



Heritage Markham Committee Agenda

January 13, 2021, 7:15 PM

Electronic Meeting

The First Heritage Markham Committee Meeting of
The Corporation of The City of Markham in the year 2021.

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

Recommendation:

That the January 13, 2021 Heritage Markham Committee agenda be approved.

3.2. MINUTES OF THE DECEMBER 9, 2020 HERITAGE MARKHAM COMMITTEE MEETING (16.11)

9

See attached material.

Recommendation:

That the minutes of the Heritage Markham Committee meeting held on
December 9, 2020 be received and adopted.

3.3. TERM EXPIRATION DATES (16.11)

22

Extracts:

R. Hutcheson, Manager, Heritage Planning

L. Gold, Council/Committee Coordinator, Legislative Services &
Communications

See attached memorandum.

Recommendation:

That the attached memorandum be received by Heritage Markham Committee as information.

3.4. HERITAGE MARKHAM ELECTION AND APPOINTMENTS (16.11)

25

1) ELECTION OF CHAIR AND VICE-CHAIR

2) SUB-COMMITTEES OF HERITAGE MARKHAM

3) HERITAGE MARKHAM REPRESENTATIVE- OTHER COMMITTEES

Extracts: R. Hutcheson, Manager, Heritage Planning

See attached memorandum.

Recommendation:

THAT the matter of electing a Chair and Vice Chair for 2021 be deferred until Council approves a new Terms of Reference for Heritage Markham:

THAT the following members comprise the Architectural Review Sub-Committee ____ effective January 14, 2021;

THAT _____ and _____ are the Heritage Markham representatives on the Heritage Building Evaluation Sub-Committee effective January 14, 2021;

THAT _____ are the Heritage Markham representatives on the Doors Open Committee effective January 14, 2021;

THAT _____ is the Heritage Markham representative on the Historic Unionville Community Vision Committee effective January 14, 2021.

4. PART TWO - DEPUTATIONS

4.1. ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION APPLICATIONS

28

10537 KENNEDY ROAD (FORMERLY 10539 KENNEDY ROAD)

ARTHUR WEGG HOUSE (16.11)

FILE NUMBER:

20 129597

Kennedy MM. Markham Ltd.

Extracts:

R. Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

A. Crompton, Planner II, Planning and Urban Design Department

See attached staff memorandum and material.

Recommendation:

That Heritage Markham supports the revised option proposed for the Arthur Wegg House which includes retaining the heritage resource near its original site (corner of Kennedy Road and future Street F), but on a new foundation and at the proposed grade of the adjacent subdivision lands;

That the City's standard heritage requirements be conditions of draft approval for the plan of subdivision and/or included in the Subdivision Agreement;

And that the applicant secure and protect the building from damage through the requirements outlined in the City of Markham's Property Standards By-law (Part III – Heritage Buildings), and the Keep Markham Beautiful (Maintenance) By-law including Section 8 – Vacant Heritage Property, and erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building is to be preserved onsite and should not be vandalized and/or scavenged.

5. PART THREE - CONSENT

5.1. HERITAGE PERMIT APPLICATIONS

36

DELEGATED APPROVAL

HERITAGE PERMITS APPROVED BY HERITAGE SECTION STAFF

16 JOHN STREET, THCD

1 CHURCH LANE, THCD

33 DICKSON HILL ROAD, MVHCD (16.11)

FILE NUMBERS:

- HE 20 135175
- HE 20 134735
- HE 21 102639

Extracts:

R.Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

See attached staff 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 APPLICATIONS

37

DELEGATED APPROVAL**PERMITS APPROVED BY HERITAGE SECTION STAFF****5990 16TH AVENUE, MARKHAM VILLAGE****10536 MCCOWAN ROAD****40 ALBERT STREET, MARKHAM VILLAGE (16.11)****FILE NUMBERS:**

- AL 20 135157
- DP 20 110958
- HP 20 1141437

Extracts:

R.Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

See attached staff memorandum.

Recommendation:

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

5.3. OFFICIAL PLAN AMENDMENT, ZONING AMENDMENT, PLAN OF SUBDIVISION, PLAN OF CONDOMINIUM AND SITE PLAN CONTROL APPLICATIONS

38

9064-9110 WOODBINE AVE.**BUTTONVILLE HERITAGE CONSERVATION DISTRICT (16.11)****FILE NUMBERS:**

- OP 17 153653
- ZA 17 153653
- SU 17 153653
- CU 17 153653
- SC 17 153653

Extracts:

R.Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

R. Cefaratti, Senior Planner, Planning & Urban Design

See attached staff memorandum and material.

Recommendation:

That Heritage Markham has no objection to the Part IV designation By-law for the Buttonville Mill House being removed from the 1.64m deep parcel of land that is to be conveyed to the Region of York for road widening purposes.

5.4. SITE PLAN CONTROL APPLICATION

44

4592 AND 4600 HWY 7 E. UNIONVILLE

THE BEWELL BUNGALOW (16.11)**FILE NUMBERS:**

- SPC 20 107969
- A/143/20

Extracts:

R.Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

D. Pragratis, Senior Planner, Planning & Urban Design

J. Leung, Secretary, Committee of Adjustment, Planning & Urban Design

See attached staff memorandum and material.

Recommendation:

That Heritage Markham has no objection to the requested variances in application A/143/20 from a heritage perspective;

That Heritage Markham supports waiving the fee for the parking variance application as per the City's Fee By-law (Table 6, section 1.6) , because the scope of the variance for the number of parking spaces would be reduced if Heritage Markham had not recommended that the Bewell Bungalow be incorporated into the redevelopment of 4592 and 4600 Hwy. 7 E.;

And that Heritage Markham recommends that designation of the Bewell Bungalow under Part IV of the Ontario Heritage Act and entering into a Heritage Conservation Easement Agreement with the City be a condition of approval of the variance application should the Committee of Adjustment approve application A/143/20.

6. PART FOUR - REGULAR**6.1. SITE PLAN CONTROL APPLICATION**

52

ZONING BY-LAW AMENDMENT AND SITE PLAN CONTROL APPLICATION

5560 14TH AVE.

THE MCCAULEY-COOPERTHWAITHE HOUSE (16.11)**FILE NUMBERS:**

- SPC 20 116893
- ZA 116893

Extracts:

R.Hutcheson, Manager, Heritage Planning

See attached memorandum and material.

Recommendation:

THAT Heritage Markham appreciates the applicant's proposal and efforts to

incorporate the McCauley-Cooperthwaite House into the proposed redevelopment of the property on its' original foundation;

THAT Heritage Markham has no objection from a heritage perspective to the architectural design of the proposed new two storey warehouse building;

THAT Heritage Markham does not object to the planned conversion of the McCauley House to a warehouse use, provided that the exterior the building is restored to its original appearance including the street facing veranda as shown in the attached archival photograph;

THAT Heritage Markham suggests that more space be provided around the McCauley-Cooperthwaite House to permit for a future expansion or addition to the house to make it more versatile for any other future use and to introduce landscaping, including large species historic tree varieties to beautify the property and complement the heritage building;

THAT the applicant revise the site plan application elevations to reflect the restoration of the McCauley-Cooperthwaite House as shown in the attached archival photograph;

THAT the applicant enter into a Site Plan Agreement including standard conditions regarding materials, colours windows, verandas, etc. as well as the requirement to designate the McCauley-Cooperthwaite House under Part IV of the Ontario Heritage Act, to enter into a Heritage Conservation Easement Agreement with the City, and to install a Markham Remembered Plaque at their own cost in a prominent location which would be reviewed and approved by the City (Heritage Section);

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

6.2. SITE PLAN CONTROL APPLICATION AND MINOR VARIANCE APPLICATION

65

RESIDENTIAL ADDITION

50 GEORGE STREET

MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT (16.11)

FILE NUMBERS:

- SPC 20 134828
- A/130/20

Extracts:

R.Hutcheson, Manager, Heritage Planning

Francois Hemon-Morneau, Development Technician

See attached memorandum and material.

Recommendation:

THAT Heritage Markham has no objection from a heritage perspective to the requested variances for a maximum building depth of 18.5 m and a maximum net floor area ratio of 45.3%;

THAT Heritage Markham has no objection from a heritage perspective to the design of the proposed addition and remodelling of the existing dwelling subject to minor architectural changes to be addressed by Heritage Section staff and the preservation of the Honey Locust identified as (Tree #3) and delegates final review of the Site Plan application to Heritage Section Staff;

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

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 2021
- b) Heritage Week, February 2021
- c) Unionville Heritage Conservation District Plan Amendments/ Update
- d) Unionville Heritage Centre Secondary Plan
- e) Unionville Core Area Streetscape Master Plan (2021)
- 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. **REQUEST FOR FEEDBACK**

74

DRAFT HERITAGE MARKHAM TERMS OF REFERENCE AND BY-LAW (16.11)

Extracts:

R.Hutcheson, Manager, Heritage Planning

See attached memorandum and material.

Recommendation:

That Heritage Markham Committee supports the proposed Heritage Markham Terms of Reference and By-law (January 2021 draft).

8. **PART SIX - NEW BUSINESS**

9. ADJOURNMENT



Heritage Markham Committee Minutes

Meeting Number: 11
December 9, 2020, 7:15 PM
Canada Room

Members	Councillor Keith Irish	Evelin Ellison
	Councillor Karen Rea	Ken Davis
	Councillor Reid McAlpine	Doug Denby
	Graham Dewar	Shan Goel
	Paul Tiefenbach	Anthony Farr
Regrets	David Nesbitt	
Staff	Laura Gold, Council/Committee Coordinator	
	Peter Wokral, Senior Heritage Planner	
	Grace Lombardi, Election & Committee Coordinator	
	Regan Hutcheson, Manager, Heritage Planning	

1. CALL TO ORDER

Graham Dewar, Chair, convened the meeting at 7:16 PM by asking for any disclosures of interest with respect to items on the agenda.

2. DISCLOSURE OF PECUNIARY INTEREST

There was no disclosure of pecuniary interest.

3. PART ONE - ADMINISTRATION

3.1 APPROVAL OF AGENDA (16.11)

A. Addendum Agenda

A Member requested that the Heritage Markham Agenda be circulated one week prior to the meeting. Regan Hutcheson, Manager of Heritage Planning will discuss this request with the Clerk's Department, and report back at the next meeting.

Recommendation:

That the December 9, 2020 Heritage Markham Committee agenda and correspondence package be approved.

Carried

3.2 MINUTES OF THE NOVEMBER 11, 2020 HERITAGE MARKHAM COMMITTEE MEETING (16.11)

Recommendation:

That the minutes of the Heritage Markham Committee meeting held November 11, 2020, be received and adopted.

Carried

3.3 JASON McCAULEY

On behalf of the Committee, Graham Dewar, Chair acknowledged Jason McCauley's contributions to the work of Heritage Markham and previously to the Main Street Markham Committee, and extended his condolences to his family.

Recommendation:

That the Heritage Markham Committee extends its condolences to the family of Jason McCauley, and acknowledges his dedicated volunteer commitment in serving the Markham community and his expertise and knowledge in helping to protect and preserve Markham's cultural heritage resources.

Carried

3.4 WRITTEN SUBMISSIONS

Committee received the written submissions regarding items on the December 9, 2020 Heritage Markham Committee Agenda.

Recommendation

1. That the written submission from Rob Clarry regarding item No. 4.1 – Demolition Permit Application, 12 Imperial College Lane (formerly 9900 Markham Road) William Clarry House, Sunny Developments be received; and,
2. That the written submissions from Peter Kwantes, Valerie and David Burke, Mark Noskiewicz (Goodmans LLP), Rob Armstrong (Ward One (South) Thornhill Residents Inc), Alena Gotz (Aileen-Willowbrook Residents Association), and Pam Birrell (SPOHT)

regarding item No. 6.1 – Official Plan and Zoning By-Law Amendment Applications, Proposed High Density Mixed Use Development 7750 Bayview Avenue Limited Partnership C/O Liberty Development Corporation, McCullagh Estate/Shouldice Hospital, 7750 Bayview Avenue, be received, and;

3. That the written submission from James Koutsovitiss, Gatzios Planning & Development Consultants Inc., regarding item No. 6.2 – Zoning By-Law Amendment and Plan of Subdivision Applications, be received;
4. That the written submissions from Valerie and Dave Burke, Diane Berwick, Rob Armstrong, Joan Honsberger, and Pam Birrell (SPOHT) regarding item No. 6.4 – Heritage Permit Application, Proposed New Black Chain Link Fence and Gates, Thornhill Cemetery, 1 Church Lane, Thornhill Heritage Conservation District, be received.
5. That the written submissions from Rob Armstrong (Ward One (South) Thornhill Residents Inc), Valerie and Dave Burke, and Pam Birrell (SPOHT) regarding item 6.5 - Committee of Adjustment Consent and Variance Applications, 159 John Street, Thornhill Conservation District, be received.

Carried

4. PART TWO - DEPUTATIONS

4.1 DEMOLITION PERMIT APPLICATION

12 IMPERIAL COLLEGE LANE (FORMERLY 9900 MARKHAM ROAD)

WILLIAM CLARRY HOUSE

SUNNY DEVELOPMENTS (16.11)

FILE NUMBER: N/A

Extracts: R. Hutcheson, Manager, Heritage Planning

Regan Hutcheson, Manager of Heritage Planning presented the staff memorandum on the Demolition Permit Application for 12 Imperial College Lane (Formerly 9900 Markham Road), William Clarry House, Sunny Developments. The Applicant has proposed to make a financial contribution to the Heritage Preservation Fund rather than restoring the heritage home due to the poor condition of the house. In addition, the property owner is proposing to use the lot intended for the heritage dwelling as a parkette. Staff has also suggested the installation of a historical interpretive plaque to celebrate the William Clarry House in a publicly visible location.

Rob Clarry submitted a written submission indicating his family's disappointment that the William Clarry House is not being restored, and that a historical interpretive plaque does not recognize the significance of the Clarry family to Markham's history.

In response to inquiries from the Committee, Christopher O'Hanlon, Applicant advised that he purchased the house in December 2019 with the knowledge the house was not in good condition, but was not aware of the extent of the structural damage to the property. The house in its current condition is almost impossible to restore, and creates an unsafe construction environment. Instead of restoring the house, a contribution to the Heritage Preservation Fund is being proposed. The City can use these funds towards the restoration of another heritage property that is in better condition.

The Committee provided the following feedback on the demolition request for 12 Imperial College Lane (formerly 9900 Markham Road):

- Appears the property has been abandoned by previous owners for some period of time;
- Noted that Staff did not agree with everything in the 2016 Engineering Report, including that the house presented imminent danger;
- Noted the historical significance of the Clarry family to development of the business community in Markham;
- Suggested that the compensation for the heritage house should be higher, as it is less than the Letter of Credit and substantially less than the amount it would have taken to restore the building;
- Asked if a replica of the house could be built on the property;
- Suggested that the property owner consider restoring the heritage house on City property near the museum property instead of the William Clarry House;
- Suggested that the property owner negotiate the compensation for the William Clarry House with staff;
- Concerned that heritage properties are being demolished due to neglect.

Recommendation:

That due to lack of maintenance and vandalism over many years which has resulted in demolition by neglect, Heritage Markham Committee reluctantly recommends that Council support the demolition of the William Clarry House subject to the owner providing the following:

- Compensation to be provided to the City's Heritage Preservation Account (087 2800 115) so that the financial contribution can be used on other municipal heritage projects in the community **with the amount to be determined through negotiations with staff;**
- Provision and installation of an historical interpretative plaque to celebrate the William Clarry House, to be placed in a publicly visible location on the original property, and designed according to the specifications of the "Markham Remembered" program.
- The lot intended for the heritage dwelling within the subdivision be designed as a parkette, to the City's specifications, with a public easement over the site if acceptable to the City.

Carried**5. PART THREE – CONSENT****5.1 HERITAGE PERMIT APPLICATIONS****DELEGATED APPROVAL****HERITAGE PERMITS APPROVED BY HERITAGE SECTION STAFF****15 CHURCH STREET, THCD****12 GEORGE STREET, MVHCD****11 PRINCESS STREET, MVHCD (16.11)****FILE NUMBERS:**

- HE 20 132035
- HE 20 132595
- HE 20 133940

Extracts:

R.Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

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****DELEGATED APPROVAL****PERMITS APPROVED BY HERITAGE SECTION STAFF****195 MAIN STREET NORTH, MARKHAM VILLAGE****142 MAIN STREET, UNIONVILLE (16.11)****FILE NUMBERS:**

- SP 20 128396
- SP 20 130711

Extracts:

R.Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

Recommendation:

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

Carried

6. PART FOUR - REGULAR

6.1 OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATIONS

PROPOSED HIGH DENSITY MIXED USE DEVELOPMENT

7750 BAYVIEW AVENUE LIMITED PARTNERSHIP C/O LIBERTY

DEVELOPMENT CORPORATION

MCCULLAGH ESTATE /SHOULDICE HOSPITAL

7750 BAYVIEW AVENUE (16.11)

FILE NUMBER:

20 126269

Extracts:

R.Hutcheson, Manager, Heritage Planning

Rick Cefaratti, Senior Planner

Regan Hutcheson, Manager of Heritage Planning advised that the Applicant has requested that the Official Plan and Zoning By-Law Amendment Applications for the proposed high density mixed use development on 7750 Bayview Avenue (Mccullagh Estate/Shouldice Hospital) be deferred until February 2021.

Committee agreed to defer the item to the February 2021 Heritage Markham Committee meeting.

Written submissions regarding this item were received from Peter Kwantes, Valerie and David Burke, Mark Noskiewicz (Goodmans LLP), Rob Armstrong (Ward One (South) Thornhill Residents Inc), Alena Gotz (Aileen-Willowbrook Residents Association), and Pam Birrell (SPOHT).

Regan Hutcheson advised that the following will be provided to the Applicant: 1) the written submissions received in regards to this application; 2) the meeting Extract from tonight's Heritage Markham Committee meeting; and 3) the Committee's comment regarding keeping the heritage buildings heated to protect them against further deterioration.

Laura Gold, Committee Clerk advised that the deputants could provide their deputation as the item is listed on the agenda, but recommended that they wait until the item is brought back to the Committee in February.

The deputants agreed to present their deputations at the February 2021 Heritage Markham Committee meeting, but provided the following feedback:

1. Barry Nelson, resident recommended that both the Applicant and Committee look at a 1992 report prepared by Dr. Poulton & Associates for the City of Richmond Hill on the archeological significance of the Yonge and Highway 7 area. The report provides an opportunity to look at the area's cultural heritage.
2. Aleena Gotz, Aileen Willowbrook Residents Association advised that she will speak to the item at the February Heritage Markham Committee meeting when the item is discussed, but briefly spoke about how the development is not appropriate for the area.
3. Roman Komarov, supported Alena Gotz comments and will speak to the item at the February Heritage Markham Committee meeting.

Reccomendation

That the Official Plan and Zoning By-Law Amendment Applications for a proposed high density mixed use development located at 7750 Bayview Avenue (McCullagh Estate /Shouldice Hospital) by Limited Partnership C/O Liberty Development Corporation, File No. 20 126269 be deferred until February 2021.

