



Electronic Heritage Markham Committee Agenda

October 14, 2020, 7:15 PM

Electronic Meeting

The Ninth Heritage Markham Committee Meeting of
The Corporation of The City of Markham in the year 2020.

Alternate formats are available upon request.

	Pages
1. CALL TO ORDER	
2. DISCLOSURE OF PECUNIARY INTEREST	
3. PART ONE - ADMINISTRATION	
3.1. APPROVAL OF AGENDA (16.11)	
A. Addendum Agenda	
B. New Business from Committee Members	
That the October 14, 2020 Heritage Markham Committee agenda be approved.	
3.2. MINUTES OF THE SEPTEMBER 9, 2020 HERITAGE MARKHAM COMMITTEE MEETING (16.11)	8
See attached material.	
<u>Recommendation:</u>	
That the minutes of the Heritage Markham Committee meeting held on September 9, 2020, be received and adopted.	
4. PART TWO - DEPUTATIONS	
4.1. HERITAGE PERMIT APPLICATION	16
8 DAVID GOHN CIRCLE, MARKHAM HERITAGE ESTATES THE PINGLE HOUSE REQUEST FOR METAL ROOF ON ADDITION TO DWELLING (16.11)	

FILE NUMBER: HE 20 124651

Extracts:

R. Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

See attached staff memorandum and material.

Mr. Nick Minovksi, Owner will be in attendance at 7:30 p.m.

Recommendation:

That Heritage Markham objects to the use of metal roofing on the residential additions to heritage dwellings in Markham Heritage Estates as this was not a common roofing material used in Markham and does not support the Heritage Permit for metal roofing on the residential addition at 8 David Gohn Circle;

OR

That Heritage Markham has no objection to installation of a galvanized metal roof on the addition to the dwelling at 8 David Gohn Circle provided the finish and profile matches that of historical metal roofs in Markham as close as possible; and,

That Heritage Section staff be delegated final review of the heritage permit application to install metal roofing at 8 David Gohn Circle.

5. PART THREE - CONSENT

5.1. HERITAGE PERMIT APPLICATIONS

23

DELEGATED APPROVALS

HERITAGE PERMITS APPROVED BY HERITAGE SECTION STAFF

95 RUSSEL JARVIS DRIVE

1 THOMSON COURT, MV (16.11)

FILE NUMBERS:

• HE 20 126882

• HE 20 A26939

Extracts: R. Hutcheson, Manager, Heritage Planning

See attached memorandum.

Recommendation:

That Heritage Markham receive the information on heritage permits approved by Heritage Section staff under the delegated approval process.

5.2. BUILDING OR SIGN PERMIT APPLICATION

24

**DELEGATED APPROVAL
PERMITS APPROVED BY HERITAGE SECTION STAFF**

352 MAIN ST. N. MV
6163 19TH AVE.
177 MAIN ST. U.
7943 9TH LINE
60 MEADOWBROOK LANE U.
139 MAIN ST. U.
5467 19TH AVE.
33 DICKSON HILL RD.
19 PETER ST. MV
147 MAIN ST. U.
7710 KENNEDY RD.
5933 14TH AVE.
248 MAIN ST. U.

FILE NUMBERS:

- NH 17 167717
- HP 20 111543
- AL 20 110839
- HP 19 119218
- HP 20 114764
- HP 20 113669
- AL 20 118074
- HP 20 119406
- HP 20 121191
- SP 20 125840
- PP 20 126775
- NH 20 109956
- HP 20 128457

Extracts:

R. Hutcheson, Manager, Heritage Planning
P. Wokral, Senior Heritage Planner

See attached memorandum.

Recommendation:

That Heritage Markham receive the information on building permits approved by Heritage Section staff under the delegated approval process.

6. PART FOUR - REGULAR

6.1. HERITAGE PERMIT APPLICATION

1 CHURCH LANE, THORNHILL HERITAGE CONSERVATION DISTRICT

THORNHILL CEMETERY FENCING (16.11)

FILE NUMBER: HP 20 126092

Extracts:

R. Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

D. Plant, Senior Manager, Horticultural and Forestry Division

See attached staff memorandum and material.

Recommendation:

That Heritage Markham receive the Architectural Review Sub-Committee notes from September 24, 2020 and the update from the follow up meeting dated October 9, 2020, as information.

6.2. SITE PLAN CONTROL APPLICATION

33

**PROPOSED DETACHED ACCESSORY BUILDING/GARAGE
WITH 2ND FLOOR RESIDENTIAL UNIT****31 WALES AVENUE****MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT (16.11)**

FILE NUMBER: SPC 20 124628

Extracts:

R. Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

See attached staff memorandum and material.

Recommendation:

That Heritage Markham has no objection from a heritage perspective to the proposed accessory building at 31 Wales dated August 20, 2020 and recommends that final review of the site plan application be delegated to Heritage Section staff; and,

That the applicant enter into a Site Plan Agreement with the City containing the standard conditions regarding materials, colours windows etc.

6.3. SITE PLAN CONTROL APPLICATION

41

175 MAIN STREET NORTH,**MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT****REVISED PARKING/HARD SURFACE AREAS (16.11)**

FILE NUMBER: SPC 20 125951

Extracts:

R. Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

See attached staff memorandum and material.

Recommendation:

That Heritage Markham has no comment from a heritage perspective regarding the site plan application to permit the existing unauthorized amount of paving and pavers at 175 Main St. N.; and,

That final review of the site plan control application be delegated to Heritage Section staff.

Or

That Heritage Markham requests that the issue of rear yard pavers and their interface with existing trees be addressed to ensure protection and preservation to the satisfaction of the City's Urban Design staff; and,

That final review of the site plan control application be delegated to Heritage Section staff.

6.4. BUILDING PERMIT APPLICATION

49

180 MAIN STREET NORTH

MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT (16.11)

FILE NUMBER: HP 20 128235

Extracts:

R. Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

See attached staff memorandum and material.

Recommendation:

That Heritage Markham has no objection to the proposed cladding of the 1960's concrete block addition to 180 Main St. N. with Maibec tongue and groove siding; and,

That Heritage Markham provides the following comment on the proposed wrap around veranda; and,

Options

That given the lack of exposure and condition of the existing historic siding that Heritage Markham has no objection to its replacement with new vertical tongue and groove Maibec siding; and,

Or

That Heritage Markham does not support the removal or covering up of the

historic wooden clapboard and tongue and groove siding with new siding and prefers that the historic siding is restored and repaired as required.

7. PART FIVE - STUDIES/PROJECTS AFFECTING HERITAGE RESOURCES - UPDATES

The following projects impact in some manner the heritage planning function of the City of Markham. The purpose of this summary is to keep the Heritage Markham Committee apprised of the projects' status. Staff will only provide a written update when information is available, but members may request an update on any matter.

- a) Doors Open Markham 2020
- b) Heritage Week, February 2020
- c) Unionville Heritage Conservation District Plan Amendments/ Update
- d) Unionville Heritage Centre Secondary Plan
- e) Unionville Core Area Streetscape Master Plan (2020)
- f) Update to Markham Village Heritage Conservation District Plan (2019)
- g) New Secondary Plan for Markham Village (2019)
- h) Comprehensive Zoning By-law Project (2019) – Review of Development Standards – Heritage Districts

7.1. ONTARIO HERITAGE ACT

63

REQUEST FOR COMMENT ON PROPOSED REGULATION (16.11)

Extracts: R. Hutcheson, Manager, Heritage Planning

See attached staff memorandum and material.

Recommendation:

That Heritage Markham Committee advises Markham Council that it recommends that the matters identified by staff in the review of the proposed Regulation to the Ontario Heritage Act be forwarded to the Ministry of Heritage, Sport, Tourism and Culture Industries as feedback; and,

That the Ministry be advised that to proceed with implementation of these changes (proclamation of new legislation and the regulation) on January 1, 2021 which will require changes to municipal protocols and procedures during a pandemic, imposes an unfair burden on municipal stakeholders whose focus should be on responding to this unprecedented health challenge.

7.2. REQUEST FOR FEEDBACK

80

STREETSCAPE FURNITURE – MAIN STREET UNIONVILLE UNIONVILLE HERITAGE CONSERVATION DISTRICT (16.11)

Extract: R. Hutcheson, Manager, Heritage Planning

See attached staff memorandum and material.

Recommendation:

That Heritage Markham Committee provide feedback on the options for bistro tables and chairs.

8. PART SIX - NEW BUSINESS

9. ADJOURNMENT



Heritage Markham Committee Minutes

Meeting Number: 9
September 9, 2020, 7:15 PM
Electronic Meeting

Members	Councillor Keith Irish Councillor Reid McAlpine Councillor Karen Rea Graham Dewar Ken Davis Doug Denby	Evelin Ellison Shan Goel Anthony Farr Paul Tiefenbach Lake Trevelyan
Regrets	Jason McCauley	David Nesbitt
Staff	Regan Hutcheson, Manager, Heritage Planning Peter Wokral, Senior Heritage Planner	Laura Gold, Council/Committee Coordinator Scott Chapman, Corporate Privacy & Records Coordinator

1. CALL TO ORDER

Under the authority of the *COVID-19 Economic Recovery Act* (Bill 197) and the City of Markham's *Council Procedural By-law 2017-5*, and in consideration of the advice of public health authorities, this meeting was conducted electronically with members of the Heritage Markham Committee, staff, and guests participating remotely.

Graham Dewar, Chair, convened the meeting at 7:15 PM by asking for any disclosures of interest with respect to items on the agenda.

The Heritage Markham Committee recessed at 9:00 PM and reconvened at 9:05 PM.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Reid McAlpine disclosed an interest with respect to Item #6.1 (Heritage Permit Application: 3 Victoria Lane and 31 Victoria Avenue) by nature of his being a neighbour and friend of the applicants, and did not participate in the discussion or vote on the question of this matter.

3. PART ONE - ADMINISTRATION

3.1 APPROVAL OF AGENDA (16.11)

A. Addendum Agenda

There was no addendum agenda.

B. New Business from Committee Members

There was no new business from the Committee Members.

Recommendation:

That the September 9, 2020 Heritage Markham Committee agenda be approved.

Carried

3.2 MINUTES OF THE AUGUST 12, 2020 HERITAGE MARKHAM COMMITTEE MEETING (16.11)

Recommendation:

That the minutes of the Heritage Markham Committee meeting held on August 12, 2020 be received and adopted.

Carried

4. PART TWO - DEPUTATIONS

Deputations were made for the following items:

6.1 - Heritage Permit Application: 3 Victoria Lane and 31 Victoria Avenue

Refer to the individual item for the deputation details.

5. PART THREE - CONSENT

5.1 HERITAGE PERMIT APPLICATIONS

28 DAVID GOHN CIRCLE MARKHAM HERITAGE ESTATES

7 VICTORIA AVENUE UNIONVILLE HCD

2 DAVID GOHN CIRCLE MARKHAM HERITAGE ESTATES

171 MAIN ST. N. MARKHAM VILLAGE HCD (16.11)

FILE NUMBERS:

• HE 20 124644

• HE 20 125034

- HE 20 124649
- HE 20 125271

It was noted that the heritage permit application identified in the staff memorandum for 7 Victoria Lane was submitted for the property at 7 Victoria Avenue in Unionville.

Recommendation:

That Heritage Markham receive the information on heritage permits approved by Heritage Section staff under the delegated approval process.

Carried

5.2 BUILDING OR SIGN PERMIT APPLICATIONS

10346 MCCOWAN RD - NEW SEPTIC SYSTEM (16.11)

FILE NUMBER: HP 20 121112

Recommendation:

That Heritage Markham receive the information on building permits approved by Heritage Section staff under the delegated approval process.

Carried

5.3 INFORMATION

**PROPOSED DEMOLITIONS – ROUGE NATIONAL URBAN PARK
COUNCIL RESOLUTION (16.11)**

Recommendation:

That Heritage Markham receive as information the staff memorandum entitled "Proposed Demolitions - Rouge National Urban Park Council Resolution."

Carried

5.4 BUILDING OR SIGN PERMIT APPLICATION

**7792 HWY. 7 E. LOCUST HILL - PROPOSED TWO STOREY ADDITION
WITH ATTACHED GARAGE TO A 1-1/2 STOREY LISTED HERITAGE
DWELLING (16.11)**

FILE NUMBER: HP 20 124512

Recommendation:

1. That Heritage Markham has no objection from a heritage perspective to the proposed two storey addition to the heritage dwelling at 7792 Highway 7 E. and the proposed alterations to the original house; and,
2. That final review of the building permit application HP 20 124512 for 7792 Hwy. 7 E be delegated to Heritage Section Staff.

Carried**6. PART FOUR - REGULAR****6.1 HERITAGE PERMIT APPLICATION**

**3 VICTORIA LANE AND 31 VICTORIA AVENUE
UNAUTHORIZED CHAIN LINK FENCE AND PROPOSED WOODEN
PICKET FENCE (16.11)**

FILE NUMBERS: HE 20 125034 & HE 20 125580

Councillor Reid McAlpine declared a conflict on this item. (He is a neighbour and friend of the applicants.)

Regan Hutcheson, Manager, Heritage Planning, addressed the Committee and summarized the details outlined in the staff memorandum.

Shanta Sundarason, owner of 31 Victoria Avenue, addressed the Committee and expressed concerns with the unauthorized chain link fence installed at 3 Victoria Lane, including the incompatibility of the fence with the character of the Unionville Heritage Conservation District as well as its high visibility from the neighbouring property and public realm. Ms. Sundarason requested that the Committee express its objection to the heritage permit application submitted by the applicant and recommend the removal of the fence.

There was discussion regarding the retroactive timing of the heritage permit application submitted for the chain link fence at 3 Victoria Lane. Members of the Committee expressed concerns regarding the applicant's installation of the fence prior to seeking approval from the City and without consultation with the neighbouring property owner. Concerns were also expressed regarding the visibility of the chain link fence from the pedestrian pathway and right-of-way as well as the mature vegetation removed along the pathway to install the fence.

Recommendation:

1. That the heritage permit application seeking permission to install a new wooden picket fence along the mutual property line of 31 Victoria Ave. and 3

Victoria Lane be approved from a heritage perspective and subject to complying with the City's Fence By-law; and,

2. That the heritage permit seeking approval for the chain link fence installed without approval be denied from a heritage perspective and that the existing chain link fence be removed.

Carried

6.2 HERITAGE PERMIT APPLICATION

8 DAVID GOHN CIRCLE, MARKHAM HERITAGE ESTATES PROPOSED METAL ROOFING FOR THE DETACHED ACCESSORY BUILDING / GARAGE AND THE REAR ADDITION OF THE HOUSE (16.11)

FILE NUMBER: HE 20 124651

Peter Wokral, Senior Planner, Heritage, addressed the Committee and summarized the details outlined in the staff memorandum.

There was discussion regarding the compatibility of the proposed metal roofing relative to the strict conservation and restoration practices desired for properties within Markham Heritage Estates. The Committee noted the importance of maintaining historically accurate and consistent roof treatments throughout the Heritage Estates, and expressed concerns regarding the potential precedent that may be set for the use of metal roofs on additions through the approval of this component of the application.

Recommendation:

1. That Heritage Markham objects to the installation of a galvanized metal roof on the addition to the dwelling at 8 David Gohn Circle; and,
2. That Heritage Markham has no objection to the installation of a galvanized metal roof on the garage/accessory building at 8 David Gohn Circle provided the finish and profile matches that of historical metal roofs in Markham as close as possible; and further,
3. That Heritage Section staff be delegated final review of the heritage permit application to install metal roofing at 8 David Gohn Circle.

Carried

6.3 HERITAGE PERMIT APPLICATION

1 CHURCH LANE, THORNHILL HERITAGE CONSERVATION DISTRICT

PROPOSED REPLACEMENT WROUGHT IRON FENCE DUE TO DAMAGE CAUSED BY AN AUTOMOBILE (16.11)

FILE NUMBER: HE 20 126092

Peter Wokral, Senior Planner, Heritage, addressed the Committee and summarized the details outlined in the staff memorandum.

There was discussion regarding the design of the new wrought iron fence proposed to be installed by the City. It was noted that the existing fence is identified as a contributing heritage attribute in the Thornhill Heritage Conservation District Plan. Committee members inquired as to the feasibility and relative cost of repairing and/or replicating the existing fence with materials of a design which are more in keeping with the existing heritage resource and historic character of the Thornhill Cemetery.

