transparent and responsible financial and resource management to mitigate risks while ensuring efficient and effective service delivery.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Comments from the Legal Department are included in this report.

**RECOMMENDED BY:**

Joel Lustig  
Treasurer

Trinela Cane  
Commissioner, Corporate Services

**ATTACHMENTS:**

N/A



# Roadside Ditch Alteration Policy

February 18, 2020



## Benefits of Roadside Ditches

- Installed on streets without storm sewers
- Drain public roadway and private property
- Perform many of the same functions as storm water management ponds:
  - Reduce flooding and erosion
  - Control runoff for slower release to creeks and streams
  - Improve water quality through filtration
  - Ground water recharge (the original Low Impact Development)





## Inventory and Current Practices

- Approximately 176 km of roadside ditches in Markham
- Approximately 50 km of residential roadways contain ditches on one or both sides
- Currently ditch maintenance work is undertaken on an “as needed” basis, with no schedule for regrading
- Many residential roadside ditches have not been regraded in 40 or more years



## Maintenance Challenges

- Ditches fill with sediments over time and require periodic excavation and possibly replacement of driveway crossing culverts which typically have a 40 year lifespan
- Lack of public awareness:
  - ditches is part of the stormwater management system
  - the boundary limits of private property
- Unauthorized infilling of ditches and or improperly installed driveway cross culverts negatively affect positive drainage of upstream properties, resulting in upstream ponding issues



## Unauthorized Ditch Infills

- Usually done by residential property owners to remove ditch from front lawn
- Culvert pipe installed across entire length of property and ditch filled with earth material
  - Channels water to edge of road, reducing lifespan of asphalt / road base
  - Limits water dispersal from runoff of subject and adjacent properties
  - May use inferior components that would not support the weight of vehicles, possibly resulting in collapse and serious injury
  - Reduction of stormwater storage capacity necessary in major weather events, increasing the likelihood of localized flooding
  - Negative effects compound as installations increase in the area



## Proactive Ditching Program

- Adopt the Roadside Ditch Alteration Policy to provide a consistent direction for the City and resident to follow
- Establish an annual scheduled ditch restoration program
  - Re-ditch and replace driveway cross culverts to original grades in advance of any capital road improvement work
- Funding requested to accommodate approximate 4 km/year in addition to the current reactive work
- Coordinate activities with Environmental Services to enhance Storm Water Management systems in each community



## Financial Considerations

- Based on a maximum cost of \$22 per linear meter, undertaking 4 km of ditch restoration work annually will cost an incremental \$88,000 per year in capital cost starting 2021 (\$22 x 4,000 lm)
- This will cover part-time staffing, material disposal, granular material and equipment rental expenses. The program will protect the City's investments in road maintenance and avoid early erosion of Markham's infrastructure.
- The additional funding requirement will be requested through the 2021 capital budget approval process as part of the pavement preservation program.



## Sabiston Dr

Unauthorized infill



Ditch restoration







## HawkrIDGE Ave

Unauthorized infill



Infill accepted after modification







Thank you



Report to: General Committee

Meeting Date: Feb 18, 2020

**SUBJECT:** Roadside Ditch Alteration Policy

**PREPARED BY:** Shahab Aryan, Technical Coordinator, ext. 2023;  
Robert Marinzel, Supervisor, Survey, Utility & Right of Way, ext. 2842;  
Alice Lam, Sr. Manager, Roads, Survey & Utility, ext. 2748

**RECOMMENDATION:**

- 1) That the report entitled “Roadside Ditch Alteration Policy”, dated February 18, 2020, be received; and,
- 2) That the presentation entitled “Roadside Ditch Alteration Policy”, dated February 18, 2020, be received; and,
- 3) That Council adopt the Roadside Ditch Alteration Policy, as presented in “Attachment “A””; and,
- 4) That Council approve amendment to the Road Occupancy By-law 2018-109 as deemed necessary by the City Solicitor and the Commissioner of Fire and Community Service to implement the Roadside Ditch Alteration Policy; and,
- 5) That the ditch restoration program be implemented starting in year 2021; 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 Council’s authorization for implementation of a Roadside Ditch Alteration Policy.

**BACKGROUND:**

The City of Markham has approximately 176 kilometers of roadside ditches which are a critical component of the broader storm drainage system. Roadside ditches prevent flooding by conveyance of stormwater from both public and private lands and include surface drainage, roadway sub-grade drainage and private property foundation drainage. Ditches also provide “Green” stormwater management functions such as sediment and pollutant removal, peak flow attenuation and ground water recharge, meeting Low Impact development (LID) infrastructure criteria as identified in the Storm Water Management Guidelines, published jointly by The Toronto Region and Credit Valley Conservation Authorities.

Current subdivision design standards utilize storm water management (SWM) ponds as the downstream component of the storm water management system, to improve water quality and control stormwater discharge during severe weather events, prior to the release of stormwater into local creeks, streams and rivers. In older developments, land was not allocated for SWM ponds. Streets were constructed without storm sewers with ditches performing a similar water quality, storage and control function as SWM ponds. The

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majority of ditch modifications and infills have been undertaken by private land owners on City lands without City review or approval, resulting in a continuing degradation of the storm water management system in Markham's older neighbourhoods.

With potential adverse effects such as increased flooding, reduction of road service life and diminished water quality, a policy is required which clearly identifies procedures for evaluation of existing ditch modifications and for review and approval of proposed undertakings that may affect ditch functionality.

### **OPTIONS/ DISCUSSION:**

Maintaining ditches has extensive and long-lasting economic and environmental benefits which include:

- Preserving the integrity of the overall storm drainage system,
- Reducing the potential for flooding,
- Reducing property damage due to flooding,
- Reducing downstream peak flow,
- Reducing of erosion at outlets,
- Improving water quality of receiving water bodies,
- Preventing surface runoff from pooling on the roadways and/or surrounding property,
- Increasing snow storage area below the elevation of the road surface
- Enhancing ground water recharge, and
- Reducing cost of road maintenance.

Ditch infill and modification issues are most prevalent where residential properties have been constructed on streets with rural road profiles. Ditch infill policies have been implemented in both Ottawa and Fort Erie where conditions similar to Markham exist.

This policy documents the circumstances and general proactive process requirements for the City to manage ditch infilling and alterations to drainage ditches within municipal road allowances. This policy, once adopted, will provide a clear and consistent direction for City staff and residents to follow.

The provisions of this policy shall apply to all road allowances under the jurisdiction of the Corporation of the City of Markham.

Following implementation of this policy, any unauthorized ditch modifications done by current owners of adjacent properties that are deemed to have an immediate negative impact to public safety or City assets, will be repaired at the expense of the resident, with no cost to the City.

With the exception of the above condition, ditch restoration work will be undertaken as part of the annual capital road improvements program and conducted prior to undertaking road rehabilitation work on roads with rural profiles. It is anticipated that regrading of

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ditches will add \$20 to \$22 per linear meter of road work. Ditch regrading has not been undertaken in many of these communities and would be required regardless of enactment of this policy.

Staff recommend establishing an annual ditch restoration program undertaking 4km per year commencing in 2021.

Staff will work with the Environmental Services Department to establish communications and education campaigns with residents in these neighbourhoods through mail drops prior to an implementation of ditch improvement activities.

## **FINANCIAL CONSIDERATIONS**

Based on a maximum cost of \$22 per linear meter, undertaking 4 km of ditch restoration work annually will cost an incremental \$88,000 per year in capital cost starting 2021 (\$22 x 4,000 lm). This will cover part-time staffing, material disposal, granular material and equipment rental expenses. The program will protect the City's investments in road maintenance and avoid early erosion of Markham's infrastructure. Residents will benefit from avoiding or limiting flooding impacts on their property and in public spaces.

The additional funding requirement will be requested through the 2021 capital budget approval process as part of the pavement preservation program.

### **Operating Budget and Life Cycle Impact**

The inclusion of this program will add an incremental uninflated impact of \$2,200,000 to the Life Cycle Reserve Study over a 25 year period (\$88,000 x 25 years). There is no incremental operating budget impact.

## **HUMAN RESOURCES CONSIDERATIONS**

Not Applicable

## **ALIGNMENT WITH STRATEGIC PRIORITIES:**

Aligns with the City's Stormwater Management Strategy, Building Markham's Future Together Strategic Plan, improving the areas of Managing our Growth, Protecting our Environment and Excellence in Municipal Services.

## **BUSINESS UNITS CONSULTED AND AFFECTED:**

The Environmental Services and Finance Departments were consulted and their comments incorporated in this report.


**RECOMMENDED BY:**

Morgan Jones  
Director, Operations

Brenda Librecz  
Commissioner, Community & Fire Services

**ATTACHMENTS:**

**Attachment “A” – Roadside Ditch Alteration Policy**

	<b>Roadside Ditch Alteration within the Public Road Allowance</b>	
	<b>Policy Category:</b>	
	<b>Policy No.:</b> 2018-109-01	<b>Implementing Procedure No.:</b>
<b>Approving Authority:</b> Council		<b>Effective Date:</b> Feb 3, 2020
<b>Approved or Last Reviewed Date:</b> NA		<b>Next Review Year:</b> February 2025 or sooner if required
<b>Area(s) this policy applies to:</b> Operations Department, By-Law Enforcement, City's Right of Way		<b>Owner Department:</b> Operations Department
<b>Related Policy(ies):</b> <ul style="list-style-type: none"> <li>Road Occupancy By-law 2018-109</li> </ul>		

Note: Questions about this policy should be directed to the Owner Department.

## 1. Purpose Statement

The City of Markham has responsibility for the maintenance and repair of highways under municipal jurisdiction by virtue of clause 44 (3) (c) of the Municipal Act, S.O. 2001, c.25. In addition, The City has passed road occupancy by-law 2018-109 with respect to Highways, under clause 11 (3) (1), and with respect to Drainage and Flood Control under clause 11 (3) (6) of the Municipal Act, S.O. 2001, c.25.

Consistent with the purpose of the Ontario Water Resources Act, the City must have regard for protection and management of Ontario's waters, including stormwater management. Ditches provide an important part in the overall stormwater management systems throughout the City and therefore, any proposed alterations to a roadside ditch or stormwater conveyance system must be subject to an appropriate approval process.

The purpose of this policy is to document the circumstances and general process requirements for the City to permit filling or alteration of drainage ditches and to remove unauthorized existing ditch infilling or alteration within the municipal road allowance. Adherence to a policy will insure ditch alterations are undertaken in a controlled and consistent manner.

## 2. Applicability and Scope Statement

Subject to this policy are requests received by the City from property owners for roadside ditch alteration or identification of unauthorized ditch infilling/alteration through observations by City, resident enquiries or as drainage or other issues arise.

## 3. Background

An open-channel or ditch cut into the natural terrain along the Municipal Road Allowance is the most economical method to create drainage collection/conveyance systems for draining the road bases and collecting roadway surface water and groundwater within the road allowance. Ditches collect and convey stormwater runoff and snowmelt from both municipal and public properties efficiently and require minimum maintenance. Roadside ditches are a necessary component of any semi-urban or rural road cross section and provide several stormwater management functions such





## Roadside Ditch Alteration within the Public Road Allowance

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as downstream peak flow reduction, improved water quality of receiving water bodies and reduction of erosion at outlets, in addition to preventing surface runoff from pooling on the roadways and/or surrounding property. The Provincial Policy Statement promotes green infrastructure to enhance stormwater management through ecological and hydrological functions.

A roadside ditch also provides snow storage area below the elevation of the road surface thereby reducing the potential for snow drifting over the road and providing a snow stockpile area.

Ditches provide a critical outlet for public and private surface drainage, roadway sub-grade drainage. Ditches have a greater drainage capacity than piped systems and promote the natural recharge of groundwater by allowing surface flows to infiltrate underground through the ditch bottom and banks. The vegetated cover of ditches assist with the natural filtering and settlement of particulates from runoff, thus improving the quality of stormwater and snowmelt. Open ditches are much less sensitive to the adverse impacts associated with foliage, debris, and sedimentation during storm events. Moreover, properly designed ditches provide peak flow attenuation and reduce flow velocities that otherwise contribute to erosion problems at the outlet.

When a ditch is filled, altered or replaced with a pipe, the stormwater management benefits are compromised. Moreover, the culvert inlets are susceptible to blockage by branches, foliage, debris and sedimentation, which further decrease their effectiveness and in time are subject to deterioration and collapse. Ditch alterations specifically infills, immediately decrease the capacity of the roadside drainage system and with each subsequent ditch infill the capacity deficiency is compounded. The disruption of flow from a single property can negatively impact the integrity of the entire drainage area resulting in localized ponding and flooding of roadways and properties. Poorly drained road bases advance the deterioration of roadway surfaces resulting in the costly maintenance and/or replacement of asphalt treatments. The cumulative impact of many ditch infilling projects within the same drainage area is likely to increase downstream peak flow rates, create erosion problems at outlets and degrade the quality of runoff reaching surface water body receivers.

### 4. Definitions

Refer to Road Occupancy By-Law 2018-109 for additional definitions pertaining to this policy.

**City Staff** means employees of the City of Markham.

**Conveyance** means the positive grade, connectivity and capacity requirements to transmit storm water from one area to another.

**Council** means the municipal Council of The Corporation of the City of Markham.

**Culvert** means a corrugated steel pipe (CSP), concrete pipe or box structure, or CSA approved 320 kPa PVC or HDPE pipe located within a roadside ditch to facilitate vehicular or pedestrian access crossing of a Ditch usually at a Driveway/entrance.

**Director** means the Director of Operations Department for the City or designate.

**Ditch** means a natural or artificial watercourse ranging from a depression, or swale, to an open channel that conveys storm water runoff from both public and private properties. The primary purpose for a roadside ditch is to drain the road surface, road base and sub-grade as well as the surface drainage of the boulevard.

**Ditch Alteration** means the addition of earthworks, landscaping works and pipes to a ditch system to eliminate a defined ditch conveyance system for storm water.

**Ditch Infill** means the replacement of a ditch with a culvert/pipe covered by earth and sod.

**Drainage basin** means the extent of the area served by a ditch drainage system.



## *Roadside Ditch Alteration within the Public Road Allowance*

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**Driveway/entrance** means portion of the boulevard improved for the purpose of providing vehicle access to an adjacent property.

**Encroachment** means Any device, equipment, object, structure or vegetation that is located on, over, along, across, under or in a highway, or any portion thereof, but excluding any vegetation planted or any device, equipment, object, or structure installed and maintained by the City.

**Foundation Drainage** means groundwater collected by the weeping tiles installed around the footings of a dwelling, collected in an internal sump pit and discharged to the surface by a sump pump to drain overland or conveyed in a pipe underground to discharge into the ditch system.

**Municipal Road Allowance** means the property dedicated as public road allowance by authority of the City of Markham.

**Owner** means the registered owner of land abutting a Municipal Road Allowance.

**Proponent** means the Owner of the land that is subject to the application for altering/filling a roadside ditch.

**Right-of-Way** means that portion of the Municipal Road Allowance ordinarily used for the location of roads, sewers, watermain, sidewalks and walkways.

**Roadside Ditch** means the open channel within the Municipal Road Allowance and installed for the purpose of collecting and channelling road and adjacent surface drainage runoff or snowmelt.

**Storm water quality** means the condition of the surface water from a sediment or pollutant loading perspective that requires addressing prior to discharge to a receiving watercourse.

**Storm water quantity** means the volume of surface water required to be collected and conveyed by a ditch system or a piped sewer system.

**Sub-grade Drainage** means the groundwater collected by the granular road base structure.

**Swale** means shallow grassed drainage channels with gently sloping sides.

**Work** means the removal of a ditch alteration and/or reinstatement of an open-channel roadside ditch.

## 5. Policy Statements

### A. GENERAL PROVISIONS

1. No Person shall alter, fill, pipe, or encroach roadside ditches without first having obtained a Roadside Ditch Alteration permit.
2. The City may consider permitting the piping or filling of certain portions or sections of a roadside ditch only for purpose of driveway/entrance or if it has been determined to be beneficial to the operation or maintenance of the City road.
3. The City will not permit the piping or filling of a roadside ditch if the basis of the request is:
  - a) for aesthetic purposes to suit the abutting private property owner's current or proposed landscaping; or
  - b) to be of benefit to the abutting private property owner only (i.e., ease of lawn mowing)
4. No tile drainage, foundation drainage pipe, sump pump discharge or roof leader pipe shall discharge directly into a municipal Ditch, except where no suitable alternative outlet exists on the lot.



## *Roadside Ditch Alteration within the Public Road Allowance*

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5. Ditch infill shall not be permitted where high ground water table conditions exist and is dependent on the ditch for outlet and conveyance.
6. All temporary ditch alterations encountered through construction activity or project shall be removed as a consequence of the work, and replaced by an appropriately sized open ditch.

### **B. DITCH INFILLING**

1. Maintaining an existing ditch alteration or consideration of the implementation of a ditch alteration request will be at the sole discretion of the Director and may be in consultation with Engineering and Environmental Services Departments as deemed necessary.
2. The City will require the proponent of a ditch alteration proposal or maintaining an existing ditch alteration to undertake a storm drainage assessment to determine ditch piping and filling impacts on the drainage system area. This assessment is to be undertaken by a qualified and experienced professional engineer, at the expense of the proponent.