Carried

6.2 ZONING BY-LAW AMENDMENT AND PLAN OF SUBDIVISION APPLICATIONS

HERITAGE HOUSE

ARTHUR WEGG HOUSE

10537 KENNEDY ROAD, (FORMERLY 10539 KENNEDY ROAD) (16.11)

FILE NUMBER:

PLAN 20 129597

Extracts:

R.Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

A. Crompton, Senior Planner

Peter Wokral, Senior Heritage Planner advised that the Applicant and the Planning Consultant have requested that this item be deferred to permit for more discussion on how to address the heritage home on the property.

A written submission from James Koutsovitis, Gatzios Planning & Development Consultants was received regarding this Zoning By-Law Amendment and Plan of Subdivision Application.

Committee agreed to defer the item.

Recommendation:

That the Zoning By-Law Amendment and Plan of Subdivision Applications for the Arthur Wegg House located on 10537 Kennedy Road (formerly 10539 Kennedy Road) File No. Plan 20 129597 be deferred to January 2021.

Carried

6.3 SITE PLAN CONTROL AND COMMITTEE OF ADJUSTMENT VARIANCE APPLICATION

VARIANCES IN SUPPORT OF A PROPOSED NEW DETACHED GARAGE 24 CHURCH STREET

MARKHAM VILLAGE HERITAGE CONSERVATION DISTRICT (16.11)

FILE NUMBERS:

- SC 20 132565
- A/120/20

Extracts:

R.Hutcheson, Manager, Heritage Planning

J. Leung, Secretary, Committee of Adjustment, Planning & Urban Design

M. Leung, Planning Technician

Melissa Leung, Planning Technician presented the Staff Memorandum regarding the Site Plan Control and Committee of Adjustment Variance Application – variances are in support of a new detached garage at 24 Church Street in the Markham Village Heritage Conservation District.

Shane Gregory, Consultant, representing the property owner provided background information on the project, and advised that the detached garage is proposed to be located on the existing concrete parking pad with a small workshop extension.

Committee provided the following feedback relative to the Site Control and Committee of Adjustment Variance Application for 24 Church Street:

- Questioned if the net floor area includes the third floor of the house, as this may change the size of the garage permitted;
- Requested that the hard landscaping adjacent to the driveway be removed to permit for drainage;

In response to inquiries from the public, Shane Gregory advised that permission was obtained from the City to install the planters on the property. The area near the planters are being used as an outdoor space rather than as a driveway. The owner currently parks their cars on the concrete parking pad. The lot has no grading issues. The inclusion of the third floor of the property in the net floor area will be discussed with City Staff.

Mr. Gregory also indicated that he saw no reason why the proposed projecting workshop could not be shifted to the south to move it farther away from the trees on the northern property line as recommended by staff.

Recommendation:

That Heritage Markham has no objection from a heritage perspective to the requested variances to permit a maximum net floor area of 49.50% and a maximum height of 4.05 m for the proposed new detached garage at 24 Church Street;

That Heritage Markham has no objection to the design of the proposed garage subject to the standard heritage requirements being included in the Site Plan Agreement, provided that the workshop area be shifted to the south further away from the trees on the property line;

And that Heritage Markham recommends that **hard landscaping be removed** to maintain a 2.33 m setback for the paved driveway from the adjacent property line.

Carried

6.4 HERITAGE PERMIT APPLICATION

PROPOSED NEW BLACK CHAIN LINK FENCE AND GATES THORNHILL CEMETERY

1 CHURCH LANE, THORNHILL HERITAGE CONSERVATION DISTRICT (16.11)

FILE NUMBER:

HE 20 134735

Extracts:

R.Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

D. McDermid, Operations

Peter Wokral, Senior Heritage Planner advised that this Heritage Permit Application has been submitted by the City's Operation Department to replace the existing galvanized chain link fence that encloses the Thornhill Cemetery along John Street, Summer Lane, and Charles lane with a black chain link fence.

Written submissions from Valerie and Dave Burke, Diane Berwick, Rob Armstrong, Joan Honsberger, and Pam Birrell, SPOHT were received regarding this Heritage Permit Application.

Barry Nelson, deputant noted that the cost of replacing the chain link fence with a wrought iron fence is not justifiable at this time given the social costs society is currently facing. The City could look at replacing the fence with a wrought iron fence in the future.

Committee provided the following feedback on proposed replacement of the chain link fence at the Thornhill Cemetery:

- Consider deferring the replacement of the fence until the City has more funds to replace it with a wrought iron fence;
- Consider replacing only the John Street section of the fence with a wrought iron fence;
- Consider replacing the fence in sections so that it can be replaced overtime with a wrought iron fence;
- Support replacing the fence with a black chain link fence due the high cost of replacing it with a wrought iron fence.

In response to inquires from the Committee, Morgan Jones, Director of Operations advised that the City's Asset Management Plan only replaces assets with like for like, and that the City only has budget to replace the fence with another chain link fence. It would cost the City substantially more to replace the fence with a wrought iron fence (\$28K versus \$206K). The life cycle of a chain-link fence is 35 years, and the lifecycle of a wrought iron fence is 75-80 years. The fence cannot be replaced in sections. The project could be deferred, but the City's financial situation is not likely to change for several years. The cost of replacing the fence with a wrought iron fence is equivalent to approximately a 0.25% tax rate increase for every household in Markham.

Recommendation:

That Heritage Markham has no objection to the replacement of the existing galvanized metal chain link fencing and gates of the Thornhill Cemetery with new black, vinyl coated, 4 foot high chain link fencing and gates.

Carried

6.5 COMMITTEE OF ADJUSTMENT CONSENT AND VARIANCE APPLICATIONS

159 JOHN STREET

THORNHILL HERITAGE CONSERVATION DISTRICT (16.11)

FILE NUMBERS:

B/015/20

A/098/20

A/099/20

Extracts:

R.Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

J. Leung, Committee of Adjustment

Peter Workral, Senior Heritage Planner presented the staff memorandum on the Committee of Adjustment Consent and Variance Applications for 159 John Street, Thornhill Heritage Conservation District. The Consent Application is to sever the existing lot to create a new building fronting John Street. The proposed variances are to support a proposed retained lot, and new building.

Written submissions from Rob Armstrong (Ward One (South) Thornhill Residents Inc), Valerie and Dave Burke, and Pam Birrell (SPOHT) were received regarding the Committee of Adjustment Consent and Variance Applications, 159 John Street.

J. Kotsopoulos, Planning Consultant representing the Applicant advised that the proposed dwelling is of a similar size to other dwellings in the community, and that there will still be considerable separation from the neighbouring properties. The project will require three trees to be removed from the property. He recommended the applications be supported.

Joe Battaglia, Battaglia Architect Inc., Applicant spoke about the complementary design of the proposed house and requested support.

Barry Nelson, made a deputation in support of the staff recommendation.

Recommendation:

That Heritage Markham does not support the consent (B/015/20) and related variance applications (A/098/20) and (A/099/20) for 159 John Street from a heritage perspective for the following reasons:

- Both the proposed new lot and retained lot are deficient in terms of the minimum lot area required by the By-law;

- The proposed new dwelling would block historic views to and from the existing Class A building and John Street, and undermines the heritage significance and value of the existing dwelling;
- The relationship of the proposed new house does not respect the architectural orientation of the existing Class A heritage dwelling and creates an undesirable situation where the front of the existing house from an architectural perspective, looks into the rear yard of the proposed new dwelling;
- The proposed new dwelling and driveway for the retained house would necessitate the removal of existing mature vegetation that contributes to the historic character of the neighbourhood;
- The proposed new smaller lots would further reduce the varied lot sizes of the district which helps create the historic character of old Thornhill that distinguishes the Heritage District from more modern developments with unvarying uniform lot sizes.

Carried

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

7.1 INFORMATION

APPLICATION PROCESSING - CULTURAL HERITAGE RESOURCES

Extracts: R.Hutcheson, Manager, Heritage Planning

Regan Hutcheson, Manager of Heritage Planning presented the process staff undertake to review applications involving cultural heritage resources, and how they decide which items are approved using staff delegated authority permissions from Council and which ones are brought forward to the Heritage Markham Committee as a consent or regular agenda item.

Recommendation:

That Heritage Markham receive the presentation on application processing of cultural heritage resource properties as information.

Carried

8. PART SIX - NEW BUSINESS

Committee briefly discussed the need to increase the enforcement of heritage properties to ensure they do not deteriorate to the point where they need to be demolished. A dedicated by-law officer may be required to improve the enforcement of the Heritage Easement Agreements and/or heritage property standards. Similarly, actions need to be taken to encourage property owners to maintain their heritage properties. Members noted that the City should be more proactive rather

than reactive in protecting cultural heritage resources. The Committee agreed to work on a motion in this regard and bring it back to the next meeting.

Staff advised that by-law officers have the discretion to decide, which elements of the property standards by-law they believe are appropriate to enforce given site conditions and other considerations.

Committee thanked staff for their hard work in preparing the documentation that supports the Heritage Markham Committee meetings, and wished everyone a Happy Holidays.

9. ADJOURNMENT

The Heritage Markham Committee adjourned at 10:00 PM.



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: January 13, 2021

SUBJECT: Term Expiration Dates
Heritage Markham Committee

Each member of Heritage Markham Committee is appointed by Council for a specific term. Term expiry dates are attached.

Four members have completed their current term and due to a recent death, there is one additional vacancy on the committee. Members who have completed their term are requested to remain on the committee until Council appoints a new representative.

Usually a member can only serve for two terms and is required to take a break. However, according to the City's Board and Committee Appointment Policy, it is possible to remain on a committee for more than two terms:

- 3.3 **Members** will not be appointed for more than two (2) consecutive terms on the same **Board or Committee**. Notwithstanding the foregoing, **Council** may reappoint a **Member** beyond two (2) consecutive terms if deemed necessary by Council to maintain continuity and to achieve balance between new and experienced **Members**

See Summary of Service Chart (Attachment A)

See list of members by Geographic Area and when their terms expire (below)

Unionville Representation

Doug Denby

David Nesbitt – **term expired**

Lake Trevelyan

Thornhill Representation

Evelin Ellison – **term expired**

Anthony Farr – **term expired**

Paul Tiefenbach

Markham Village Representation

Graham Dewar (Chair) – **term expired**

Shan Goel

Vacant

Other/Rural Representation

Ken Davis (V. Chair)

Council Representation

Councillor Keith Irish (Ward 1)

Councillor Reid McAlpine (Ward 3)

Councillor Karen Rea (Ward 4)

Term Expiry Dates

November 30 2020

Graham Dewar (Chair)

30/11/20 (**Markham**)

David Nesbitt

30/11/20 (**Unionville**)

Anthony Farr

30/11/20 (**Thornhill**)

Evelin Ellison

30/11/20 (**Thornhill**)

November 30, 2021

Doug Denby

30/11/21 (**Unionville**)

November 30, 2022

Paul Tiefenbach

30/11/22 (**Thornhill**)

Shan Goel

30/11/22 (**Markham**)

November 30, 2023

Lake Trevelyan

30/11/23 (**Unionville**)

Ken Davis

30/11/23 (**Rural**)

Vacant

30/11/23 (**Markham**)

Suggested Recommendation for Heritage Markham

That Heritage Markham Committee receive as information.

Additional Information

Attachment A

Summary of Service

Name	Date of Service	Years to Date
David Nesbitt	Sept 2011 to Nov 2015	4
	Nov 2015 to Nov 2018	3
	Nov 2018 to Nov 2020	2
		Total 9
Evelin Ellison	2004 to 2006	3
	July 2015 to Nov 2018	3.5
	Nov 2018 to Nov 2020	2
		Total 8.5 (5.5 recently)
Graham Dewar	Feb 2014 to Nov 2016	3
	Nov 2016 to Nov 2020	4
		Total 7
Tony Farr	Feb 2014 to Nov 2016	3
	Nov 2016 to Nov 2020	4
		Total 7
Ken Davis	Mar 2016 to Nov 2019	4
	Nov 2019 to Nov 2023	1
		Total 5
Doug Denby	July 2019 to Nov 2021	1.5
Shan Goel	July 2019 to Nov 2022	1.5
Paul Tiefenbach	July 2019 to Nov 2022	1.5
Lake Trevelyan	Aug 2020 to Nov 2023	0.5

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MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager - Heritage Planning

DATE: January 13, 2021

SUBJECT: Heritage Markham Election and Appointments
 1) Election of Chair and Vice-Chair
 2) Sub-Committees of Heritage Markham
 3) Heritage Markham Representative- Other Committees

Background

- The by-law which governs the operation of Heritage Markham indicates that “at the first meeting of Heritage Markham of each year, the members shall elect from within the membership a Chairperson and Vice Chairperson, and such other officers as deemed necessary, and these persons shall hold office until a successor for each position is elected”.
- Given that Heritage Markham is currently reviewing its Terms of Reference and how the Chair and Vice Chair could be selected, it may be prudent to delay the election of Chair and Vice Chair until Council adopts a new Terms of Reference.

Chair and Vice-Chair

Heritage Markham is required to elect a Chair and Vice Chair. The current Chair is Graham Dewar and the Vice Chair is Ken Davis.

Sub-Committees of Heritage Markham

Members of Heritage Markham are also requested to volunteer for sub-committee duties and are usually appointed. The standard sub-committees are as follows:

Architectural Review Sub-Committee

- the purpose of this sub-committee is to examine in greater detail any issue referred by the main Heritage Markham committee.
- Heritage Markham may delegate its review function to the sub-committee in certain circumstances if timing is factor.
- any member may attend, but it is preferable to have a core group of at least 3 members.

- Depending on who is appointed and their constraints, the sub-committee may meet either during business hours or in the evening.

Building Evaluation Sub-Committee

- two members of Heritage Markham are required. Involves a review of historical and architectural information package
- assist Heritage Section staff in evaluating and classifying heritage properties using the City's own evaluation system.
- Meetings are held as required.
- Current Members: **David Nesbitt and Graham Dewar with Evelin Ellison as alternate.**

Heritage Markham Representation on Other City Committees

(a vote would only be needed if more than one person wishes to represent Heritage Markham on committees where only a specific number of representatives is needed)

Doors Open Markham – Heritage Markham Reps.

- Heritage Markham members have been very active on this committee in the past few years. The City now organizes this committee.
- Planning meetings are usually held once a month or as needed
- Council resolution of December 1, 2009 allows up to 2 representatives of Heritage Markham to be members of the committee.
- Current members: **Vacant**

Historic Unionville Community Vision Committee

- Heritage Markham is provided the opportunity to have one (1) representative on this advisory committee
- Purpose is provide advice and guidance on the implementation of the Historic Unionville Community Vision Plan
- Committee meets as needed as part of the Unionville Sub-Committee of Council
- Usually a Unionville representative from Heritage Markham is selected.
- **Ken Davis** is the current representative.

Suggested Heritage Markham Recommendation:

THAT the matter of electing a Chair and Vice Chair for 2021 be deferred until Council approves a new Terms of Reference for Heritage Markham:

THAT the following members comprise the Architectural Review Sub-Committee ____ effective January 14, 2021;

THAT _____ and _____ are the Heritage Markham representatives on the Heritage Building Evaluation Sub-Committee effective January 14, 2021;

THAT _____ are the Heritage Markham representatives on the Doors Open Committee effective January 14, 2021;

THAT _____ is the Heritage Markham representative on the Historic Unionville Community Vision Committee effective January 14, 2021.



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: January 13, 2021

SUBJECT: Zoning By-law Amendment and Draft Plan of Subdivision Applications
10537 Kennedy Road, (formerly 10539 Kennedy Road)
Arthur Wegg House
PLAN 20 129597
Kennedy MM. Markham Ltd.

Property/Building Description: 2 storey single detached brick dwelling constructed in 1922
The Arthur Wegg House

Use: Residential (vacant)

Heritage Status: Designated under Part IV of the Ontario Heritage Act (By-law 2014-16)

Application/Proposal

- Review of this matter was deferred from Dec 9, 2020 to January 2021 at the request of the applicant to allow further discussion with City staff.
- The City is in receipt of a Zoning By-law Amendment and Draft Plan of Subdivision applications from Kennedy MM. Markham Ltd. c/o Gatzios Planning + Development Consultants Inc. for 10537 Kennedy Road in support of an urban residential subdivision comprised of single detached dwellings and townhouses, a neighbourhood park, a school, a stormwater management facility, and a mixed use block.
- The Arthur Wegg House was originally proposed to be relocated further north on Kennedy Road having the same orientation, to a location on Block 3. The staff memo of December 9, 2020 recommended that the heritage resource remain on its original site rather than being moved.
- The applicant is now proposing to retain the heritage resource at the corner of Kennedy Road and new Street F very close to its original location, but on a new foundation matching the proposed new grading for the subdivision.

Background

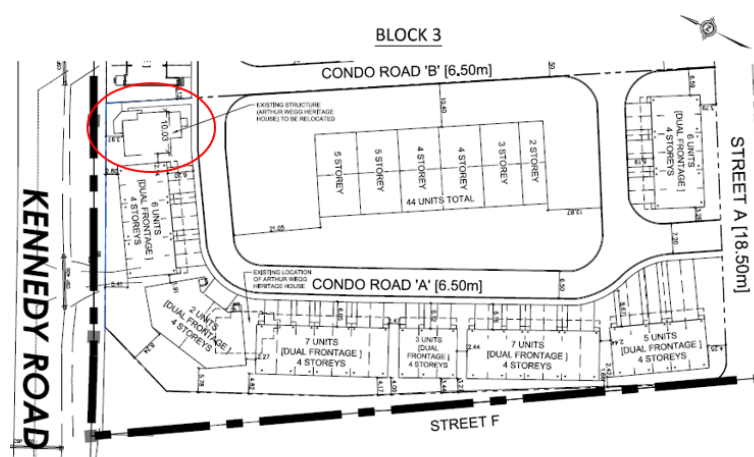
- The subject property was the former location of Forsythe Family Farms,
- The owners had submitted a demolition permit application to demolish the barns and existing heritage dwelling in 2013;
- Heritage Markham had no objection to the demolition of the barns provided the applicant advertised them for relocation or salvage in the local newspapers, but recommended that

the Arthur Wegg House be designated under Part IV of the Ontario Heritage Act in order to preserve it, so it may be incorporated into any future development of the property;

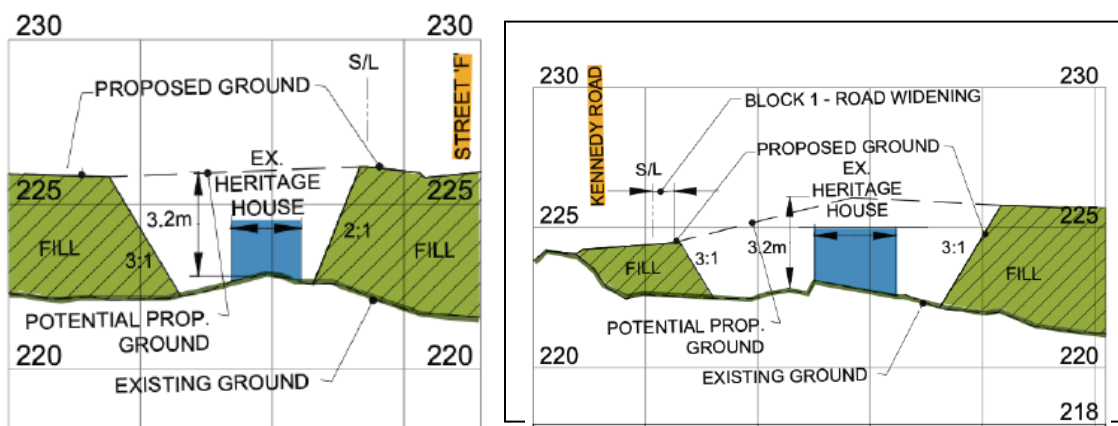
- The owners removed the heritage dwelling from the demolition permit application and Council passed a By-law to designate the Arthur Wegg house. A heritage easement agreement was also secured in 2014.
- Since that time, the Arthur Wegg House has been vacant and is in a deteriorating condition.