There were concerns that the new fence design would no longer match the historic fence installed along the frontage of the adjacent Ukrainian Catholic Church to the north. The Committee also expressed concerns that a heritage permit was not previously secured for this work by City staff and inquired as to how to better educate staff from other departments regarding the requirement to secure heritage review or heritage permits for public works in heritage conservation districts.

The Committee requested that staff report back before the next meeting to a sub-committee of Heritage Markham with more information on the relative cost and options for restoring the existing fence. The Committee also resolved that the sub-committee be delegated authority to review and comment on the heritage permit application on behalf of Heritage Markham.

Recommendation:

1. That Heritage Section staff be requested to report back to a sub-committee of Heritage Markham on options that were explored and cost implications of restoring the existing wrought iron fence at 1 Church Lane relative to replacement with the same or similar product; and,
2. That the sub-committee be delegated authority to review and comment on the heritage permit application submitted for the wrought iron fence at 1 Church Lane on behalf of Heritage Markham.

Carried

6.4 REQUEST FOR FEEDBACK

7265 & 7323 HWY. 7 E.

**OPTIONS FOR RELOCATING THE ABRAHAM REESOR HOUSE &
FRANK ALBERT REESOR HOUSE IN A DRAFT PLAN OF
SUBDIVISION (16.11)**

FILE NUMBER: SU 18 154617

Peter Wokral, Senior Planner, Heritage, addressed the Committee and summarized the details outlined in the staff memorandum.

Scott Rushlow, consultant to the applicant, was in attendance and answered questions on the proposed site plan for the preferred relocation option identified by Heritage Section staff.

There was discussion regarding the importance of ensuring an appropriate transition and design integration between the relocated heritage dwellings and the proposed adjacent townhouses. Committee members inquired as to the feasibility of allocating additional lot space to the heritage dwellings to provide for greater setbacks from the townhouses and street frontages.

Recommendation:

That Heritage Markham supports Option 1 and the associated lots proposed by Lindwide for the relocation of the Abraham Reesor and Frank Albert Reesor Houses.

Carried

6.5 REQUEST FOR FEEDBACK

**7111 REESOR ROAD, MARKHAM
THE ROBERT MILROY HOUSE
ROOFING MATERIAL (16.11)**

Peter Wokral, Senior Planner, Heritage, addressed the Committee and summarized the details outlined in the staff memorandum.

The Committee discussed the sample metal roofing product proposed by the property owner. Members inquired as to the potential consideration of alternate roofing materials more authentic in appearance, such as fibreglass asphalt roof shingles. The Committee also discussed the potential need to reconsider its historical perspective on metal roofing where more traditional materials may not be economically feasible for the applicant or provide for appropriate sustainability.

Recommendation:

That Heritage Markham would prefer a traditional metal roofing type such as a standing seam roof or corrugated, galvanized metal panels or sheets as opposed to the proposed stone clad metal panels for the Robert Milroy House.

Carried

7. PART FIVE - STUDIES/PROJECTS AFFECTING HERITAGE RESOURCES - UPDATES

7.1 STAFF PRESENTATION

INCORPORATING CULTURAL HERITAGE RESOURCES IN NEW DEVELOPMENT (16.11)

Regan Hutcheson, Manager, Heritage Planning, delivered a presentation providing members of the Committee with examples of cultural heritage resources which have been incorporated into new developments within the City of Markham. Successes and lessons from the past examples were discussed.

The Committee commended Heritage Section staff for their work in promoting and facilitating the continued preservation and integration of cultural heritage resources in the City of Markham. The Committee also recognized the past members of Heritage Markham for their contributions in helping to further these objectives.

Recommendation:

That Heritage Markham Committee receive as information the staff presentation entitled "Incorporating Cultural Heritage Resources in New Development."

Carried

8. PART SIX - NEW BUSINESS

There was no new business.

9. ADJOURNMENT

The Heritage Markham Committee meeting adjourned at 10:12 PM.



MEMORANDUM

TO: Heritage Markham Committee

FROM: Peter Wokral, Senior Heritage Planner

DATE: October 14, 2020

SUBJECT: Heritage Permit Application
 8 David Gohn Circle, Markham Heritage Estates
 The Pingle House
 Request for Metal Roof on Addition to Dwelling
 HE 20 124651

Property/Building Description: 1-1/2 storey single detached dwelling constructed c. 1855
Use: Residential
Heritage Status: Designated under Part IV of the Ontario Heritage Act

Application/Proposal

- The owner has submitted a heritage permit application seeking approval to replace the existing cedar roof with a new cedar roof and to install a new metal roof on the rear addition of the house as well as the barn;

Background

- The owner applied for, and was awarded a maximum grant of \$7,500.00 through the 2020 Designated Heritage Property Grant Program to replace the existing cedar roof of the house with new cedar shingles;
- In order to receive a grant exceeding \$5,000.00 the owner must also enter into a Heritage Conservation Easement agreement with the City;
- At the September 9, 2020 meeting of Heritage Markham the committee recommended that the application to install a metal roof on the house be denied based on the assumed visibility of the metal portion of the roof, and the fear of establishing an undesirable precedent for the use of metal roofing knowing that cedar shingle roofs are the most historically authentic and common treatment for 19th century Markham homes.

Staff Comment

- In creating the Heritage Markham memo for September, staff inadvertently provided an image indicating that the proposed metal roof on the dwelling was more visible than what was actually applied for due to a misunderstanding of the aerial photograph included with the original heritage permit application;
- Therefore new illustrations have been provided to show the extent of the metal roof proposed and the visibility from the street/public realm;
- Although cedar shingle roofs were overwhelmingly the most common type of roofing used on 19th century homes in Markham, metal roofs were also historically used on out buildings or barns or on farmhouses in the early 20th century as a cost effective replacement for cedar shingles.;
- Staff has reviewed applications to install metal roofing in Heritage Estates on a case by case basis taking into consideration the exposure, finish and profile of the proposed metal roof and what building or portion of the house the metal roof is proposed for;
- Although most of the metal roofs found in Heritage Estates are on garage accessory buildings, a salvaged galvanized metal roof was approved for the new rear addition to the house at 10 Heritage Corner's Lane;
- Although cedar shingles are the preferred roofing material for an addition to a dwelling in Heritage Estates, the proposed metal roof on the addition would not appear to be readily visible from the public realm of the street;
- Therefore due to the new information provided concerning visibility, the applicant has requested that Heritage Markham reconsider the request for a metal roof on the residential addition.
- If approved, this could set a precedent for the introduction of other metal roofs on rear additions some of which may be more visible to the public realm (ie. corner lots, larger lots with larger side yards, etc)
- If a galvanized metal roof for the rear addition of 8 David Gohn Circle is supported, it should be on the condition that the finish and profile matches those of historical metal roofs in Markham as close as possible;

Suggested Recommendation for Heritage Markham

That Heritage Markham objects to the use of metal roofing on the residential additions to heritage dwellings in Markham Heritage Estates as this was not a common roofing material used in Markham and does not support the Heritage Permit for metal roofing on the residential addition at 8 David Gohn Circle;

OR

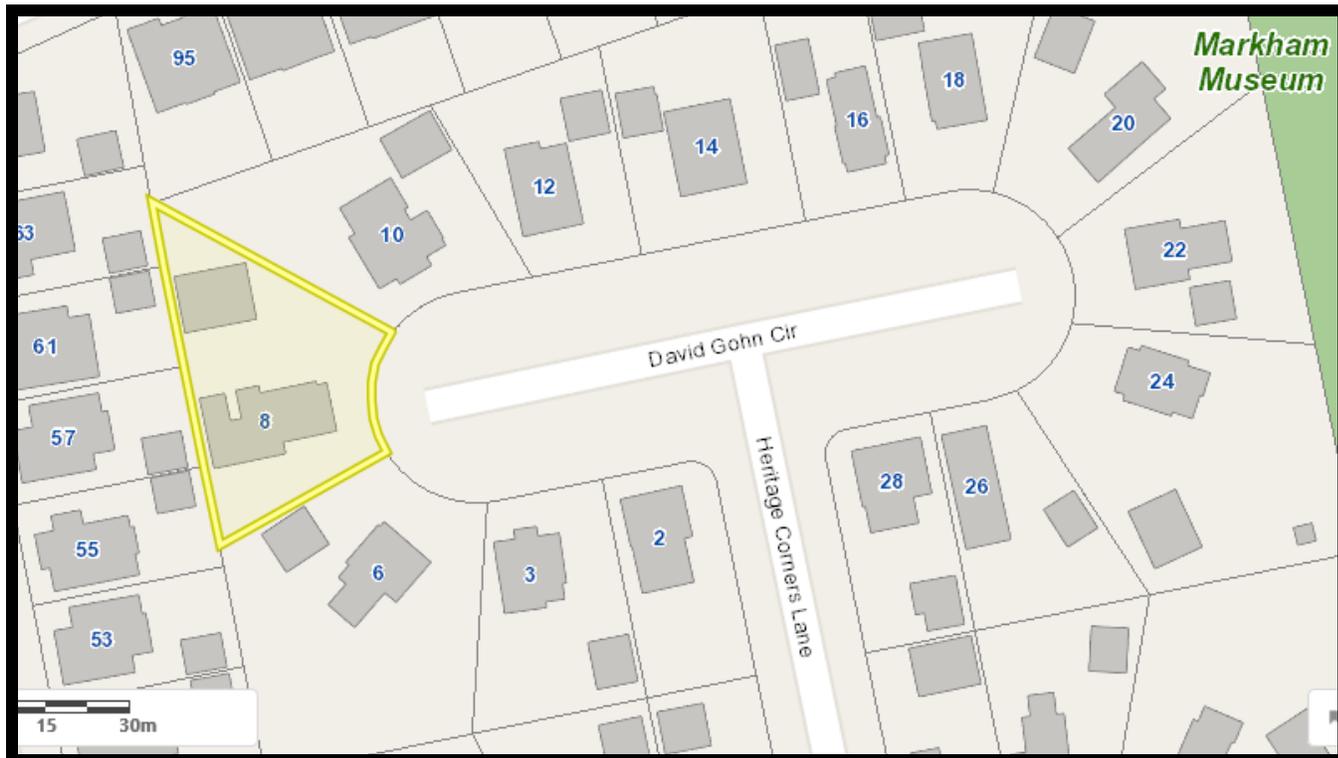
THAT Heritage Markham has no objection to installation of a galvanized metal roof on the addition to the dwelling at 8 David Gohn Circle provided the finish and profile matches that of historical metal roofs in Markham as close as possible;

AND THAT Heritage Section staff be delegated final review of the heritage permit application to install metal roofing at 8 David Gohn Circle;

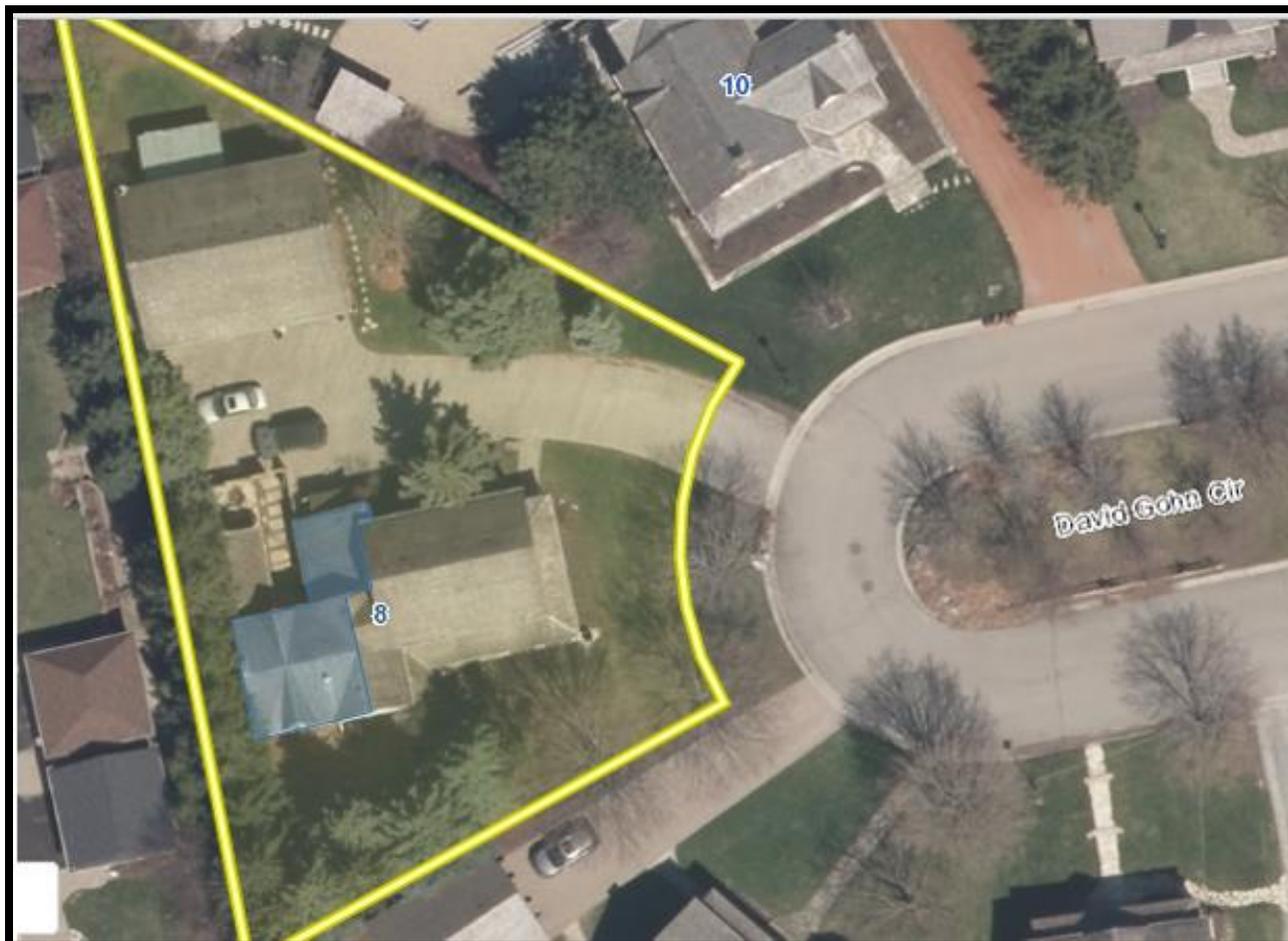
File: 8 David Gohn Circle

Q:\Development\Heritage\PROPERTY\DAVDGOHN\08\Heritage Markham Memo Heritage Permit October 2020 .doc

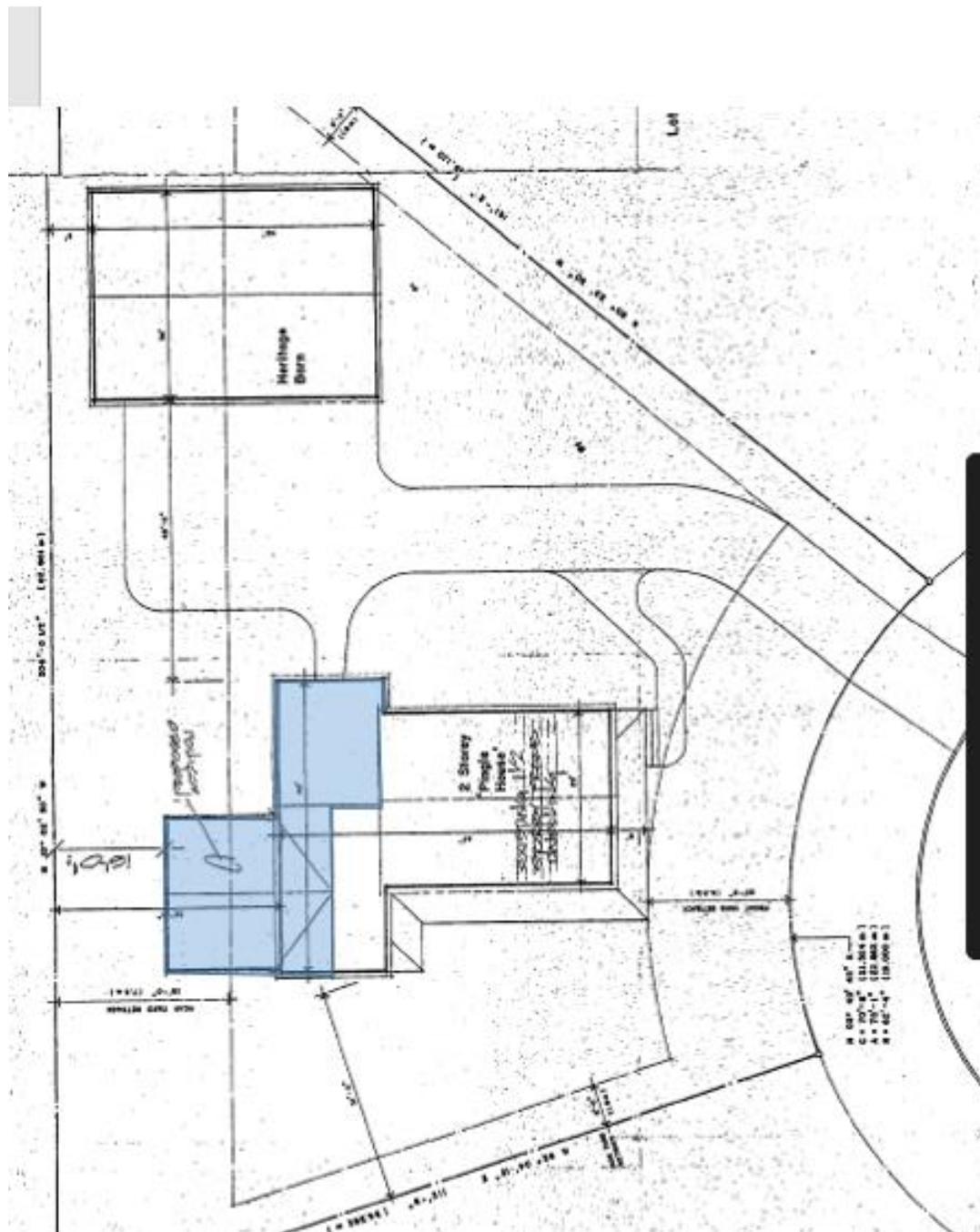
8 David Gohn Circle, Markham Heritage Estates



Roof area highlighted in blue is where the applicant wishes to install metal roofing rather than cedar shingles.