Although some engineering assessments will vary in extent regardless of the complexity of the study, the content of the assessment is to include as a minimum, but not be limited to, the following:

- Confirm the ditch system is not a Municipal Drain;
  - Determine the impact of ditch alteration on wetlands and fish habitat as well as existing municipal infrastructure.
  - Determine the feasibility of altering the ditch system;
  - Identify the drainage basin or catchment area and tributary;
  - Identify outlets, routing and grade requirements;
  - Identify allowable and design flows;
  - Confirm outlet capacity;
  - Determine the impact on the outlet;
  - Determine storm water quantity & quality requirements;
  - Determine erosion control requirements;
  - Assess ditch alteration impacts for major storm event system response and performance;
  - Maintain, or improve, existing levels of service;
3. Once storm drainage assessment report reviewed and ditch infilling is allowed by the City, the proponent shall submit a detailed engineering drawing for ditch infill that must include as a minimum, but not be limited to the following:
    - Existing ditch and surrounding area elevations including road centreline and edge of pavement for a minimum distance of 30m in either direction of the property limits and/or along the existing ditch/ drainage system as applicable.
    - Proposed elevations of the pipe inverts, catchbasin and other applicable storm sewer structures inverts and top of grate elevations, as well as finished grade elevations to provide positive surface drainage to the proposed catchbasin lids.
    - Catchbasins and/or approved inlet structures must be provided at each property line within the ditch infilling limits.



## *Roadside Ditch Alteration within the Public Road Allowance*

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- Interim cleanout/access structures where required.
  - Typical cross-section(s) must be provided to demonstrate that drainage may be accommodated for the private properties, boulevard ditch and roadway.
  - Method for collection of municipal road base drainage
  - The minimum cover over the pipe obvert shall be 0.15 metres.
  - The minimum grade of the pipe exceeds 1% to provide sufficient cleaning velocity.
  - The finished elevation of fill material in the ditch must be shaped to form a swale, provide a minimum positive grade of 0.5% and remain a minimum of 450 mm below the elevation of the edge of the road surface.
  - Storm sewer pipe sizing calculations based on a delineation of the total catchment area for stormwater received by the existing ditch.
  - Outline the entire downstream drainage corridor/ system to the ultimate outlet watercourse/ water body, demonstrating sufficient capacity in the downstream system.
  - Note that pipe installations shall be completed in accordance with the requirements of the latest version of the Ontario Provincial Standard Specification No. 421 (OPSS 421) and all related specifications.
4. If the engineering assessment and/or design does not address all of the above noted criteria to the satisfaction of the City, the permit application will be denied.
  5. The City will determine whether or not an Environmental Compliance Approval (ECA) is required from the Ministry of the Environment, Conservation and Parks (MECP) for ditch infilling works in accordance with the Ontario Water Resources Act, Section 53 (Sewage Works). If ECA is required, The City will notify the Owner accordingly. As the proposed works would be within a City owned road allowance, the Director would be required to sign the ECA application form. However, the property Owner would be subject to the MEPC fees associated with the application.
  6. The adjacent property owner that has been granted permission to alter the roadside ditch with piping and/or filling, or the connection of a foundation drain, does not have ownership of the affected area of the road allowance. The private property owner has no rights to claim the alteration, piping and/or filling of the roadside ditch is permanent, should the City require that the drainage system be returned to an open ditch.
  7. If the City has granted a private property owner permission, by issuing a permit, to alter, pipe or fill the adjacent roadside ditch, all the installation and material costs are the responsibility of the proponent.
  8. If the Director determines that additional work, such as ditch regrading, rock removal or brushing is required to properly convey stormwater to a sufficient outlet as a result of the proposed ditch alteration, all costs for the work by the City Forces will be borne by the proponent.
  9. Where a proposed piping or filling of a roadside ditch crosses or is located above an existing underground utility;



## Roadside Ditch Alteration within the Public Road Allowance

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- a) the proponent must (at their expense) obtain a clearance letter or certificate from the owner of the underground utility that provides satisfactory evidence that the proposal will not be detrimental to the existing utility; and
- b) any required extensions or modifications to the existing utility to accommodate the grades of the proposed piping or filling of the ditch will be provided at the expense of the proponent.

### C. EXISTING DITCH INFILL

1. Any existing ditch infill within the Municipal Road Allowance deemed to be negatively impacting municipal assets or the collection and/or conveyance of stormwater along its length or within the surrounding area shall be removed and replaced by an appropriately sized open ditch.
2. Any existing ditch infill culvert identified as collapsed or having experienced a structural failure be permanently removed and replaced with the appropriately sized open ditch.
3. In the event of removal and ditch channel reinstatement, there will be no compensation to Owners who may have financed the original installation of a ditch infill adjacent their property.
4. In the event that a situation or condition arises which requires the City to remove, either in whole or in part, the piping and/or fill materials, the drainage system will be reinstated to an open ditch condition. No compensation for the previously installed works will be provided.

### D. DRIVEWAY/ENTRANCE OVER A ROADSIDE DITCH

1. No person shall construct, extend or alter an entrance/driveway or install or extend a culvert pipe within a highway under the jurisdiction of the City without the Owner first receiving Roadside Ditch Alteration permit issued by the City.
2. All works related to constructing a new entrance/driveway or modifying an existing entrance/driveway over a roadside ditches shall be carried out in accordance with the approved permit, plan and the City's standards and/or special conditions.
3. Pre-construction inspection is conducted by the City to assess the proposed entrance and determine final location, the diameter, gauge and length of the culvert and any required special conditions.
4. The Owner is responsible for all aspects of construction, including but not limited to; supply of a new culvert pipe and backfill material, rip rap, labour, and traffic control. Work may be done by the owner or a contractor engaged by the owner; however, ultimate responsibility for installation rests with the owner.
5. Driveway culverts shall be Corrugated Steel Pipe with a 2.0 mm minimum thickness or High Density Polyethylene (HDPE). Pipe diameter shall be a minimum of 400 mm, and the length shall satisfy City requirements.



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6. The invert or base of the culvert may be partially buried / embedded into the ditch bottom to a maximum depth of 10% of the culvert diameter, or as needed to allow sufficient cover and maintain ditch gradient to the satisfaction of the City.
7. Elevation of culvert must be such that positive drainage is maintained throughout Ditch network and no standing water is created as a result of the installation.
8. Where a culvert installation may pose a chance of frost heave, due to lack of cover material, and pipe capacity is not at issue, the City may approve the use of a culvert less than 400 mm in diameter.
9. The Contractor/Owner shall contact Operations Departments at 905-475-4714 or OCS@markham.ca to arrange a site inspection of the culvert installation prior to placement of backfill material to confirm installed elevations and that suitable bedding and cover have been provided for the pipe prior to placement of backfill. At least two business days is required for notifying the City.
10. Pipe installations shall be completed in accordance with the requirements of the latest version of the Ontario Provincial Standard Specification No. 421 (OPSS 421) and all related specifications.
11. Property owners with ditches adjacent to their property are expected to:
  - Maintain the driveway culvert and ditch area;
  - Remove leaves and other debris as they accumulate in the ditch;
  - Avoid altering grades, yard slopes, or obstructing the drainage system in any way; and
  - Comply with Keep Markham Beautiful (Maintenance) By-law 2017-27 (e.g. section 5.0) accordingly.

### **E. APPLICATION AND APPROVAL PROCESS**

1. The proponent of a proposal to alter, pipe and/or fill a roadside ditch will be required to submit a Roadside Ditch Alteration application form along with the application fees, support documents such as an engineering assessment report, approved engineering lot grading plan, detailed engineering design, etc. A Letter of Credit/Security Deposit may also be required, if requested by the Director.
2. City Staff will conduct a site inspection and field review of the proposal and meet with the proponent if necessary.
3. If the Director is satisfied that the ditch alteration, piping and/or filling can be completed in accordance with this policy, the Permit will be approved, but may be subject to conditions specific to the application.
4. If the Director determines that an engineering assessment report is required to assess the impact of the alteration, the proponent will be advised of this requirement and the application will be held until that assessment can be completed to the satisfaction of the Director.



## *Roadside Ditch Alteration within the Public Road Allowance*

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5. If the proposal is approved and prior to pipe installation, the proponent will contact the City staff for an inspection.
6. Upon completion of the installation, the proponent will contact City staff for a final inspection. If the Director is satisfied that all the requirements of the permit have been met, and no corrective measures are required, the proponent's Security Deposit will be returned if applicable.
7. In the event that the Director determines there are deficiencies to the installation or damage to City road allowance and corrective action is required the Director will provide written notice to the proponent. If the proponent fails to correct any identified deficiencies or repairs within 30 days of receiving the written notice, the City may draw from the proponent's Security Deposit to recover its cost to correct the deficiencies and/or include costs onto the property tax roll. Any remaining Security Deposit balance will then be returned to the proponent.
8. Where an existing driveway crossing culvert has reached or exceeded its scheduled service life, an application may be made for the city to replace culvert at the city's expense.

### **F. CONTRAVENTIONS**

1. Non-compliant or unauthorized ditch alteration, piping and/or filling that has taken place before the adoption of the Roadside Ditch Alteration Policy shall be considered for removal through a progressive approach. Initially, only those alterations that are identified, at City discretion, as either;
  - i) contributing to a drainage or road maintenance issue, or
  - ii) within the project limits of a capital works or ditching project.
2. Non-compliant or unauthorized ditch filling that was installed before adoption of the Ditch Alteration Policy will be removed as part of a systematic approach to roadside ditching projects undertaken by the City of Markham.
3. Non-compliant or unauthorized ditch alteration, piping and/or filling that takes place after the adoption of the Roadside Ditch Alteration Policy will be enforced in accordance with this policy. In some situations, the Owner or Proponent may apply for a Roadside Ditch Alteration Permit, pay the required fees and have the works inspected by the Director. If the Director determines that the ditch alteration can remain, the proponent will be required to provide plans and photos to be kept on file. If the Director determines that the ditch alteration must be removed because of a potential drainage or road maintenance issue, the cost of removal shall be borne by the responsible property owner or added to the property tax roll.

### **G. DELEGATED AUTHORITY**

The Director shall have delegated authority to:

1. Interpret and apply this policy at their discretion
2. Revise or amend technical or administrative nature of this policy as deemed necessary





## Roadside Ditch Alteration within the Public Road Allowance

Policy No.: RO2018-109-01

### 6. Roles and Responsibilities

This section identifies the principal roles and responsibilities assigned to City Departments for the policy. More detailed roles and responsibilities may be captured in a separate procedures document.

#### 1. Operations Department will:

- Be the initial point of contact for Roadside Ditch Alteration related enquiries.
- Receive inquiries regarding roadside ditch drainage concerns/requests.
- Coordinate of interdepartmental activities involved in policy creation and implementation.
- Process and manage applications for Roadside ditch alteration permits.
- Determine applicable permit fees and amount of a Letter of Credit/Security Deposit if required.
- Educate permit applicants regarding policy.
- Investigate and identify any altered roadside ditch which may not be in compliance with conditions of the policy or permit.
- Direct roadside ditch drainage issues to the road supervisor.
- Provide supporting information in determining technical requirements.
- Assess existing non-compliant ditch alterations.
- Direct enforcement requirements.
- Replace existing Driveway/entrance culvert that has reached or exceeded their scheduled service life.

#### 2. Environmental Services Department will:

- Review Engineering Assessment Report and/or Design Infill Design and Provide comments

#### 3. By-Law Enforcement & Licensing will:

- Provide supporting advice regarding enforcement of policy
- Enforce by-laws, as required, in the event of non-compliance of a property owner to remove ditch alteration.

#### 4. Financial Services will:

- Recover non-payment of fines assessed by Enforcement and Inspections through property taxes, as required.
- Recover costs incurred by the City to remove a non-compliant ditch alteration through property taxes, as required.



Report to: Development Services Committee

Meeting Date: February 24, 2020

**SUBJECT:** RECOMMENDATION REPORT, Applications by Uptown Green Garden Inc., for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit a nine (9) storey mixed use building on the west side of Kennedy Road, north of 16<sup>th</sup> Avenue, 9332 to 9346 Kennedy Road, File Nos. OP 18 182671, ZA 18 182671 and SPC 19 132197 (Ward 6)

**PREPARED BY:** Rick Cefaratti, M.C.I.P., R.P.P., ext. 3675  
Senior Planner, West District

**REVIEWED BY:** Ron Blake, M.C.I.P., R.P.P. ext. 2600  
Senior Development Manager

#### **RECOMMENDATION:**

1. That the report titled “RECOMMENDATION REPORT, Applications Uptown Green Garden Inc., for Official Plan and Zoning By-law Amendments and Site Plan Approval to permit a nine (9) storey mixed use building on the west side of Kennedy Road, north of 16<sup>th</sup> Avenue, 9332 to 9346 Kennedy Road, File Nos. OP 18 182671, ZA 18 182671 and SPC 19 132197 (Ward 6)” be received;
2. That the Official Plan Amendment application submitted by Uptown Green Garden Inc., to amend the 2014 Official Plan, be approved by Council, and that the draft Official Plan Amendment attached as Appendix ‘A’ be finalized and adopted by Council;
3. That the amendments to Zoning By-laws 304-87 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 Uptown Green Garden Inc., be endorsed in principle, subject to the Conditions attached as Appendix ‘C’ and subject to any refinements as required by the Design Review Panel;
5. That the approval of the Site Plan application be delegated to the Director of Planning and Urban Design or his designate once further refinements to the building elevations have been provided to the satisfaction of the City Architect;
6. That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement, in the event that the site plan agreement is not executed within that period;
7. 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;
8. That servicing allocation for two hundred and sixty nine (269) dwelling units be assigned to the subject development;
  9. That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner;
  10. That the proposed mixed use development be designated a Class 4 area to allow for the implementation of "on building" noise control measures to mitigate sound level excesses on the building emanating from the existing Unionville Montessori Private School site located at 4484 16<sup>th</sup> Avenue;
  11. 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 Uptown Green Garden Inc., for a proposed mixed use mid-rise development at 9332 to 9346 Kennedy Road (the "Subject Lands"). The "Subject Lands" are located on the west side of Kennedy Road between New Yorkton Avenue to the north and 16<sup>th</sup> Avenue to the south. Uptown Green Garden Inc. is proposing a mixed use, nine (9) storey building. The proposed development will have a Gross Floor Area of 22,651.5 m<sup>2</sup> (243, 819 ft<sup>2</sup>), two hundred and sixty nine (269) residential units, and one (1) non-residential unit on the ground floor.

The "Subject Lands" are designated 'Mixed Use – Mid Rise' in the 2014 Official Plan (as partially approved on November 24, 2017, and updated by the LPAT on April 9, 2018). This designation provides for integrated retail, office and residential uses within buildings up to a maximum height of eight (8) storeys and a maximum density of 2.0 FSI. The owner's revised proposal for (9) storeys for a mixed use mid-rise building with a site density of 3.0 FSI requires an Official Plan Amendment.

The "Subject Lands" are zoned Rural Residential – RR1 under Zoning By-law 304-87, as amended. This zone category permits single detached dwellings and limited home occupations on large rural properties. The owner's the proposed development, which will include site specific development standards, requires a Zoning By-law Amendment.

The applicant has further requested that Council recognize the proposed mixed use development as a Class 4 area acoustical environment to allow for the implementation of noise control measures on the subject lands to mitigate sound level excesses from Unionville Montessori School (UMS) located south of the site. The province of Ontario's current noise guidelines require formal recognition from the land use planning authority (City Council) to confirm the "Subject Lands" as Class 4 Area acoustical environment.

Noise control measures may include the incorporation of noise walls and sound absorbing materials as part of the proposed mixed use building.

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 in staff's opinion, adversely impact the surrounding properties. Staff is satisfied with the location and massing of the proposed building and also recommend endorsement in principle of the Site Plan application. However, refinements to the elevations are required.

### **PURPOSE:**

This report recommends approval of the Official Plan Amendment and Zoning By-law Amendment applications, and endorsement in principle of the Site Plan application for a proposed nine (9) storey mixed use building.

### **BACKGROUND:**

The "Subject Lands" (9332 to 9346 Kennedy Road) comprise four properties with a combined area of approximately 0.75 ha. (1.85 ac.). These lands are located on the west side of Kennedy Road, approximately 200 metres (656 feet) north of 16<sup>th</sup> Avenue (See Figures 1 to 3, Location Map, Area Context and Air Photo, respectively). There are three (3) single detached dwellings and mature vegetation on the "Subject Lands". One of the subject properties is vacant and undeveloped. Surrounding uses include:

- To the north are lands currently being developed for 132 townhouse units (Kylemore Yorkton Phase II);
- To the south is Unionville Montessori Private School (UMS);
- To the east across Kennedy Road is an existing residential low rise development comprised of single and semi-detached dwellings, and townhouses;
- To the west is an existing low rise development comprised of townhouses and single detached dwellings (Kylemore Yorkton Phase I);

### **PROCESS**

Applications submitted in support of the proposal include a site specific amendment to the 2014 Official Plan and a Zoning By-law Amendment.

- These applications were deemed complete in June, 2018.
- A Statutory Public Meeting was held on January 22, 2019.
- An application for Site Plan approval in August, 2019.
- A Draft Plan of Condominium application remains outstanding.

### **PROPOSAL:**

The mixed use mid-rise development proposal includes a height of nine (9) storeys, a Gross Floor Area of 22,651.5 m<sup>2</sup> (243, 819 ft<sup>2</sup>), two hundred and sixty nine (269) residential units, one (1) non-residential unit on the ground floor, and a rooftop outdoor amenity area on the east side adjacent to Kennedy Road. The applicant has revised the proposal as a result of input received to date from the public as well as internal departments and external agencies

Table 1 below provides a comparison between the original proposal and the revised proposal:

Table 1

Site Statistics	Original Proposal	Revised Proposal
Residential Gross Floor Area	20,515 m <sup>2</sup> (220,823 ft <sup>2</sup> )	22,651.5 m <sup>2</sup> (243,819 ft <sup>2</sup> )
Retail Gross Floor Area	307 m <sup>2</sup> (3,305 ft <sup>2</sup> )	66.5 m <sup>2</sup> (716 ft <sup>2</sup> )
Residential Units	232	269
Non-Residential Units	1	1
Total Private Amenity Area	1,044 m <sup>2</sup> (11,237 ft <sup>2</sup> )	1,076 m <sup>2</sup> (11,581 ft <sup>2</sup> )
Building Height	10 storeys	9 storeys
Floor Space Index (FSI)	2.87	3.00
Vehicle Parking	363	311
Bicycle Spaces	46	92

Vehicular access to the site is proposed via a restricted right-in/right-out, left-in access from Kennedy Road, and a one way outbound driveway onto to a private lane (Fernhill Lane) located within the townhouse development to the north (Kylemore Yorkton Phase II). This private lane will connect to New Yorkton Avenue which will also connect to Beckett Avenue to the East, across Kennedy Road.