Staff Comment

- The original proposal was to relocate the heritage resource further to the north between two townhouse blocks. Two concepts were presented (one is shown below) but both involved the heritage resource in the same location.



- However, neither conceptual option proposed for Block 3 was supported by staff as both required the removal of the Arthur Wegg House from its original site to a small lot with no space for potential additions or garages, and with no suggested future use. The house was also located between significantly taller blocks of townhouses to the north and south;
- Staff met with the applicant and their consultants in December to discuss the option of on-site retention versus relocation and issues related to the existing and proposed grading. Staff reiterated the importance of retaining the Wegg House on or very near its original site and the desirability of the corner location for enhanced visibility.
- **Grading** – the proposed grading is to be raised substantially due to existing road conditions (Kennedy Road) and servicing requirements. The need for this has been confirmed by the City's engineering staff. If the heritage resource was retained on its original site at its current grade, the house would be in a "bath tub" situation with surrounding land at a much higher elevation. See illustrations (cross sections) provided by the applicant.



- Based on the above information and the undesirable nature of leaving the heritage resource at its current grade, staff has no objection to placing the resource on a new foundation at the revised grade. This will also result in the removal of the existing vegetation.
- Location of House:** It was also recommended that the Wegg House be retained on a larger lot at the corner of Kennedy Road and the proposed Street F in order to:
 - Improve the prominence of the Wegg House by making it a heritage entrance feature to the development;
 - Provide more space for future additions or garages to make it a more desirable building for a residence or other appropriate future use; and
 - Improve the relationship with adjacent townhouse blocks.
- The following concepts were presented by the applicant as an option to address the concerns raised by staff. In both cases, the heritage resource lot and layout remains consistent. This size of lot would also allow new vegetation to be introduced to reflect the former farmstead landscape, and provides a buffer between the house and proposed new development. The parking lot would allow the house to be used for non-residential uses



-
- CONDO
- Existing House
- 9m
- 3m
- Proposed Location
- 1.50 m
- SOBENK (K&G)

- Based on the unique grading challenges and the type of housing proposed for this area, staff is supportive of the current proposal.
- The standard heritage requirements should be conditions of draft approval for the plan of subdivision and/or included in the Subdivision Agreement ensuring:
 - Retention of the heritage resource near its original site on an identified lot/block, but on a new foundation at the proposed grade of the adjacent subdivision lands;
 - Protection of the heritage resource by securing a Heritage Easement Agreement;
 - Protection of the heritage resource by keeping it occupied or properly boarded to prevent vandalism and deterioration including:
 - securing and protecting the building from damage through the requirements outlined in the City of Markham's Property Standards By-

- law (Part III – Heritage Buildings), and the Keep Markham Beautiful (Maintenance) By-law including Section 8 – Vacant Heritage Property;
 - erecting a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building is to be preserved onsite and should not be vandalized and/or scavenged; and
 - installing a 8 ft high fence around the perimeter of the house to protect the dwelling until the completion of construction in the vicinity or the commencement of long-term occupancy of the dwelling as confirmed by City (Heritage Section) staff.
- Provision of a legal survey of the Heritage Building to facilitate the registration of the designation by-law and Heritage Easement Agreement on the created/proposed lot;
- Provision of a \$250,000 Letter of Credit to ensure the preservation and restoration of the existing heritage building and the implementation of all heritage requirements;
- Execution of a Site Plan Agreement with the City for the heritage building including detailed elevations outlining the proposed restoration plan prepared by a qualified architect with demonstrated experience in heritage restoration projects;
- Implementation of the exterior restoration of the heritage building and ensure basic standards of occupancy within two years of subdivision registration;
- Provision of a marketing plan to promote the features and availability of the heritage house;
- Commemoration of the heritage house through the acquisition and installation of a Markham Remembered interpretive plaque

:

Suggested Recommendation for Heritage Markham

THAT Heritage Markham supports the revised option proposed for the Arthur Wegg House which includes retaining the heritage resource near its original site (corner of Kennedy Road and future Street F), but on a new foundation and at the proposed grade of the adjacent subdivision lands;

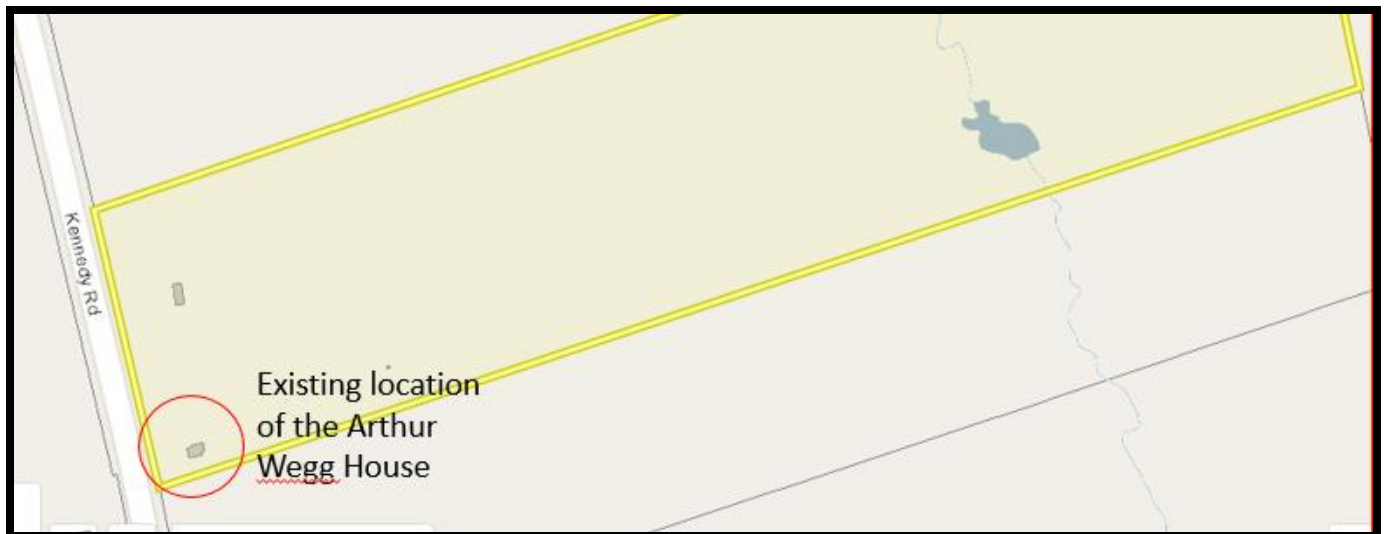
THAT the City's standard heritage requirements be conditions of draft approval for the plan of subdivision and/or included in the Subdivision Agreement;

AND THAT the applicant secure and protect the building from damage through the requirements outlined in the City of Markham's Property Standards By-law (Part III – Heritage Buildings), and the Keep Markham Beautiful (Maintenance) By-law including Section 8 – Vacant Heritage Property, and erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building is to be preserved onsite and should not be vandalized and/or scavenged.

File: 10537 Kennedy Road

Q:\Development\Heritage\PROPERTY\KENNEDY\10537 (see also 10539 Wegg House)\HM Memo Jan 13 2021 RH.doc

10537 Kennedy Road
The Arthur Wegg House



10537 Kennedy Road
The Arthur Wegg House

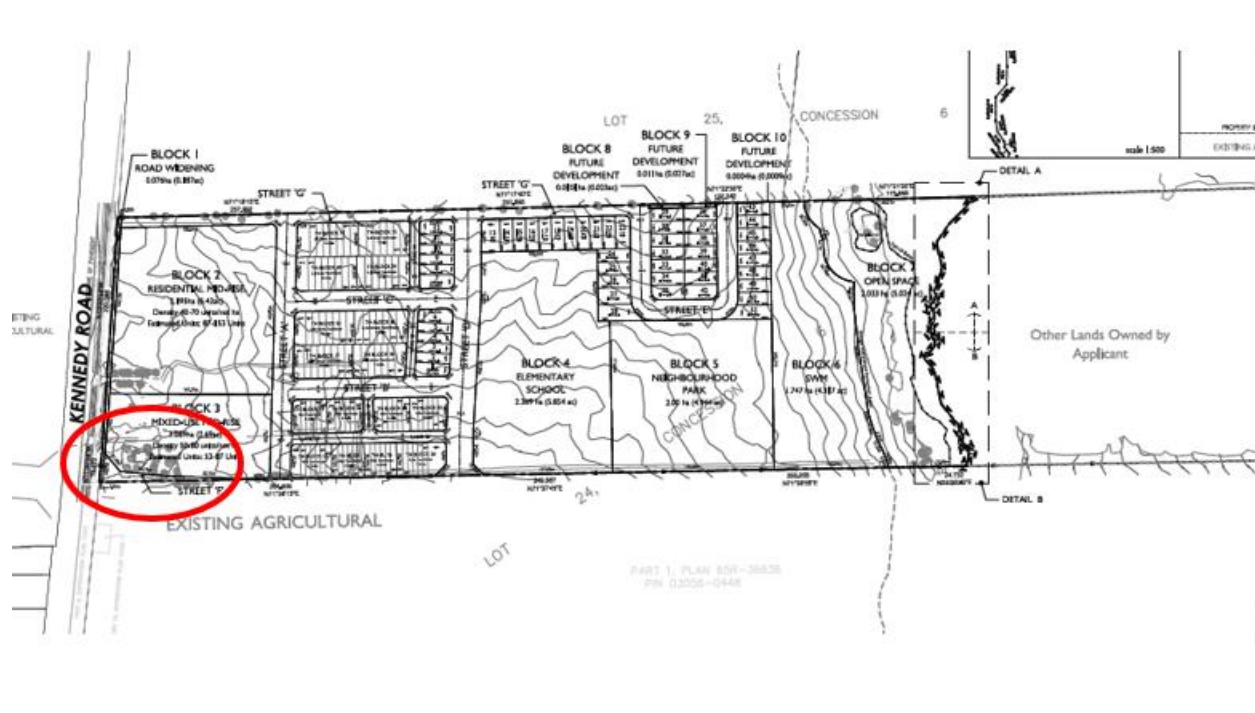


Above: The Arthur Wegg House shown in Google Street View in 2009
Below: City of Markham Photo c.2014

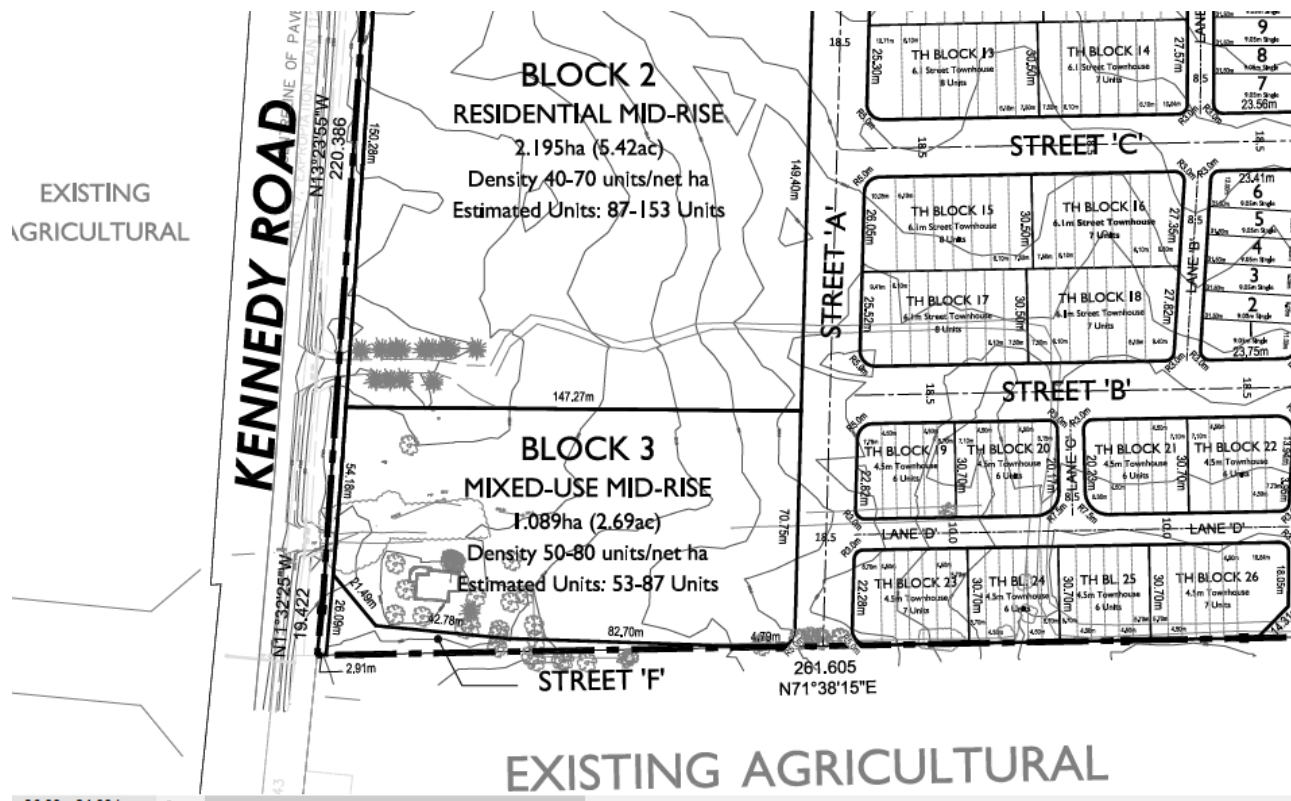


Conceptual Site Plan and Draft Plan of Subdivision

Detail



Detail of above





MEMORANDUM

TO: Heritage Markham Committee

FROM: Peter Wokral, Senior Heritage Planner

DATE: January 13, 2021

SUBJECT: Heritage Permit Applications
 Delegated Approval by Heritage Section Staff
 16 John Street, THCD
 1 Church Lane, THCD
 33 Dickson Hill Road, MVHCD
 Files: HE 20 135175, HE 20 134735, HE 21 102639

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

Address	Permit Number	Work to be Undertaken
16 John Street Thornhill	HE 20 135175	Paving of existing gravel driveway and parking area
1 Church Lane Thornhill	HE 20 134735	New vinyl coated black chain link perimeter fence.
33 Dickson Hill Road Markham	HE 21 102639	Painting of front door, windows and shutters

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: January 13, 2021

SUBJECT: **Building or Sign Permit Applications**
 5990 16th Avenue, Markham Village; 10536 McCowan Road; 40 Albert Street,
 Markham Village
 Delegated Approval by Heritage Section Staff
 File Numbers: AL 20 135157; DP 20 110958; HP 20 1141437

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

Address	Permit Number	Work to be Undertaken
5990 16 th Ave. Markham Village	AL 20 135157	Interior alterations to modern commercial building in district
10536 McCowan Rd.	DP 20 110958	Demolition of farmhouse approved by Council in May 2020
40 Albert St. Markham Village	HP 20 111437	Relocation and construction of addition to heritage house and new semi-detached dwelling

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: 5990 16th Ave., 10536 McCowan Rd., 40 Albert St.



MEMORANDUM

TO: Heritage Markham Committee

FROM: Peter Wokral, Senior Heritage Planner

DATE: January 13, 2021

SUBJECT: Official Plan Amendment, Zoning Amendment, Plan of Subdivision, Plan of Condominium and Site Plan Control Applications
9064-9110 Woodbine Ave.
Buttonville Heritage Conservation District
OP 17 153653 ZA 17 153653, SU 17 153653, CU 17 153653, SC 17 153653

Property/Building Description: The Buttonville Mill House, c.1840, remodelled c.1905, is a two storey red brick building located at 9064 Woodbine Avenue.

Use: Vacant, to be residential. Formerly used as an office for the Buttonville Golf and Country Club.

Heritage Status: Buttonville Heritage Conservation District, Buttonville Mill House (9064 Woodbine Avenue), is designated under Part IV of the Ontario Heritage Act.

Application

- The lots to the north of the heritage house were occupied by non-heritage single detached residences, which have been demolished. Townhouses have been approved. The applicant has obtained site plan approval to construct an addition with an attached garage. The building will be part of the townhouse complex.
- As part of the associated Site Plan and Draft Plan of Subdivision applications, the Region of York has requested that a 1.64 m deep parcel of land along Woodbine Avenue be conveyed to the Region for road widening purposes as a condition of approval of the applications. The Region would like this land to be free of any unnecessary encumbrances, and has therefore requested the City to remove the Designation By-law which applies to, and describes attributes of the Buttonville Mill House, from the portion of land that is to be conveyed to the Region.