Another view showing the portions of the roof proposed to have metal roofing



Google Street View Image showing that portions of roof proposed to have metal roofing would not be visible from David Gohn Circle





MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: October 14, 2020

SUBJECT: Delegated Approvals
Heritage Permits Approved by Heritage Section Staff
95 Russel Jarvis Drive
1 Thomson Court, MV
Files: HE 20 126882, HE 20 a26939

The following Heritage Permits were approved by Heritage Section staff under the delegated approval process:

Address	Permit Number	Work to be Undertaken
95 Russel Jarvis Dr	HE 20 126882	Paving of existing driveway with border of paving stones and replacement of existing fence
1 Thomson Court	HE 20 126939	Replacement of damaged brick and tuck pointing of facade

Suggested Recommendation for Heritage Markham

THAT Heritage Markham receive the information on heritage permits approved by Heritage Section staff under the delegated approval process



MEMORANDUM

TO: Heritage Markham Committee

FROM: Peter Wokral, Senior Heritage Planner

DATE: October 14, 2020

SUBJECT: Building or Sign Permit Applications
Delegated Approval by Heritage Section Staff

The following Building Permits were approved by Heritage Section staff under the delegated approval process:

Address	Permit Number	Work to be Undertaken
352 Main St. N. MV	NH 17 167717	Relocated wheelchair ramp
6163 19 th Ave.	HP 20 111543	Farm accessory building
177 Main St. U.	AL 20 110839	Interior alterations
7943 9 th Line	HP 19 119218	Rear covered deck
60 Meadowbrook Lane U.	HP 20 114764	One storey addition to an existing heritage dwelling
139 Main St. U.	HP 20 113669	Fire alarm panel replacement
5467 19 th Ave.	AL 20 118074	Interior alteration of farm building
33 Dickson Hill Rd.	HP 20 119406	2 Storey addition with attached garage to an existing heritage dwelling
19 Peter St. MV	HP 20 121191	Detached two car garage
147 Main St. U.	SP 20 125840	Permit for wall sign
7710 Kennedy Rd.	PP 20 126775	Plumbing permit
5933 14 th Ave.	NH 20 109956	Retaining wall
248 Main St. U.	HP 20 128457	Rear deck

Suggested Recommendation for Heritage Markham

THAT Heritage Markham receive the information on building permits approved by Heritage Section staff under the delegated approval process

File: 352 Main St. N., 6163 19th Ave., 177 Main St. U., 7943 9th Line, 60 Meadowbrook Lane, 139 Main St. U., 5467 19th Ave., 33 Dickson Hill Rd., 19 Peter St., 147 Main St. U., 7710 Kennedy Rd., 5933 14th Ave., 248 Main St. U.



MEMORANDUM

TO: Heritage Markham Committee

FROM: Peter Wokral, Senior Heritage Planner

DATE: October 14, 2020

SUBJECT: Heritage Permit Application
1 Church Lane, Thornhill Heritage Conservation District
Thornhill Cemetery Fencing
HP 20 126092

Property/Building Description: Thornhill Cemetery
Use: Burial Area
Heritage Status: Thornhill Heritage Conservation District -Part V

Application/Proposal

- New fencing

Background

- This Item was delegated to the Architectural Review Sub-Committee with the authority to review on behalf of Heritage Markham at the September 9th meeting of Heritage Markham;
- At the Sub-Committee meeting the Senior Manager of the Horticulture and Forestry Division of the City's Operations Department indicated that he would confirm if the picket finial preferred by the committee members is available and that he would provide some options for the finials of the fence posts;
- It has been confirmed that the preferred picket finials are available and only one style of finial for the posts is available which happens to be complementary to the picket finial as it also has a squared base detail and a spear finial topped with a small iron ball;
- The Senior Manager of the Horticulture and Forestry Division of the City's Operations Department has also indicated that current gates cannot be restored with a warranty or safety rating, but that new gates and curved fence panels with similar detailing to the existing gates using the existing hinge system can be manufactured and there is money available to fund this work;

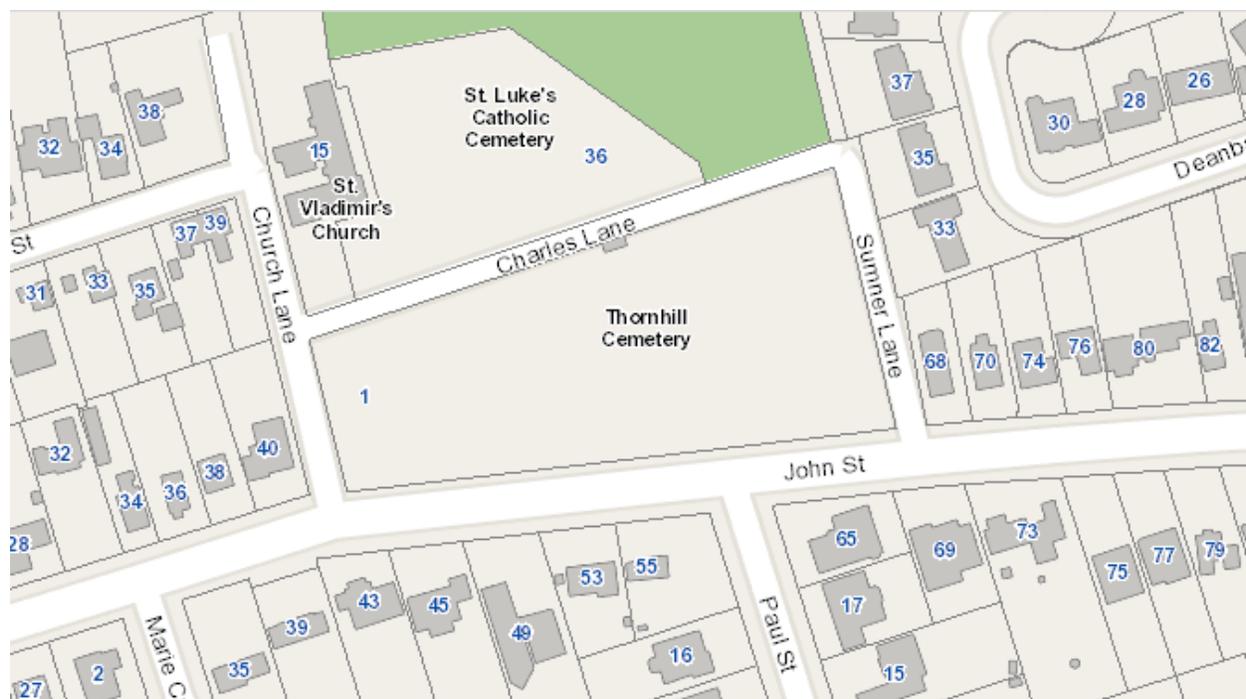
- Based upon the need to have any potential new gates and curved panels manufactured in conjunction with the fence panels supported by the Committee, Heritage Staff has attempted to arrange a further meeting of the Sub-Committee members who participated in the original meeting prior to October 14th in order to discuss the proposed replacement of the cemetery gates in the hopes of resolving this issue before the meeting.

Staff Comment

- See notes from the Architectural Review Sub-Committee meeting(s) held on September 24, 2020 for information purposes.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham receive the Architectural Review Sub-Committee notes from September 24, 2020 and the update from the follow up meeting dated October XX, 2020, as information.



File:Q:\Development\Heritage\PROPERTY\CHURCHLN\1\HM Oct 14 2020 Fence update.doc

*Architectural Review Sub-Committee
of Heritage Markham*

MEETING NOTES

1:30- 2:30 p.m. September 24, 2020

Virtual Zoom Meeting

Members Present:

Councillor Reid McAlpine
Graham Dewar
Doug Denby
Evelin Ellison
Tony Farr
Ken Davis
Jason McCauley

Staff:

Regan Hutcheson, Manager of Heritage
Planning (1:30-2:00)
Peter Wokral, Senior Heritage Planner

Applicant: David Plant,
Senior Manager Horticulture & Forestry Division
Operations Department, City of Markham

ITEM 1: Project: Thornhill Cemetery Replacement Fence
Owner: City of Markham
Address: 1 Church Lane
District: Thornhill Heritage Conservation District
Application: HP 20 126092

This Item was delegated to the Architectural Review Sub-Committee with the authority to review on behalf of Heritage Markham at the September 9th meeting of Heritage Markham.

The City's Senior Manager of Horticulture and Forestry Division, David Plant began by apologizing to the members of the Sub-Committee for the reactive heritage permit application for work that had already been initiated by the City. He also indicated that going forward, that he and the staff he is responsible for, will be checking to determine if any planned work falls with the City's Heritage Conservation District Plans so they may apply for the appropriate heritage approval prior to commencing any work.

Mr. Plant confirmed that the old sections of wrought iron fence had already been disposed of and that restoration of the former fence was no longer an option. When asked by the committee members whether insurance could have covered the cost of restoration, the answer provided was

that insurance would only cover the cost of restoration of the portion of the fence damaged by the automobile accident and not the cost of restoring undamaged sections of the former fence.

The consensus among members of the Sub-Committee was that they had no choice but to accept a new replacement wrought iron fence, but that they'd like to see the existing wrought iron gates (which had not been removed) restored rather than replaced. Mr. Plant pledged that he would investigate further the option of retaining and restoring the existing gates as well as the associated costs, so this information may be reported back to the Heritage Committee

Mr. Plant also agreed to present some options for the finials for the square tubular posts already installed for the new fence as well as providing confirmation that the cast iron spear preferred by the Sub-Committee members was available for the new fence sections.

Heritage Markham Recommendation:

THAT given the disposal of the former wrought iron fence, Heritage Markham accepts the proposed new wrought iron replacement fence for the Thornhill Cemetery but recommends that the existing wrought iron gates be retained and restored, and that the City's Senior Manager of Horticulture and Forestry present options and costs for their retention to the Committee;

THAT Heritage Markham supports the proposed cast iron spear design with the square base detail as shown at the meeting for the pickets of the wrought iron replacement fence;

THAT the City's Senior Manager of Horticulture and Forestry be requested to provide options to the committee for the decorative finials of the replacement fence posts;

AND THAT the City's Senior Manager of Horticulture and Forestry be requested to develop appropriate procedures, training and awareness programs for City staff to ensure compliance with the policies of the City's Official Plan as they relate to properties designated under Part IV and V of the Ontario Heritage Act.

File: 1 Church Lane, Thornhill Heritage Conservation District

Photograph of the fence picket finial preferred by the ARSC members which is available



Photograph of the only style of fence post finial now available





MEMORANDUM

TO: Heritage Markham Committee

FROM: Peter Wokral, Senior Heritage Planner

DATE: October 14, 2020

SUBJECT: Site Plan Control Application SPC 20 124628
Proposed detached accessory building/garage with 2nd floor residential unit
31 Wales Avenue
Markham Village Heritage Conservation District

Property/Building Description: One and a half storey frame dwelling constructed c.1910.
Use: Residential
Heritage Status: The dwelling is a Type B heritage building in the Markham Village Heritage Conservation District.

Proposal:

- The property owners have submitted a site plan control application seeking approval to construct a new, 1 ½ storey, 203.3m² (2,188 ft²) detached garage/accessory building with a residential unit on the second floor.

Background:

- The owners obtained the City's approval to demolish the previous heritage accessory building in May of 2020, and in June the owner obtained variances to permit:
 - A maximum building height of 6.85m for an accessory building whereas the By-law permits a maximum building height of 3.65m;
 - To permit an accessory dwelling unit, whereas the By-law does not permit such unit;
 - To permit a dwelling unit in an accessory building, whereas the By-law does not permit such a unit.

Staff Comment:

- The location of the proposed accessory building is set far back on the property and is not highly visible from the public realm of Wales Ave. Even so, staff is satisfied that the proposed accessory building complies with the policies and guidelines for accessory buildings contained in the Markham Village District Plan and will have no negative impacts on the historic character of the district;

- The City's Urban Design Section notes that the mature sugar maple tree shown adjacent to the proposed outdoor living area is proposed to be removed, but they do not object due to the tree's fair to poor condition and will be seeking appropriate compensation for its loss;
- Therefore, Staff recommends that Heritage Markham have no objection to the proposed accessory building at 31 Wales and delegate final review of the site plan application to Heritage Section staff.

Suggested Heritage Markham Recommendation:

THAT Heritage Markham has no objection from a heritage perspective to the proposed accessory building at 31 Wales dated August 20, 2020 and recommends that final review of the site plan application be delegated to Heritage Section staff;

AND THAT the applicant enter into a Site Plan Agreement with the City containing the standard conditions regarding materials, colours windows etc.