## **OFFICIAL PLAN**

### York Region Official Plan

The “Subject Lands” are designated ‘Urban Area’ in the York Region Official Plan, 2010 (ROP), which permits residential, commercial, industrial and institutional uses. York Region 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 Official Plan

The “Subject Lands” are designated ‘Mixed Use – Mid Rise’ in the 2014 Official Plan (as partially approved on November 24, 2017, and updated by the LPAT on April 9, 2018). This designation provides for integrated retail, office and residential uses within buildings up to a maximum height of eight (8) storeys and a maximum density of 2.0 FSI (Floor Space Index means the ratio of gross floor area of all buildings on a lot divided by the area of the lot on which the buildings are being developed). The original application was for ten (10) storeys and a maximum site density 2.87 FSI. The owner has revised the Official Plan amendment application to allow a maximum building height of nine (9) storeys and a maximum site density of 3.0 FSI.

## **ZONING**

### Zoning By-law 304-87

The “Subject Lands” are zoned Rural Residential – RR1 under Zoning By-law 304-87, as amended. This zone category permits single detached dwellings and limited home occupations on large rural properties. The owner has applied to amend the Zoning By-law

to permit the proposed development, which will include site specific development standards.

The draft Zoning By-law amendment (Appendix 'B') proposes to delete the "Subject Lands" from the designated area of By-law 304-87 and to add it to By-law 177-96, as amended as a Neighbourhood Commercial (NC3) zone to permit the proposed development.

A number of site specific development standards are proposed, including:

- a maximum permitted building height of nine (9) storeys;
- a maximum site density of 3.0 FSI;
- minimum parking rate for residential – 1.0 space per unit
- minimum parking rate for visitors – 0.15 spaces per unit
- minimum parking rate for retail uses – 1 space per 30 m<sup>2</sup>

The draft Zoning By-law Amendment also includes a holding provision. The provision requires the execution of an agreement with the adjacent landowner to the north for services on Royal Aberdeen Road and access to Fernhill Lane 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;

#### Public Meeting

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

- concerns by residents of the adjacent Kylemore (Yorkton) low rise community to the west, regarding the loss of privacy;
- concerns about impacts the proposed development would have on traffic;
- concerns about the loss of mature trees along the west lot line;
- Concerns about the impacts of height between the proposed ten (10) storey building on residents of the existing townhouses to the west;

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

#### Site Layout, Building Massing and Density Are Appropriate

The proposed site layout has been designed to minimize potential impacts to the existing residences in the area. The proposed massing provides an appropriate transition to the adjacent low rise neighbourhood located to the west by proposing the tallest portion of the building closest to Kennedy Road (9 storeys) and stepping down the building height to the west and north adjacent to the existing residential development to the west (3 storeys). In consultation with Planning and Urban Design staff, the applicant has revised the overall building design to address comments from the community. The applicant has reduced the building height from ten (10) to nine (9) storeys. The rooftop outdoor amenity area has been relocated approximately 40 metres away from the west side of the building to the east side adjacent to Kennedy Road. This amenity area will also be partially screened by the penthouse mechanical room. This shift of the amenity space will mitigate any potential overlook condition on the adjacent residential properties and enhance their privacy.

The applicant submitted an angular plane diagram in support of the application (See Figure 6). This diagram was provided to evaluate the relationship between the proposed mixed use mid-rise and the existing low rise development to the west. 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 mid-rise building (1:1 slope means 1 metre away for every metre in building height). With exception of some minor encroachments, the massing of the proposed building largely fits within a 45 degree angular plane drawn from the property line of the adjacent townhouses, and generally achieves a 1:1 slope.

Staff is satisfied with the building massing and the preliminary elevations. However, the owner will also need to satisfy the City's sustainability requirements, including obtaining LEED Silver equivalent building performance, conform to the City's Bird Friendly Guidelines and provide dark sky compliant lighting.

#### Further Refinements to Building Elevations Required

On January 30, 2020, the proposal was presented to the Design Review Panel (DRP). The DRP recommended, among other matters, that revisions be made to the vertical and horizontal treatment of the building elevations. The applicant is developing revised building elevations in order to incorporate additional feedback received from the DRP and the City Architect. On February 18, 2020, Staff received a letter and new perspective drawings of the proposed nine (9) storey building from the applicant advising of revisions made to the proposal to address comments received from the DRP (see Attachment 1 – Letter to City Architect, and Attachment 2 – Perspective Drawings, February 2020).

#### Existing trees to be preserved

The site plan was revised to preserve several mature trees along the west property line to provide a natural buffer between and the existing townhouses and the proposed building. Staff note that, along the west side of site, the soil depth provides an ideal opportunity for additional landscaping, planting and for the survival of existing mature trees.



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### Dog Facilities

The applicant has advised 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.

### Mixed Use Development Requires Class 4 Area Declaration

The rooftop HVAC mechanical units for the existing private school (UMS) buildings to the south of the site will create noise impacts for future residents of the proposed development. The applicant is requesting that Council designate the subject lands a Class 4 Area to allow for higher daytime/night time sound level limits than would otherwise be permitted where sensitive land uses such as mixed use mid-rise buildings are proposed adjacent to existing noise sources (UMS). A Class 1 Area is the typical designation for developments that incorporate residential uses.

The Class 1 area designation requires a significant degree of noise mitigation measures to be provided at the noise source (the UMS property), including the replacement of HVAC units with quieter models. A Class 4 Area designation will allow noise control measures to be provided within the proposed mixed use mid-rise development on the subject lands, including the incorporation of noise walls, and sound absorbing materials.

Staff note that the Ministry of the Environment released provincial noise guidelines (NPC-300) in October of 2013 to allow for relaxed noise limits in areas where there are proposals to develop sensitive land uses next to existing noise sources, and to promote intensification. The provincial noise guidelines require formal recognition from the land use planning authority (City Council) to recognize the “Subject Lands” to be a Class 4 Area acoustical environment.

Staff has no objections to the applicant’s request for Council to declare the subject lands as a Class 4 Area provided that the owner includes appropriate warning clauses in every purchase and sale agreement advising purchasers of noise impacts from the UMS property. Staff will review the applicant’s warning clause through the site plan agreement process.

### Transportation Improvements to Regional roads required

Regional staff has advised that a minimum right of way of 43.0 m will be required for this section of Kennedy Road. Consequently, a road widening that accommodates 21.5 metres from the centre line of construction on Kennedy Road, will be required. In addition, a 5.0 metre by 5.0 metre daylight triangle easement will be required at the proposed access to Kennedy Road.

York Region has also identified future improvements to the 16<sup>th</sup> Avenue/Kennedy Road intersection including:

- a) Extending the existing southbound exclusive right turn lane from the 16<sup>th</sup> Avenue/Kennedy Road intersection to the Kennedy Road/Beckett Avenue intersection;
- b) Constructing a new receiving lane on the south side of the 16<sup>th</sup> Avenue/Kennedy Road intersection;

- 
- c) Extending the existing westbound exclusive right turn lane storage at the intersection of 16<sup>th</sup> Avenue/Kennedy Road intersection;
  - d) Extending the existing eastbound exclusive right turn lane storage from the 16<sup>th</sup> Avenue/Kennedy Road intersection to approximately 135 metres west of Yorkton Boulevard;

The funding for the above noted improvements to 16<sup>th</sup> Avenue and Kennedy Road will be up-fronted through the redevelopment of the York Downs Golf Course lands. However, the owner of the Uptown Green Garden proposal will also be required to contribute funding for the proposed Regional improvements.

This matter will be secured through the site plan agreement process.

#### Vehicular Access to Kennedy Road Restricted

As noted previously, vehicular access for the “Subject Lands” will be from a restricted right-in/right-out, left-in from Kennedy Road. In addition a one way outbound driveway will be provided to a private lane (Fernhill Lane) that leads to New Yorkton Avenue through the adjacent Kylemore Yorkton Phase II townhouse development located to the north.

York Region has agreed in principle to permit the proposed right-in/right-out/left-in access to/from the subject lands to Kennedy Road. The City of Markham and York Region will require the owner to enter into an access easement agreement with the adjacent property to the north (Kylemore Yorkton Phase II) to secure this arrangement. Kylemore has agreed to provide this easement.

#### Reduced Parking Rates Supported

Markham’s Transportation Engineering Staff has reviewed the Parking Utilization Study submitted in support of the proposal. Staff is satisfied that the proposed residential parking rate of 1.0 space per unit and the proposed visitor parking rate of 0.15 space per unit, will accommodate the anticipated peak parking demands for the proposed development.

#### 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 Official Plan Policy requested to permit increases in Maximum Height and Maximum Floor Space Index (FSI) is appropriate

As noted earlier in this report, the proposed amendment to the 2014 OP proposes a site-specific policy to permit a maximum height of nine (9) storeys and a FSI of 3.0.

The scale of the proposed development has been assessed in light of a detailed review and analysis of the built form. Density, in the form of an FSI number, is not the exclusive indicator of whether or not a proposed development is appropriate or compatible. The

design, layout, massing and height transitions of the applicant's current proposal are intended to mitigate any 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 the proposed orientation of the building massing and the overall site layout, the proposed increased height and density can be supported.

#### Sustainable measures proposed

The applicant has advised that a number of sustainable development measures will be incorporated, including:

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

As noted previously, the applicant will be required to satisfy the City's sustainability requirements, including obtaining a LEED Silver or equivalent building performance. Staff will continue to work with the applicant to achieve additional sustainability features, such as increasing energy efficiency, incorporating environmentally preferable building materials and reducing the local-heat island effects. These matters will be secured through the site plan agreement.

#### Parkland Dedication

The applicant is not proposing public parkland through this proposal. Therefore, the applicant will be required to fulfill the parkland requirement through a cash-in-lieu of parkland payment, as a condition of site plan approval.

#### Access to services on Royal Aberdeen Road required

Privately owned Water, Storm and Sanitary service infrastructure located on Royal Aberdeen Road can accommodate the proposed development. The applicant will be required to enter into an agreement with the owner of the Kylemore (Yorkton) development (Angus Glen Developments) to access these services.

#### Compensation for Tree Removal Required

Notwithstanding the applicant's efforts to preserve perimeter trees along the west edge of the "Subject Lands", there are a number of mature trees that are proposed to be removed from other locations within the "Subject Lands". Compensation for tree removal will be determined prior to site plan endorsement being issued by the Director of Planning & Urban Design, 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 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.

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### 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 Required

A Draft Plan of Condominium application, to allow the sale of the individual apartment dwelling units, non-residential units and to create the common elements, will be required. The authority to approve the Draft Plan of Condominium is delegated to the Director of Planning and Urban Design. This application has not yet been submitted.

### Market Based Apartments Proposed

Based on the materials submitted with the applications and discussions with the applicant, the proposed mixed use mid-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 area.

### Site Specific Amendment to add the “Subject Lands” to Zoning By-law 177-96, as amended, is appropriate

The proposed amendment to remove the “Subject Lands” from Zoning By-law 304-87 and add them to Urban Residential Zoning By-law 177-96, as amended, is appropriate. Amendments to these zoning by-laws 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, 5 and 6.

The proposed Zoning By-law Amendment will include a Holding (H) provision. The H provision will require the developer to enter into an agreement with Angus Glen Developments to connect to existing services on Royal Aberdeen Road, and to permit vehicular egress from this property to Fernhill Lane, prior to the start of the development. Lifting of the H would only occur after the servicing and vehicular access matters have been resolved to the satisfaction of Council.

### **CONCLUSION:**

The proposed mixed use apartment development is appropriate. The built form will not adversely impact the surrounding properties. The building massing will be sympathetic to their surroundings as the tallest portion of the building is proposed closest to Kennedy Road while stepping down the building height to the west and north. Consequently, Staff recommends: that the draft Official Plan Amendment (Appendix ‘A’) be finalized and adopted and, 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.

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**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.  
Director, Planning & Urban Design

Arvin Prasad, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1 – Location Map  
Figure 2 – Area Context/Zoning  
Figure 3 – Air Photo  
Figure 4 – Site Plan  
Figure 5 – North and East Elevations  
Figure 6 – South and West Elevations  
Figure 7 – Angular Plane Illustration

**APPENDICES:**

Appendix 'A' – Draft OPA  
Appendix 'B' – Draft ZBA  
Appendix 'C' – Site Plan Conditions

**ATTACHMENTS:**

Attachment 1 – Letter to City Architect, February 2020  
Attachment 2 – Renderings , February 2020

**OWNER:**

Uptown Garden Green Inc.  
C/O Michael Tang  
7181 Woodbine Avenue, Unit 230  
Markham, ON L3R 1A3  
Tel: 647-876-1104  
Email: [rtang@wealthpower-group.com](mailto:rtang@wealthpower-group.com)

**APPLICANT:**

Ryan Guetter

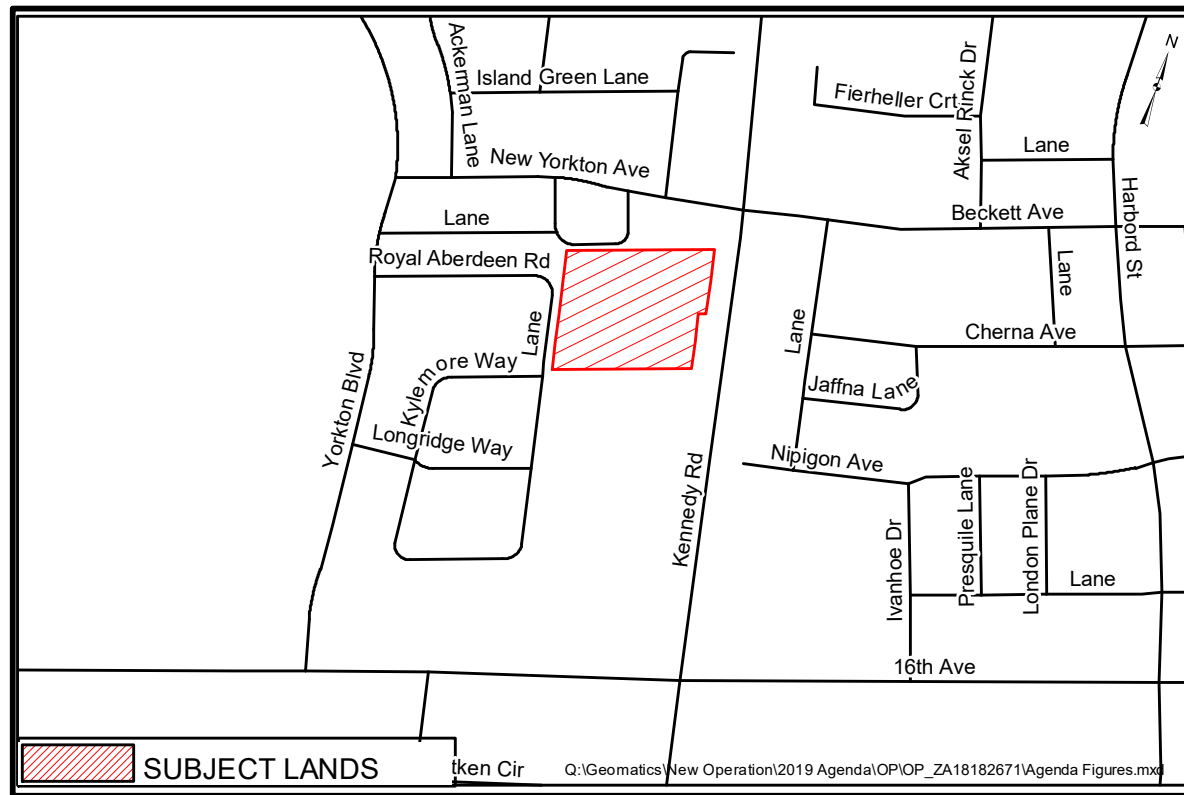
Weston Consulting

201 Milway Avenue, Unit 19

Vaughan, ON, L4K 5K8

Tel: 905-738-8080 ext.2418

Email: [rguetter@westonconsulting.com](mailto:rguetter@westonconsulting.com)







# AREA CONTEXT/ZONING

APPLICANT: UPTOWN GREEN GARDEN INC.