Background

- The Ontario Heritage Act outlines an abbreviated process for how a Designation By-law may be amended that does not require Public Notification for minor amendments such as this that reflect a change in a property's legal description;
- This process still requires Council to consult with the Municipal Heritage Committee (Heritage Markham) (See flow chart for abbreviated Designation By-law amendments)

Staff Comment

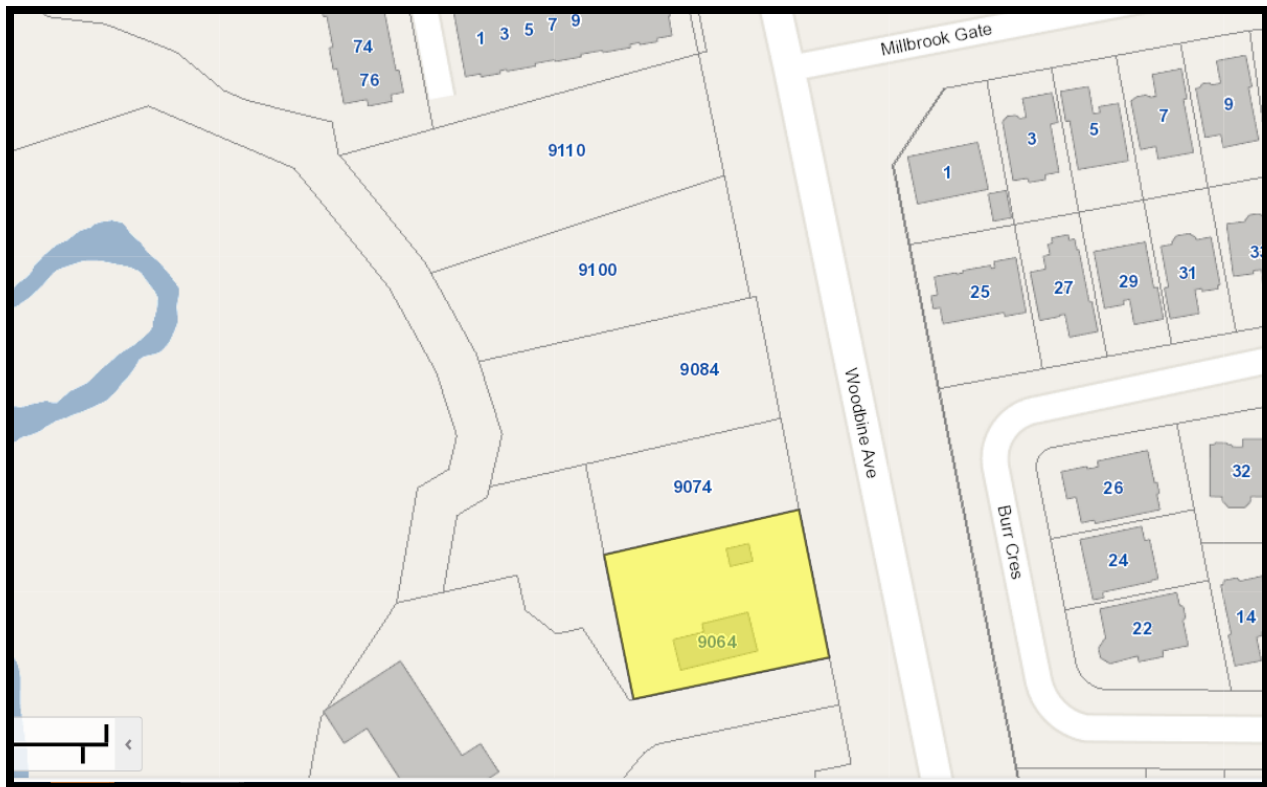
- Heritage Section staff has no objection to removing the Part IV Heritage Designation By-law from the 1.64m deep parcel of land that is to be conveyed to the Region, because it will not affect any heritage attributes of the property described in the By-law, and because the conveyed land will remain designated Under Part V of the Ontario Heritage Act, because it is within the Buttonville Heritage Conservation District, and will therefore still require the City's review and approval of any proposed alteration.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no objection to the Part IV designation By-law for the Buttonville Mill House being removed from the 1.64m deep parcel of land that is to be conveyed to the Region of York for road widening purposes;

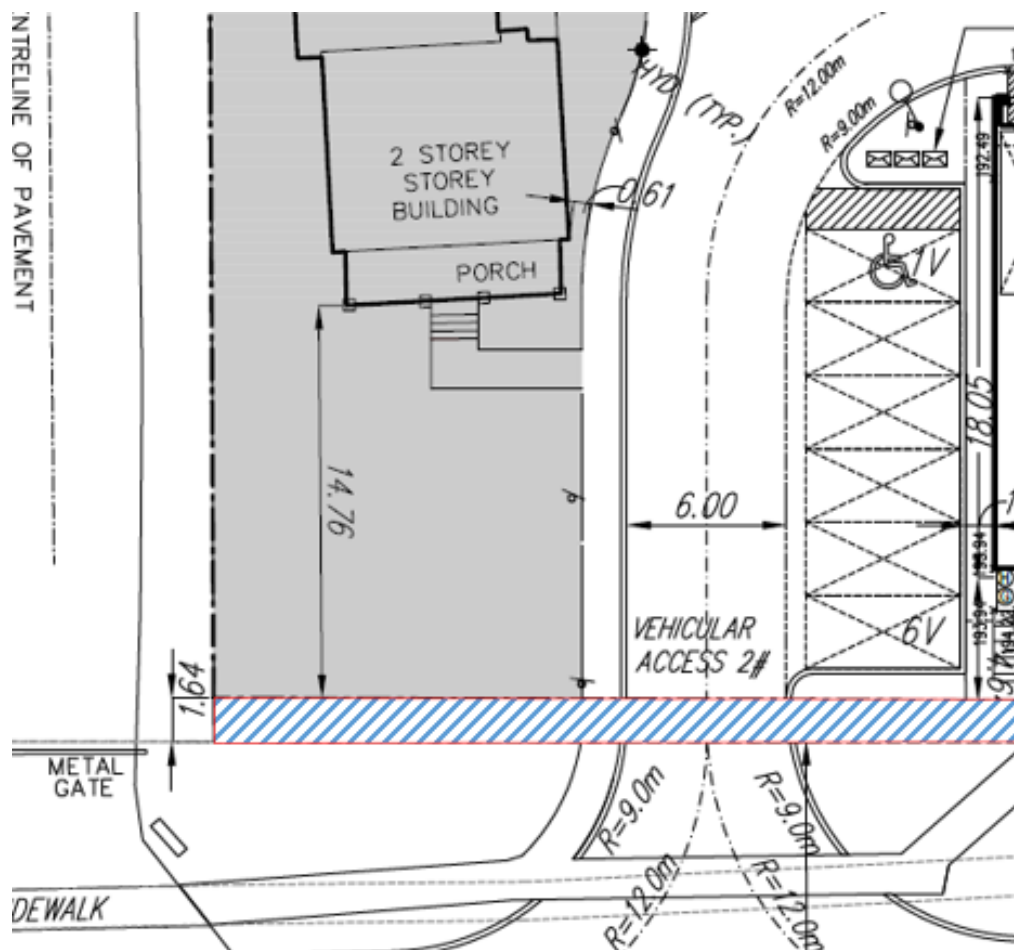
File:9064-9110 Woodbine Ave.

9064-9110 Woodbine Ave.
Buttonville Heritage Conservation District



9064 Woodbine Ave.
Buttonville Heritage Conservation District



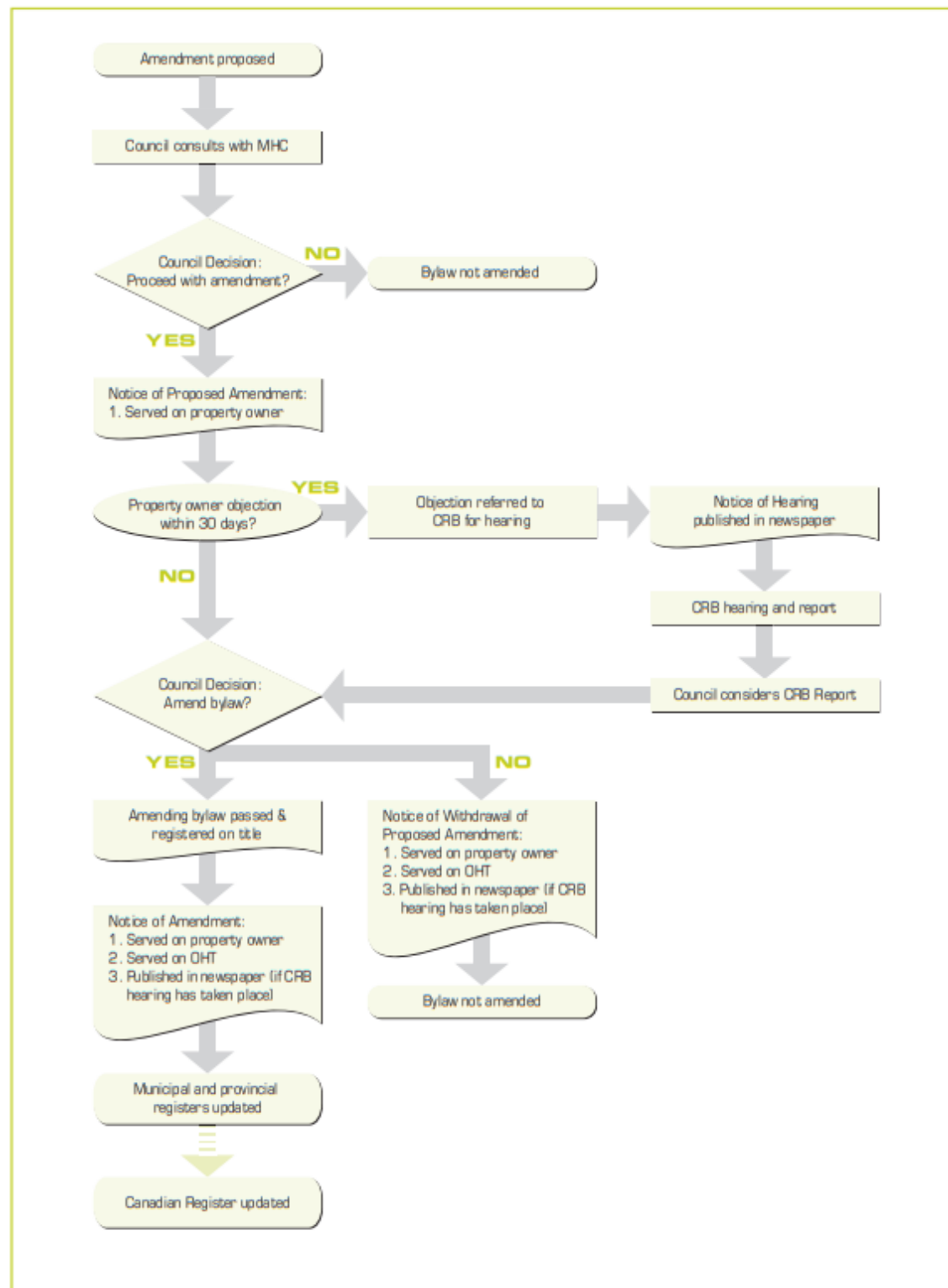


Hatched lines represent portion of land to be conveyed to the Region of York for road widening purposes

Woodbine Ave.

3. Amendment of Designating Bylaw (Exception)

(Section 30.1 (2) to (10) of the Ontario Heritage Act)





MEMORANDUM

TO: Heritage Markham Committee

FROM: Peter Wokral, Senior Heritage Planner

DATE: January 13, 2021

SUBJECT: Site Plan Control Application
4592 and 4600 Hwy 7 E. Unionville
The Bewell Bungalow
SPC 20 107969 & A/143/20

Property/Building Description: 1 storey single detached dwelling constructed c. 1922

Use: Former residence in commercial use

Heritage Status: None

Application/Proposal

- The owner of the property, who also owns the adjacent property at 4600 Hwy. 7 E. has submitted site plan and variance applications to the City, seeking permission to demolish the existing one storey auto sales building to replace it with a new two story sales and service facility to house Markville Ford, while retaining the heritage dwelling that occupies 4592 Hwy. 7 for some unspecified future use;
- The variances requested to support the proposed new building and site plan are to permit:
 - A 4 m landscaped open space, whereas the By-law requires 6 m;
 - A 4 m landscaped open space, whereas the By-law requires 9 m;
 - 96 parking spaces, whereas the By-law requires 106 spaces;

Background

- Early in 2020, Heritage Staff and Heritage Markham became aware of the site plan application to redevelop both 4592 and 4600 Hwy. 7 E. to construct a new Ford Dealership. The original site plan indicated that the Bewell House was to be removed (demolished) from the site;
- Although it was assumed that the Bewell Bungalow had some heritage status, it was determined that it was in fact not listed on the Markham Register of Properties of Cultural Heritage Value or Interest, despite having being listed on earlier heritage inventories, and was therefore without any form of heritage protection;
- The property was researched by Heritage Section staff, and at the May 13, 2020 meeting of Heritage Markham, the committee recommended that discussions be held with the

property owner to see if the building could be incorporated into the redevelopment of the property, as the committee felt that the Bewell Bungalow possessed heritage value making it worthy of retention and preservation (see Heritage Markham Extract from May 2020)

- After consultations were undertaken, the owner has submitted a revised site plan which preserves the Bewell Bungalow in its original location;
- This proposed site plan requires the aforementioned variances, most notably the variance to permit 96 parking spaces, whereas the By-law requires 106 parking spaces for the proposed redevelopment of the site. Based on the original site plan submitted by the applicant, the demolition of the Bewell Bungalow would have permitted 5 more parking spaces, which would have reduced the parking deficiency by 5 spaces, or 50%;
- The City's Fee By-law permits the fee for a variance application to be waived if the variance is in support of a heritage objective, and supported by Heritage Markham.

Staff Comment

- Although the requested variance for a reduced number of parking spaces would not be completely eliminated by demolishing the Bewell Bungalow to create parking spaces, the magnitude of the requested variance could be significantly reduced;
- Given this, it is the opinion of Heritage Staff that recommending that the Committee of Adjustment fee for the parking variance application be waived is supportable. It achieves the heritage objective of retaining the cultural heritage resource and acknowledges the owner's willingness to retain and incorporate this heritage resource on its original site.
- Staff also recommends that designation under Part IV of the *Ontario Heritage Act* and entering into a Heritage Conservation Easement Agreement with the City be recommended as a condition of any approval of the variance application.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no objection to the requested variances in application A/143/20 from a heritage perspective;

THAT Heritage Markham supports waiving the fee for the parking variance application as per the City's Fee By-law (Table 6, section 1.6) , because the scope of the variance for the number of parking spaces would be reduced if Heritage Markham had not recommended that the Bewell Bungalow be incorporated into the redevelopment of 4592 and 4600 Hwy. 7 E.;

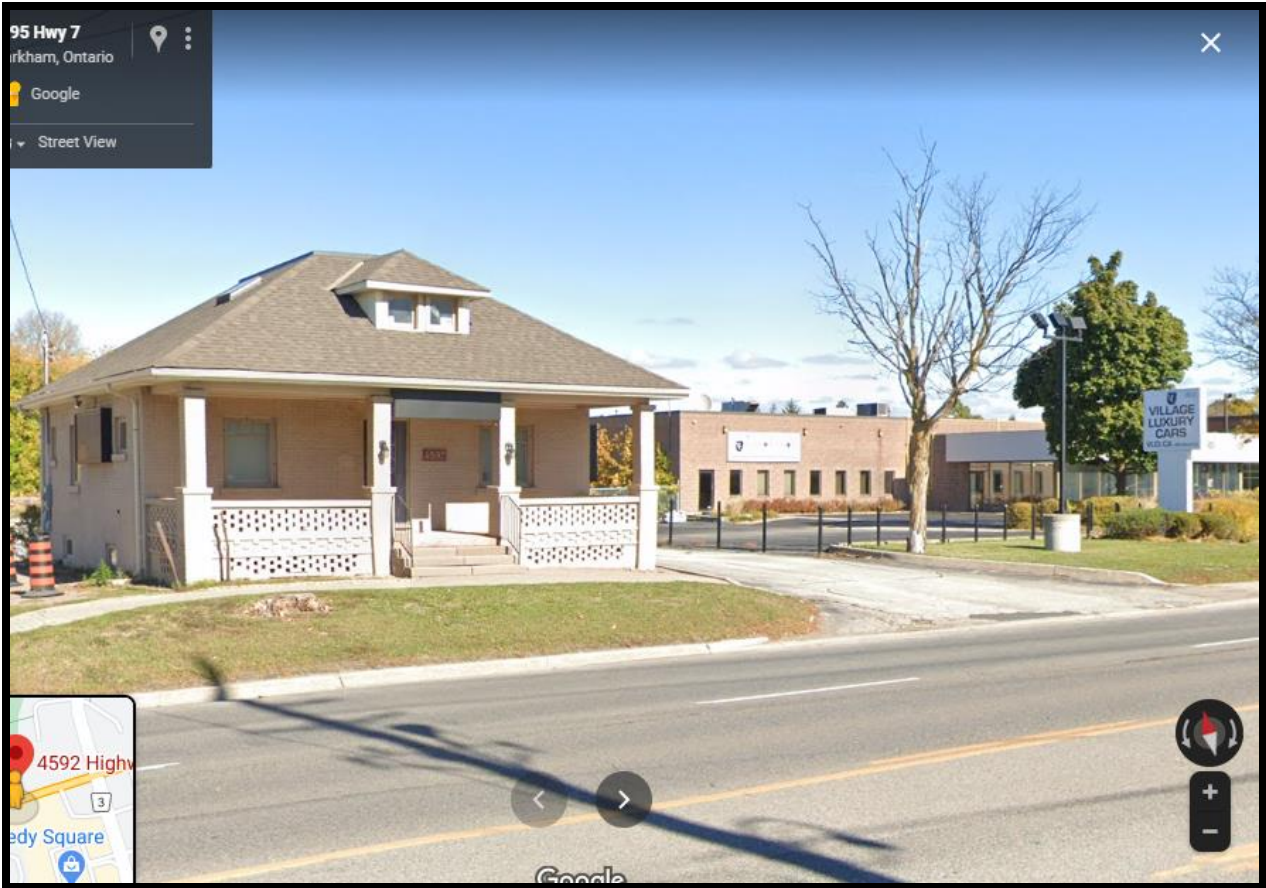
AND THAT Heritage Markham recommends that designation of the Bewell Bungalow under Part IV of the *Ontario Heritage Act* and entering into a Heritage Conservation Easement Agreement with the City be a condition of approval of the variance application should the Committee of Adjustment approve application A/143/20;