File Path: 31 Wales

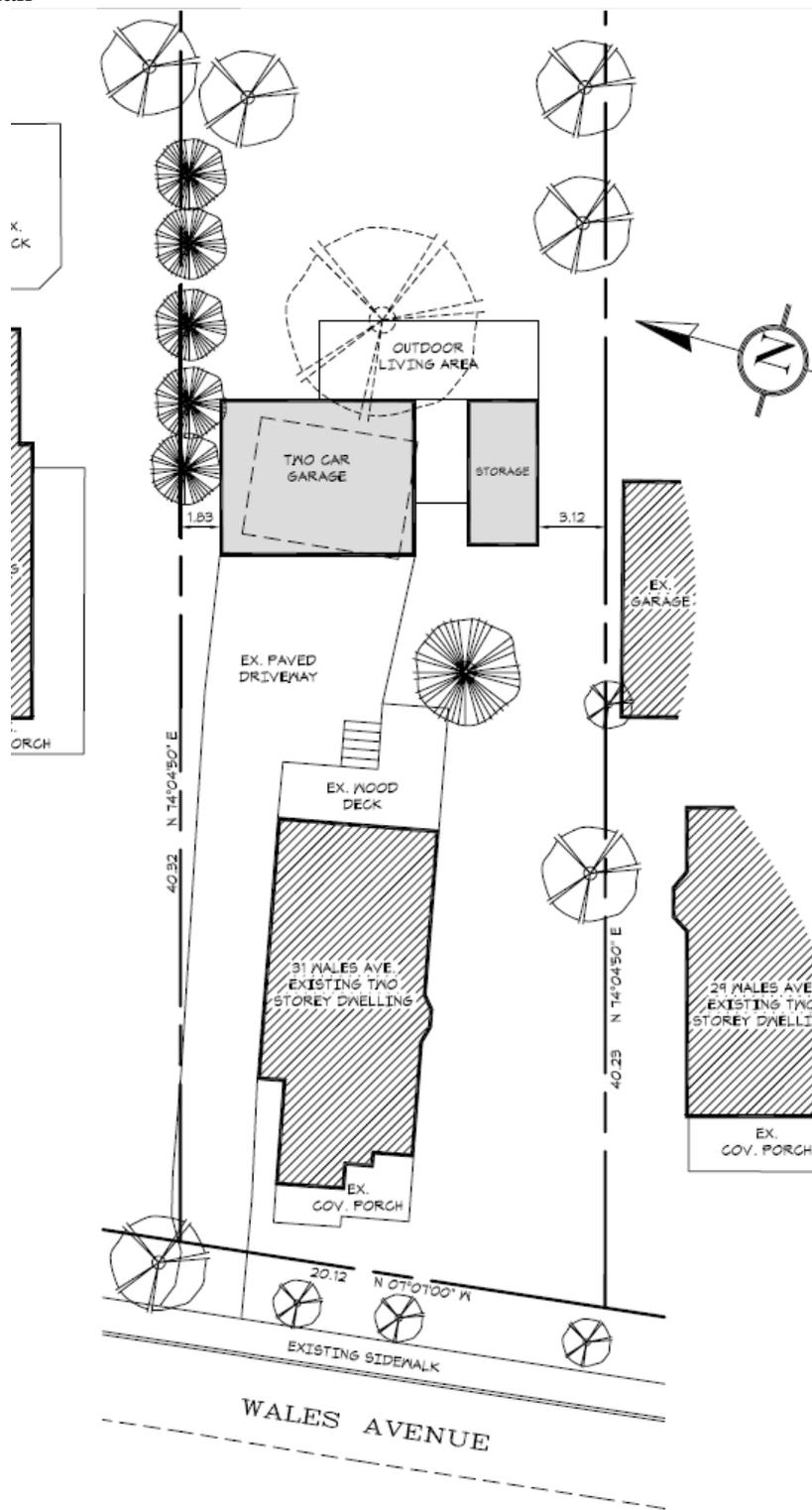
31 Wales Avenue, Markham Village Heritage Conservation District



Dwelling located at 31 Wales Avenue, Markham Village Heritage Conservation District



Proposed Site Plan

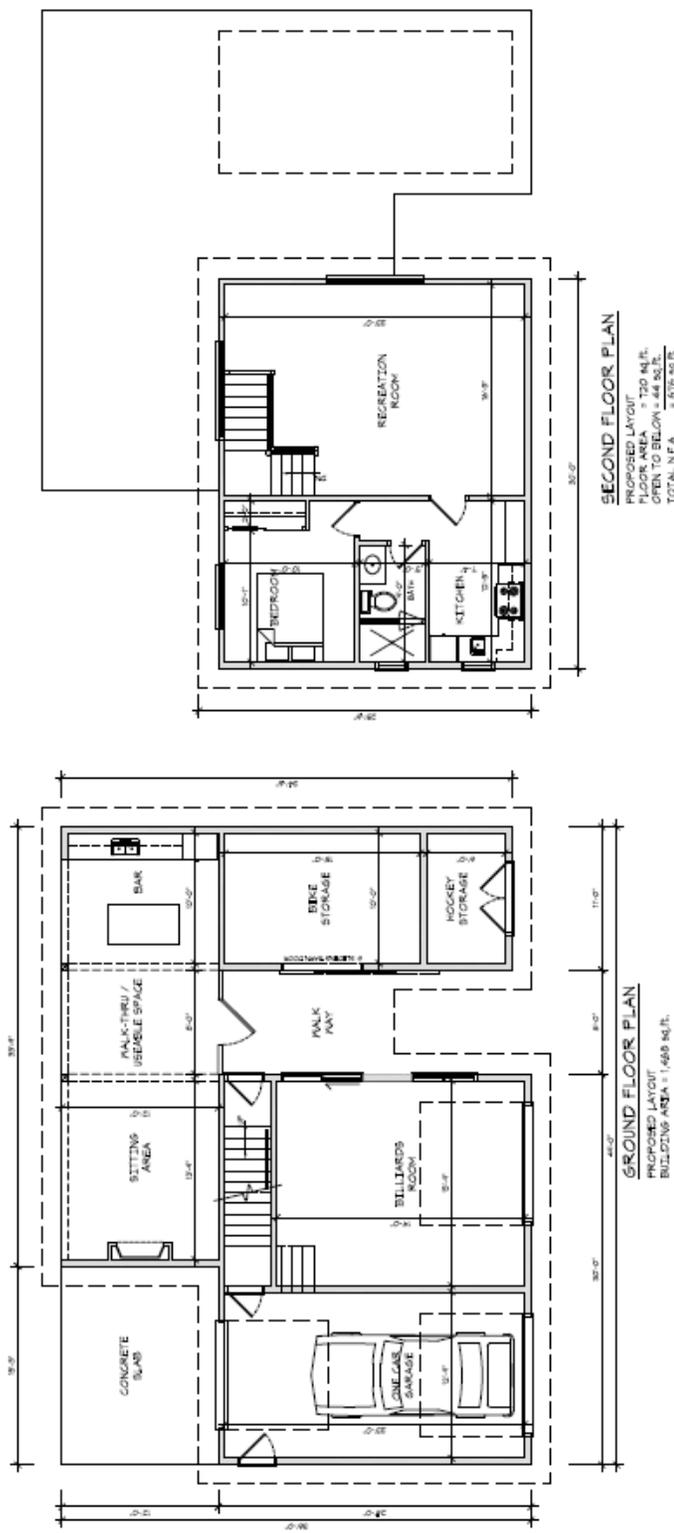


SITE PLAN

SCALE = 1:200



Proposed Floor Plans





MEMORANDUM

TO: Heritage Markham Committee

FROM: Peter Wokral, Senior Heritage Planner

DATE: October 14, 2020

SUBJECT: **Site Plan Control Application**
 175 Main Street North, Markham Village Heritage Conservation District
 Revised Parking/Hard Surface Areas
 SPC 20 125951

Property/Building Description: 2 ½ storey single detached dwelling constructed in 1903 with a new two storey addition constructed in 2017

Use: Residential

Heritage Status: Designated under Part V of the Ontario Heritage Act and classified as a Group ‘A’ building or buildings that define the heritage character of the district.

Application/Proposal

- The owner has submitted an application seeking approval for paving in the front and rear yard of the property which was not authorized by the City;

Background

- In 2017, the City approved an addition to the existing heritage dwelling through a heritage residential site plan application on the understanding that the property was intended to be used as real estate office “Home Occupation” under the City’s Home Occupation By-law;
- In 2019, the Committee of Adjustment supported the owners request to permit a ground sign advertising the “Home Occupation” whereas the City’s Home Occupation By-law does not permit any signage advertising the home occupation within;
- During an inspection conducted by Heritage Planning Staff in order to release the Letter of Credit secured for the Site Plan Agreement SC 16 139339 which permitted the addition to the existing heritage house, it was determined that a significant portion of the rear yard and the front yard had been hard surfaced that was not shown in the Site Plan drawing approved by the City, and that this area was also being used to permit the parking of vehicles similar to what would be found in a commercial parking lot. It was also noted that the owner had installed additional signage in the window of the front door which was not authorized or permitted by the Home Occupation By-law;
- Based on these issues of non-compliance with the Site Plan Agreement of 2016, Planning staff did not recommend release the Letter of Credit held by the City;

- The applicant has submitted the current site plan application in an attempt to legalize the existing hardscaping that was not permitted in the 2016 Site Plan Agreement so that they might have the Letter of Credit released. The applicant has also removed the unauthorized signage from the window of the front door.

Staff Comment

- Heritage Staff is concerned regarding the amount of existing paving and pavers as it clearly accommodates the parking of several vehicles in the rear, similar to a commercial parking lot. The property is only zoned to permit a single detached dwelling and a home occupation that permits one employee and onsite parking spaces for the one employee and members of those residing in the home, as well as the single ground sign as approved by the Committee of Adjustment in 2019;
- Heritage Staff also notes that approving the existing paving would be in effect permitting a commercial parking lot which would undermine the City's planning process, as neighbouring property owners have had to obtain much more expensive and time consuming Zoning By-law amendments and Commercial Site Plan Agreements to permit commercial uses not permitted by the City's Home Occupation By-law;
- The unauthorized rear yard pavers are also installed very close to existing trees that were to be protected as part of the site plan approval process;
- Staff continue to explore whether the existing asphalt paving complies with the City's Driveway By-law;
- Although the unauthorized paving is primarily a planning issue, it may not be a significant issue from a heritage perspective due to its location in the rear yard where it is not readily seen from the public realm. Therefore, Heritage Markham may choose to have no comment from a heritage perspective. However, if Heritage Markham is concerned regarding the protection of mature vegetation in the Heritage District (as a contributing heritage attribute), it may choose to request that staff further examine the impact on the rear yard trees and undertake any necessary alterations.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no comment from a heritage perspective regarding the site plan application to permit the existing unauthorized amount of paving and pavers at 175 Main St. N.;

AND THAT final review of the site plan control application be delegated to Heritage Section staff.

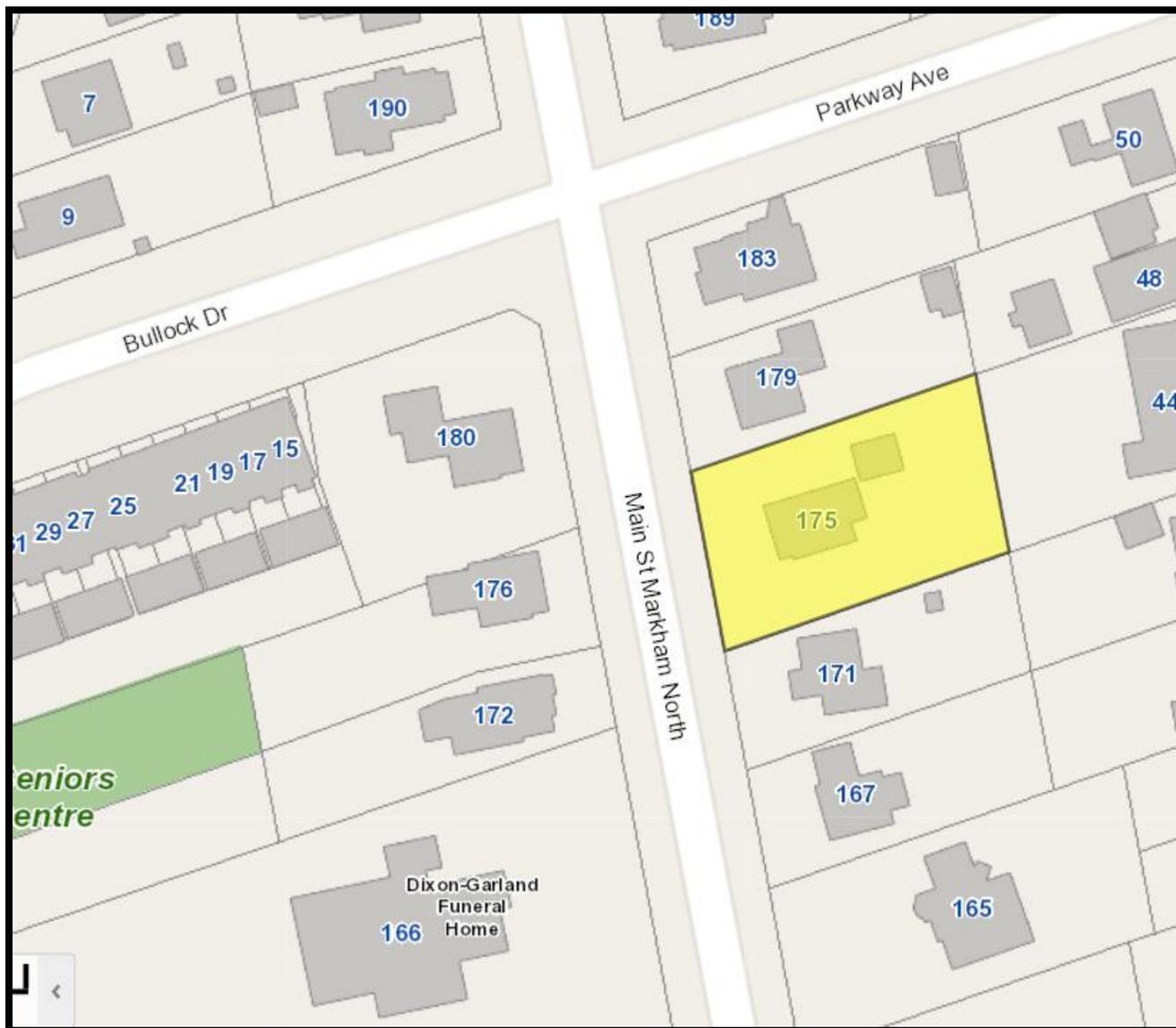
Or

THAT Heritage Markham requests that the issue of rear yard pavers and their interface with existing trees be addressed to ensure protection and preservation to the satisfaction of the City's Urban Design staff;

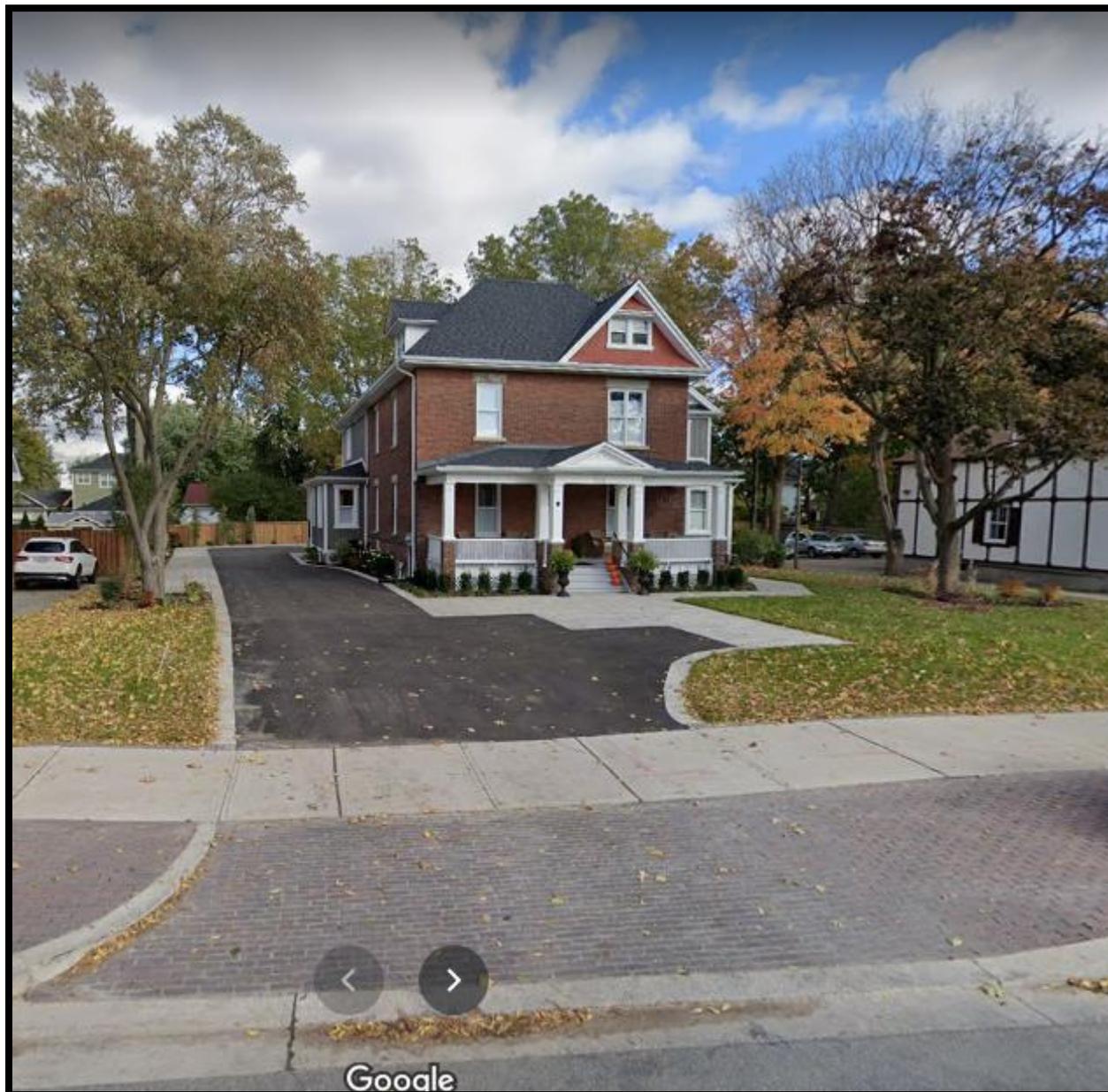
AND THAT final review of the site plan control application be delegated to Heritage Section staff.