FILE No.OP/ZA18-182671 (RC)

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**MARKHAM** DEVELOPMENT SERVICES COMMISSION

Drawn By:RT

Checked By:RC

DATE: 19/12/2019

**FIGURE No. 2**





# AIR PHOTO (2019)

APPLICANT: UPTOWN GREEN GARDEN INC. (RC)

FILE No.OP/ZA18-182671

 SUBJECT LANDS

DATE: 19/12/2019

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 DEVELOPMENT SERVICES COMMISSION

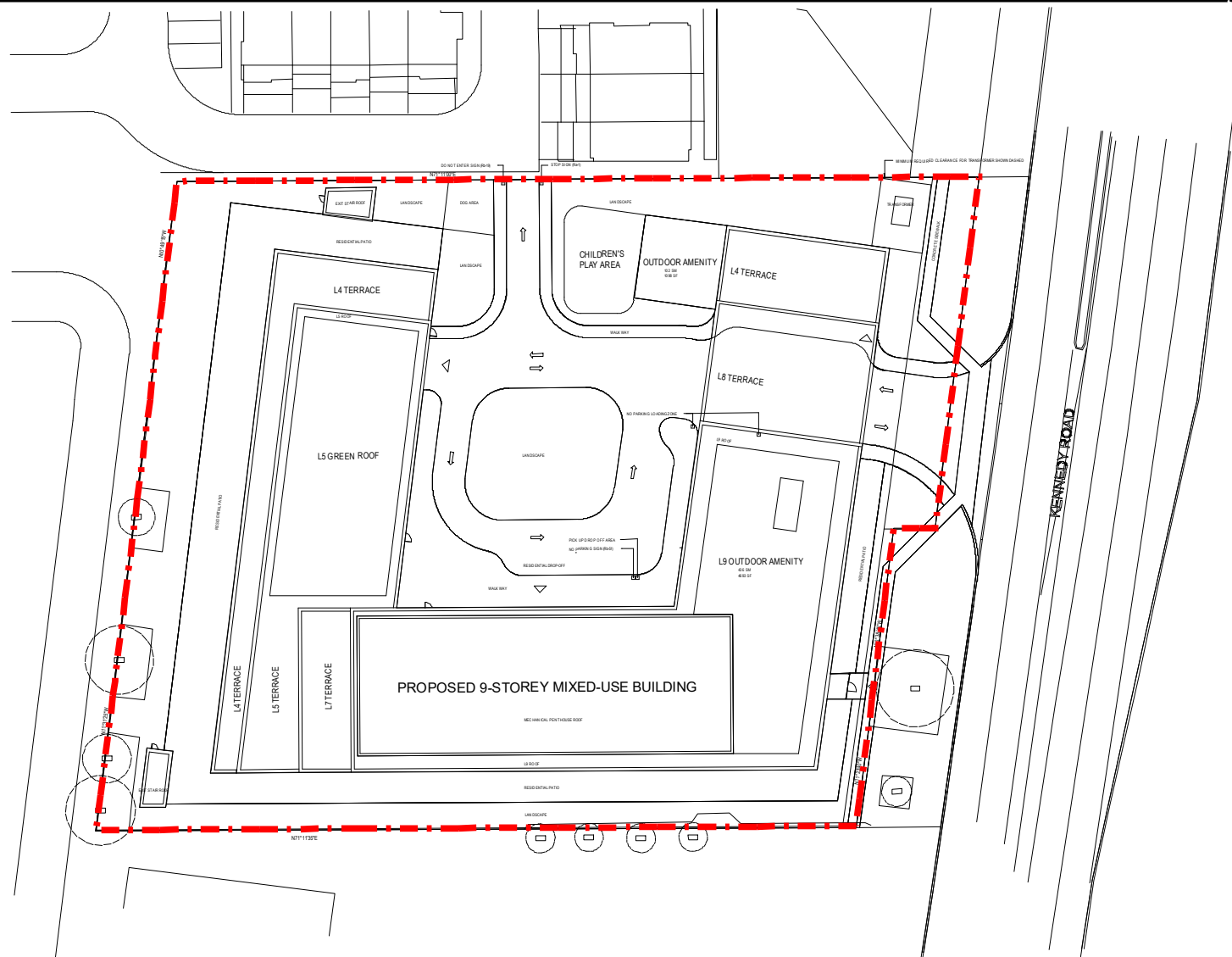
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FIGURE No. 3







# SITE PLAN

APPLICANT: UPTOWN GREEN GARDEN INC.

FILE No.OP/ZA18-182671 (RC)

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DEVELOPMENT SERVICES COMMISSION

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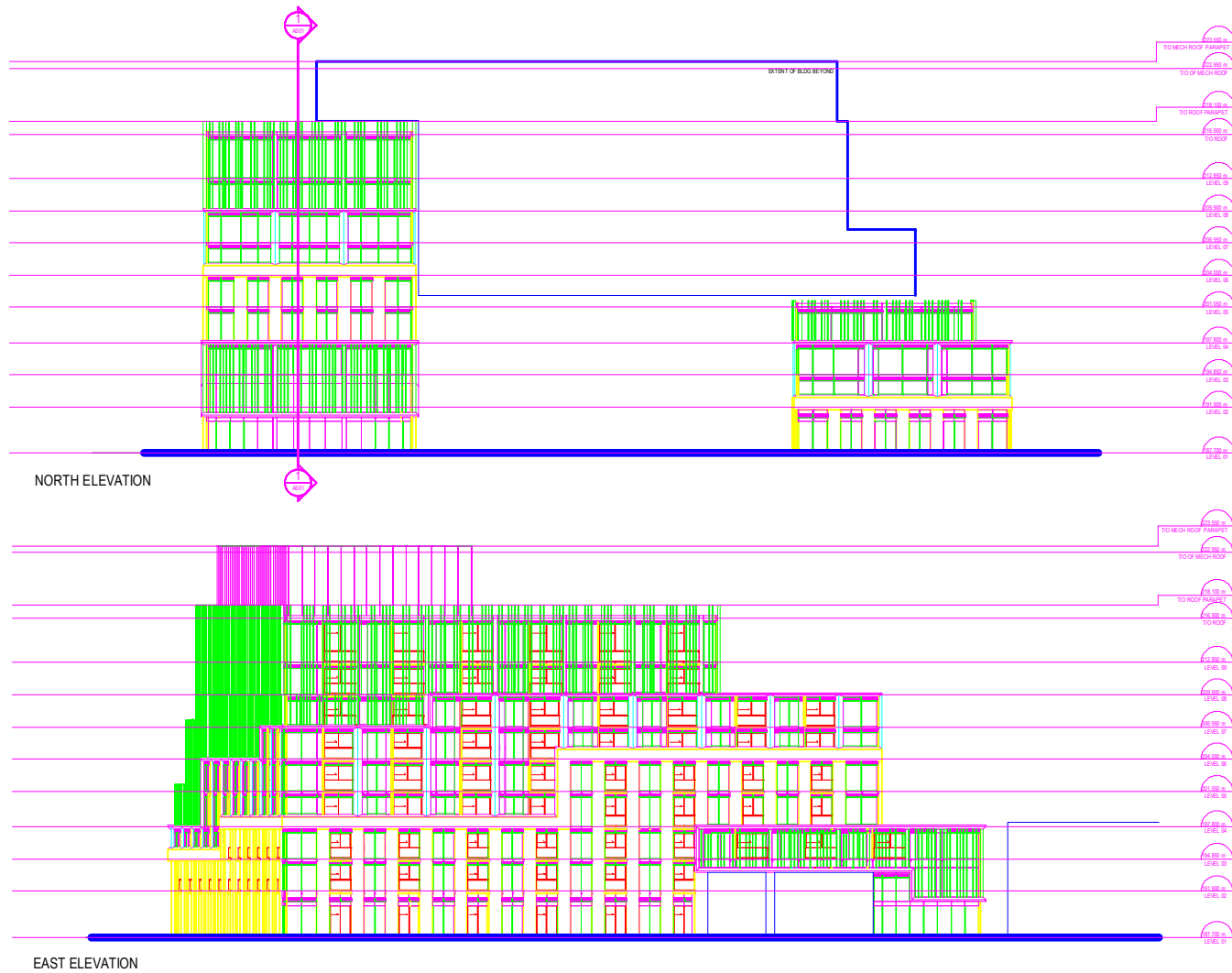
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DATE: 19/12/2019

FIGURE No. 4

 SUBJECT LANDS





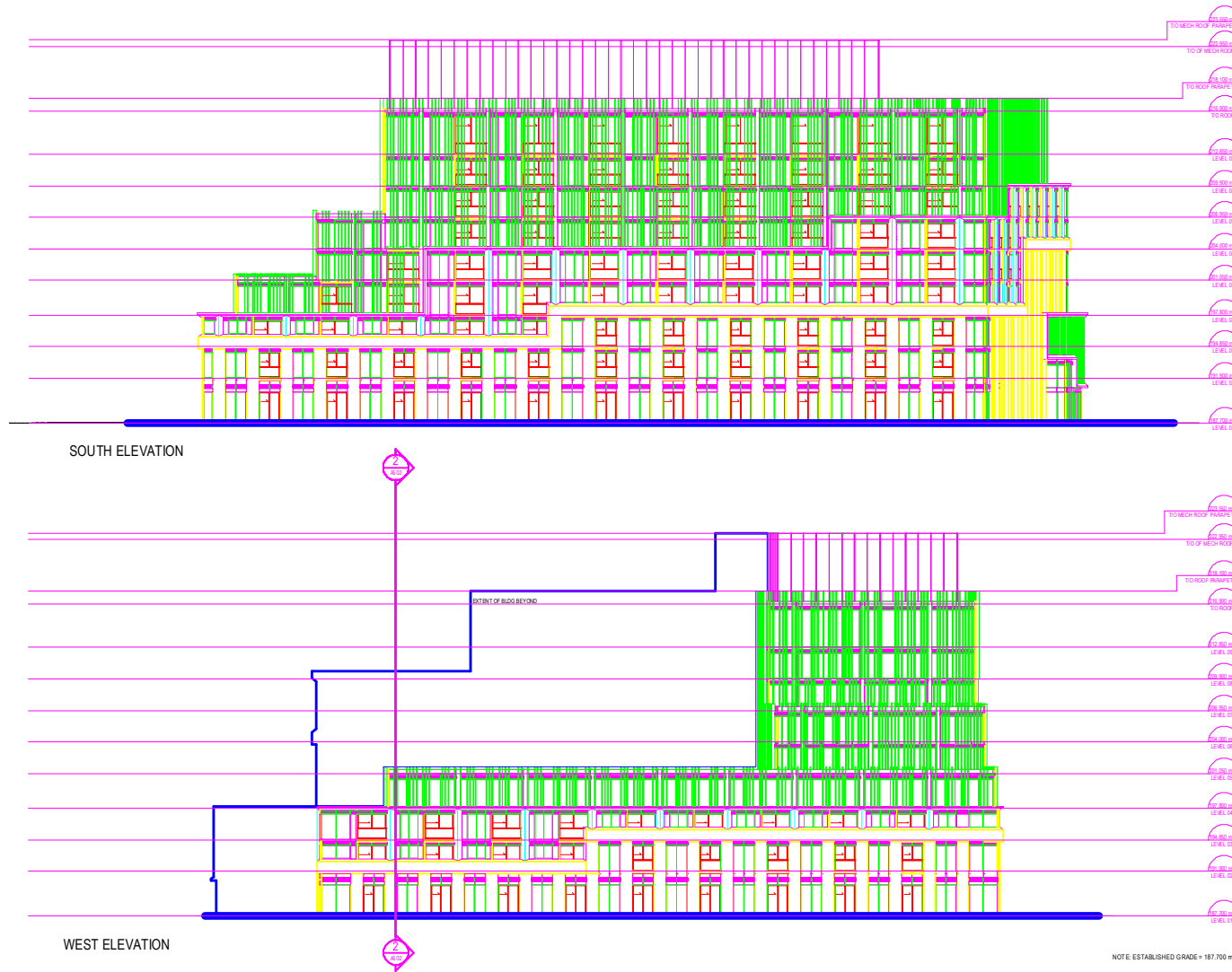
# ELEVATIONS (NORTH & EAST)

APPLICANT: UPTOWN GREEN GARDEN INC.

FILE No.OP/ZA18-182671 (RC)

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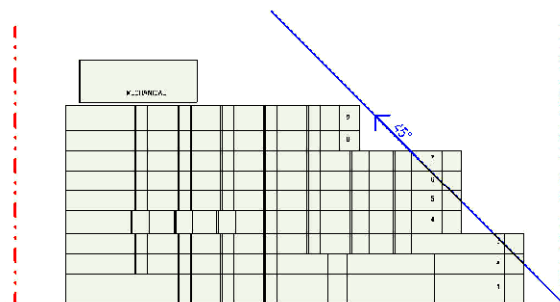
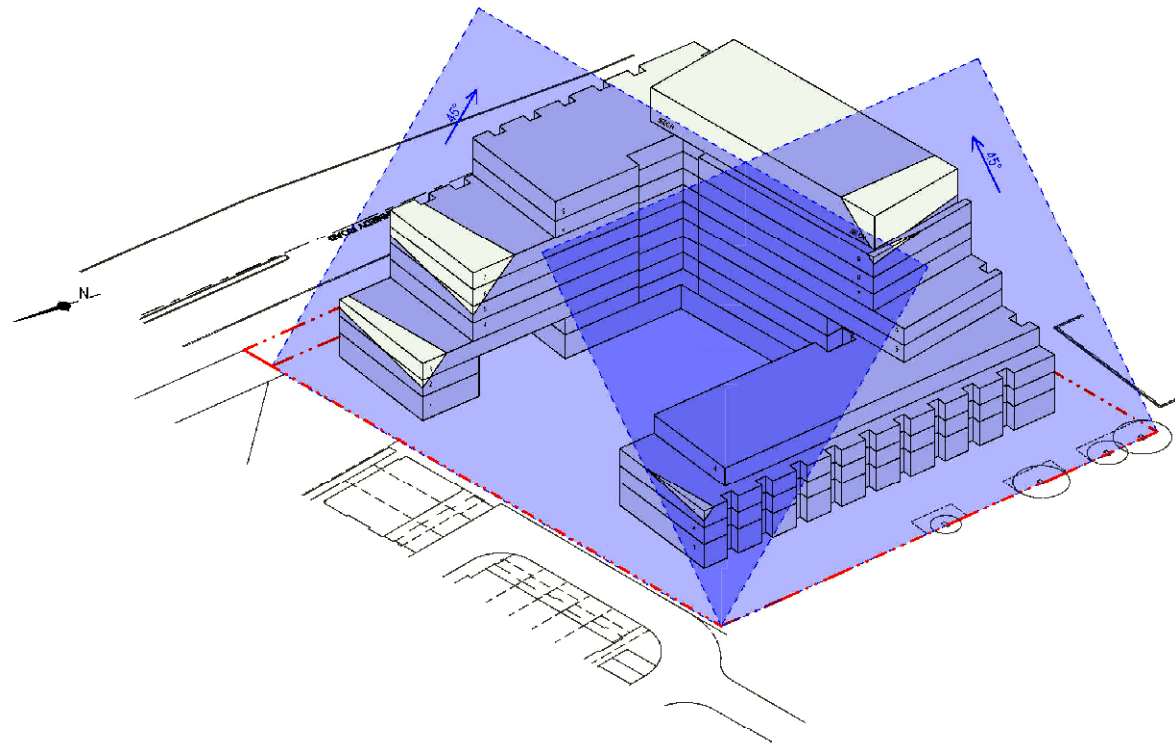
# ELEVATIONS (SOUTH & WEST)

APPLICANT: UPTOWN GREEN GARDEN INC.

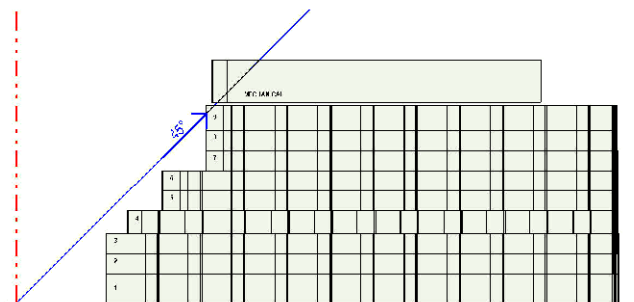
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NORTH ANGULAR PLANE



WEST ANGULAR PLANE

# MASSING/ANGULAR PLANE ANALYSIS

APPLICANT: UPTOWN GREEN GARDEN INC.

FILE No.OP/ZA18-182671 (RC)

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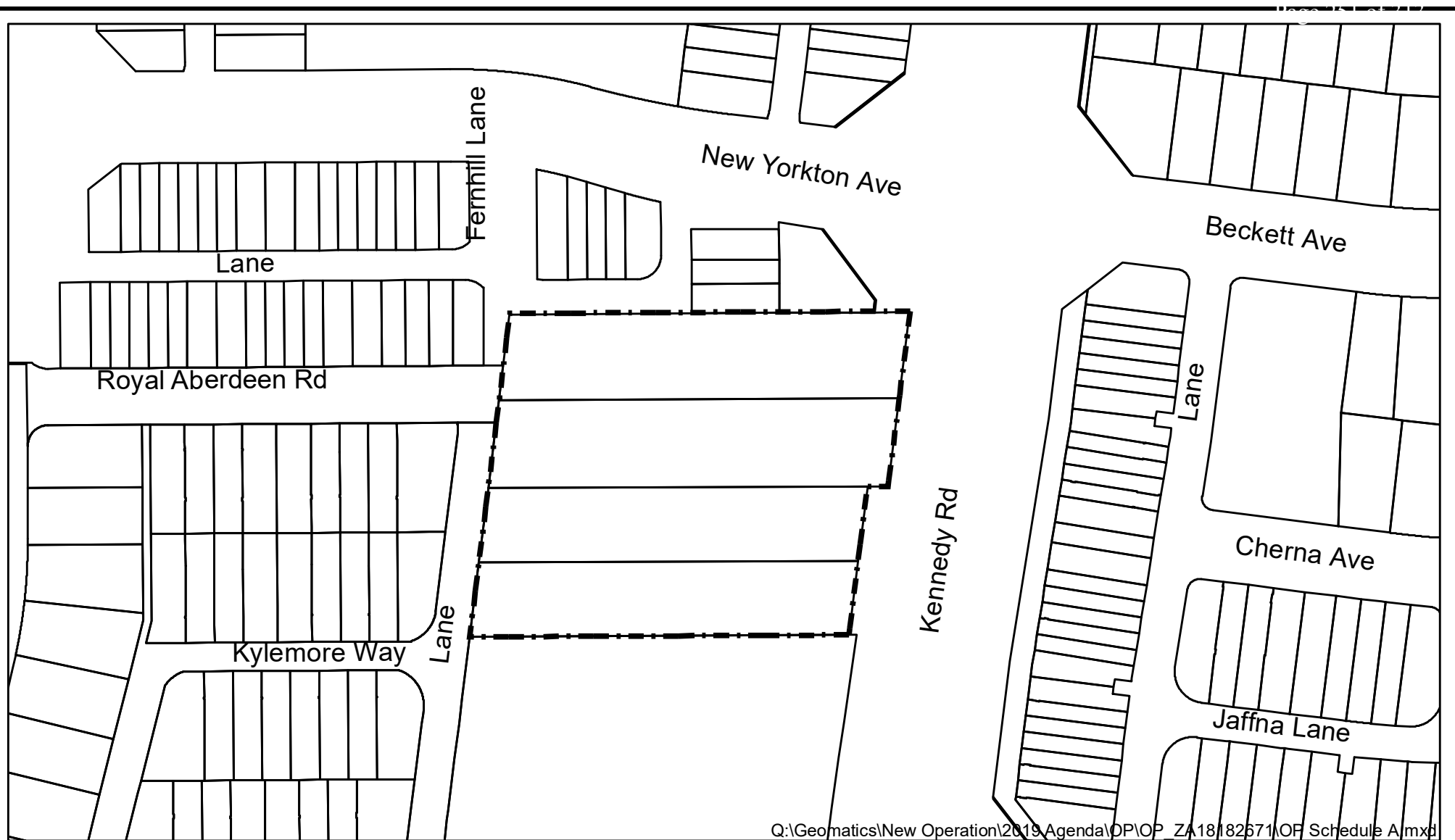