File: 4592 Hwy 7 E., Unionville

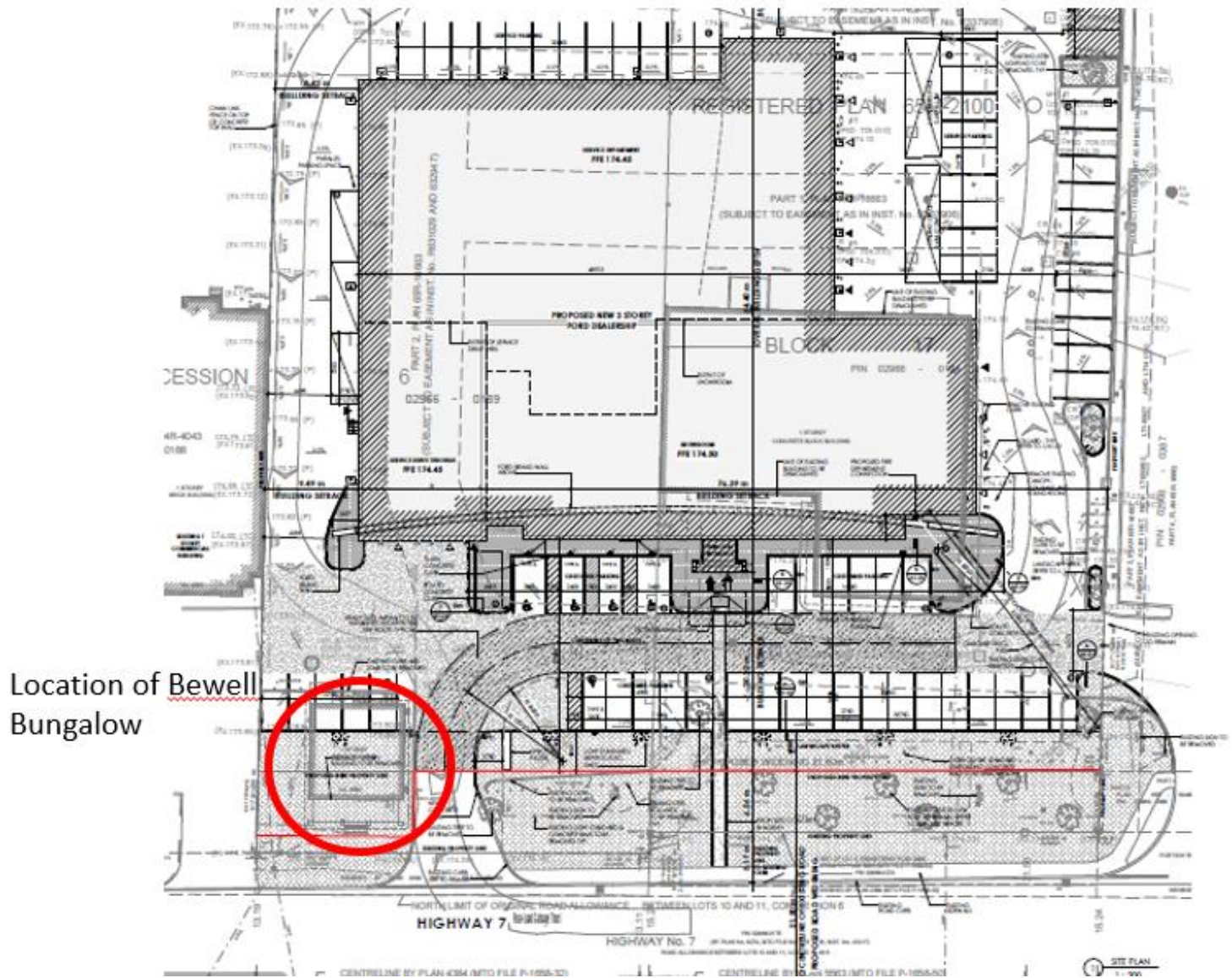
4592 Highway 7 E. Unionville



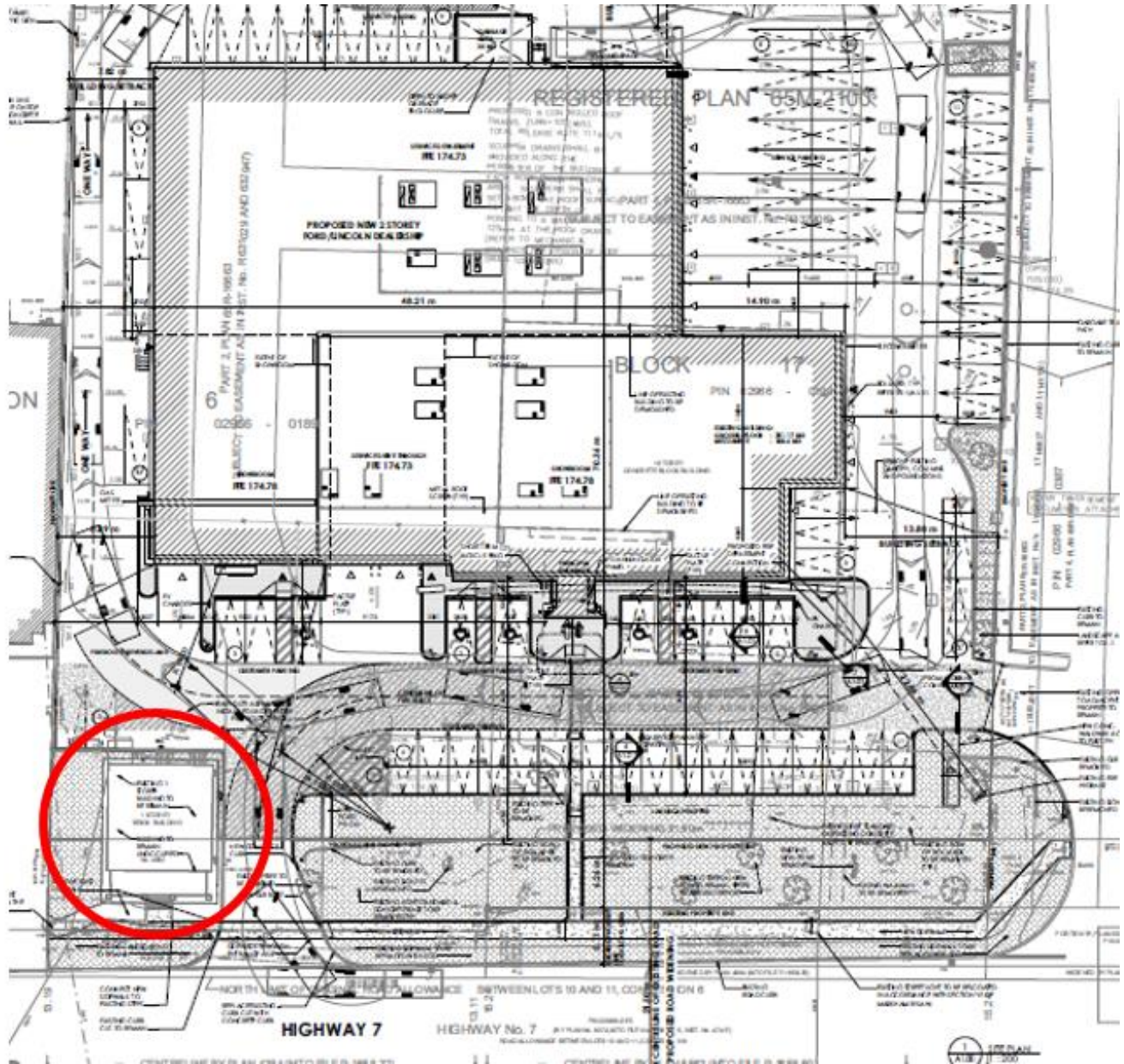
4592 Highway 7 E. Unionville



Previous Site Plan showing proposed demoliton of the Bewell Bungalow from early 2020



Revised Current Site Plan showing the incorporation of the Bewell Bungalow into redevelopment of the Property



Heritage Markham Extract from May 2020

HERITAGE MARKHAM EXTRACT

DATE: May 30, 2020

TO: R. Hutcheson, Manager of Heritage Planning
D. Pagratis, Senior Planner, Central District

EXTRACT CONTAINING ITEM #6.2 OF THE FOURTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON MAY 13, 2020.

6.2 RESEARCH & EVALUATION

4592 HIGHWAY 7 EAST, UNIONVILLE COMMUNITY BRICK BUNGALOW (16.11)

Extracts: R. Hutcheson, Manager of Heritage Planning
D. Pagratis, Senior Planner, Central District

George Duncan presented the staff research and evaluation of 4592 Highway 7 East, Unionville. The bungalow was built in 1922, is typical of the time period and a good example of the Arts and Crafts style. The bungalow has not been modified much over the years, but the surroundings have changed. The house was evaluated using the City's approved Heritage Evaluation System and categorized as a Group 2 building, which means it warrants preservation and potential designation under the Ontario Heritage Act.

Doug Denby was thanked for assisting with researching the property's history.

Regan Hutcheson advised that bungalow is not currently listed on the Markham Register of Property of Cultural Heritage Value or Interest. However, the new Official Plan provides the opportunity to add properties to the Registry that warrant heritage consideration at any time. Mr. Hutcheson noted that given there is a proposal to develop the property, the Committee needs to determine if the building has cultural heritage value and if it should be protected.

There is currently a proposal to build an automobile dealership on the property, and the former dwelling is proposed to be removed. However, the bungalow is not impacted by the new building or driveway associated with the development proposal. The bungalow is partly also located on lands requested by York Region for expansion of the Highway 7 right-of-way. However, preliminary feedback from York Region is that if the building is of cultural heritage value and is to be retained, they would not take the portion of the property where the building sits.

Page 2

After some consideration, the Committee agreed that the bungalow has cultural heritage value that is important to the municipality, but suggested that a discussion should be held with the property owner regarding incorporating the bungalow into the development proposal prior to making any decisions.

Moved by Councillor Reid McAlpine
Seconded by Doug Denby

Recommendation:

That Heritage Markham receive the research and evaluation on the brick bungalow at 4592 Highway 7; and,

That Heritage Markham acknowledges that the subject building is not listed on the Markham Register of Property of Cultural Heritage Value or Interest, but that after a review of the research and evaluation of the property, believes the building does possess cultural heritage value to the municipality; and

That further discussion be held with the Applicant in regards to the incorporation of the brick bungalow at 4592 into the new development.

Carried



MEMORANDUM

TO: Heritage Markham Committee

FROM: Peter Wokral, Senior Heritage Planner

DATE: January 13, 2021

SUBJECT: Site Plan Control Application
Zoning By-law Amendment and Site Plan Control Application
5560 14th Ave.
The McCauley-Cooperthwaite House
SPC 20 116893 & ZA 116893

Property/Building Description: 1 ½ storey single detached frame dwelling constructed c. 1870

Use: Former Farmhouse (Vacant)

Heritage Status: Listed on the Markham Register of Property of Cultural Heritage Value or Interest

Application/Proposal

- The owner of the property has submitted a site plan and zoning amendment application to the City seeking permission to construct a new two storey multi-unit building containing 23 warehouse units and to retain the existing heritage dwelling to also be converted to a warehouse unit connected to the main building by a one storey rear link.

Background

- The subject property is in an employment area of the City and has been vacant for several years.
- Demolition permits were reviewed by Heritage Markham and obtained by the owner from the City for former outbuildings and barns in 2018;

Staff Comment

- Staff is pleased to see that the owner is planning to incorporate the McCauley-Cooperthwaite House on its original foundation into their planned redevelopment of the property;
- However, the proposed new building cannot be said to be architecturally compatible with the McCauley-Cooperthwaite house in terms of its' modern architectural style or scale, although there has been an attempt to break up the scale of the new building by dividing the facades into several bays which are similar in size to the massing of the McCauley-Cooperthwaite House. Staff is of the opinion that it would not make sense to require the

new warehouse building to reflect the architectural style of the McCauley-Cooperthwaite house as this would not be appropriate for such a large building and it would also be out of context with neighbouring industrial buildings. Rather, it is preferred that the architecture of the McCauley House contrast that of the new building serving as a reminder of the 19th century agricultural history of the property. Therefore Staff has no objection to the proposed design of the new warehouse building from a heritage perspective;

- Although staff would prefer that the McCauley-Cooperthwaite House be used as a residence or more compatible use than a warehouse unit, the proposed warehouse unit is not incompatible with the restoration of the building's exterior and may reduce the pressure to upgrade the building with unsightly modern intrusions such as signage, mechanical systems etc.
- However staff recommends that more space be provided surrounding the McCauley-Cooperthwaite House in order to provide space for a future expansion or addition which will make the building more versatile for a future use, and to provide space for landscaping including large species trees which will enhance the heritage building;
- Staff also recommends that designation under Part IV of the Ontario Heritage Act, entering into a Heritage Easement Agreement with the City, the installation of Markham Remembered Plaque, and that the application include a restoration plan proposing to restore the McCauley Cooperthwaite House to its' appearance shown in the attached archival photograph;

Suggested Recommendation for Heritage Markham

THAT Heritage Markham appreciates the applicant's proposal and efforts to incorporate the McCauley-Cooperthwaite House into the proposed redevelopment of the property on its' original foundation;

THAT Heritage Markham has no objection from a heritage perspective to the architectural design of the proposed new two storey warehouse building;

THAT Heritage Markham does not object to the planned conversion of the McCauley House to a warehouse use, provided that the exterior the building is restored to its original appearance including the street facing veranda as shown in the attached archival photograph;

THAT Heritage Markham suggests that more space be provided around the McCauley-Cooperthwaite House to permit for a future expansion or addition to the house to make it more versatile for any other future use and to introduce landscaping, including large species historic tree varieties to beautify the property and complement the heritage building;

THAT the applicant revise the site plan application elevations to reflect the restoration of the McCauley-Cooperthwaite House as shown in the attached archival photograph;

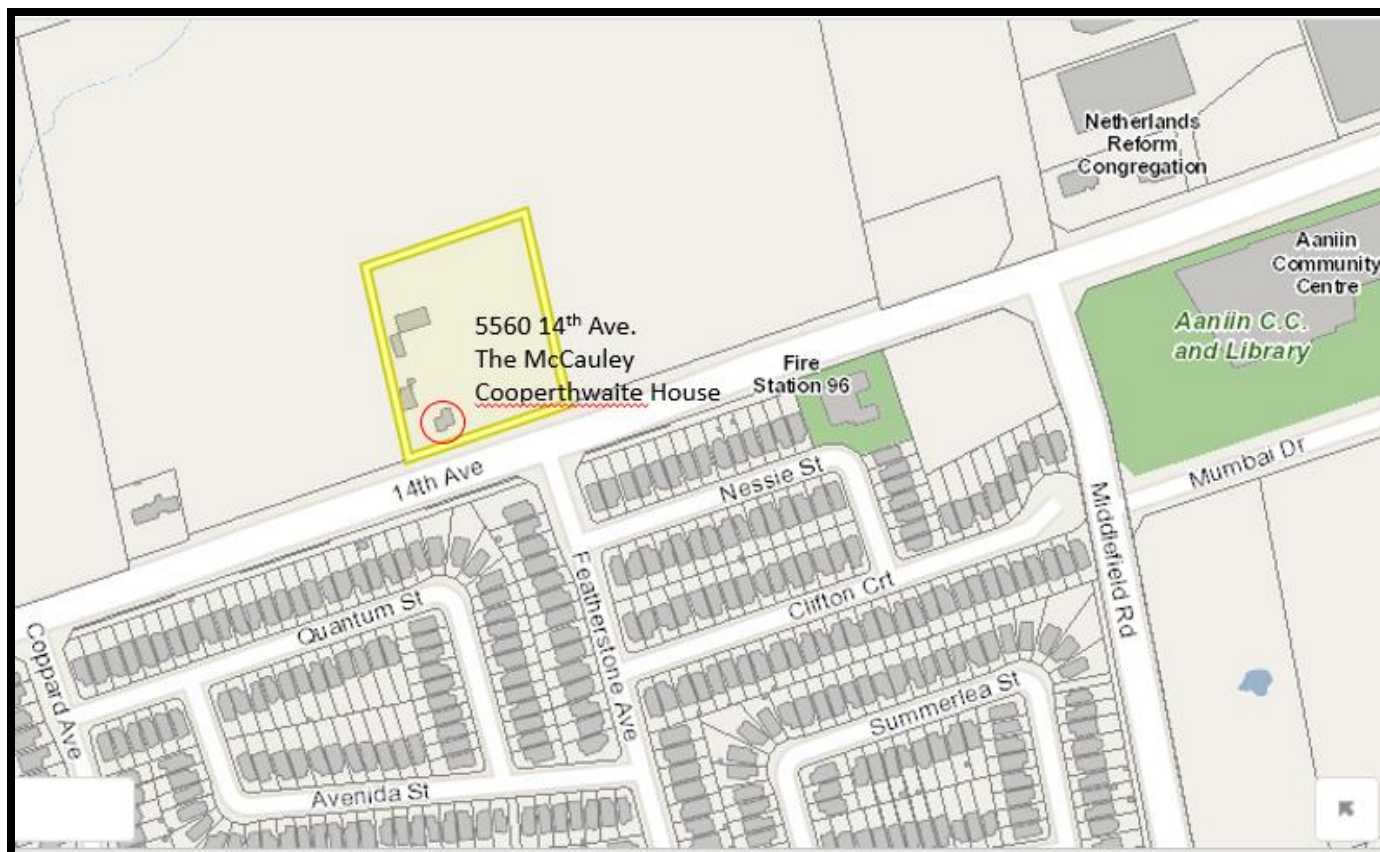
THAT the applicant enter into a Site Plan Agreement including standard conditions regarding materials, colours windows, verandas, etc. as well as the requirement to designate the McCauley-Cooperthwaite House under Part IV of the Ontario Heritage Act, to enter into a Heritage

Conservation Easement Agreement with the City, and to install a Markham Remembered Plaque at their own cost in a prominent location which would be reviewed and approved by the City (Heritage Section);

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

File: 5560 14th Avenue.

5560 14th Avenue, Markham
The McCauley-Cooperthwaite House



5560 14th Avenue, Markham
The McCauley-Cooperthwaite House



The McCauley-Cooperthwaite House shown in April of 2009 Google Image

RESEARCH REPORT



McCauley - Couperthwaite House
West Half Lot 6, Concession 7
5560 Fourteenth Avenue
c.1870

G. Duncan, 2019 and 2020

Historical Background:

The McCauley-Couperthwaite House is located on the west half of Markham Township Lot 6, Concession 7. Cornelius VanNostrand received the Crown patent for the full 200 acres of this lot in 1809. In 1816, he sold the west 100 acres to John Stover. John Stover was an American immigrant of the Mennonite faith. He was married to Barbara Gredman, who was his second wife, also born in the U.S. The family lived in a one and a half storey frame house built in 1840, which later became part of the Gamaliel Harrington House (demolished) that stood next door to this property, to the west.

In 1852, Thomas McCauley married John Stover's daughter, Nancy. By the time of the 1861 census, there were two families on the property, John Stover, a widower, and his son, Abraham, as well as Thomas and Nancy McCauley and their children. Thomas McCauley was a Scottish immigrant. The McCauley family were tenants on the Stover property, according to Mitchell's Directory of 1866. Nancy (Stover) McCauley became the owner of 60 acres of the family farm through her father's will in 1868. Based on the style of the farmhouse at 5560 Fourteenth

Avenue, a construction date of c.1870 is proposed, roughly coinciding with the time that the McCauley family became owners rather than tenants.

According to the 1891 census, Thomas and Nancy McCauley and their son Thomas McCauley Jr. and his wife, Jemima, lived in a one-and-a-half storey frame house containing seven rooms. In 1912, Thomas Jr. and Jemima McCauley sold the farm to John Couperthwaite. In the book, *Markham Remembered*, there is an archival photograph of a gathering at the Couperthwaite farm during a barn-raising. The Couperthwaite family owned the property from 1912 to 1920, therefore the barn-raising occurred during this period. A likely possibility is the barn was built prior to the beginning of World War One.



Barn-raising gathering at the Couperthwaite Farm, c.1912
Markham Museum Archival Collection

John and Sarah Couperthwaite sold the property to John Haynes in 1920. The Haynes family owned it until 1966, when the land was purchased by a group of investors.

Architectural Description:

The McCauley-Cooperthwaite House is a one and a half storey frame dwelling with an L-shaped plan. It rests on a fieldstone foundation which provides for a main floor level that is minimally raised above grade. The exterior wall cladding is currently horizontal aluminum siding, but archival photographs show vertical tongue and groove wood which may still exist below the later, modern material. The roof is a medium-pitched cross gable with overhanging, open eaves. There are steeply-pitched gables on the front (south) side and on the west side. At the east gable end of the roof, there is a remnant of an historic brick chimney.