File: 175 Main Street North, Markham Village

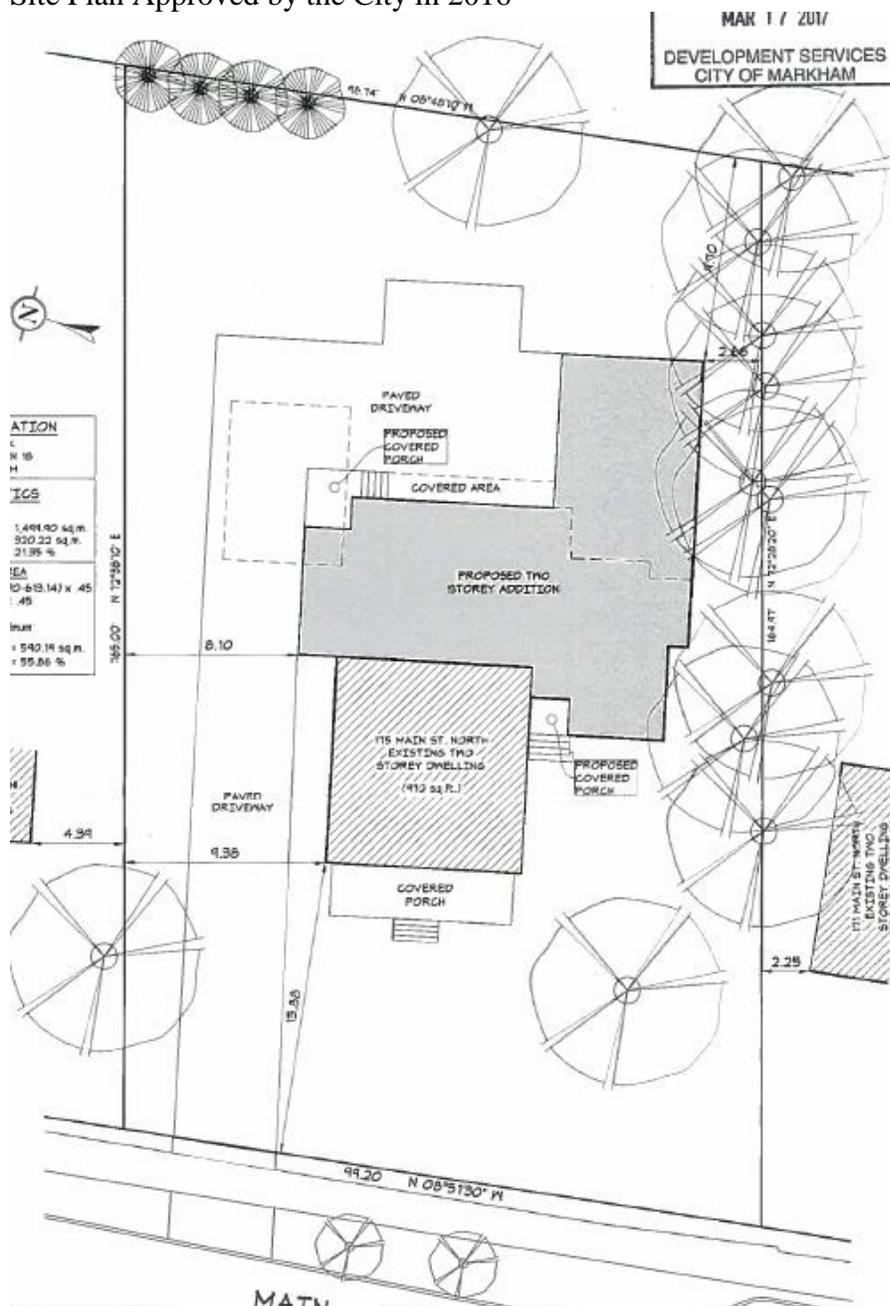
175 Main Street North, Markham Village Heritage Conservation District



175 Main Street North, Markham Village Heritage Conservation District



Site Plan Approved by the City in 2016

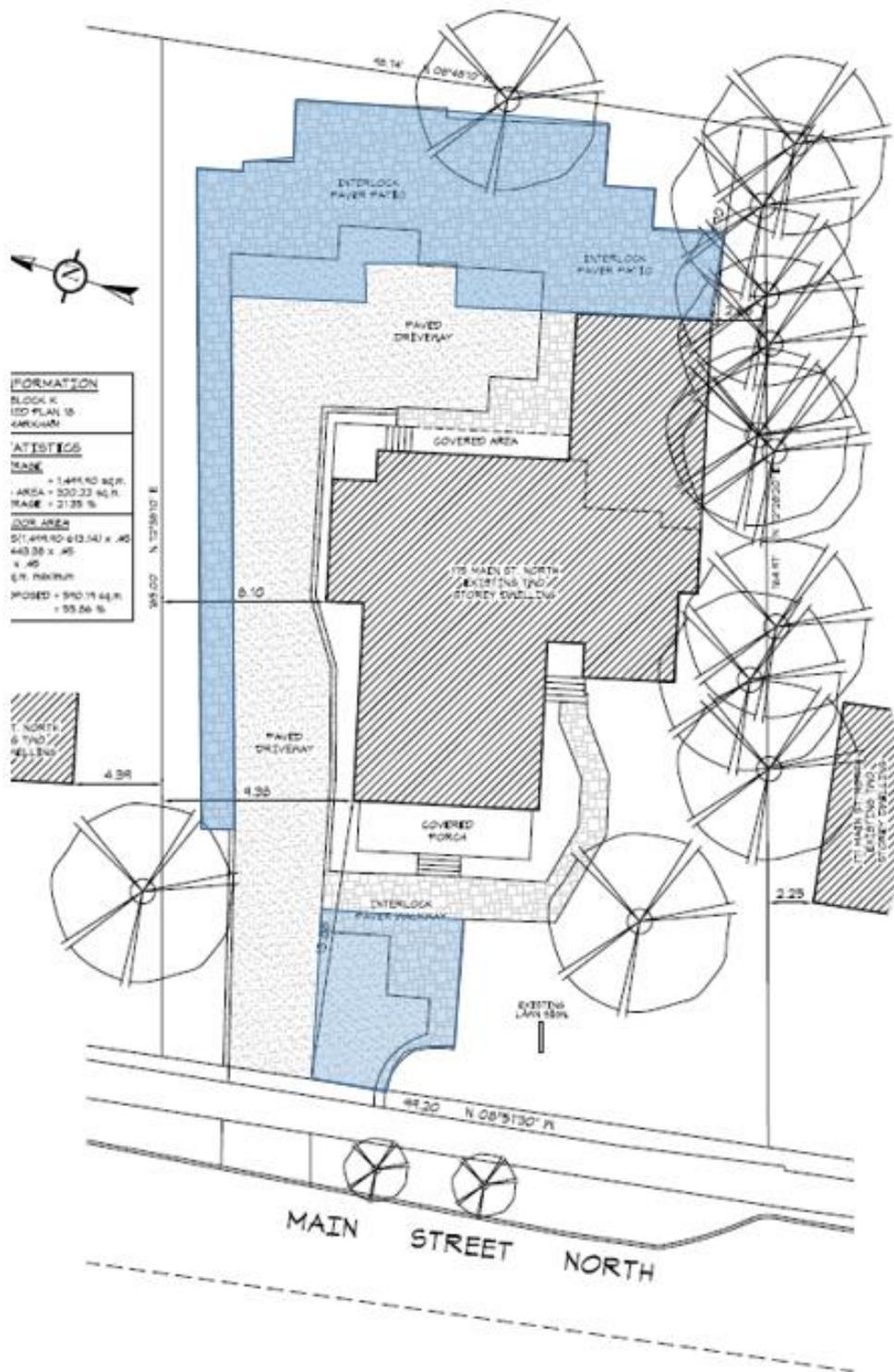


In principle subject to conditions set out in
 March 20, 2017
 06/21/2017
 [Signature]
 for Development Manager

Plans approved in accordance with site plan
 Agreement dated: May 10, 2017
 Date: June 5, 2017
 Signature: [Signature]
 Senior Development Manager

CITY OF THE ONTARIO DEVELOPMENT SERVICES DIVISION OF PLANNING AND DESIGN 175 MAIN STREET NORTH CITY OF MARKHAM	PROJECT TITLE 175 MAIN STREET NORTH CITY OF MARKHAM	THE GREGORY DESIGN GROUP 50 MORTIMER DRIVE, UNIT 140 MARKHAM, ONTARIO L3R 9T3 OFFICE (905) 475-4767 FAX (905) 475-6496 shane@gregorydesigngroup.net	SCALE 1:200	DATE 07/17/17
	PROJECT NUMBER 1939-16		SHEET NUMBER SP-	

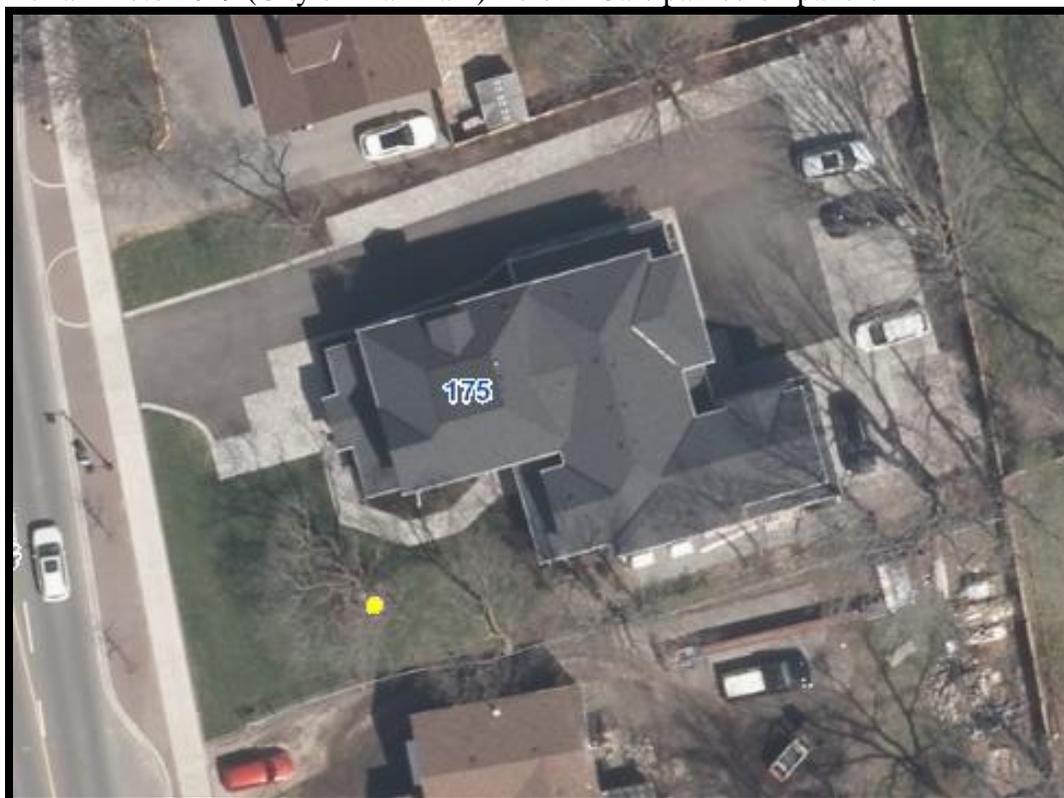
Submitted Site Plan 2020 showing areas in blue that have existing pavers not authorized by the City in the 2016 Site Plan Agreement. Also the asphalt paving area does not reflect the approved plans or the existing situation



Photograph showing parking of vehicle on unauthorized paving



Aerial Photo 2019 (City of Markham) Below- Cars parked on pavers





MEMORANDUM

TO: Heritage Markham Committee

FROM: Peter Wokral, Senior Heritage Planner

DATE: October 14, 2020

SUBJECT: Building Permit Application
180 Main Street North, Markham Village Heritage Conservation District
HP 20 128235

Property/Building Description: 2 ½ storey single detached heritage dwelling

Use: Residential

Heritage Status: Designated under Part V of the Ontario Heritage Act and classified as a Group 'A' building, or buildings that define the heritage character of the district.

Application/Proposal

- The owner has submitted a building permit application proposing to:
 - Install more appropriate traditional style windows in the concrete block 1960's addition;
 - Construct a wrap-around veranda in the rear ell of the building basing the details on fragments of a historic veranda that has been removed;
 - Clad the 1960's addition in a vertical tongue and groove Maibec siding;
 - Re-clad the historic two storey frame tail in the same Maibec tongue and groove vertical siding which is being installed on the 1960's addition

Background

- The property is in the process of being renovated by new owners that want to restore and enhance the heritage character of this property through numerous improvements.

Staff Comment

- Staff has no objection to the proposed new windows and cladding for the 1960's concrete block addition as this would help improve the appearance of the property from a heritage perspective;
- However, staff would like to obtain feedback on two matters:

- The proposed veranda that would wrap around the rear of the building. There is evidence of two smaller verandas, but not of a continuous veranda treatment as proposed. Also, clarity is required on the how the veranda deck would work, especially on the west elevation. The porch post/decorative details should be based on the remaining decorative fragments of a former veranda.
- The removal of the existing historic cladding from the 2 storey heritage frame tail of the building;
Staff notes that this portion of the house is not visible from Bullock Drive or Main Street and that the historic cladding found on this tail portion is in a somewhat deteriorated state, differing from the south façade, which is clad in a historic tongue and groove siding, to the west façade which is clad in a historic clapboard siding.
Installing new tongue and groove siding on the south façade would maintain the current appearance but would change the appearance of the west facing façade.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no objection to the proposed cladding of the 1960's concrete block addition to 180 Main St. N. with Maibec tongue and groove siding;

THAT Heritage Markham provides the following comment on the proposed wrap around veranda:

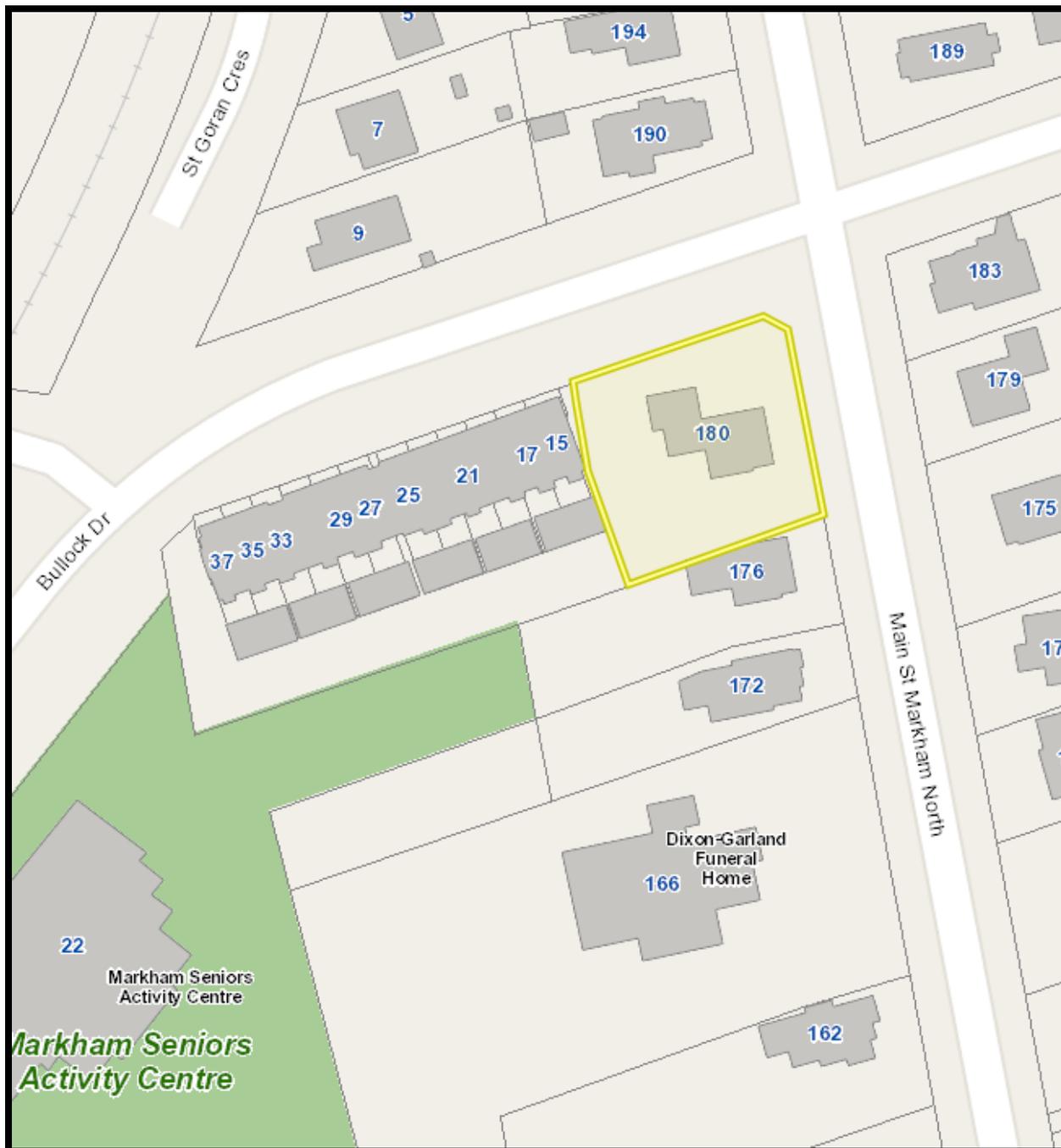
Options

AND THAT given the lack of exposure and condition of the existing historic siding that Heritage Markham has no objection to its replacement with new vertical tongue and groove Maibec siding;

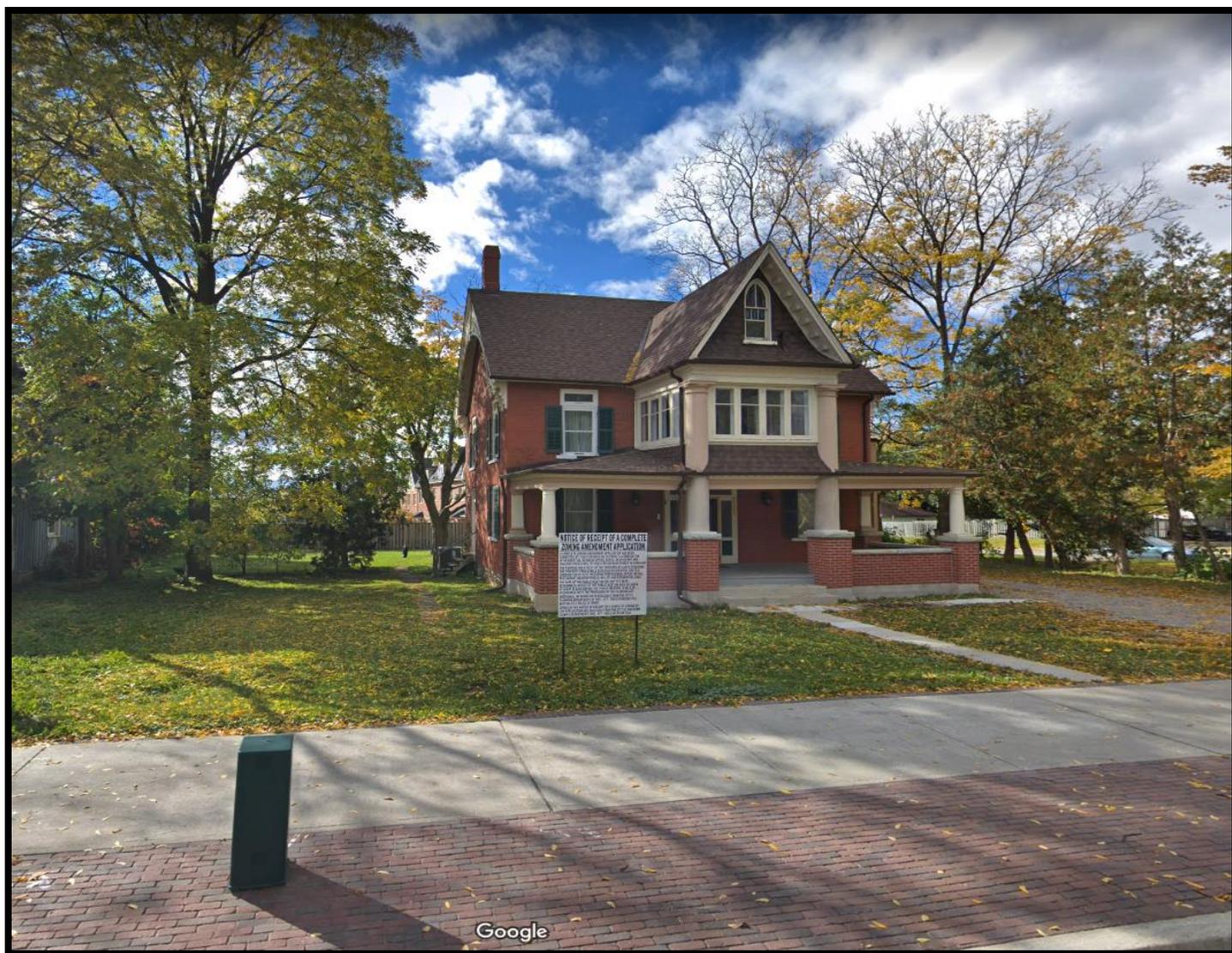
Or

AND THAT Heritage Markham does not support the removal or covering up of the historic wooden clapboard and tongue and groove siding with new siding and prefers that the historic siding is restored and repaired as required.

180 Main Street North, Markham Village Heritage Conservation District



180 Main Street North, Markham Village Heritage Conservation District



Proposed alterations to 180 Main St. North Markham Village



WALKING BOARD DETAIL
 WALKING BOARD DETAIL, CONTINUED

WALKING BOARD DETAIL

3 SLIDING NOTES
 10

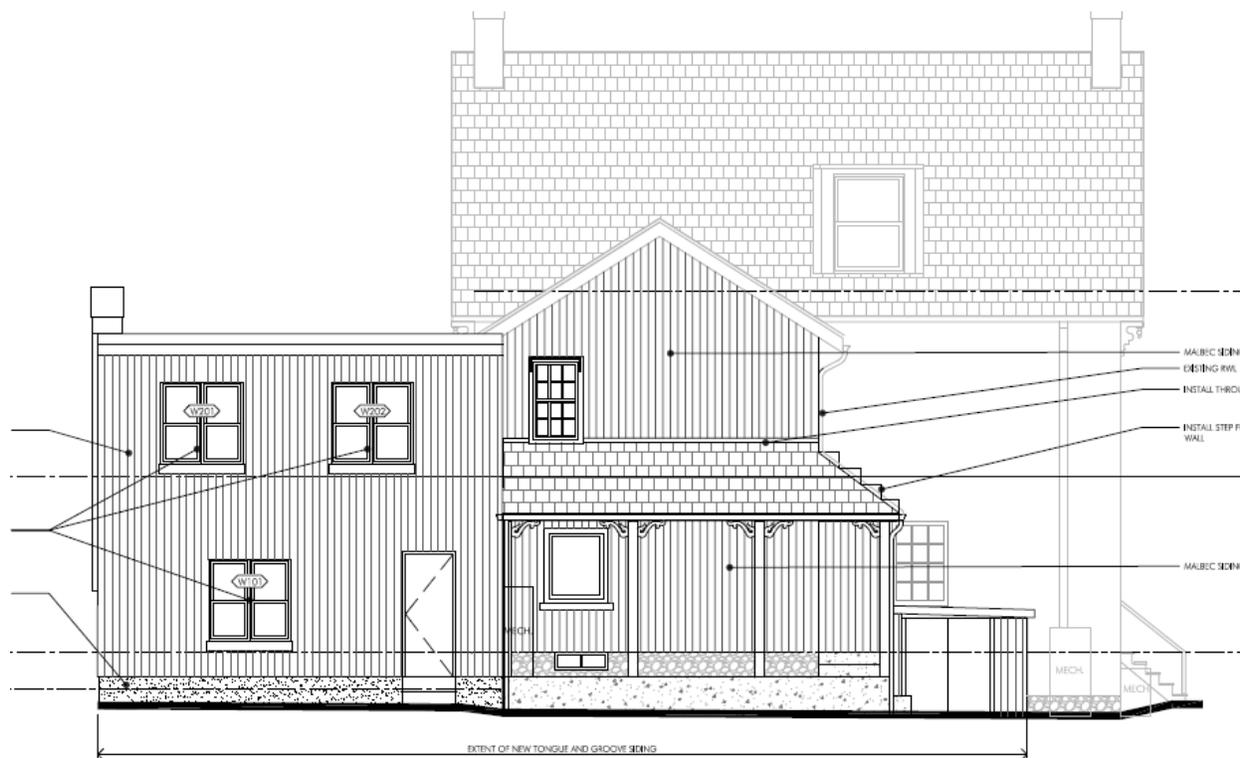
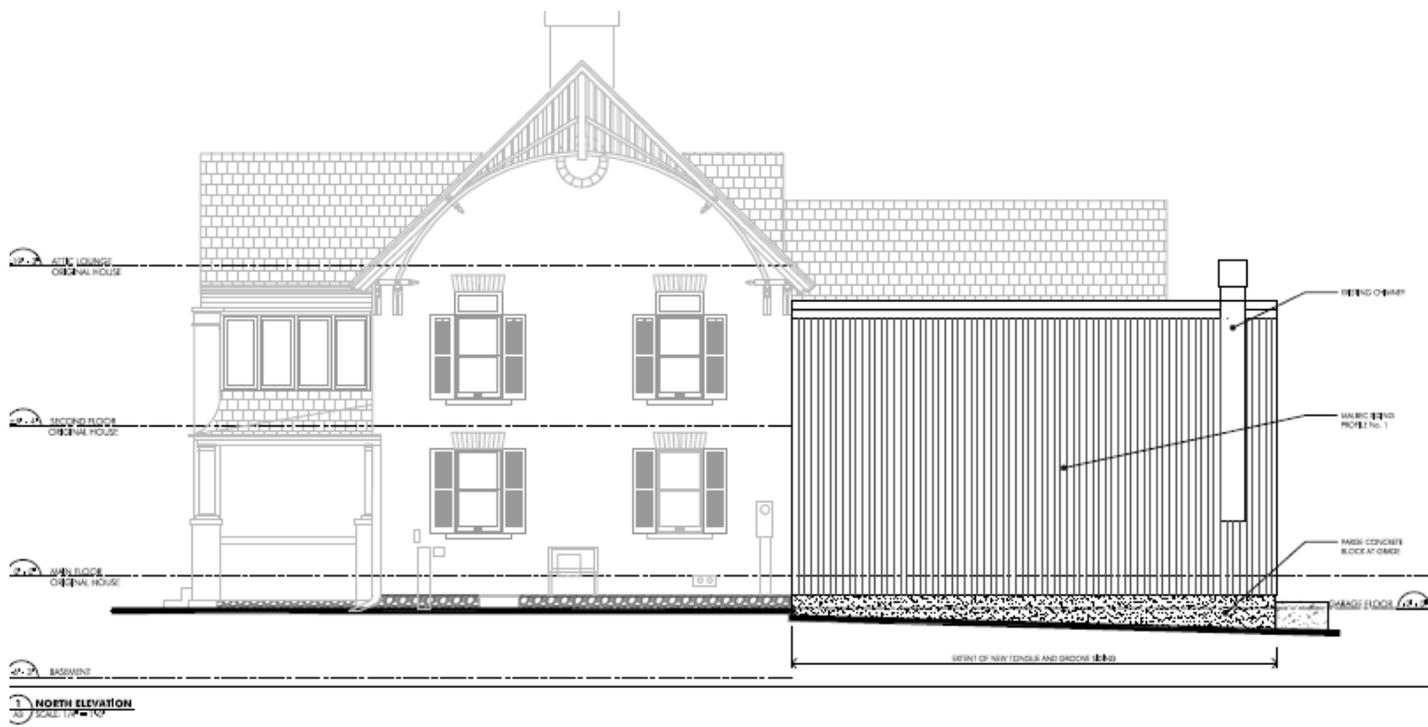


(W1) 5-Pane

Notes:
 Windows - Alwind VS-452 Double hung, b C MB0 requirements
 EXTERIOR Finish: Duracron (K12204) Black Baked Ena
 Insect Screen: Extruded aluminum framing 1" x 1/4" fiberglass mesh
 Glazing: (1" x 1/2") Sealed Units w/ exterior 5/8" annealed, Argonfilled interior 5mm Low-E

4 NEW WINDOW DETAIL (E301, E302, W101, W102, W202)
 10

SOUTH ELEVATION
 DATE: 11-11-10



Existing Siding of Two Storey Frame Heritage Portion of 180 Main St. N.
Note veranda post details



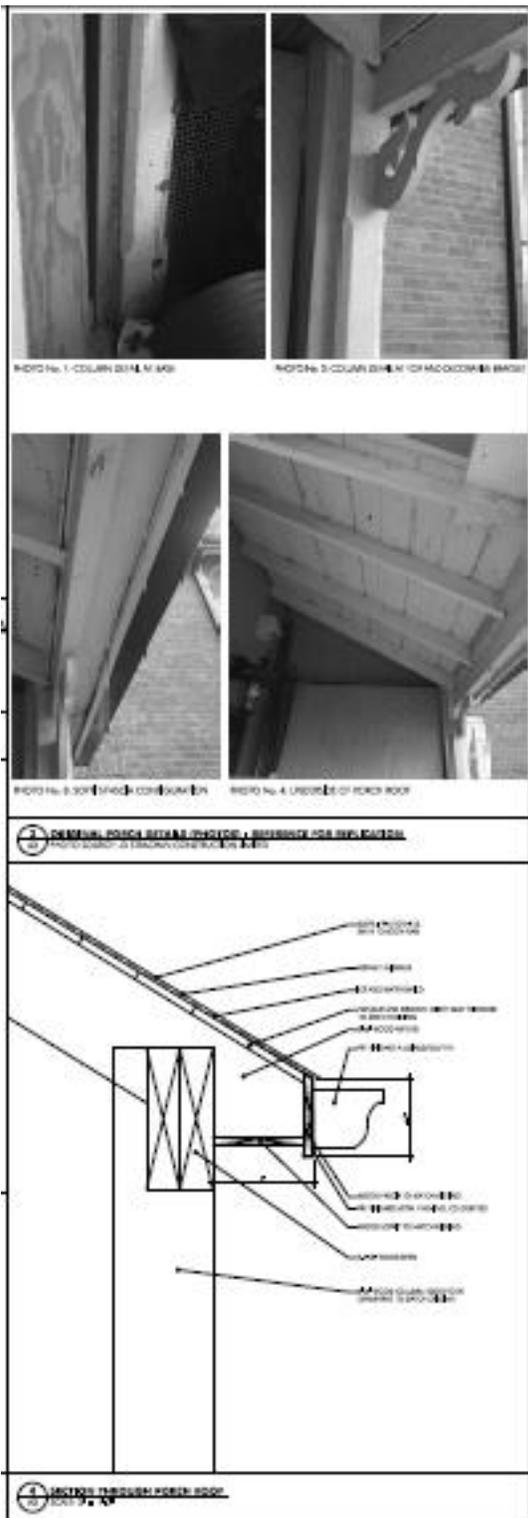


West wall of building not readily visible from Bullock or Main St. North



South wall of rear tail, also not readily visible from Bullock Drive or Main St. N.