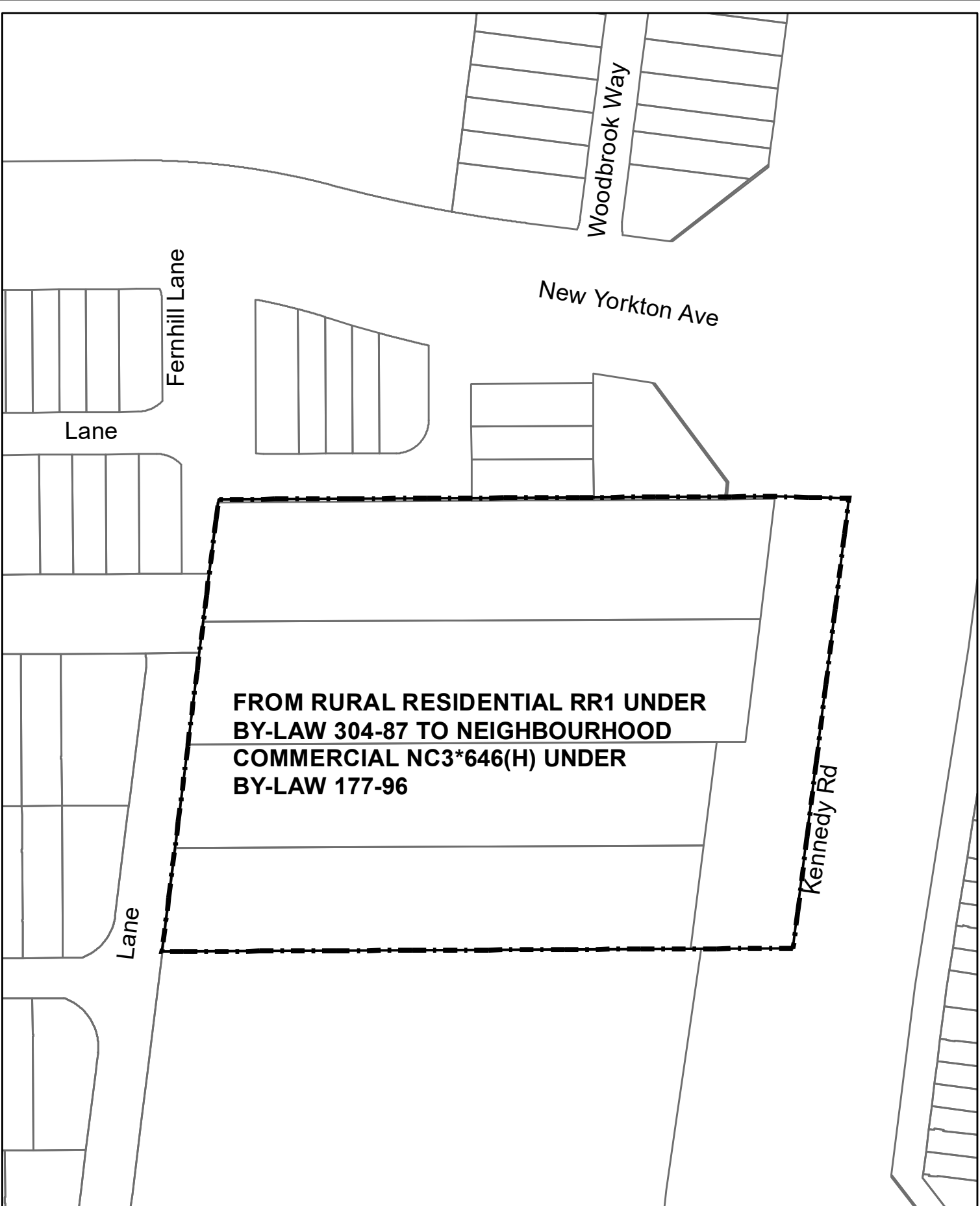
FIGURE 9.1.6

# AREA AND SITE SPECIFIC POLICIES CITY OF MARKHAM OFFICIAL PLAN 2014, AS AMENDED

 Boundary of area subject to the policies in Section 9.1  
 Land use designation \_\_\_\_\_


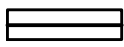

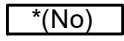
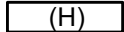






# SCHEDULE "A" TO BY-LAW AMENDING BY-LAWS 304-87 AND 177-96 DATED



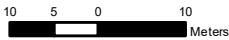
-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE  
TO BE DELETED FROM BY-LAW 304-87 AND ADDED TO BY-LAW 177-96
-  BOUNDARY OF ZONE DESIGNATION(S)
-  NEIGHBOURHOOD COMMERCIAL
-  EXCEPTION NUMBER
-  HOLDING PROVISION

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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DEVELOPMENT SERVICES COMMISSION



Drawn By: RT Checked By: RC

DATE:19/12/2019

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office

## Attachment 1

**RECEIVED**

FEB 18 2020

DEVELOPMENT SERVICES  
CITY OF MARKHAM

February 13, 2020

Ronji Borooah, City Architect  
City of Markham  
Markham Civic Centre  
101 Town Centre Boulevard  
Markham, Ontario, L3R 9W3

**Re. 9332-9346 Kennedy Rd. - Design Revisions**

Dear Mr. Borooah,

The development project at 9332-9346 Kennedy Rd. was reviewed by the Design Review Panel on January 30, 2020. The project design has been revised incorporating much of the feedback from the panel. Below are the comments from the DRP (based on our own notes) and our responses to them.

**Comment 1.**

The courtyard is dominated by vehicular movement. Consider placing the garage entrance where the loading bay is currently and moving the loading bay to the location of the ramp.

Response - The location of the garage entrance has been requested by Transportation so that the garage entrance is visible from the driveway and to provide queueing space for cars on the development property. The loading bay has been moved out of the driveway to reduce potential conflict between trucks, pedestrians, and cars. Amenity space has been moved to the former location of the loading dock so that pedestrians walking through the entry-way walk past an occupied space rather than a blank overhead door. This revision will be incorporated into the forthcoming resubmission.

**Comment 2.**

The jog in the sidewalk at the driveway should be rationalized.

Response - The sidewalk design is by the city.

**Comment 3.**

**Baron Nelson Architects Inc.**  
161 Bellwoods Ave., Toronto, ON, M6J 2P6  
437-915-9290  
www.bnarch.ca

**Martin Baron OAA, Partner**  
mbaron@bnarch.ca

**Jason Nelson OAA, Partner**  
jnelson@bnarch.ca

## Attachment 1

Should have a landscape feature in the centre of the courtyard.

Response - A central landscape feature in the courtyard will be incorporated into the forthcoming resubmission.

## Comment 4.

The mechanical penthouse needs to be designed and not neglected.

Response - The mechanical penthouse has been revised to be clad in the same bronze-finished metal panel as the upper floors of the building.

## Comment 5.

Consider adding a pedestrian path at the north-west corner of the building to connect to the adjacent neighbourhood and park.

Response - This pedestrian access path will be incorporated into the forthcoming resubmission.

## Comment 6.

There was a lengthy discussion about the retail unit. It was largely agreed that a retail use in the project will likely not succeed. Comments ranged from making the retail space more prominent to give a business located there a fighting chance to eliminating the retail space altogether.

Response - The development schedule precludes us from revising the OPA to eliminate the retail space. The retail space has been moved to the south side of the driveway to be better integrated with the building. A retail program has not yet been developed but the intention is that the retail space service the residents of the building.

## Comment 7.

Make the pedestrian entrance on Kennedy (at the south end of the building) more generous.

Response - The entrance at Kennedy has been lowered to be flush with grade with the stairs and ramp moved to the interior. This eliminates the need for exterior stairs and ramps and creates a much more generous open space in front of the entrance.

This revision is not yet represented in the exterior views and will be incorporated into the forthcoming resubmission.

## Comment 8.

Consider a flow-through lobby.

## Attachment 1

Response - The lobby will be redesigned so that it runs through the building connecting the courtyard to the street. This revision will be incorporated into the forthcoming resubmission.

## Comment 9.

Soften the west edge of the property. Consider removing the fence.

Response - The landscaping along the west property line will be naturalized. The interface with the neighbours to the west will be designed in a landscape plan to address the needs and wishes of the neighbours for privacy. This will be incorporated into the forthcoming resubmission.

## Comment 10.

Resolve the unused sliver of grass at the north-east corner.

Response - The retail and amenity spaces have been moved and the ground floor of the block north of the driveway will be townhouses. The landscape space on the north side of the building will be entrance walks and patios for the townhouses.

## Comment 11.

Add more contrast to the facade treatments. All three facade treatments are similar and have strong vertical lines. Consider differentiating the middle zone more from the base and the top.

Response - The upper facade treatment remains bronze-finished metal but has been lightened in colour and broken down in scale with finer-scale details. The base of the building has been revised to add more pre-cast concrete with brick as a feature. The middle facade treatment is now a blend of the base and the top, a combination of bronze-metal and precast concrete. In this way, the three facade treatments are all related but are each significantly different from each other with an obvious gradation in scale from the heavy base, to the medium middle, to the very light top.

## Comment 12.

Strengthen the verticality of the corner tower.

Response - The heavy horizontal bands in the corner tower have been removed and the vertical lines have been emphasized.

## Comment 13.

Consider a warmer-white for the precast.

Response - The tone of the white precast has been made warmer.

## Comment 14.

Attachment 1

Bronze paint (on the aluminum panels) may not read as bronze but just as brown.

Response - A lighter tone for the painted aluminum has been selected to emphasize the shine of the metallic finish.

Material selection is currently under development and a sample board will be submitted separately.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Martin Baron', with a stylized flourish at the end.

**Martin Baron** BES BArch LEED-AP MRAIC OAA  
Partner

**Baron Nelson Architects Inc.**

Cc.

Biju Karumanchery, Director of Planning and Urban Design, City of Markham  
David Miller, Development Manager, West District, City of Markham  
Rick Cefaratti, Planner, City of Markham  
Ryan Guetter, Senior Vice President, Weston Consulting



DRP-004.1

RENDERING

MIXED-USE DEVELOPMENT

1902 Proj No      Phase      Scale      Date  
FEB 13, 2020



Baron Nelson Architects Inc.  
info@bnarch.ca  
www.bnarch.ca







DRP-004.2

RENDERING

## MIXED-USE DEVELOPMENT

Proj No	Phase	Scale	Date
1902			FEB 13, 2020



Baron Nelson Architects Inc.  
 info@bnarch.ca  
 www.bnarch.ca







DRP-004.3

RENDERING

MIXED-USE DEVELOPMENT

FEB 13, 2020  
Date

Scale

Phase

1902  
Proj No



Baron Nelson Architects Inc.  
info@bnarch.ca  
www.bnarch.ca







DRP-004.4

RENDERING

MIXED-USE DEVELOPMENT

1902  
Proj No

Phase

Scale

FEB 13, 2020  
Date



**Baron Nelson Architects Inc.**  
info@bnarch.ca  
www.bnarch.ca



Appendix 'A'

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. ~~XXY~~

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

9332 – 9346 Kennedy Road – Uptown Green Garden Inc.

February 2020

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 City of Markham, By-law No. ----20xx-xx---- in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the ---- day of -----, 2020.

---

Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor

Appendix 'A'



## By-law 2020------

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 25<sup>th</sup>  
DAY OF FEBRUARY, 2020.

---

Kimberley Kitteringham  
City Clerk  
(Signed)

---

Frank Scarpitti  
Mayor

Appendix ‘A’

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SCHEDULE “A”

## **PART I - INTRODUCTION**

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



## **PART I - I NTRODUCTION**

### **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 four (4) properties with an area 0.75 hectares (1.85 acres) municipally known as 9332 to 9346 Kennedy Road located on the west side of Kennedy Road, approximately 200 metres (656 feet) north of 16<sup>th</sup> Avenue as shown on Figure 9.1.6. The subject lands are located within the Angus Glen Planning District.

### **3.0 PURPOSE**

The purpose of this Amendment is to add a site specific policy for the subject lands to permit the development of a mixed-use building with a height of nine (9) storeys with a maximum site density of 3.0 FSI.

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

This amendment will provide for a mixed use development on the subject lands that is compatible with, and provides an appropriate transition to, adjacent development. The maximum site density of 3.0 FSI is appropriate in this location. 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.xxxxxxxxxxxxxxx)

## PART II - THE OFFICIAL PLAN AMENDMENT

### 1.0 THE OFFICIAL PLAN AMENDMENT

1.1 Section 9.1 of the Official Plan 2014, as amended, is hereby amended by:

- a) Amending Section 9.1.1 to add a reference in Figure 9.1.1 to a new Section 9.1.6 as follows:

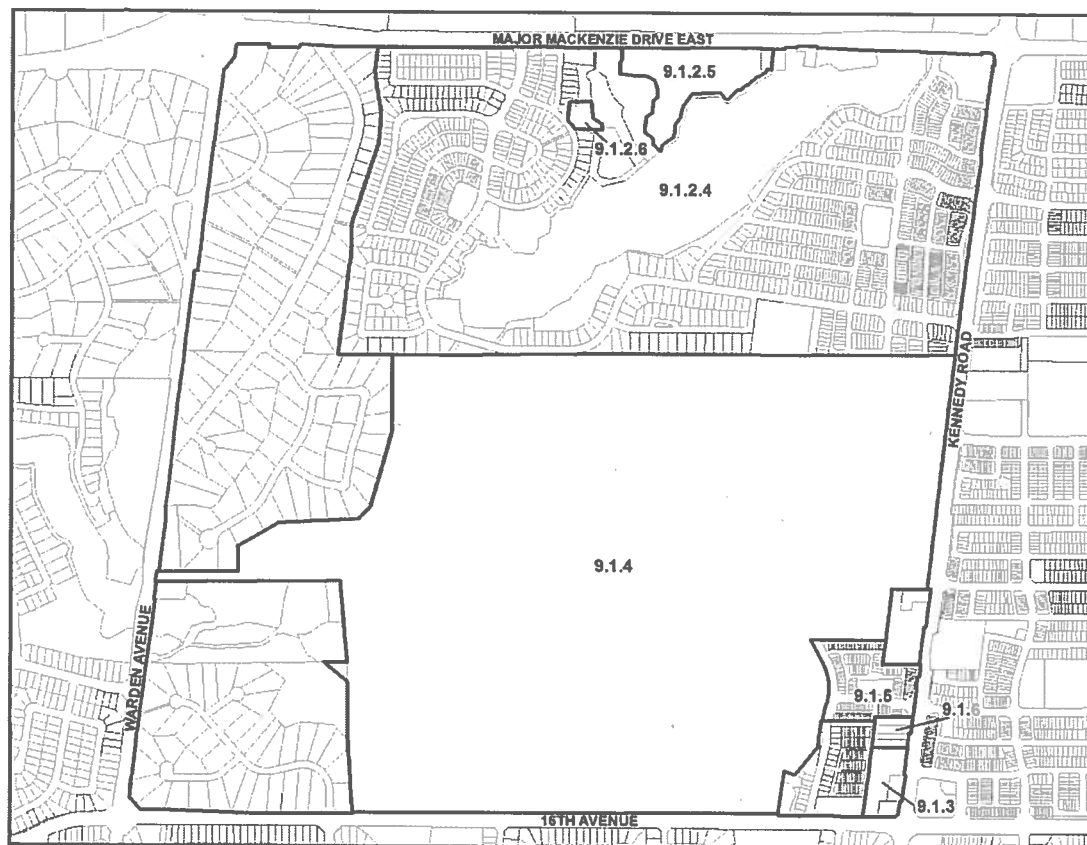


Figure 9.1.1

“9.1.6 9332 to 9346 Kennedy Road

- a) A maximum building height of nine (9) storeys is permitted.  
b) The total floor space index for all buildings shall not exceed 3.0.