The main entrance to the dwelling is located within the street-facing ell, near the interior corner formed by the L-shaped plan outline. This area was once sheltered by a veranda, based on an archival photograph. There is another door, which is a secondary entrance, on the east wall of the projection of the gable-fronted portion of the building. Windows are placed in an orderly pattern, except for a flat-roofed canted bay window, which is offset to the west on the street-facing gable end. This likely relates to the interior plan arrangement. Typical windows are flat-headed, and until recently had 2 over 2 sash-style glazing, wood frames, and wood lugsills. These have been replaced with plain casement windows. Windows in the canted bay have 1 over 1 sash-style glazing. Additionally, there is a larger cottage window with a transom light on the west wall, placed toward the north. This window is a later type, and appears to be an alteration of the 1890s to 1910 period. Non-functioning shutters have been added to the windows for decorative effect but were not part of the original character of the house.

Stylistic Analysis:

The McCauley-Cooperthwaite House is a representative example of a vernacular L-plan farmhouse showing the influence of the Gothic Revival in its roof pitch and steep gables. This building form was popular from the mid-19th century until the late 19th century. In their classic book on early Ontario domestic architecture, *The Ancestral Roof*, Anthony Adamson and Marion Macrae wrote of the L-plan:

During the 1850s the most popular plan was the L-plan. This allowed for a choice of gable and roof pitch, a piece of verandah with the front door entered off it, a kitchen tail – an asymmetrical house which could be extended in every direction, and which obviated the necessity to balance roof sizes about a centre hall in order to give Classical order to a façade (Adamson/Macrae, 1963, pg. 245).

The L-plan house, with a hint of the Gothic Revival, is a picturesque house form that contrasts with the sober Georgian symmetry of earlier vernacular farm residences in old Markham Township. This 1870s example, based on an archival photograph from the early 20th century in the collection of the Markham Museum, was apparently always simply decorated in contrast to some other frame dwellings of its time period. The canted bay window and tent-roofed veranda with its turned posts and fretwork brackets, were the only decorative elements.

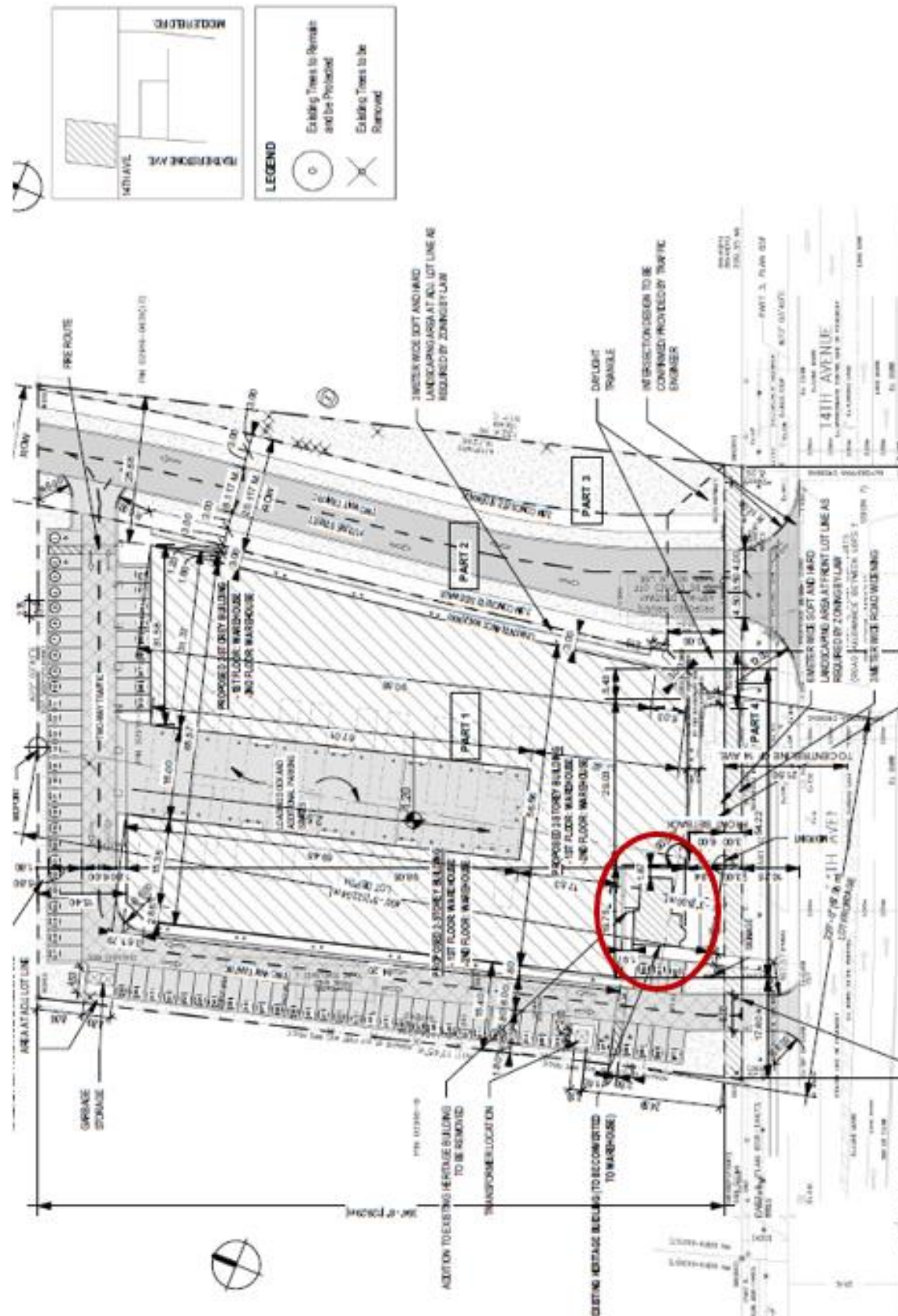
The McCauley-Cooperthwaite House retains much of its original character. The modern siding is an easily reversible alteration, as are the window replacements within their original openings. The missing front veranda is the most noteworthy change to the original appearance of the farmhouse. The veranda, with its board and batten roof cladding, is a feature that could be re-created based on photographic evidence.

Context:

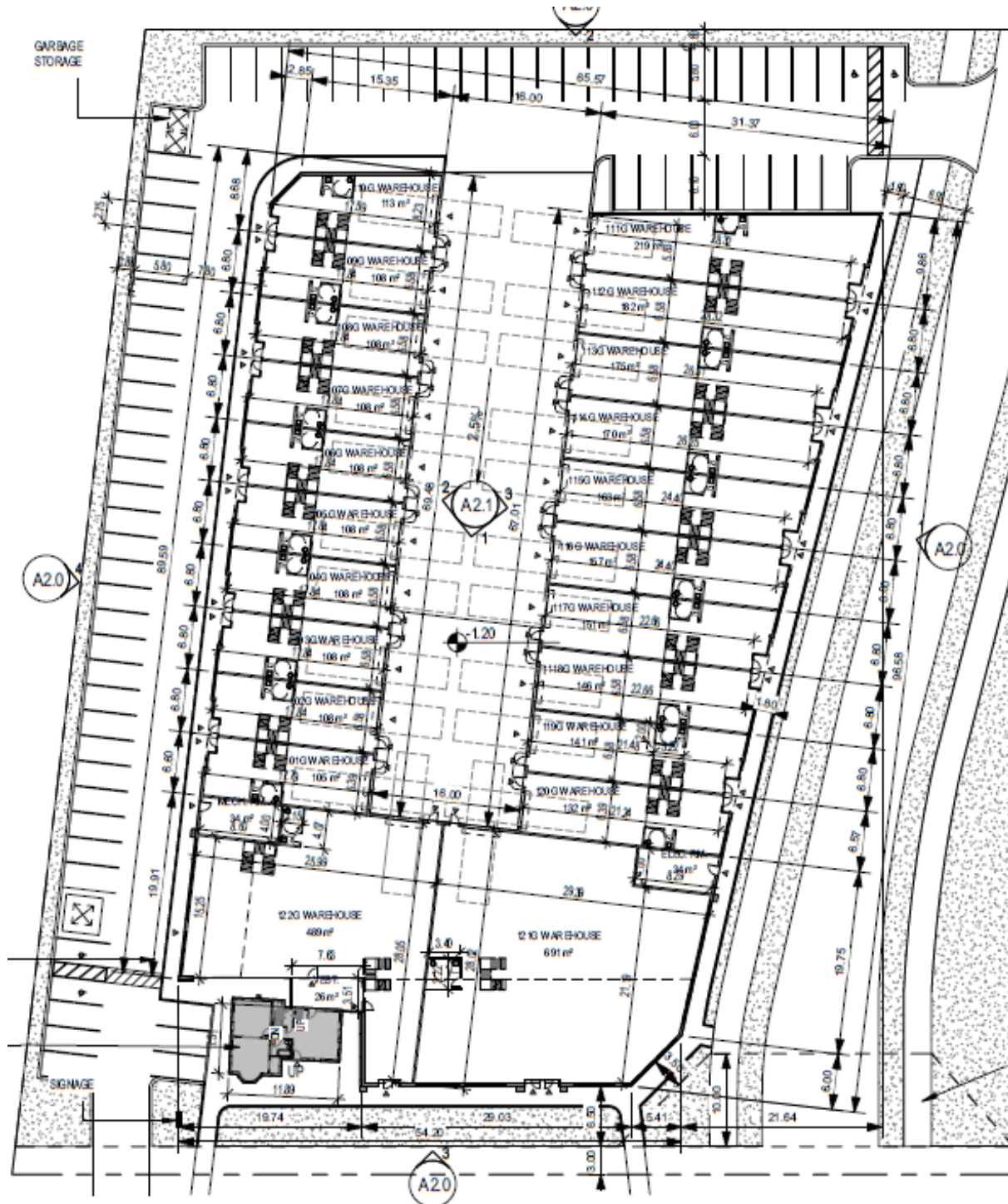
The McCauley-Cooperthwaite House is one of the few heritage buildings remaining in the south-eastern part of Markham. Development of the 1970s and 1980s has removed many of the older buildings that were once part of an agricultural area that has been transformed into residential subdivisions and commercial centres. A neighbouring heritage building, a brick schoolhouse dating from 1889, is located to the east of this property. It is addressed 5650 14th Avenue.

At 5560 14th Avenue, the 1910s-period gambrel-roofed barn constructed during the ownership of the Couperthwaite family was demolished in recent times (2018). The farmhouse remains as a reminder of the former agricultural community that preceded the current built environment.

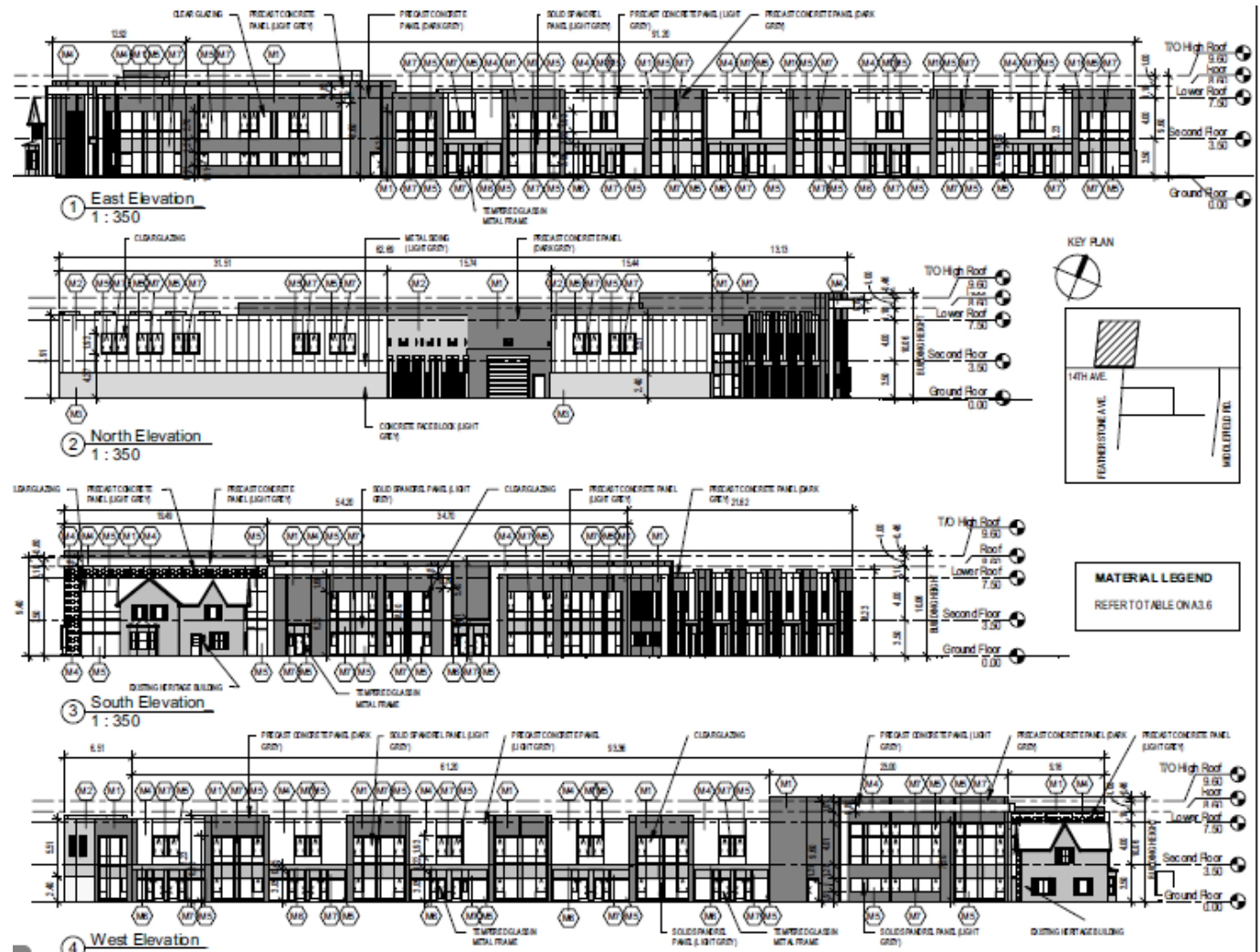
Proposed Site Plan



Proposed Ground Floor



Proposed Elevations



Rendering of Proposed New Warehouse Building





MEMORANDUM

TO: Heritage Markham Committee

FROM: François Hémon-Morneau, Development Technician

REVIEW: Regan Hutcheson, Manager, Heritage Planning

DATE: January 13, 2021

SUBJECT: SITE PLAN CONTROL APPLICATION (SPC 20 134828)
MINOR VARIANCE APPLICATION (A/130/20)
Residential Addition
50 George Street
Markham Village Heritage Conservation District

Property/Building Description:

- One storey single detached dwelling constructed in 1957

Use:

- Residential

Heritage Status:

- Designated under Part V of the Ontario Heritage Act and classified as a Group 'C' a building that does not reflect the heritage character of the Markham Village Heritage Conservation District.

Application/Proposal

- Site Plan Control and Minor Variance applications have been received seeking permission for the remodelling of the existing one storey dwelling and a proposed two storey frame addition;
- The design of the proposed addition requires two variances to the By-law in order to be approved. The requested variances are to permit:
 - a building depth of 18.50m, whereas the By-law allows a maximum building depth of 16.76m;
 - a net floor area ratio of 45.3 percent, whereas the By-law allows a maximum net floor area ratio of 45 percent.
- The area of the proposed addition is 245 sq. m (2,637.16 sq. ft.).
- The overall proposed Gross Floor Area is 344 sq. m (3,702.79 sq. ft.).
- The site plan, floor plans and elevations are attached.

Staff Comments

- Site Plan Control and Minor Variance applications were submitted in December 2020.
- The Site Plan Control application contemplates the removal of a mature Honey Locust tree (Tree #3) located in the rear yard, south west of the existing house, due to its proximity to the addition. Urban Design staff do not support the removal of the tree.
- Overall, staff has no objection to the design of the proposed addition and changes to the existing building. The new two storey massing is introduced to the rear of the existing dwelling and an expansive new front veranda has been added to replace the existing porch. Generally, the design approach is complementary to the heritage character of the area. Staff proposes to work with the applicant on the following design details:
 - Confirmation of the cladding materials for the new addition;
 - Second Floor Roof configuration on the north elevation which appears overly complex;
- Staff also request that the applicant further explore how the Honey Locust tree can be preserved.
- Heritage staff has no objection to the proposed maximum building depth of 18.50 m (60.69 ft), whereas the By-law permits a maximum building depth of 16.76 m (54.98 ft). This represents an increase of approximately 1.74 m (5.71 ft), and given the proposed building footprint, the fact the proposed front semi-enclosed front veranda is included in the building depth, and the configuration of the lot which requires the building depth to be measured on an angle through the proposed building, this requested variance is considered to be minor in nature;
- Staff also has no objection to the proposed maximum Net Floor Area Ratio of 45.3 percent from a heritage perspective, as this is also considered to be minor in nature and the proposed dwelling will be in keeping with the intended scale and heritage character of the neighbourhood.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no objection from a heritage perspective to the requested variances for a maximum building depth of 18.5 m and a maximum net floor area ratio of 45.3%;

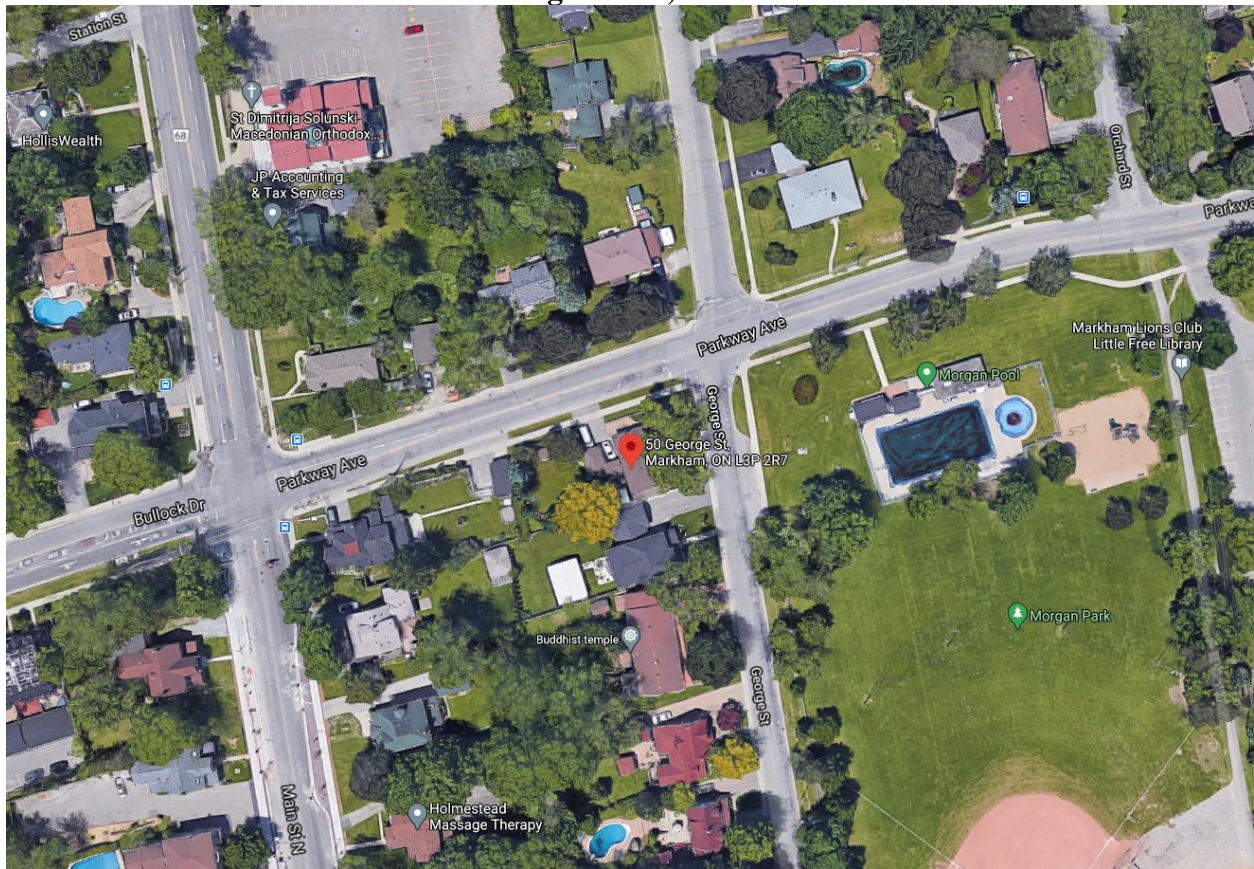
THAT Heritage Markham has no objection from a heritage perspective to the design of the proposed addition and remodelling of the existing dwelling subject to minor architectural changes to be addressed by Heritage Section staff and the preservation of the Honey Locust identified as (Tree #3) and delegates final review of the Site Plan application to Heritage Section Staff;