Proposed Details of New Veranda





1. PROPOSED NORTH ELEVATION
SCALE UP - 1/4"



2. PROPOSED REAR/WEST ELEVATION
SCALE UP - 1/4"

Figure 3- Previous Conceptual Site Plan 2016

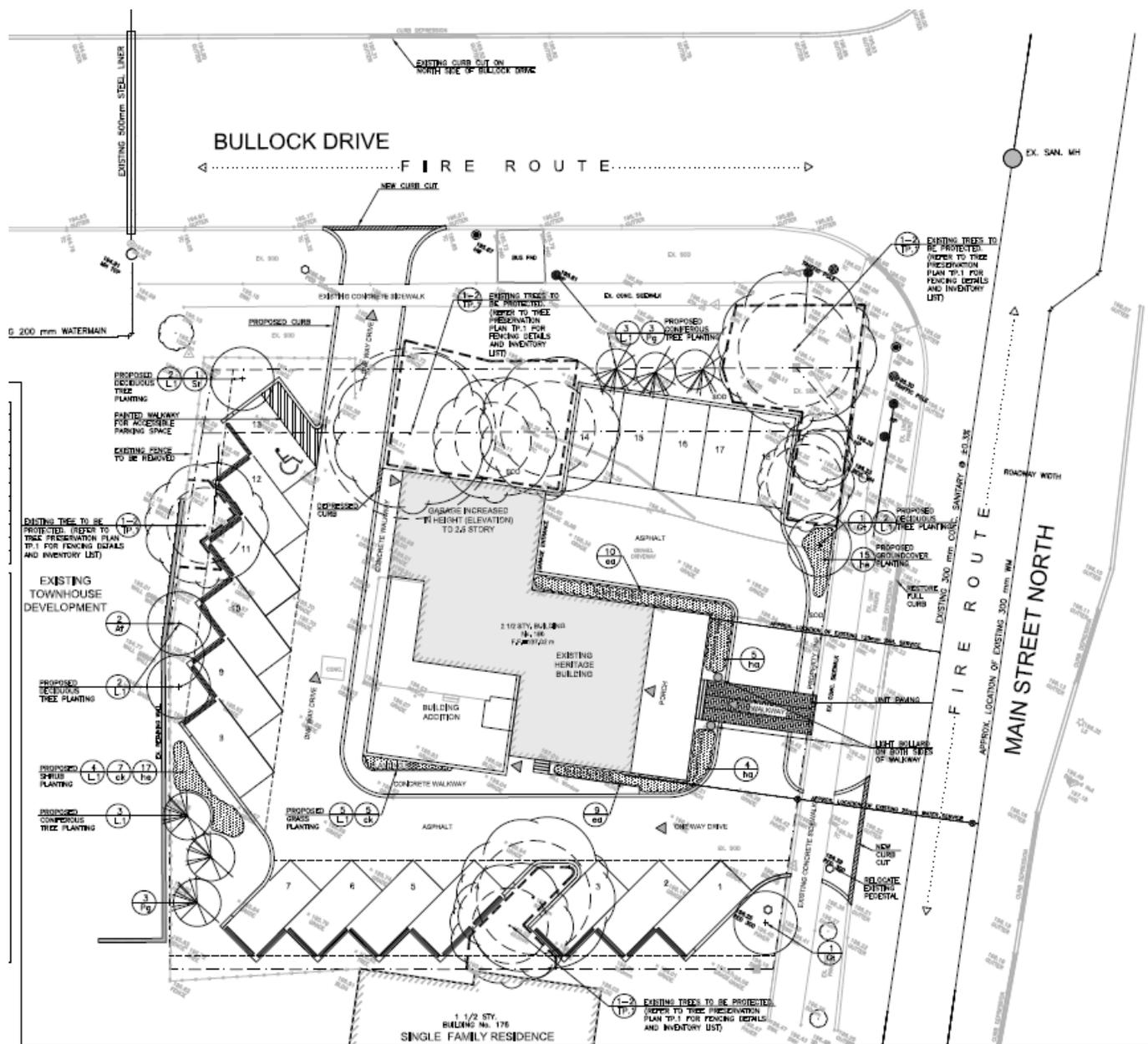


Figure 4- Heritage Markham Extract of October 12, 2016

**HERITAGE MARKHAM
EXTRACT**

DATE: November 2, 2016

TO: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner

EXTRACT CONTAINING ITEM #14 OF THE TENTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON OCTOBER 12, 2016.

- 14. Site Plan Control Application,
Zoning By-law Amendment Application,
180 Main Street North, Markham Village,
Proposed Rear Addition to Existing Heritage Swelling and Parking Lot Layout**
- File Nos: ZA 15 109007
SC 15 109007 (16.11)
- Extracts: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner
-

The Heritage Planner explained the zoning amendment and site plan control application to rezone the property to permit professional office, a number of residential uses, restaurant uses, as well, approval for proposed rear addition to the existing heritage dwelling and new parking lot. He further advised the rezoning application will be considered by the Development Services Committee on October 24, 2016. Staff has recommended the removal of certain parking spaces to preserve trees and to retain the existing driveway and to preserve front yard green space.

Committee discussed the various issues with respect to parking, volume of proposed development of the property, parking spaces, new paving, and the impact to the trees on the property. Committee was supportive of staff recommendation.

Heritage Markham Recommends:

That Heritage Markham supports the following recommendations regarding the proposed site plan of 180 Main St. N.:

- Retention of the existing residential driveway leading to the garage in order to eliminate the need for new paving directly in front of the existing heritage house;
- The elimination of two of the proposed parking spaces (numbered 17 and 18) and repositioning of the remaining parking spaces so they are perpendicular to the front of the existing garage and not forward of the front wall of the house;
- The elimination of another two proposed parking spaces (3 and 4) to help protect the root zone of a significant Black Walnut tree, and to allow the parking spaces identified as 1 and 2 to be shifted a half space into the yard and away from Main Street.

Item #14

Page 2

- o Removal of one parking space adjacent to the existing Bur Oak tree along the western property line; and,

That the applicant provide Heritage Markham with further information on the design of the new addition; and further,

That the applicant enter into a site plan agreement with the City containing the standard conditions regarding materials, colours, and windows etc.

CARRIED



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: October 14, 2020

SUBJECT: Ontario Heritage Act
Request for Comment on Proposed Regulation

Project: Request for comment on proposed regulation to the Ontario Heritage Act.

Background:

- As part of Ontario's Housing Supply Action Plan, the *More Homes, More Choice Act, 2019* made amendments to several pieces of legislation, including the *Ontario Heritage Act* (OHA). According to the Ministry of Heritage, Sport Tourism and Culture Industries, the OHA amendments provide clearer direction and timelines for local decision-makers, heritage professionals and development proponents about protecting heritage properties, and create a consistent appeals process, while maintaining local control over heritage decisions. Some of the amendments require additional details to be prescribed by the Lieutenant Governor in Council through regulation.
- The provincial government expects the OHA amendments and the associated regulation will help to align municipal decisions in the heritage conservation process with Planning Act processes, improve municipal processes for identifying, designating and managing proposed changes to heritage properties, and improve clarity for property owners and development proponents.
- To fulfill the intent of the Housing Supply Action Plan and bring the OHA amendments into force, the following matters are proposed to be prescribed in regulation:
 - Principles that a municipal council shall consider when making decisions under specific parts of the OHA.
 - Mandatory content for designation by-laws.
 - Events which would trigger the new 90-day timeline for issuing a notice of intention to designate and exceptions to when the timeline would apply.
 - Exceptions to the new 120-day timeline to pass a designation by-law after a notice of intention to designate has been issued.
 - Minimum requirements for complete applications for alteration or demolition of heritage properties.

- Steps that must be taken when council has consented to the demolition or removal of a building or structure, or a heritage attribute.
- Information and material to be provided to Local Planning Appeal Tribunal (LPAT) when there is an appeal of a municipal decision to help ensure that it has all relevant information necessary to make an appropriate decision.
- Housekeeping amendments related to amending a designation by-law and an owner's reapplication for the repeal of a designation by-law.
- Transition provisions.
- The proposed date for all amendments to the *Ontario Heritage Act* and the proposed regulation to come into force is January 1, 2021.
- The ministry will also be updating the **Ontario Heritage Tool Kit** to reflect the changes to the OHA. The Ministry will post drafts of the updated guidance documents for public review and comment later in 2020.
- We are currently in the 45 day review period which ends on November 5th.

Status/ Staff Comment

- Many of the regulations will have an impact on how we process applications involving a cultural heritage resource (ie. the principles that have to be considered, what has to be in a designation by-law, notice of intention to designate a property that is tied to a prescribed event (OPA, ZBA, Plan of subdivision) has to be addressed within specific timelines, passing of a designation by-law within a set timeline, complete application requirements for certain heritage applications, etc);
- These changes will require increased staff time and resources.
- See attached chart which provides an overview of the proposed Regulation as well as staff comments and feedback. The actual Regulation can also be viewed on the Environmental Registry of Ontario, but is quite complex and challenging to follow.
- Staff is preparing a report for Markham Council that addresses the City's feedback and any concerns. It is suggested that Heritage Markham Committee support the feedback provided in the chart
- It is also recommended that Heritage Markham advise Council that to proceed with implementation of these changes (proclamation of new legislation and the regulations) on January 1, 2021 which will require changes to municipal protocols and procedures during a pandemic imposes an unfair burden on stakeholders whose focus should be on responding to this unprecedented health challenge. Also, the Ministry of Heritage has yet to release the draft for a new/revised **Ontario Heritage Tool Kit** which is to provide guidance on how to interpret and implement these new changes.

Suggested Recommendation for Heritage Markham

That Heritage Markham Committee advises Markham Council that it recommends that the matters identified by staff in the review of the proposed Regulation to the Ontario Heritage Act be forwarded to the Ministry of Heritage, Sport, Tourism and Culture Industries as feedback.

And That the Ministry be advised that to proceed with implementation of these changes (proclamation of new legislation and the regulation) on January 1, 2021 which will require

changes to municipal protocols and procedures during a pandemic, imposes an unfair burden on municipal stakeholders whose focus should be on responding to this unprecedented health challenge.

File: Q:\Development\Heritage\SUBJECT\Ontario Heritage Act 2019\Regulations 2020\HM Oct 14 2020 Regulations.doc

To fulfill the intent of the Housing Supply Action Plan and bring the OHA amendments into force, the following matters are proposed to be prescribed in regulation.

The Regulation can be found at:

<https://ero.ontario.ca/notice/019-1348>

Ontario

Environmental Registry of Ontario

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Proposed Regulation under the Ontario Heritage Act (Bill 108)

ERO number	019-1348
Notice type	Regulation
Act	Ontario Heritage Act, R.S.O. 1990
Posted by	Ministry of Heritage, Sport, Tourism and Culture Industries
Notice stage	Proposal
Proposal posted	September 21, 2020
Comment period	September 21, 2020 - November 5, 2020 (45 days) Open
Last updated	September 21, 2020

See attached summary chart prepared by staff

Regulatory Proposals	Staff Comment	Feedback
<p>1. Principles to guide municipal decision making</p> <p>The amendments to the <i>Ontario Heritage Act</i> give authority to prescribe principles that a municipal council shall consider when making decisions under prescribed provisions of Parts IV and V of the Act. The proposed principles relate to the purpose of the <i>Ontario Heritage Act</i> and are intended to help decision-makers better understand what to focus on when making decisions under the Act. The proposed principles are consistent with Ontario’s policy framework for cultural heritage conservation.</p> <p><u>Principles</u></p> <p>The following are the principles that a council of a municipality shall consider when the council exercises a decision-making authority under a provision set out in subsection (1) or (2):</p> <ol style="list-style-type: none"> 1. Property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations. 2. Decisions affecting the cultural heritage value or interest of a property or heritage conservation district should, <ol style="list-style-type: none"> i. minimize adverse impacts to the cultural heritage value 	<ul style="list-style-type: none"> • It is clear that the municipality must consider the principles (“shall”); • Unclear as to how adherence to the Principles is to be reflected in the decision-making • Does #2iii require consideration of those who have expressed a view or does this require the municipality to solicit these views in some manner 	<p>Provide clarity as to how adherence to the Principles is to be reflected in the decision-making</p> <p>Provide clarity on 2iii as to whether this only refers to those person or communities who have expressed an interest.</p>

Regulatory Proposals	Staff Comment	Feedback
<p>or interest of the property or district,</p> <p>ii. be based on research, appropriate studies and documentary evidence, and</p> <p>iii. demonstrate openness and transparency by considering the views of all interested persons and communities.</p> <p>3. Conservation of properties of cultural heritage value or interest should be achieved through identification, protection and wise management, including adaptive reuse where appropriate.</p> <p>(4) For the purpose of this section,</p> <p>“adaptive reuse” means the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property.</p>		
<p>2. Mandatory content for designation by-laws</p> <p>The <i>Ontario Heritage Act</i> amendments provide a regulatory authority to prescribe mandatory content for designation by-laws. The goal is to achieve greater consistency across municipalities and to provide improved clarity for property owners through designation by-laws</p>	<ul style="list-style-type: none"> • This is a worthy objective • One of the requirement is that the by-law must contain a site plan, scale drawing, aerial photograph or other image that identifies each area of the property that has cultural heritage value or interest.”- in the past, the Registry office had problems with by-laws that included images. • The fourth requirement notes that the 	<p>Confirm that the Registry Office will permit the required images in by-laws.</p> <p>Provide greater clarity on how to address requirement #4 while still being brief.</p>

Regulatory Proposals	Staff Comment	Feedback
<p>including:</p> <ul style="list-style-type: none"> • Identifying the property for the purposes of locating it and providing an understanding of its layout and components; • Establishing minimum requirements for the statement of cultural heritage value or interest; and • Setting standards for describing heritage attributes. <p>“4. The description of the heritage attributes of the property must be brief and must explain how each heritage attribute contributes to the cultural heritage value or interest of the property. 5. The by-law may list any physical features of the property that are not heritage attributes.”</p>	<p>description of the attribute must be brief but then required an explanation as to how this attributes supports the cultural heritage value of the property- seems excessive</p> <ul style="list-style-type: none"> • It is positive that the by-law can now include features that are not heritage attributes to provide clarity (say a newer garage on the property) 	
<p>3. 90-day timeline to issue a Notice of Intention to Designate</p> <p>Amendments to the <i>Ontario Heritage Act</i> establish a new 90-day timeline for issuing a notice of intention to designate (NOID) when the property is subject to <u>prescribed events</u>. It also allows for exceptions to this restriction to be prescribed.</p> <p>The new timeline is intended to encourage discussions</p>	<ul style="list-style-type: none"> • Markham has always informed applicants of our desire to preserve and protect specific cultural heritage resources at the beginning of the review process and we achieve it as a condition of development approval/agreement condition at the end of process. • Now we would have to issue a NOID within 90 days of application submission. If we don't achieve a 	<p>A 90 day timeframe does not appear to be sufficient or appropriate given the need to research and evaluate a property, seek input from the MHC on designation, prepare staff reports and secure Council approval for issuance of a NOID.</p> <p>Early NOID and passing of the by-law will result in registering the by-law on the entire development parcel rather than the final lot or block</p>