9.1.6

## 2.0 IMPLEMENTATION AND INTERPRETATION

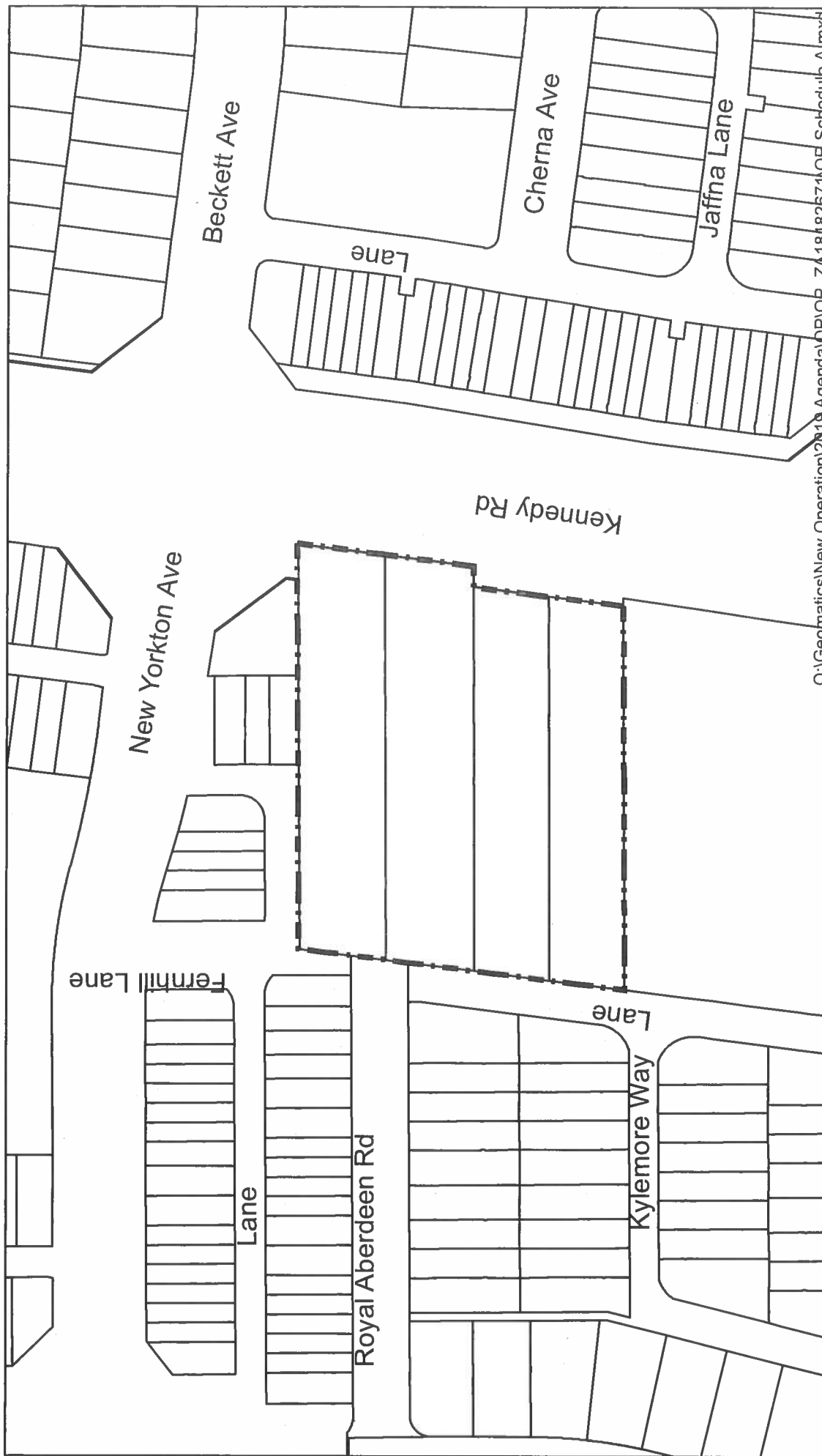
The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

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.

*(February, 2020)*



Q:\Geomatics\New Operation\2019\Agenda\DP\OP\_ZA18182671\OF Schedule A.mxd



# FIGURE 9.1.6 AREA AND SITE SPECIFIC POLICIES CITY OF MARKHAM OFFICIAL PLAN 2014, AS AMENDED

Boundary of area subject to the policies in Section 9.1  
Land use designation







## Appendix 'B'



## By-law 2020-xx

**A By-law to amend By-law 304-87, as amended**  
*(to delete lands from the designated area of By-law 304-87)*  
**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 304-87, 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 304-87, 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:  
**Rural Residential One Zone (RR1)**  
**under By-law 304-87**

to:  
**Neighbourhood Commercial Three Holding [NC3\*646 (H)]**  
**Under By-law 177-96**
  - 2.3 By adding the following subsection to Section 7 – EXCEPTIONS

Exception 7.646	Uptown Green Garden Inc. 9332, 9336 and 9346 Kennedy Road	Parent Zone NC3
File ZA 18 182671		Amending By-law 2020-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.		
<b>7.646.1 Special Zone Standards</b>		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of any lands subject to this Section, all lands zoned NC3*646 shall be deemed to be one <i>lot</i> for the purposes of this By-law	

b)	The provisions of Section 6.9.2 shall not apply
c)	Maximum number of <i>dwelling units</i> – 269
d)	Maximum <i>floor space index</i> (FSI) – 3.0
e)	Notwithstanding the provisions of table B7 P), no portion of a <i>building</i> shall exceed a maximum 224 metres above sea level, geodetic datum
	Minimum required number of <i>loading spaces</i> – 1
f)	Minimum required parking: <i>Apartment dwellings:</i> - 1 space per <i>dwelling unit</i> plus 0.15 spaces per <i>dwelling unit</i> for visitors Any other permitted uses identified in Table B of By-law 28-97: - 1 space per 30 m <sup>2</sup>
g)	Minimum required number of <i>loading spaces</i> – 1
h)	Minimum area of non-residential uses – 66 square metres

### 3. SECTION 37 AGREEMENT

A contribution by the Owner to the City of \$850.00 per residential unit in 2020 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 owner of Royal Aberdeen Road (Block 53 of Registered Plan 65M-4065, Kylemore Post Road (Deacon) Ltd.) to located to the west of the subject lands for service connections to private storm and sanitary and installation works to accommodate the proposed high rise residential development on the subject lands, to the satisfaction of the Director of Engineering or designate, and the City Solicitor;
- b) That the owner enters into an agreement with the owner of the adjacent townhouse development to the north (Kylemore Yorkton Phase II), to secure an easement to allow for a north bound vehicular

egress and general pedestrian access from the subject lands on to Fernhill Lane to the satisfaction of the Director of Engineering or designate, and the City Solicitor; and,

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 February 25, 2020.

---

Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor



## EXPLANATORY NOTE

BY-LAW NO: 2020-xxxxxxxxxx

A By-law to amend By-law 304-87, as amended

(to delete lands from the designated area of By-law 304-87)

And to Amend By-law 177-96, as amended

(to incorporate lands into the designated area of By-law 177-96)

**Uptown Green Garden Inc.**

**9332, 9336 and 9346 Kennedy Road**

**PT LT 3 PL 4113 PT 2 65R14073**

**LT 4 PL 4113**

**LT 5 PL 4113**

**ZA 18 182671**

### **Lands Affected**

The proposed by-law amendment applies to 0.75 hectares (1.85 acres) of land on the west side of Kennedy Road between New Yorkton Avenue to the north and 16<sup>th</sup> Avenue to the south, and municipally known as 9332, 9336 and 9346 Kennedy Road.

### **Existing Zoning**

By-law 304-87, as amended, currently zones the subject lands Rural Residential One Zone (RR1).

### **Purpose and Effect**

The purpose and effect of this By-law is to delete the property from the designated area of By-law 304-87, 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:

**Rural Residential One Zone (RR1)**

**under By-law 304-87**

to:

**Neighbourhood Commercial Three Holding [NC3\*646 (H)]**

**Under By-law 177-96**

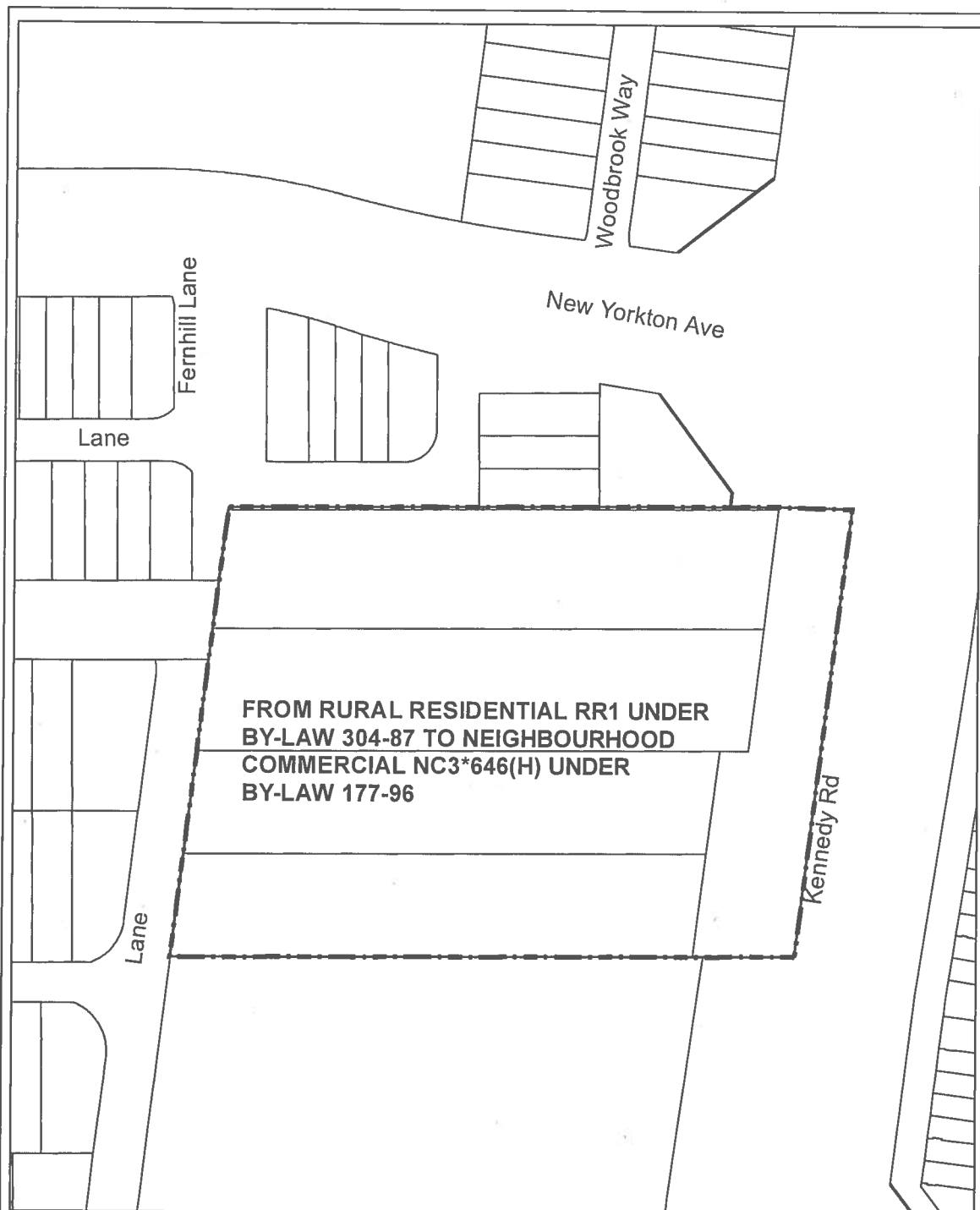
In order to permit the development of a (9) storey, mixed mid-rise building on the subject lands.

### **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.





## SCHEDULE "A" TO BY-LAW AMENDING BY-LAWS 304-87 AND 177-96 DATED

-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE  
TO BE DELETED FROM BY-LAW 304-87 AND ADDED TO BY-LAW 177-96  
 BOUNDARY OF ZONE DESIGNATION(S)  
 NEIGHBOURHOOD COMMERCIAL  
 EXCEPTION NUMBER  
 HOLDING PROVISION

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.

Q:\Geomatics\New Operation\By-Laws\IOP\OP\_ZA18182671\Schedule A.mxd



DEVELOPMENT SERVICES COMMISSION

10 5 0 10 Meters

Drawn By: RT

Checked By: RC

DATE: 19/12/2019

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office





**CITY OF MARKHAM**  
**OFFICIAL PLAN AMENDMENT NO. XXX**

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

(Kingsberg Warden Development Inc.)

*(February 2020)*

**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 City of Markham, By-law No. \_\_\_\_\_ - \_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the \_\_\_\_ th day of February, 2020.

\_\_\_\_\_  
Kimberley Kitteringham  
CITY CLERK

\_\_\_\_\_  
Frank Scarpitti  
MAYOR



**By-law 2020-----**

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. xx to the City of Markham Official Plan 2014,  
as amended, attached hereto, is hereby adopted.
- 2. THAT this by-law shall come into force and take effect on the date of  
the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_  
DAY OF FEBRUARY, 2020.

\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk  
(Signed)

\_\_\_\_\_  
Frank Scarpitti  
Mayor

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SCHEDULE ‘A’

## **PART I - INTRODUCTION**

(This is not 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, including Schedule “A” attached thereto, constitutes Official Plan Amendment No. XXX to the Official Plan 2014, as amended. Part II is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

The Amendment applies to lands comprising 0.28 hectares (0.70 acres) located on the north side of Highway 7 East, between Warden Avenue and Birchmount Road, as shown on Schedule “A” attached hereto. The lands are municipally known as 3882 Highway 7 East.

### **3.0 PURPOSE**

The purpose of this Official Plan Amendment is to re-designate the subject lands from ‘Residential Mid Rise’ to ‘Residential High Rise’ to provide for a residential building with a maximum building height of 8 storeys. The amendment will also modify Section 9.19 to add a new site-specific policy applicable to the subject lands.

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

The subject lands are currently designed ‘Residential Mid Rise’ in the Official Plan 2014, and are subject to Area and Site Specific Policy 9.19.9 e), which restricts building heights to a maximum of 3.5 storeys.

This amendment will provide for an 8 storey residential building on the subject lands that is compatible with the character and pattern of development in the surrounding area. The proposal provides for residential intensification adjacent to an existing transit route along an arterial road (Highway 7 East). The proposed residential building steps down from 8 storeys on the north and west sides to ensure the tallest portion of the building is located adjacent to Highway 7 East, and away from the low rise residential neighbourhood to the north.



**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 the subject lands from ‘Residential Mid Rise’ to ‘Residential High Rise’, as shown on Schedule “A” attached hereto.
- 1.2 Section 9.19 of the Official Plan 2014, as amended, is hereby amended by:
- a) Amending Section 9.19.1 to add a reference to a new section 9.19.13 in Figure 9.19.1 as follows:

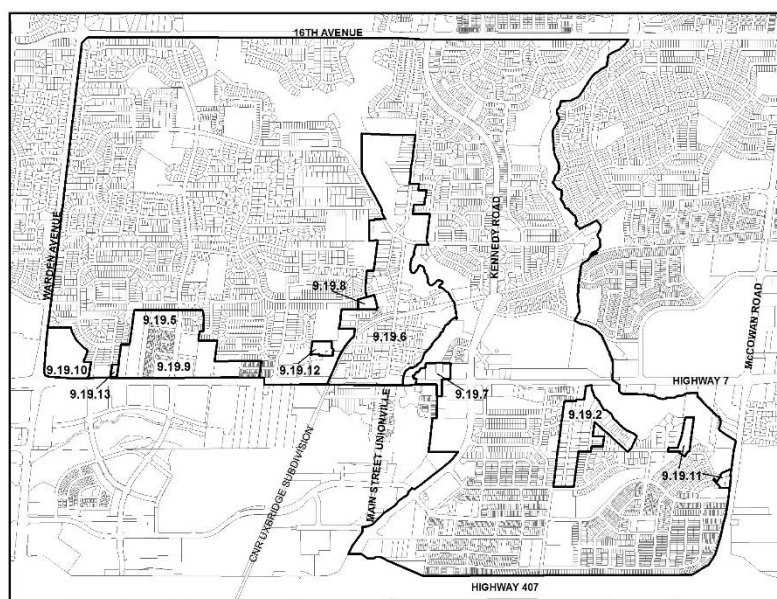


Figure 9.19.1

- b) Adding a new subsection 9.19.13 and Figure 9.19.13 as follows:

“9.19.13      3882 Highway 7 East

The following height and density provisions shall apply to the ‘Residential High Rise’ lands located at 3882 Highway 7 East as shown in Figure 9.19.13:

- a) The maximum building height shall be 8 storeys; and,  
 b) The maximum *floor space index* is 3.8.