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

File Path:

Q:\Development\Heritage\PROPERTY\GEORGE\50\Heritage Markham Memo - 50 George St - Jan 13 2021

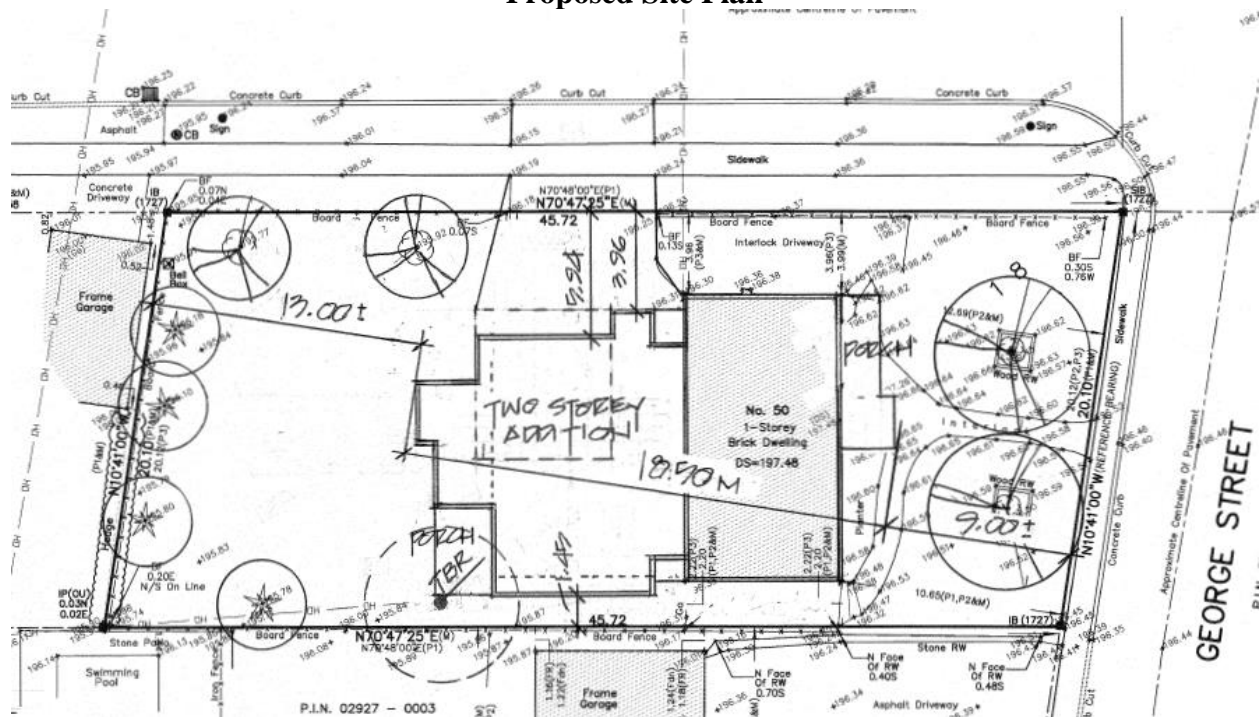
50 George Street, Markham



View of 50 George Street looking West



Proposed Site Plan



SITE INFORMATION		Swimming Pool	P.I.N. 02927 - 0003
AREA OF LOT	= 908.8 M ²		
AREA OF BUILDING	= 282.0 M ²		
COVERAGE	= 31.0 %		
NET FLOOR AREA CALCULATION			
$617.14 + 0.5(908.8 - 617.14) \times 0.45$			
$761 \times 0.45 = 342.5$			
ALLOWABLE NFA RATIO	= 342.5 M ² (45.0%)		
PROPOSED NFA RATIO	= 344.7 M ² (45.3%)		

PROJECT: PROPOSED RENOVATIONS THE LI RESIDENCE 50 GEORGE ST. CITY OF MARKHAM THE GREGORY DESIGN GROUP 16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net
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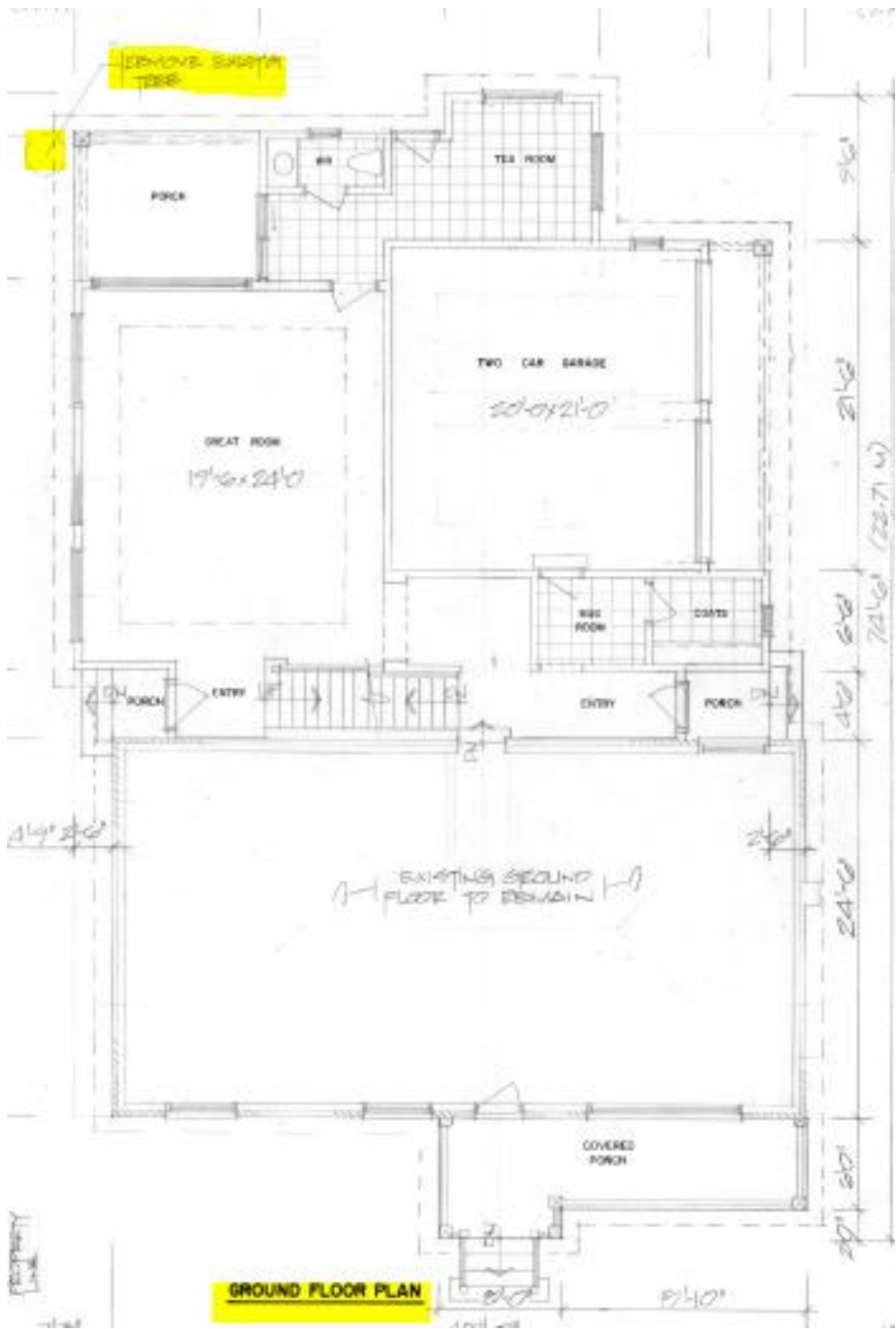
Front and Left Side Elevations



Current House



Ground Floor Plan



South Side



North Side



West Side (Backyard)



WEST SIDE

PROJECT: _____ I review and take responsibility



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: January 13, 2021

SUBJECT: Request for Feedback
Draft Heritage Markham Terms of Reference and By-law

Project: Heritage Markham New Terms of Reference and By-law

Background:

- This matter was reviewed by Heritage Markham Committee in June 2020. The Committee suggested a few minor changes and requested further follow up on the conflict of interest policies regarding committee members.

Previous Guidance

- Heritage Markham Committee was established by by-law in 1975 making it one of the oldest advisory committees in the City (By-law 173-75).
- A procedural by-law in respect to the operation of the Heritage Markham Committee was approved in 1991 (By-law 54-91). This by-law is now quite dated and does not reflect the current procedures or operations of the Committee.
- The new Markham Official Plan (2014) provides additional guidance on the role and responsibilities of the municipal heritage committee.

Development Services Committee Direction

- On March 2017, Development Services Committee received a staff report on the Heritage Markham Committee- Conflicts of Interest and directed staff to report back on the following:
 - The **proposed improvements 1, 2 and 3** outlined in the report;
 - A **revised Terms of Reference** for the Heritage Markham Committee
 - **Appointment Committee guidelines** for the Heritage Markham Committee
 - **Code of Conduct** for all City of Markham advisory committees and boards.

- The three proposed improvements were:
 - Improvement 1 - Revise the Heritage Markham Terms of Reference to better identify the characteristics or attributes desired for committee members so the Appointment Committee fully understands the desired qualifications.
 - Improvement 2 - Require the Appointment Committee to enquire as to the extent to which a candidate employed in a heritage-related occupation expects to be undertaking local heritage work and whether there are others in his or her organization who could present before the heritage committee in the place and stead of the member, who will still declare a conflict if he or she were to be appointed to the Committee.
 - Improvement 3 - Incorporate the principles already found in the Heritage Markham Members Occupation-Related Conflict of Interest Policy into the new Code of Conduct that is being developed by the Legislative Services Department and ensure that the new Code of Conduct clearly outlines the responsibilities of members who have a direct or indirect pecuniary interest in agenda items and the process for how these will be handled.

Comments:

- A new **Heritage Markham Terms of Reference and By-law** have been drafted by Heritage Section staff. The new version would replace By-law 54-91. Sources used to help prepare these documents included the Ministry of Culture's "Guide to Establishing and Sustaining an Effective Municipal Heritage Committee", our current Heritage Markham procedural by-law, info from Legal Services, and others over the years related to Heritage Markham operations, our Official Plan heritage policies, and other MHC Terms of Reference documents such as Kingston and Oakville.
- Separate guidelines for the Appointment Committee were not prepared, **but guidance is now provided in the new Terms of Reference.**
- The **Code of Conduct** for City advisory committees and boards is a separate project being undertaken by Clerks.
- The new terms of reference attempts to reflect and provide direction on common matters for the successful operation of the Heritage Markham Committee.

Changes Suggested by Heritage Markham (June 2020)

- The changes requested by Heritage Markham Committee in June 2020 are indicated in red and underlined in the attached Terms of Reference. Most were minor edits with the most controversial involving the conflict of interest section (see below).

Conflict of Interest Policy

- Staff reviewed the current process of dealing with Heritage Markham members who have a Conflict of Interest due to their profession obligations and concluded that it be discontinued. Reference to this policy/procedure has been removed from the revised Terms of Reference.
- Staff had previously included a process in the terms of reference that has been used by Heritage Markham Committee since the 1990s that permits Committee members who are also involved in a heritage related occupation to declare a conflict, but also represent their

clients (so to attract people with a heritage skillset but not disadvantage them from undertaking heritage work in Markham). This process was implemented with the concurrence of the Legal Department at the time. The validity of this approach was raised at the last meeting and staff subsequently met with legal and clerks staff to discuss the matter. The findings:

- The Municipal Conflict of Interest Act (MCIA) applies to members of municipal heritage committees. The MCIA states that
 1. the Act applies to members of Local Boards, and
 2. that Local Boards include any committee established under any general or specific Act in respect to the affairs of municipalities.
- Section 5 of the MCIA states:

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

- Both Clerks and Legal staff indicated that the main issue appears to centre on clause (c), and whether making a presentation and answering questions should be considered "**an attempt to influence**". Section 5(1)(c) of the *Act* requires an attempt to influence. This involves a deliberate act made with the intention of influencing another or which a reasonable person would objectively see as meant to influence another. A person may have breached this section if that person does something that he or she should have reasonably known could influence or would reasonably look like an attempt to influence.

In practice, a presentation could be considered influencing the Committee because an assessment of the heritage attributes of a property (or architectural elements proposed for a new construction) often involves a measure of subjectivity. The only purely factual pieces that would not be “opinion” would be basic facts about the property/building and its history. The Committee may believe that there are some attributes that should be protected, while the presenter doesn’t believe they are worthy of protection (or vice-versa). That kind of discussion could be seen as an “attempt to influence”.

- The conclusion of staff was that the policy/procedure that allows a Heritage Markham member to declare a conflict, but present to the Committee on behalf of a client should be discontinued and not included in the new Terms of Reference.

Changes suggested by Councillors

- Staff also met with the Director of Planning and the three Heritage Markham Councillors and a few additional recommendations were suggested involving members and their geographical representation, electing a chair and qualifications. These changes are indicated in blue and underlined in the Terms of Reference. Key recommendations:
 - Representation: Only requiring one citizen representative from the major heritage conservation districts (Thornhill, Unionville and Markham Village) with the other representatives (7) from elsewhere (at-large) in order to attract the best candidates notwithstanding where they may reside;
 - Considering people from outside the municipality (this is currently permitted at the discretion of Council)
 - Consider other approaches to secure potential candidates- not just traditional notice in the newspaper (consider- professional organizations, recommended candidates, etc).
 - Position of Chair: A suggestion that the Heritage Markham Chair be one of the members of Council appointed to the Committee as opposed to a citizen representative. It was felt that this could enhance the status and prominence of the Committee and may improve meeting efficiency. Possible negative aspect- the Chair on occasion represents Heritage Markham Committee at Council on contentious issues which might be difficult if the Councillor doesn't support the Heritage Markham recommendation and votes against it as a Councillor.
 - The Rules of Procedure Governing Statutory and Advisory Committees- Section 2 indicates that *"(a) Every Committee shall at its first meeting elect one (1) of its members to act as the Chair and one (1) of its members as the Vice Chair unless Council provides otherwise at the time of the appointment of the Committee and its Members. Members of Council who sit on a Committee shall not be appointed as Chair."* In consulting with the Clerks Department, the City has had other committees where the chair has been a councillor.

Need for a By-law

- Section 28 (1) of the *Ontario Heritage Act* indicates that the council of a municipality may by by-law establish a municipal heritage committee to advise and assist the council on matters relating to this Part, matters relating to Part V **and such other heritage matters as the council may specify by by-law.** 2002, c. 18, Sched. F
- Markham established Heritage Markham in By-law 173-75 to assist and advise on matters related to Part IV and V of the Heritage Act, but not any other non-statutory roles, Council did adopt a Heritage Markham procedural by-law that does specify the other heritage matters, but as previously noted, this is out of date and needs to be replaced.
- The proposed Terms of Reference are separate from the by-law. We proposed this approach to allow the terms of reference to be amended in the future without the need of a by-law amendment.

Next Steps:

Proposed Review Process

- 1/ Review material with Heritage Section staff - completed
- 2/ Review with Clerks Dept – completed (May 2020)
- 3/ Heritage Markham Committee review – completed (June 2020)
- 4/ Second Heritage Markham Review – ongoing (January 2021)
- 5/ Second Clerks Dept Review – (January 7, 2021)
- 4/ Final review by Planning Department – January 2021
- 5/ Report to DSC/ Council – February 2021

Suggested Recommendation for Heritage Markham

That Heritage Markham Committee supports the proposed Heritage Markham Terms of Reference and By-law (January 2021 draft).