Regulatory Proposals	Staff Comment	Feedback
<p>about potential designations with development proponents at an early stage to avoid designation decisions being made late in the land use planning process. The ministry has proposed three triggers which would place this restriction on council's ability to issue a NOID. These are applications submitted to the municipality for either an official plan amendment, a zoning by-law amendment or a plan of subdivision.</p> <p>The proposed regulation also provides exceptions to when the 90-day timeline applies. The ministry is proposing the following categories of exceptions.</p> <p><u>Mutual agreement</u> – Where an extension of, or exemption from, the 90-day restriction on issuing a NOID is mutually agreed to by the municipality and the property owner who made the application under the <i>Planning Act</i>.</p> <p><u>Administrative restrictions</u> – Where municipal council or heritage committee are limited in their ability to reasonably fulfill the statutory requirements for issuing a NOID within the original 90-day timeframe. This would apply in cases of a declared emergency or where a municipal heritage committee would be unable to provide its recommendations to council. The timeframe would be extended by 90 days.</p> <p><u>New and relevant information</u> – Where new and relevant information could have an impact on the potential cultural heritage value or interest of the property is revealed and</p>	<p>negotiated exception with the applicant:</p> <ul style="list-style-type: none"> ○ We would have to have all research undertaken and reviewed by Heritage Markham and approved Council within 90 days; ○ Potentially have to apply the designation by-law to a larger land parcel if the land has not been subdivided into lots or blocks. <ul style="list-style-type: none"> ● Under the <u>Administrative restrictions</u> section to allow extra days, it is unclear as to what constitutes “where a MHC would be unable to provide its recommendation to council”. ● Under the <u>New and relevant information</u> section, it is unclear as to what constitutes ‘new and relevant’. ● This early requirement for designation may impact the planning review process- may be designating a property without knowing how the resource will ultimately fit into the development. 	<p>which is problematic from a land registration and administrative perspective.</p> <p>Provide more clarity as to what constitutes “where a MHC would be unable to provide its recommendation to council”.</p> <p>Provide more clarity as to what constitutes “new and relevant” information which would support a further extension of the timeline.</p>

Regulatory Proposals	Staff Comment	Feedback
<p>needs further investigation. Council would be able to extend the timeframe through a council resolution. In the case of new and relevant information council would have 180 days from the date of the council resolution to ensure there is sufficient time for further information gathering and analysis to inform council's decision.</p> <p><u>Expiration of restriction</u> – The 90-day restriction on council's ability to issue a NOID would not remain on the property indefinitely and would no longer apply when the application that originally triggered the 90-day timeframe is finally disposed of under the <i>Planning Act</i>.</p> <p>The proposed regulation also provides notification requirements related to the exceptions to the 90-day timeframe restriction.</p>		
<p>4. 120-day timeline to pass a designation by-law</p> <p>Amendments to the <i>Ontario Heritage Act</i> establish a new requirement for designation by-laws to be passed within 120 days of issuing a Notice of Intention to Designate (NOID). It also allows for exceptions to be prescribed. The ministry is proposing the following categories for exceptions.</p> <p><u>Mutual agreement</u> - Where an extension of, or exemption from, the requirement to pass a by-law within 120 days of issuing a NOID is mutually agreed to by the municipality</p>	<ul style="list-style-type: none"> • At present in Markham, we pass the designation by-law once we had a clear understanding of the actual lot it would be on. This new process could result in registration on a large parcel of development land (unless an exemption or extension is granted) • Under the <u>New and relevant information</u> section, it is unclear as to what constitutes 'new and relevant'. 	<p>Provide more clarity as to what constitutes "new and relevant" information which would support a further extension of the timeline.</p>

Regulatory Proposals	Staff Comment	Feedback
<p>and the property owner.</p> <p><u>Administrative restrictions</u> – Where municipal council is limited in its ability to reasonably fulfill the statutory requirements for passing a designation bylaw within the original 120-day timeframe. This would apply in cases of a declared emergency.</p> <p><u>New and relevant information</u> – Where new and relevant information that could have an impact on the potential cultural heritage value or interest of the property is revealed and needs further investigation. Council would be able to extend the timeframe through a council resolution to ensure there is enough time for further information gathering and analysis to inform its decision.</p> <p>Council would have an additional 180 days from the date of the council resolution to pass the bylaw.</p> <p>Exceptions allowing for the extension of the 120-day timeframe for passing a by-law must occur prior to the expiry of the initial 120 days. The proposed regulation includes notification requirements related to the exceptions to the 120-day timeframe.</p>		
<p>5. 60-day timeline to confirm complete applications, alteration or demolition and contents of complete applications</p>	<ul style="list-style-type: none"> • This only applies to individual designations (Part IV); not district properties. • It should result in more useful information being provided by the 	<p>No Comment</p>

Regulatory Proposals	Staff Comment	Feedback
<p>Amendments to the <i>Ontario Heritage Act</i> establish a new timeline of 60 days for the municipality to respond to a property owner about the completeness of their application for alteration of, or demolition or removal affecting, a designated heritage property. It also provides a regulatory authority for the Province to set out minimum requirements for complete applications.</p> <ol style="list-style-type: none"> 1. The name, address, telephone number and, if applicable, the email address of the applicant. 2. The name of the municipality from which consent is being requested. 3. A description of the property that is the subject of the application, including such information as the concession and lot numbers, reference plan and part numbers, and street names and numbers. 4. Photographs that depict the existing buildings, structures and heritage attributes that are affected by the application and their condition and context. 5. A site plan or sketch that illustrates the location of the proposed alteration, demolition or removal. 6. Drawings and written specifications of the proposed alteration, demolition or removal. 7. The reasons for the proposed alteration, demolition or removal and the potential impacts to the heritage attributes of the property. 8. All technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal. 9. An affidavit or a sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is 	<p>applicant (since the application will not be considered complete until all the info is submitted)</p> <ul style="list-style-type: none"> • The province is proposing certain requirements for a complete application which can be supplemented by additional municipal requirements (as long as they are officially approved) 	

Regulatory Proposals	Staff Comment	Feedback
<p>accurate.</p> <p>The purpose of these provincial minimum standards is to ensure transparency so that property owners are aware of what information is required when making an application. The details of what is proposed in regulation reflect current municipal best practices. <u>The proposed regulation also enables municipalities to build on the provincial minimum requirements for complete applications as a way of providing additional flexibility to address specific municipal contexts and practices.</u> Where municipalities choose to add additional requirements, the proposed regulation requires them to use one of the following official instruments: municipal by-law, council resolution or official plan policy.</p> <p>The proposed regulation establishes that the 60-day timeline for determining if the application is complete and <u>has commenced starts when an application is served on the municipality.</u> It further proposes that applications may now be served through a municipality's electronic system, in addition to email, mail or in person.</p>		
<p>6. Prescribed steps following council's consent to a demolition or removal under s. 34.3</p> <p>Amendments to the <i>Ontario Heritage Act</i> provide that</p>	<ul style="list-style-type: none"> • This is only applicable to individually designated properties (Part IV) • Provides direction on what administrative action Council is to take based on the scope and significance of the demolition or removal. Council has to consult with its MHC. 	No Comment

Regulatory Proposals	Staff Comment	Feedback
<p>municipal council consent is required for the demolition or removal of any heritage attributes, in addition to the demolition or removal of a building or structure. This is because removal or demolition of a heritage attribute that is not a building or structure, such as a landscape element that has cultural heritage value, could also impact the cultural heritage value or interest of a property.</p> <p>Prior to the amendments, where council approved a demolition or removal under s. 34, the Act required council to repeal the designation by-law. However, in cases where only certain heritage attributes have been removed or demolished, or where the demolition or removal was of a structure or building that did not have cultural heritage value or interest, the property might still retain cultural heritage value or interest. In these cases, repeal of the by-law would not be appropriate.</p> <p>The proposed regulation provides municipalities with improved flexibility by requiring council to first determine the impact, if any, of the demolition or removal on the cultural heritage value or interest of the property and the corresponding description of heritage attributes. Based on the determination council makes, it is required to take the appropriate administrative action, which ranges from issuing a notice that no changes to the by-law are required, to amending the by-law as appropriate, to repealing the by-law. Council's determination and the required administrative actions that follow are not</p>	<ul style="list-style-type: none"> • Relocation of a designated heritage resource from a property to a new property can use a shorter process and is not appealable. • Will require a second report to Council unless these requirements can be built into the initial report on the demolition or removal 	

Regulatory Proposals	Staff Comment	Feedback
<p>appealable to LPAT.</p> <p>The proposed regulation provides that, where council <u>has agreed to the removal of a building or structure from a designated property to be relocated to a new property, council may follow an abbreviated process for designating the receiving property.</u> The proposed regulation provides a series of administrative steps to support the designation by-law. Council’s determination that the new property has cultural heritage value or interest and the subsequent designation by-law made under this proposed regulation would not be appealable to LPAT.</p>		
<p>7. Information to be provided to LPAT upon an appeal</p> <p>With the exception of decisions made under section 34.3 as described above, <u>all final municipal decisions related to designation, amendment and repeal, as well as alteration of a heritage property under the Act will now be appealable to LPAT, in addition to decisions related to demolition and Heritage Conservation Districts, which were already appealable to LPAT.</u> The decisions of LPAT are binding. Preliminary objections to designation matters will now be made to the municipality, before the final decision is made. Prior to the amendments, appeals of designation-related notices or appeals of alteration decisions were made to the Conservation Review Board,</p>	<ul style="list-style-type: none"> • This provides a list of required information the City has to forward to LPAT in cases of appeal • 15 calendar days is tight 	<p>Consider making the timeframe for submission of materials the same as under the Planning Act (20 days)</p>

Regulatory Proposals	Staff Comment	Feedback
<p>whose decisions were not binding.</p> <p>A regulatory authority was added to ensure <u>that appropriate information and materials related to designations, alteration and demolition decisions are forwarded to the LPAT</u> to inform appeals. The proposed regulation outlines which materials and information must be forwarded for every LPAT appeal process in the Act by the clerk <u>within 15 calendar days of the municipality's</u></p>		
<p>8. Housekeeping amendments</p> <p>Amendments to the Act included regulatory authority to address a few housekeeping matters through regulation. Previously, where a municipality proposed <u>to make substantial amendments to an existing designation by-law it stated that the designation process in section 29 applied with necessary modifications. The proposed regulation clearly sets out the modified process, including revised language that is more appropriate for an amending by-law.</u></p> <p>The proposed regulation also makes it clear that there is <u>no 90-day restriction on issuing a notice of proposed amendment to a by-law and provides that council has 365 days from issuing the notice of proposed amendment to pass the final amending by-law and that this timeframe</u></p>	<ul style="list-style-type: none"> • None 	No Comment

Regulatory Proposals	Staff Comment	Feedback
<p><u>can only be extended through mutual agreement.</u></p> <p>The proposed regulation also outlines restrictions on a property owner’s ability to reapply for repeal of a designation by-law where the application was unsuccessful, unless council consents otherwise. <u>The one-year restriction on an owner’s reapplication maintains what had been included in the Act prior to the amendments.</u></p>		
<p>9. Transition</p> <p>Section 71 of the <i>Ontario Heritage Act</i> establishes a regulation-making authority for transitional matters to facilitate the implementation of the amendments, including to deal with any problems or issues arising as a result of amendments. The proposed transition rules provide clarity on matters that are already in progress at the time the amendments come into force.</p> <p><u>General Transition Rule</u></p> <p>All processes that commenced on a date prior to proclamation would follow the process and requirements set out in the Act as it read the day before proclamation. The proposed regulation sets out the specific triggers for determining if a process had commenced.</p>	<ul style="list-style-type: none"> • A NOID passed before proclamation of these changes would have 365 days to pass the by-law • Appropriate that the 90 day restriction on issuing a NOID does not apply until the identified planning application is declared ‘complete’. 	No comment

Regulatory Proposals	Staff Comment	Feedback
<p><u>Exceptions</u></p> <p>Outstanding notices of intention to designate</p> <p>Where council has published a notice of intention to designate but has not yet withdrawn the notice or passed the by-law at the time of proclamation, the municipality will have 365 days from proclamation to pass the by-law, otherwise the notice will be deemed withdrawn. Where a notice of intention to designate has been referred to the Conservation Review Board, the 365 days would be paused until the Board either issues its report or until the objection has been withdrawn, whichever occurs earlier.</p> <p><u>90-Day restriction on issuing a NOID</u></p> <p>The 90-day restriction on council's ability to issue a NOID would only apply <u>where all notices of complete application have been issued by the municipality in relation to a prescribed Planning Act application, on or after proclamation.</u></p>		



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: October 14, 2020

SUBJECT: Request for Feedback
Streetscape Furniture – Main Street Unionville
Unionville Heritage Conservation District

Project: Investigation of Appropriate Bistro Style Furniture for Public Area(s) on Main Street Unionville

Background:

- Request from Operations Staff for Heritage Section staff feedback. Staff indicated that it would also welcome any feedback from Heritage Markham prior to submission of a future Heritage Permit application.
- The purpose is to clarify what would be acceptable heritage appropriate furniture for the Main St Unionville area in terms of a bistro type set. It has been requested to have bistro type tables and chairs available on the newly improved stair area, among others, in the Unionville Heritage Conservation District.
- Operations staff have provided some options for review – see attached.

Status/ Staff Comment

- The Unionville Heritage Conservation District plan provides the following direction:
- Section 3.0- Principles –
 - 3.1 Overall Goal – “...to guide change so that it contributes to and does not detract from, the District’s architectural, historical and contextual character.
 - 3.3.3 Landscape /Streetscape – to introduce landscape, streetscape and infrastructure improvements that will enhance the heritage character of the District.
- Section 5.4 Street Furniture and Pedestrian Amenities
 - Intro text- Some street furniture was introduced into the core in 1985 as part of a beautification program and the objective should be to build upon the rural themed, street furniture already in place (staff comment- this furniture does not exist anymore)

- Policy 5.4 b)- New street furniture and pedestrian amenities should be coordinated in terms of design with the existing materials located in the commercial core area of Main Street.
- The only street furniture currently on the street in the public realm are the black metal benches- see below and the green benches at the bandstand area



- The challenge is that while we have an approved heritage bench this style is not available in table and chair sets.
- Of the options presented, Heritage Section staff considers Option 2 (in black) as the most complementary from a heritage perspective

Suggested Recommendation for Heritage Markham

That Heritage Markham Committee provide feedback on the options for bistro tables and chairs

File:Q:\Development\Heritage\SUBJECT\Unionville Streetscape\HM Oct 2020 street furniture options.doc

Furniture for Unionville Heritage Conservation District

Purpose: to clarify what would be acceptable heritage approved furniture for the Main St Unionville area in terms of a bistro type set. It has been requested to have bistro type tables and chairs available on the newly improved stair area, among others, in the Unionville Heritage Conservation District.

Option 1



CAMINO SERIES - ARM CHAIR - BLACK WEAVE INSERT

CM320N

This Camino Series arm chair is stackable and utilizes a polyethylene seat and back panel (black color only). Choose any of our AAMA 2604-05 compliant powder-coatings for the framework color.



Option 2



Parc Centre Table

The Parc Centre chair is a clever riff on the Parisian outdoor standard, offering comfort with a pleasing bounce. Parc Centre chairs, tables, lounge and ottoman comfortably support social activities in formal and informal settings alike. Steel construction coupled with economy of form make them nimble enough to move around and heavy enough to hold their ground. Sled bases are stable on grass, gravel or hard surfaces. Seats have a pleasing bounce. Chairs, lounges and ottomans stack.

- The frame of Parc Centre is formed of heavy steel wire.
- Powdercoated seating is offered armless, or with arms, is lightweight and stacks horizontally.
- The seat and back panels are constructed of welded steel straps.
- Stacking bumper/glides are made of tough nylon to resist damage from dragging on rough surfaces.



Table



Parc Centre
designed by
John Rizzi.

About John Rizzi

Parc Centre chairs, tables, lounge and ottoman comfortably support social activities in formal and informal settings alike. Steel construction coupled with economy of form make them nimble enough to move around and heavy enough to hold their ground. Park Centre table's round and square shapes expand the options for versatile social settings. Its sleek top reads like a fine line but provides the strength and durability of solid steel. Leveling glides on the steel plate base make it stable on varied surfaces.

Option 3



CAT-050 is constructed with steel.

Steel components are electrocoated with anti-corrosion treatment, and finished with powder coating electrostatically.

-
- Table Top Size: 35.5" Dia. (90.2cm Dia.)
 - Bench Size: 23" (58.4cm)
 - ADA Compliant
 - Galvanized Steel Construction
 - Framing is H.S. Steel Tube / Flatbar
 - Number of Seats: 4

CAT-050 is a metal picnic table set with a perforated surface to avoid precipitation accumulation. Great use for restaurant patio or temporary outdoor patio. Heavyweight and low maintenance, easy assembly and no mounting required.

Galvanized steel frame is shielded with powder coat finish to prevent rust and weather elements. Bench and table corners are beveled for safety. Mounting tabs allow anchoring to the ground for stability and security. Table

Option 4



A composite set that is available in black for a reasonable price. The composite material is fairly heavy and sturdy so that the City would not have to worry about theft as much as the smaller metal ones at double the cost.