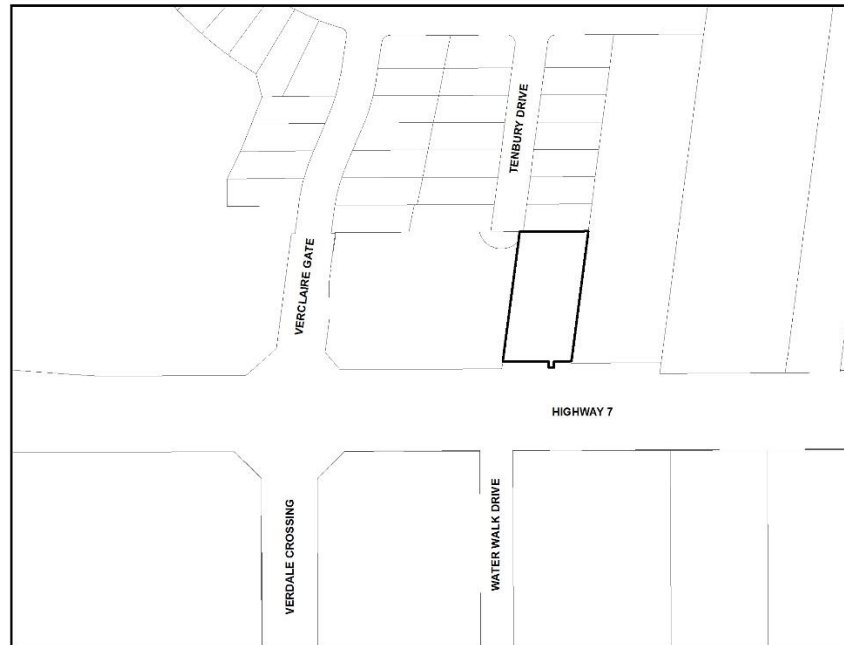


Figure 9.19.13”

- c) Removing the reference to 3882 Highway 7 East in Section 9.19.9(e); and,
- d) Removing the hatching applied to 3882 Highway 7 East in Figure 9.19.9 as follows:



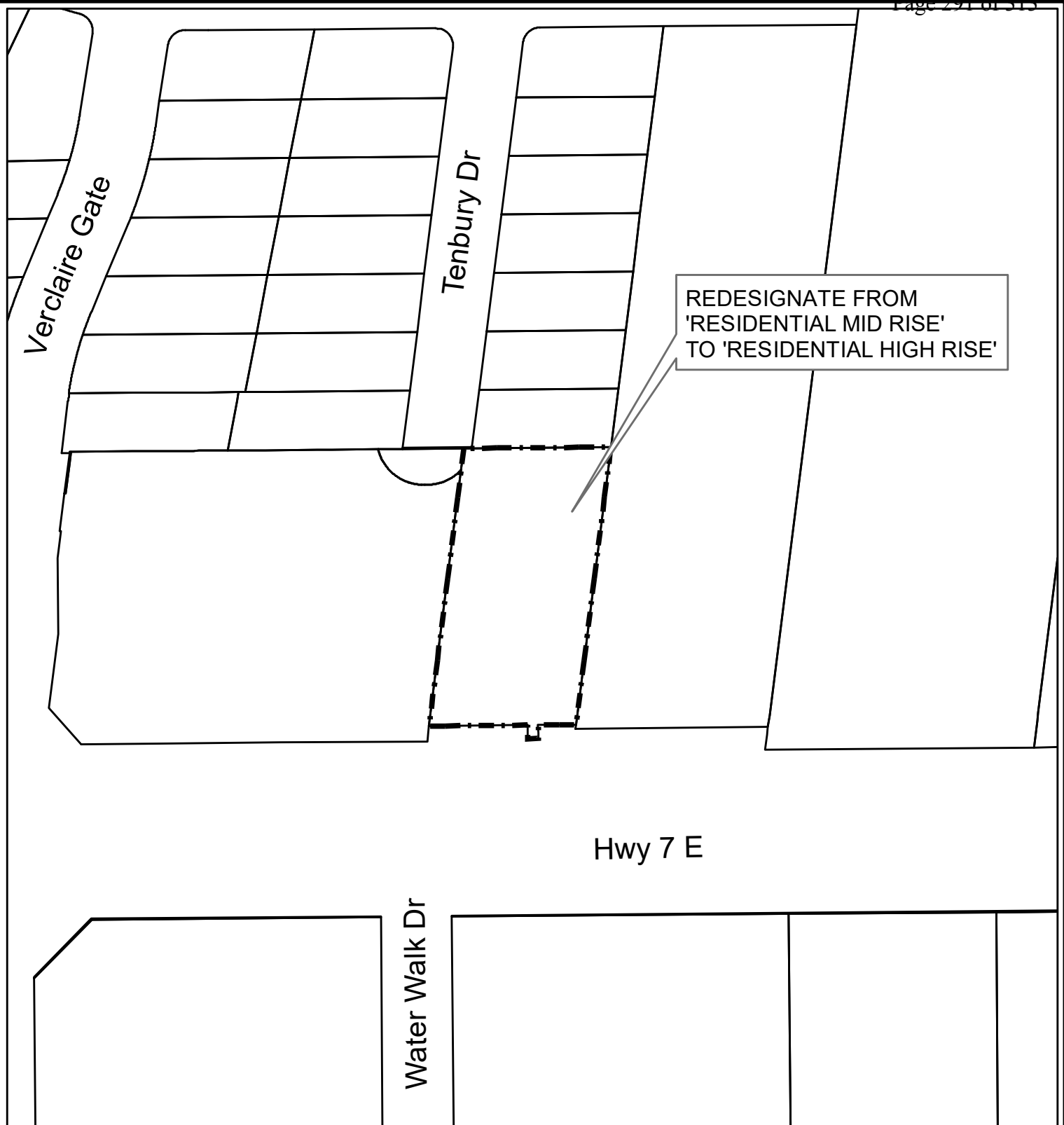
## **2.0 IMPLEMENTATION AND INTERPRETATION**

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

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

This Amendment to the City of Markham Official Plan 2014, as amended, is exempt from approval by the Region of York. Following adoption, 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 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.



# AMENDMENT TO MAP 3 - LAND USE CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT





By-law 2020-xx

A By-law to amend By-law 118-79, as amended by By-law 75-98  
(to delete lands from the designated areas of By-law 118-79)  
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 118-79, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated areas of By-law 118-79, as amended.
- 2. That 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 additional lands as shown on Schedule ‘A’ attached hereto.
  - 2.2 By zoning the lands outlined on Schedule ‘A’ attached hereto
    - from:  
Medium Density Residential One – Hold [RMD1(H)]  
under By-law 118-79, as amended
    - To:  
Residential Three (R3\*645) Zone  
under By-law 177-96
  - 2.3 By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.645	Kingsberg Warden Development Inc. 3882 Highway 7	Parent Zone R3
File ZA 18 233310		Amending By-law 2020-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 2020-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.645.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	The provisions of Table B5 shall not apply	
b)	Maximum <i>Floor Space Index (FSI)</i> – 3.8	
c)	Minimum required <i>rear yard</i> setback – 7.5 metres	
d)	Minimum required <i>front yard</i> setback – 1.6 metres	
e)	Minimum required <i>interior side yard</i> – 4.0 metres	
f)	Maximum <i>height</i> – 30.0 metres	
g)	Angular Plane means an imaginary line that originates from a <i>lot line</i> and inclines at an angle identified below, across the entire <i>lot</i> . No portion of a building or structure may extend above the angular plane i) <i>Rear lot line</i> – 45 degrees ii) <i>Westerly lot line</i> – 73 degrees	
h)	Notwithstanding g) ii) above, the maximum height of any portion of a building within 13.5 metres of the westerly side lot line, greater than 21.8 metres from the front lot line, and greater than 33.6 metres from the rear lot line, shall be 9.5 metres	
i)	the maximum number of <i>dwelling units</i> – 91	
j)	Minimum <i>outdoor amenity space</i> of – 230 square metres	
k)	Notwithstanding section 6.6.1.a.i, an architectural feature may encroach into the <i>required front yard</i> and be located 0.6 metres from the <i>front lot line</i>	

3. SECTION 37 CONTRIBUTION

A contribution by the Owner to the City for the purpose of public art, in the amount of \$850.00 per residential unit in 2020 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*, as amended, shall be required.

A contribution by the Owner to the City for the purposes of facilities, services, or matters, in the amount of \$1750.00 per residential unit in 2020 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*, as amended, shall be required.

Both 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.

Read and first, second and third time and passed on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

\_\_\_\_\_  
Frank Scarpitti  
Mayor





**EXPLANATORY NOTE**

**BY-LAW 2020-\_\_\_\_**

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

**Kingsberg Warden Development Inc.**

**PLAN 4295 PT LOT 5 AND EXP PLAN YR2204201 PARTS 3 AND 4  
ZA 18 233310**

**Lands Affected**

The proposed by-law amendment applies to 0.28 hectares (0.70 acres) of land on the north side of Highway 7 East, west of Warden Avenue, and municipally known as 3882 Highway 7 East.

**Existing Zoning**

By-law 118-79, as amended, currently zones the subject lands “Medium Density Residential One - Hold [RMD1 (H)]”.

**Purpose and Effect**

The purpose and effect of this By-law is to delete the subject lands from the designated area of By-law 118-79, as amended, amend By-law 177-96 to incorporate the subject lands into the designated area of By-law 177-96, and to rezone the subject lands as follows:

from:

**Medium Density Residential One – Hold [RMD1 (H)]  
under By-law 118-79, as amended**

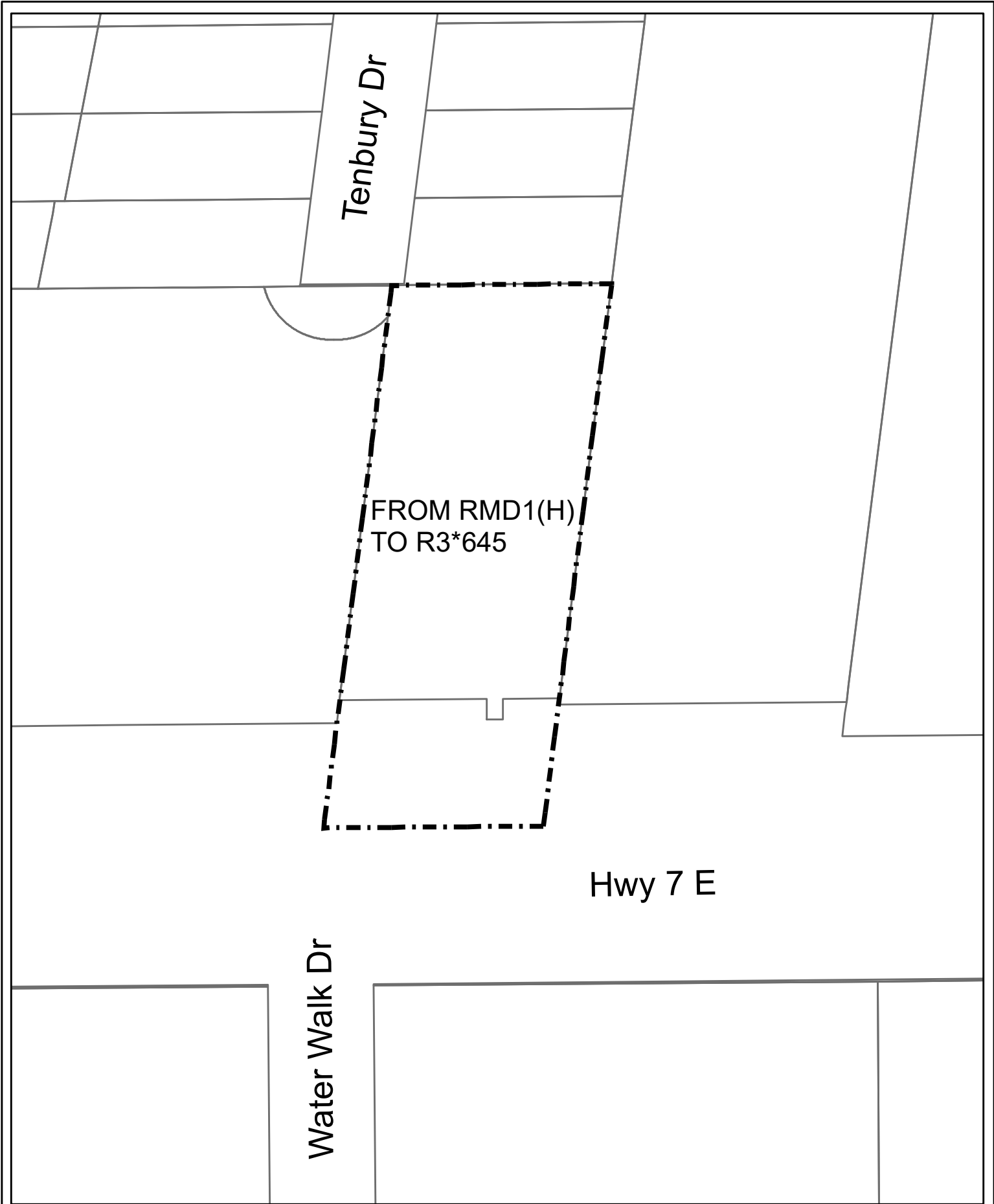
to:

**Residential Three\*645 (R3\*645)  
under By-law 177-96**

in order to permit a residential development on the lands.



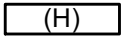


**Note Regarding Further Planning Applications on this Property**

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.



# SCHEDULE "A" TO BY-LAW

## AMENDING BY-LAWS 118-79 AND 177-96 DATED

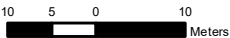
-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE
-  Medium Density Residential One       Hold Provision
-  Residential Three       Exception Section Number

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.

Q:\Geomatics\New Operation\By-Laws\OPIOP\_ZA18233310\Schedule A.mxd



DEVELOPMENT SERVICES COMMISSION



Drawn By: RT      Checked By: AC      DATE:22/1/2020

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office



By-law 2020-xx

A By-law to amend By-law 2551, as amended  
(to delete lands from the designated areas of By-laws 2551)  
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 2551, as amended, are hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated areas of By-law 2551, as amended.
2. That 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 additional lands as shown on Schedule “A” attached hereto.

2.2 By zoning the lands outlined on Schedule “A” attached hereto:

from:

Rural Industrial (R-IND)

to:

Community Amenity Four \*647 (CA4\*647) Zone, and  
Open Space One (OS1) Zone
3. By adding the following subsections to Section 7 – EXCEPTIONS:

<b>Exception 7.647</b>	<b>Condor Properties Ltd.</b> <b>25 Langstaff Road</b>	<b>Parent Zone CA4</b>
File ZA 18 162178		Amending By-law 2020-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *647 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.647.1 Only Permitted Uses</b>		
The following are the only permitted uses:		
	Residential Uses:	
a)	<i>Apartment Dwellings</i>	
b)	<i>Multiple Dwellings</i>	
c)	<i>Home Occupations</i>	
d)	<i>Home Child Care</i>	
	<i>Non-Residential Uses:</i>	
d)	Art Galleries	
e)	Community Centres	
f)	Libraries	
g)	<i>Museums</i>	
h)	<i>Non-Profit Fitness Centres</i>	
i)	<i>Schools, Public</i>	
j)	<i>Business Offices</i>	
k)	<i>Commercial Fitness Centres</i>	
l)	<i>Day Nurseries</i>	

m)	<i>Financial Institutions</i>
o)	<i>Medical Offices</i>
p)	<i>Parking Garages</i>
q)	<i>Personal Service Shops</i>
r)	<i>Places of Amusement</i>
s)	<i>Places of Entertainment</i>
t)	<i>Places of Worship</i>
u)	<i>Private Clubs</i>
v)	<i>Recreational Establishments</i>
w)	<i>Repair Shops</i>
x)	<i>Restaurants</i>
y)	<i>Retail Stores</i>
z)	<i>Schools, Commercial</i>
aa)	<i>Schools, Private</i>
bb)	<i>Supermarkets</i>
cc)	<i>Veterinary Clinics</i>
<b>7.647.2 Special Zone Standards</b>	
The following special zone standards shall apply:	
a)	For the purposes of this by-law, the south <i>lot line</i> shall be deemed to be the <i>front lot line</i> notwithstanding any further division of the land
b)	Non-residential uses are permitted only in the first and second <i>storey</i> of a <i>building</i>
c)	Minimum <i>gross floor area</i> for non-residential uses including <i>public uses</i> – 930 square metres
d)	The minimum <i>gross floor area</i> non-residential use including public uses outlined in c) above shall be located on the <i>first storey</i>
e)	Maximum <i>gross floor area</i> for any individual <i>retail store</i> or <i>supermarket</i> -1870 square metres
f)	Minimum indoor communal amenity area required – 1365 square metres
g)	Minimum outdoor communal amenity area required – 1365 square metres
h)	Minimum setback to the <i>first storey</i> i) <i>Front yard</i> - 2.5 metres ii) <i>Easterly yard</i> – 2 metres iii) <i>Northerly yard</i> – 2 metres iv) <i>Westerly yard</i> – 0.3 metres
i)	Minimum setback to all <i>storeys</i> above the first <i>storey</i> – 0.1 metres
j)	Maximum <i>building height</i> inclusive of mechanical penthouse or architectural features: i) 33 metres ii) For portions of a <i>building</i> within 35 metres of the northerly and easterly <i>yards</i> – 163 metres iii) For portions of a building within 35 metres of the southerly yard and 45 metres of the westerly <i>yard</i> – 163 metres
k)	Minimum setback between portions of a <i>building</i> above 33 metres, described in section j) ii) and j) iii) above – 25 metres
l)	Notwithstanding k) above, <i>balconies</i> and <i>porches</i> are permitted to project 1.5 metres from the main wall of a <i>building</i> into the <i>setback</i> between portions of a <i>building</i>
m)	The minimum vertical distance between the floor and the ceiling of the <i>first storey</i> shall be 3.5 metres non-inclusive of dropped bulkheads
n)	The minimum vertical distance between the floor and the ceiling of the second <i>storey</i> shall be 2.7 metres non-inclusive of dropped bulkheads
o)	Maximum <i>floor space index</i> – 15.5
p)	Minimum <i>landscaped open space</i> - 10%
q)	Minimum number of <i>parking spaces</i> per <i>dwelling unit</i> – 0.5 <i>parking spaces</i> per unit;
r)	Minimum number of <i>parking spaces</i> for visitor and non-residential uses within a <i>building</i> - 0.15 <i>parking spaces</i> per unit
s)	All required <i>accessible parking spaces</i> shall be located the lands zoned CA4*647
t)	Minimum number of bicycle storage spaces – 0.25 bicycle storage spaces per <i>unit</i>
u)	18 <i>parking spaces</i> may be provided in <i>tandem</i>
v)	The provisions of Table A2 and Table B7 shall not apply.

2. SECTION 37 CONTRIBUTION

- 2.1 A contribution by the Owner to the City of facilities, services, or matters in accordance with Section 37 of the Planning Act, as amended, shall be required. 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.

Read a first, second, and third time and passed on -----.

\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

\_\_\_\_\_  
Frank Scarpitti  
Mayor



**EXPLANATORY NOTE**

**BY-LAW 2020-\_\_\_\_**  
**A By-law to amend By-law 177-96, as amended**

**Condor Properties Ltd.**  
**25 Langstaff Road**  
**ZA 18 162178**

**Lands Affected**

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.72 hectares (1.78 acres), which is located north of Kirk Drive and west of Yonge Street in the Langstaff Community.

**Existing Zoning**

The subject lands are zoned **Rural Industrial (R-IND)** Zone under By-law 2551, as amended.

**Purpose and Effect**

The purpose and effect of this By-law is to rezone the subject lands under By-law 177-96, as amended as follows:

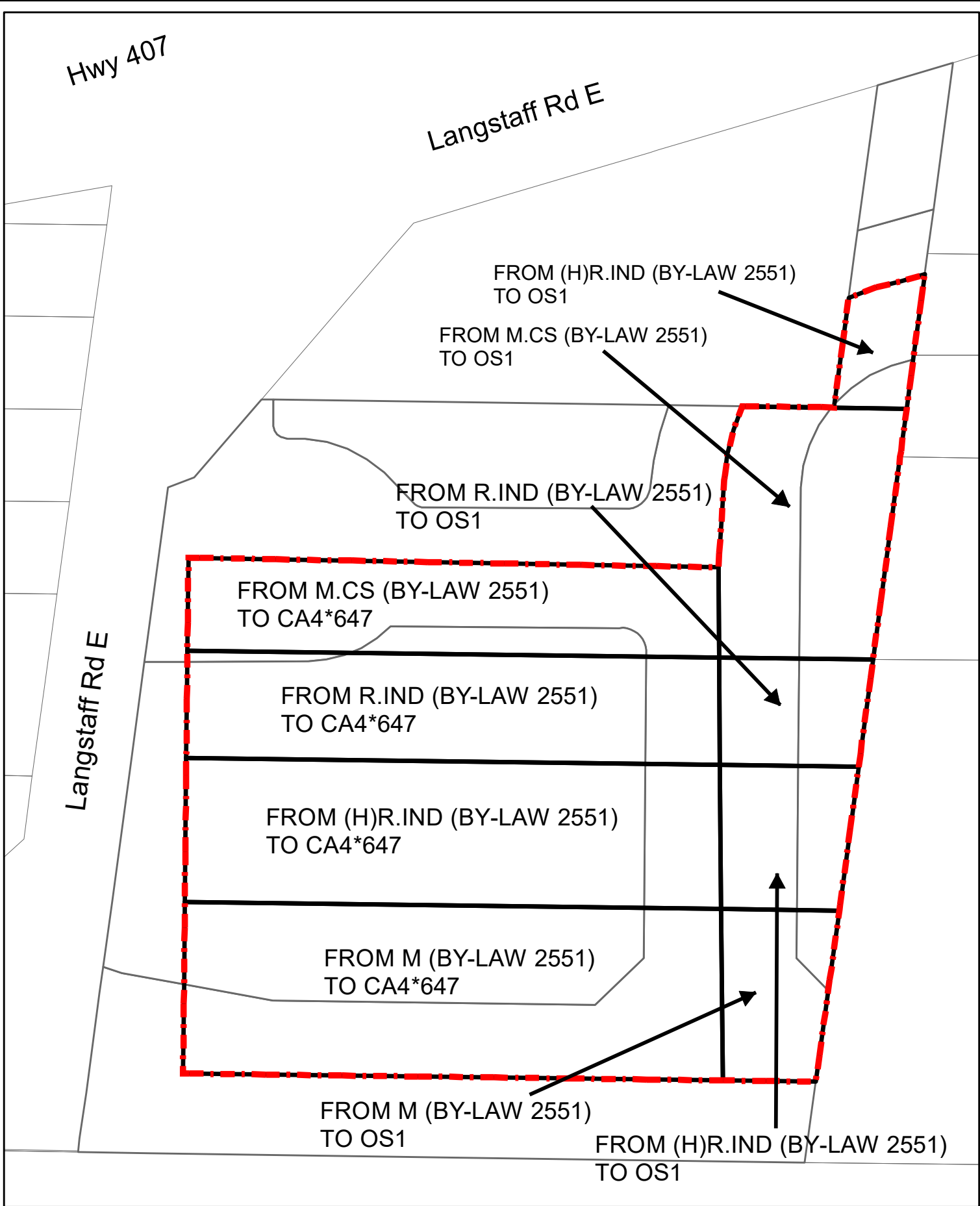
from:  
**Rural Industrial (R-IND)**

to:  
**Community Amenity Four (CA4) Zone, and  
Open Space One (OS1) Zone**

in order to permit a mixed-use development on the 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.



**SCHEDULE "A" TO BY-LAW**  
**AMENDING BY-LAWS 2551 AND 177-96 DATED**

- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
- BOUNDARY OF ZONE DESIGNATION(S)
- R.IND

RURAL INDUSTRIAL
- M.CS

SELECT INDUSTRIAL WITH CONTROLLED STORAGE
- M

SELECT INDUSTRIAL
- (H)

HOLDING PROVISION
- CA4

COMMUNITY AMENITY FOUR
- OS1

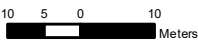
OPEN SPACE ONE

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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DEVELOPMENT SERVICES COMMISSION



Drawn By: RT    Checked By: BR    DATE: 07/02/2020

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office



**CITY OF MARKHAM**  
**OFFICIAL PLAN AMENDMENT NO. XXX**

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

(Uptown Green Garden Inc., 9332 – 9346 Kennedy Road)

February 2020

**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 City of Markham, By-law No. ----20xx-xx---- in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the 25<sup>th</sup> day of February, 2020.

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Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor



## **By-law 2020-----**

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

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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 25<sup>th</sup>  
DAY OF FEBRUARY, 2020.

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Kimberley Kitteringham  
City Clerk  
(Signed)

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Frank Scarpitti  
Mayor

**CONTENTS**

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## **PART I - INTRODUCTION**

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

## **PART I - I NTRODUCTION**

### **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 four (4) properties with a combined area of 0.75 hectares (1.85 acres) municipally known as 9332 - 9346 Kennedy Road. The properties are located on the west side of Kennedy Road), north of 16<sup>th</sup> Avenue as shown on Figure 9.1.6. The subject lands are located within the Angus Glen/York Downs Planning District.

### **3.0 PURPOSE**

The purpose of this Official Plan Amendment is to add a site specific policy for the subject lands to permit the development of a mixed-use building with a maximum height of nine (9) storeys and a maximum site density of 3.1 FSI.

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

This amendment will provide for a mixed use development on the subject lands that is compatible with, and provides an appropriate transition to, adjacent development. The maximum site density of 3.1 FSI is appropriate in this location. The increased site density represents good planning as the subject lands are located adjacent to an arterial road with access to the transportation network and public transit. The proposed mixed use development meets Provincial, Regional and City policies to promote intensification along an arterial road (Kennedy Road). The subject lands are also 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 Section 9.1 of the Official Plan 2014, as amended, is hereby amended by:

- a) Amending Section 9.1.1 to add a reference in Figure 9.1.1 to a new Section 9.1.6 as follows:

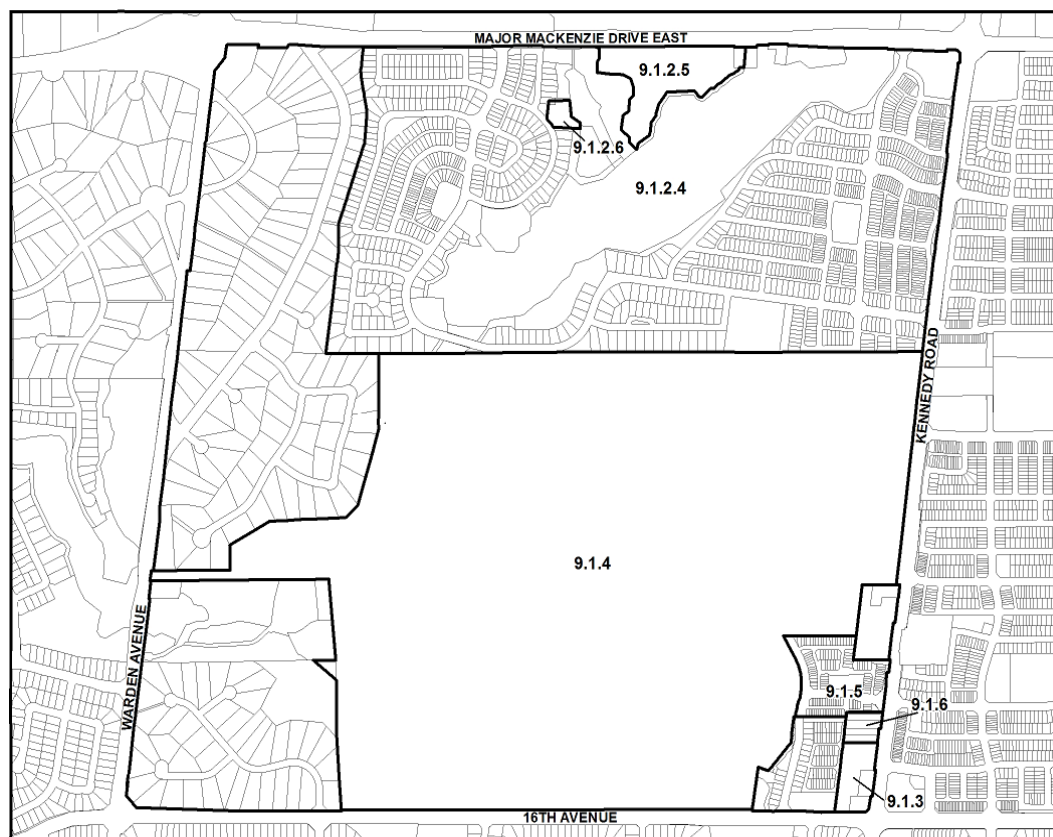


Figure 9.1.1

- b) Adding a new subsection 9.1.6 and a new Figure 9.1.6 as follows:

“9.1.6 9332 – 9346 Kennedy Road

The following height and density provisions shall apply to the ‘Mixed Use Mid Rise’ lands located at 9332 – 9346 Kennedy Road as shown in Figure 9.1.6:

- a) The maximum building height shall be nine (9) storeys; and,
- b) The maximum *floor space index* is 3.1.



9.1.6”

## 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.



# By-law 2020-xx

**A By-law to amend By-law 304-87, as amended**  
*(to delete lands from the designated area of By-law 304-87)*  
**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 304-87, 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 304-87, 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:  
**Rural Residential One Zone (RR1)**  
**under By-law 304-87**  
to:  
**Neighbourhood Commercial Three Holding [NC3\*646 (H)]**  
**Under By-law 177-96**
  - 2.3 By adding the following subsection to Section 7 – EXCEPTIONS

Exception 7.646	Uptown Green Garden Inc. 9332, 9336 and 9346 Kennedy Road	Parent Zone NC
File ZA 18 182671		Amending By-law 2020-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 2020-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.646.1 Special Zone Standards</b>		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of any lands subject to this Section, all lands zoned NC3*646 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 provisions of Section 6.9.2 shall not apply.	
c)	Minimum required <i>number of loading spaces</i> – 1	
d)	Maximum number of <i>dwelling units</i> – 269	
e)	Maximum <i>floor space index</i> (FSI) – 3.1	
f)	Notwithstanding the provisions of table B7 P), no portion of a <i>building</i> shall exceed a maximum 224 metres above sea level, geodetic datum	
g)	Minimum required parking: <i>Apartment dwellings:</i> - 1 space per <i>dwelling unit</i> plus 0.15 spaces per <i>dwelling unit</i> for visitors Any other permitted uses identified in Table B of By-law 28-97: - 1 space per 30 m <sup>2</sup>	
h)	Minimum <i>gross floor area</i> of non-residential uses – 60 square metres	

3. SECTION 37 AGREEMENT

A contribution by the Owner to the City for the purpose of public art, in 2020 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*, as amended, shall be required.

A contribution by the Owner to the City for the purposes of facilities, services, or matters, in accordance with Section 37 of the *Planning Act*, as amended, shall be required in 2020 dollars, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI).

Both 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 owner of Royal Aberdeen Road (Block 53 of Registered Plan 65M-4065, Kylemore Post Road (Deacon) Ltd.) located to the west of the subject lands for service connections municipal storm and sanitary infrastructure to accommodate the proposed mixed use mid-rise residential development on the subject lands, to the satisfaction of the Director of Engineering or designate, and the City Solicitor or designate;
  - b) That the owner enters into an agreement with the owner of the adjacent townhouse development to the north (Kylemore Yorkton Phase II), to secure an easement to allow for a north bound egress from the subject lands on to Fernhill Lane to the satisfaction of the Director of Engineering or designate, and the City Solicitor or designate;
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 February 25<sup>th</sup>, 2020.

---

Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor



**EXPLANATORY NOTE**

BY-LAW NO: 2020-xxxxxxxxxx  
A By-law to amend By-law 304-87, as amended  
(to delete lands from the designated area of By-law 304-87)  
And to Amend By-law 177-96, as amended  
(to incorporate lands into the designated area of By-law 177-96)

**Uptown Green Garden Inc.**  
**9332, 9336 and 9346 Kennedy Road**  
**PT LT 3 PL 4113 PT 2 65R14073**  
**LT 4 PL 4113 LT 5 PL 4113**

**ZA 18 182671**

**Lands Affected**

The proposed by-law amendment applies to 0.75 hectares (1.85 acres) of land on the west side of Kennedy Road between New Yorkton Avenue to the north and 16<sup>th</sup> Avenue to the south, and municipally known as 9332, 9336 and 9346 Kennedy Road.

**Existing Zoning**

By-law 304-87, as amended, currently zones the subject lands Rural Residential One Zone (RR1).

**Purpose and Effect**

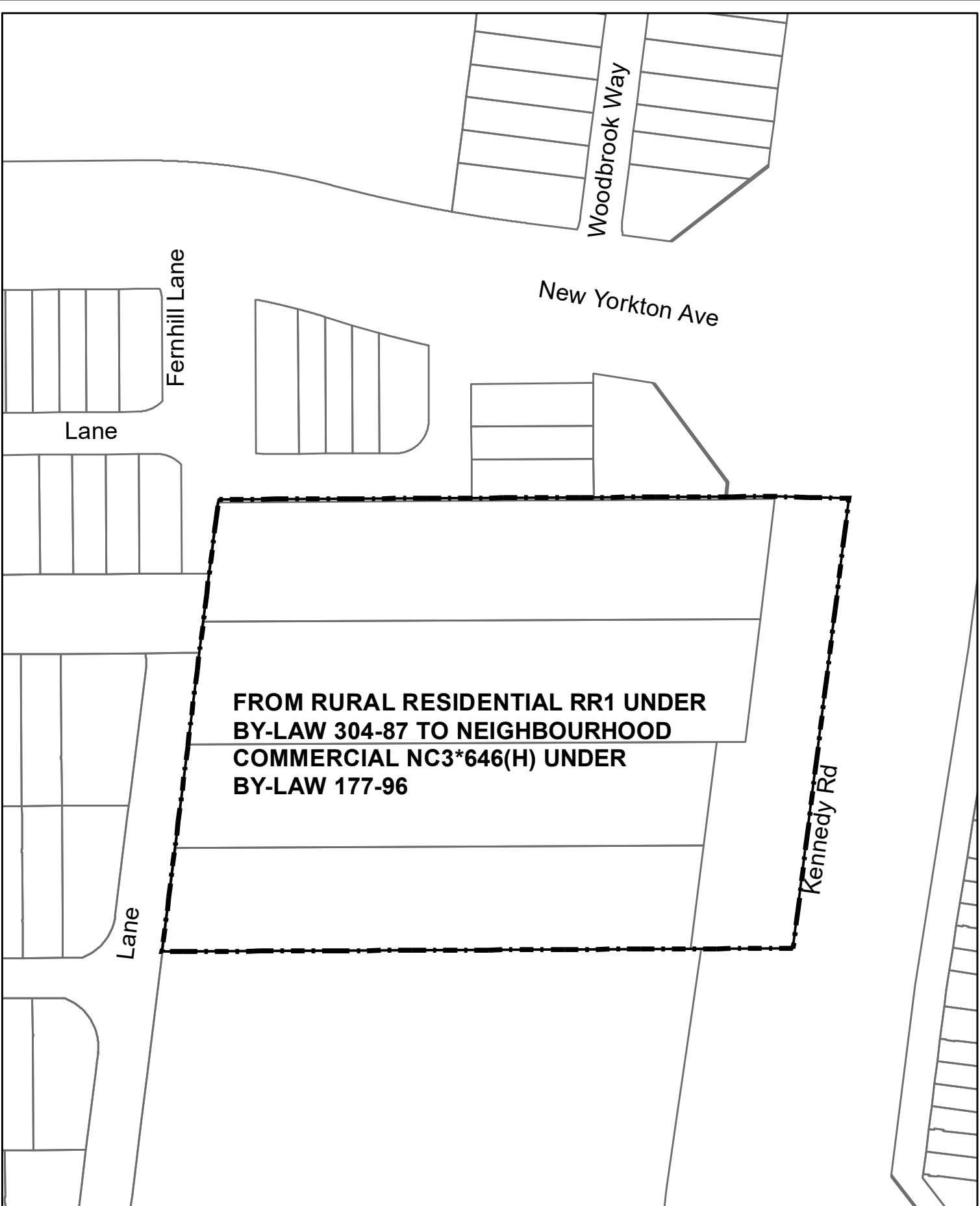
The purpose and effect of this By-law is to delete the property from the designated area of By-law 304-87, amend By-law 177-96 to incorporate lands into the designated area of By-law 177-96, and to rezone the subject property as follows:

from:  
**Rural Residential One Zone (RR1)**  
**under By-law 304-87**  
to:  
**Neighbourhood Commercial Three Holding [NC3\*646 (H)]**  
**Under By-law 177-96**

In order to permit the development of a (9) storey, mixed mid-rise building on the subject lands.


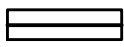

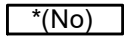
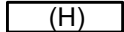
**Note Regarding Further Planning Applications on this Property**

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.



# SCHEDULE "A" TO BY-LAW AMENDING BY-LAWS 304-87 AND 177-96 DATED



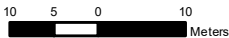
-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE TO BE DELETED FROM BY-LAW 304-87 AND ADDED TO BY-LAW 177-96
-  BOUNDARY OF ZONE DESIGNATION(S)
-  NEIGHBOURHOOD COMMERCIAL
-  EXCEPTION NUMBER
-  HOLDING PROVISION

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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DEVELOPMENT SERVICES COMMISSION



Drawn By: RT    Checked By: RC

DATE:19/12/2019

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office