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THE CORPORATION OF THE CITY OF MARKHAM

DRAFT

BY-LAW NUMBER

A By-law in respect to the mandate and operation
of the City's municipal heritage committee
(Heritage Markham)

WHEREAS the Council of the City of Markham is desirous of fostering an interest in and awareness of the City's cultural heritage resources, as well as providing for the protection, conservation , celebration and commemoration of these resources;

AND WHEREAS Council desires to be advised and assisted in this regard by members of the community with an interest, expertise and knowledge in this area;

AND WHEREAS Council of the Town of Markham did enact By-law 173-75 pursuant to Section 28 of the *Ontario Heritage Act* to establish a Local Architectural Conservation Advisory Committee on October 28, 1975, hereinafter referred to as the Heritage Markham Committee;

AND WHEREAS Council did enact By-law 54-91 on February 26, 1991 to adopt a procedural by-law in respect to the operation of the Heritage Markham Committee;

AND WHEREAS the Province of Ontario amended the *Ontario Heritage Act* in 2002 specifying that every local architectural conservation advisory committee established by the council of a municipality before the day subsection 2 (7) of Schedule F to the *Government Efficiency Act, 2002* comes into force is continued as the municipal heritage committee of the municipality;

AND WHEREAS Council deems it appropriate to adopt a new by-law in respect to the mandate and operation of the City's municipal heritage committee;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1. That By-law 54-91 – A By-law in respect to the operation of the Town of Markham Local Architectural Conservation Advisory Committee (Heritage Markham) be repealed;
2. That the function of the Heritage Markham Committee is to advise and assist Council in matters relating to the identification, protection, conservation, use and/or management, celebration and commemoration of cultural heritage resources within the City in such a way that their heritage values, attributes and integrity are retained.
3. That subject to the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended from time to time, and to such limitations and restrictions as Council may herein and hereafter impose either by by-law or resolution, the Heritage Markham Committee shall provide advice to Council on:

- statutory matters pursuant to the *Ontario Heritage Act* that require the input of a municipal heritage committee, (unless those matters have been delegated to staff through a delegation by-law), and
 - non-statutory matters as identified by Council which involve or affect cultural heritage resources, including but not limited to, review of development and building permit applications and public works; maintaining a heritage register; research, evaluation and classification of properties; protection mechanisms; policy development and review; financial assistance opportunities; and education, promotion and commemoration;
4. That a Terms of Reference for the Heritage Markham Committee shall be adopted to address the mandate and operation of the committee, including but not limited to, the identification of statutory and non-statutory responsibilities, the organization of the committee (such as composition, qualifications, terms of service, officers), the organization of meetings (such as scheduling, sub-committees, agendas, quorum, delegations, conflicts), annual budget, role of committee members, role of City staff and reporting methods.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS ____ DAY OF _____, 2021

KIMBERLEY KITTINGHAM, CITY CLERK

FRANK SCARPITTI, MAYOR

Heritage Markham Committee

DRAFT Terms of Reference

Table of Contents

1.	Mandate of Heritage Markham Committee
1.1	Municipal Heritage Committee
1.2	Statutory Role
1.2	Non-Statutory Role
2.	Organization of the Committee
2.1	Composition
2.2	Qualifications
2.3	Term
2.4	Chair/Vice Chair
3.	Meetings
3.1	Schedule
3.2	Sub-Committees
3.3	Agendas
3.4	Quorum and Attendance
3.5	Consideration of Agenda Items
3.6	Deputations
3.7	Conflict of Interest
3.8	Compensation
3.9	Other Meetings
3.10	Safety/Disruptions
3.11	Adjournment
3.12	Media Requests
3.13	Procedural Matters
4.	Annual Budget
5.	Role of Committee Members
6.	Role of City Staff
6.1	Clerks Department
6.2	Planning and Urban Design Department – Heritage Section
7.	Reporting Method
7.1	Heritage Markham Recommendations
7.2	Development Services Committee/Council
<u>7.3</u>	<u>Committee of Adjustment</u>
7.4	Delegated Approvals

[Appendix A – Glossary of Terms](#)

Approved By Council:

Revisions:

Note

The provisions in this terms of reference shall be interpreted in accordance with the Glossary of Terms, attached as Appendix 'A'.

1. Mandate of Heritage Markham Committee

1.1 Municipal Heritage Committee

- 1.1.1 As authorized under the *Ontario Heritage Act*, in 1975 Markham Council established, through By-law 173-75, a municipal heritage committee.
- 1.1.2 The name of Markham's municipal heritage committee is 'Heritage Markham'.
- 1.1.3 The Heritage Markham Committee is appointed by and is responsible and accountable to Markham Council.
- 1.1.4 Markham Council will consult with the Heritage Markham Committee on matters as required by the *Ontario Heritage Act*, the Markham Official Plan, as specified through the passing of a by-law or resolution, and as set out in this Terms of Reference.
- 1.1.5 The Heritage Markham Committee will be guided by the policies and regulations of the *Ontario Heritage Act*, heritage conservation guidelines endorsed the Province of Ontario, policies in the Markham Official Plan, individual heritage conservation district plans, and heritage policies adopted by Heritage Markham and Council.
- 1.1.6 The Heritage Markham Committee is an advisory committee. The role of the Committee is to advise and make recommendations on the identification, protection, conservation, use and/or management, celebration and commemoration of cultural heritage resources. All final decisions rest with Markham Council (or a Standing Committee of Council) except where Council has delegated approval authority to municipal staff or to Heritage Markham.

1.2 Statutory Role

- 1.2.1 Markham Council and City staff will seek the advice of the Heritage Markham Committee on the statutory provisions requiring consultation as provided for in the *Ontario Heritage Act*, as amended, including the following:

Under Part IV of the *Act*, to consult with the Heritage Markham Committee:

- before including a property in the Markham Register of Property of Cultural Heritage Value or Interest or removing the reference to such a property from the register;
- before Council passes an intention to designate a property;
- on an application to alter a designated property;

- on an application to amend or repeal a designation by-law;
- on an application to demolish or remove any of a property's heritage attributes as set out in a by-law or any building or structure on the property;
- before passing a by-law regarding an easement or covenant for the purpose of conservation of property of cultural heritage value or interest;
- before delegating by by-law Council's power to consent to alterations to property to an employee or official of the municipality.

Under Part V of the Act, to consult with the Heritage Markham Committee:

- before undertaking a study of any area of the municipality for the purpose of designating one or more heritage conservation districts;
- on an application to erect a building or structure, demolish or remove a building or structure, or demolish or remove any attribute of the property if the demolition or removal would affect a heritage attribute described in the heritage conservation district plan; (the 'erect' reference is from the new changes in 2020 that are to come into force Jan 1 2021 – previously it was July 1, 2020 but COVID)
- before delegating by by-law Council's power to grant permits for the alteration of property situated in a heritage conservation district to an employee or official of the municipality.

1.3 Non-Statutory Role

1.3.1 Markham Council and City staff will seek the advice of the Heritage Markham Committee on non-statutory activities and responsibilities including the following, subject to such limitations and restrictions as Council may herein or hereafter impose either by by-law or resolution. Heritage Markham may:

a) Land Use Planning Applications

- Provide advice to the land use planning process where cultural heritage resources are located on or adjacent to properties that are the subject of development applications including, but not limited to, amendments to the official plan and zoning by-laws, plans of subdivision, site plan control review, consent applications, minor variance applications, and heritage permits.
- Provide advice on natural heritage resources/landscapes if they are considered attributes in support of or associated with a cultural heritage resource.

b) Building Permits

- Provide advice through review and comment on building permits, signage permits and demolition permits affecting cultural heritage resources.

- c) Public Works
 - Render advice and information related to public works affecting cultural heritage resources.
- d) Markham Register of Property of Cultural Heritage Value or Interest
 - Identify and recommend properties to be added or deleted from the Register.
 - Ensure the Register is maintained, accurate, updated as required and available to the public.
- e) Evaluation of Cultural Heritage Resources
 - Assist in the research, evaluation and classification of properties as to their cultural heritage significance.
- f) Research
 - Ensure research and inventory projects are undertaken, as required
- g) Protection of Cultural Heritage Resources
 - Identify and provide advice on properties that warrant designation and/or further protection, under the *Ontario Heritage Act*.
 - Offer advice on proposals affecting or impacting cultural heritage resources on properties in Markham owned or under the control of the municipality, other municipalities, the provincial government and the federal government, including the Rouge National Urban Park.
 - Offer advice on heritage conservation plans, heritage impact assessments and other similar documents affecting cultural heritage resources.
- h) Policy Development
 - Provide advice related to the development, implementation and/or review of policy respecting:
 - the Markham Official Plan; and any Secondary Plans, which include cultural heritage resources;
 - Council's strategic and corporate documents which may impact cultural heritage resources;
 - The development of municipal heritage conservation guidelines, policies, plans and programs.
 - Zoning by-laws which may impact cultural heritage resources.
 - Recommend strategies, policies and initiatives in support of heritage conservation in Markham.

i) Funding Assistance

- Advise on the need for or availability of fiscal tools, funding, incentives and financial assistance, such as grants, loans or tax reduction programs, to facilitate the maintenance and conservation of protected properties of cultural heritage significance.
- Advise on the allocation of financial assistance related to existing heritage funding assistance programs.

j) Budget

- Assist in the development of an annual Committee budget for submission to Council through the Planning and Urban Design Department's operational budget.

k) Education, Promotion and Commemoration

- Promote public awareness of heritage conservation initiatives and programs, and engage the local community, as appropriate.
- Assist owners of cultural heritage properties in understanding and undertaking appropriate conservation and maintenance practices.
- Advise and/or inform on new legislation or funding initiatives that affect cultural heritage resources.
- Promote the commemoration of existing cultural heritage resources through means such as interpretive signage programs and designated property plaque programs, and the commemoration of significant cultural heritage resources which have been lost or negatively impacted through forms of interpretation, where appropriate.
- Support and advocate for the implementation of communication and educational programs to foster awareness, appreciation and enjoyment of cultural heritage resources such as in the form of newsletters, publications, website information, walking tours, exhibits, heritage awards programs, workshops and heritage celebrations.
- Support and encourage participation in promotional and educational programs offered by other levels of government or other groups related to cultural heritage resources.
- Cooperate with other public agencies and civic organizations and groups interested in the protection and promotion of cultural heritage resources.
- Encourage salvage, re-use or repurposing material that cannot be incorporated into the cultural heritage resource

l) Other

- Undertake such other duties and responsibilities relating to the City's heritage conservation program as may be assigned to it by Council.
- Keep Council informed of Committee plans and activities through Committee minutes, recommendations and an annual report, as necessary.

- Evaluate the effectiveness of the Committee examining accomplishments, both quantitative and qualitative, as well as areas requiring improvement.

2. Organization of the Committee

2.1 Composition

2.1.1 The Heritage Markham Committee will be comprised of ten (10) citizen members appointed by Council and three (3) members of Council. The Mayor [and Deputy Mayor are](#) ex-officio [members](#) of the Committee.

2.1.2 If possible, the citizen members will be selected on a geographic basis as follows:

- Thornhill Heritage Conservation District or Thornhill community ([1 member](#))
- Markham Village Heritage Conservation District or Markham Village community ([1 member](#))
- Unionville Heritage Conservation District or Unionville community ([1 member](#))
- ~~Buttonville Heritage Conservation District or rural area ([1 member](#))~~
- [Members at Large \(7 members\)](#)

Notwithstanding the above, Council may choose to deviate from this geographic approach, if necessary.

2.1.3 If possible, the Council members on the Heritage Markham Committee should be the Ward Councillors who represent the three largest heritage conservation districts.

2.2 Qualifications

2.2.1 A member of Heritage Markham Committee should possess a demonstrated interest, expertise and/or knowledge of heritage matters based on their profession, education or life experiences. A member should express a dedication and commitment to Markham's heritage conservation program.

2.2.2 Qualities or skills which are desirable for Heritage Markham Committee members include those with an interest or experience in:

- Local community history
- Heritage legislation, matters and programs
- Heritage related research
- Historical architecture, design or trades
- Restoration, conservation and construction approaches
- Interpreting heritage guidelines and plans
- Understanding of municipal procedures and legislation

2.2.3 The City will consider other approaches to find potential candidates for Heritage Markham Committee, such as contacting professional/heritage organizations, recommended candidates, etc. in addition to traditional notices in the newspaper in order to address the specialized skill set desired for committee members.

2.2.4 Those responsible for recommending candidates for the Heritage Markham Committee through the appointment process will be guided by the identified qualifications, characteristics and attributes desired for Committee members.

2.2.5 Those responsible for recommending candidates for the Heritage Markham Committee will not disqualify those candidates who are employed in a heritage or heritage-related occupation (i.e heritage architect, contractor, lawyer, real estate agent) and from time to time may have a conflict of interest, but may enquire as to the extent to which a candidate expects to be undertaking local work involving heritage properties and whether there are others in their employment who could represent clients at the Committee if the candidate was to be appointed to the Committee.

2.2.6 Heritage Markham Committee members act in the capacity of volunteers to the municipality.

2.3 Term

2.3.1 Members of the Heritage Markham Committee will typically be appointed by Council for a three (3) year term.

2.3.2 Appointments will be staggered to prevent representatives from a specific area of the City from leaving the Committee at the same time. This will also ensure continuity of experience and succession planning.

2.3.3 If a member of the Heritage Markham Committee ceases to be a member, then any appointment of a replacement member will be only for the balance of such term, if practical.

2.3.4 Members of the Heritage Markham Committee will continue in their role until a successor is appointed by Council. If the member chooses to leave at the end of their identified term, the position will be declared vacant until Council appoints a new member.

2.3.5 Members are eligible for re-appointment upon expiry of their term provided that no member is appointed for more than two (2) consecutive terms (total of six years). The member must take a leave from the committee for a minimum of one year prior to re-applying. Council may, at its discretion, waive this requirement.

2.4 Chair/Vice Chair

2.4.1 The Heritage Markham Committee will elect a chairperson (Chair) and a vice-chairperson (Vice Chair), annually at its first meeting of the year, or as soon as practicable, ~~from among the members.~~ The Manager, Heritage Planning will conduct the elections of Chair and Vice Chair positions. Once the Chair and Vice Chair are elected, the Chair will preside over the remainder of the meeting.

2.4.2 The Chair will be one of the members of Council appointed to the Heritage Markham Committee as elected by all the entire Committee. The Vice Chair will be elected by all the members and may be any member of the Committee.

2.4.3 The Chair and Vice Chair will retain the position until a successor for each position is elected.

2.4.4 The Chair (or Vice Chair) is responsible for the effective and respectful operation of the Heritage Markham Committee. They will ensure that the Committee's discussions and recommendations are within the scope of the Committee's mandate and that the focus of dialogue and debate is from a heritage perspective.

2.4.5 Additional responsibilities and duties of the Chair, including meeting protocols (i.e. voting and motions) is provided for in the rules for procedure governing statutory and advisory committee as adopted by Council. Where the document is silent on a matter, Robert's Rules of Order would apply.

2.4.6 If both the Chair and **Vice** Chair are not present within fifteen minutes after the time for the meeting to begin, the Manager, Heritage Planning will call the meeting to order and will preside for the election of an Acting Chair. While presiding, the Acting Chair will have all the Chair's rights, duties and responsibilities.

2.4.7 The Chair (**or designate**) is the official spokesperson for the Heritage Markham Committee and will represent the Committee at official events, functions and other meetings, when required. See section 3.12 regarding media requests.

3. Meetings

3.1 Schedule

3.1.1 The Heritage Markham Committee will **generally** meet a minimum of twelve (12) times per year, usually once a month. Additional meetings may be held as required with proper notification.

3.1.2 The date and time of the regular meetings will be held on a consistent day, time and location throughout the year (i.e. the second Wednesday of each month beginning at 7:15 pm at the Markham Civic Centre). Established meeting dates will not be changed unless circumstances warrant special consideration.

3.1.3 If circumstances warrant and legislation permits, a Heritage Markham Committee meeting may be held in a **remote** manner using technology that would not require members to meet in-person.

Note- This is only permitted now due to the Emergency Order. The Municipal Act does not currently permit virtual meetings.

3.2 Sub-Committees

3.2.1 The Heritage Markham Committee may appoint a sub-committee from its members to investigate, organize and report on any matter related to the Committee's mandate.

3.2.2 In addition to any other sub-committees, on an annual basis, the Heritage Markham Committee will form the following sub-committees to meet as required:

- an Architectural Review Sub-Committee comprised of a minimum of three (3) members to address issues and applications requiring detailed analysis, review and consultation with an applicant or proponent. Depending on the issues under discussion, ~~additional~~ other members of the main Committee are welcome to attend and participate.
- A Building Evaluation Sub-Committee comprised of two (2) members and two (2) members of Heritage Section staff to evaluate and classify cultural heritage resources.

3.2.3 Decisions of sub-committees can be made by voting or by consensus.

3.3 Agendas

3.3.1 Meetings of the Heritage Markham Committee will have a formal agenda prepared by the Clerks Department.

3.3.2 The Heritage Markham Committee agenda package will include the minutes from the previous meeting and memorandum from staff on each agenda item. The agenda package will be sent to Committee members at least five (5) days prior to the next Committee meeting.

3.3.3 Members of the Heritage Markham Committee may submit agenda items for inclusion on the agenda.

3.3.4 The Heritage Markham Committee agenda will be posted on the City website.

3.2.4 If required, a Heritage Markham Committee Addendum Agenda comprised of time-sensitive additional items for the Committee's consideration may be prepared. The Committee will determine at its meeting if the Addendum Agenda will be considered.

3.4 Quorum and Attendance

3.4.1 The quorum for the Heritage Markham Committee will six (6) members being in attendance.

3.4.2 As soon as there is a quorum present, the Chair will call the meeting to order. Where a quorum is not present within fifteen minutes after the hour fixed for a meeting, the Clerk will record the names of the members present. In the absence of a quorum, the meeting may continue, however no motion or recommendation may be made or passed.

3.4.3 Absenteeism and late arrivals by members will be will be subject to the City's rules of procedure governing statutory and advisory committees as adopted by Council.

3.5 Consideration of Agenda Items

3.5.1 The Chair will introduce the item on the agenda and ask Heritage Section staff to provide a brief overview, including the suggested staff recommendation for the Committee's consideration.

- 3.5.2 The Chair will invite those who have asked to provide a deputations to speak (See 3.6). The Chair will ask the applicant or their representative if they wish to provide any commentary on the item. Members will be afforded the opportunity to ask questions to those providing commentary on the application or matter. The merits of the application or matter will not be discussed at this time.
- 3.5.3 Discussion of the merits of an application or matter is confined to the members with the support of staff. The Chair will moderate and facilitate discussion and, as a courtesy, will wait until all members have made their comments before adding their own. [The Chair will maintain a list of members who have signaled that they wish to speak or ask questions, and the Chair will recognize members in the order in which they signaled their request.](#)
- 3.5.4 The Chair will seek a motion from the members to address the item under consideration. No member will discuss the merits of a motion before it is on the table (moved and seconded). Once discussion has concluded, the Chair will put to a vote the motion and announce the result.
- 3.5.5 Recorded votes are not permitted. Members are required to vote by a show of hands and if a member abstains from voting, the member's vote is considered in the negative. The Chair ~~or~~ [Acting Chair](#) will vote with other members upon all motions.
- 3.5.6 A tie vote is deemed to be negative and the motion is lost.

3.6 Deputations

- 3.6.1 Applicants and others may make deputations to the Heritage Markham Committee. Applicants may choose not to make a deputation, but instead make themselves available to answer any questions from the Committee when the item is being considered.
- 3.6.2 Deputations should be pre-arranged with staff and will be reflected in the agenda. A request for a deputation once the agenda has been published will only be permitted at the discretion of the Heritage Markham Committee members.
- 3.6.3 The priority in which deputations are heard by the Heritage Markham Committee and the amount of time allocated to the presentation will be as outlined in Markham's rules of procedure governing statutory and advisory committees, as adopted by Council.
- 3.6.4 After a deputation is made to the Heritage Markham Committee and all questions from members are addressed, the individual making the deputation will return to the public gallery and is to remain silent being cognizant that it is now time for the Committee to discuss the issue and make their recommendation. Necessary decorum dictates that all opinions must be respected and speaking from the audience is inappropriate.

3.7 Conflict of Interest

- 3.7.1 Heritage Markham Committee members will abide by the *Municipal Conflict of Interest Act*. [unless otherwise specified in this terms of reference.](#)
- 3.7.2 Heritage Markham Committee members will be responsible to seek their own legal advice as to whether they have a conflict of interest with any matter before the Committee. The Act refers

to whether there is a 'pecuniary interest' and according to the Act, a 'personal economic benefit' is key to determining if there is a pecuniary interest. City staff will not provide advice on this matter.

- 3.7.3 The conflict and the nature of the conflict will be declared at the beginning of the meeting and prior to any consideration of the matter on the agenda. Prior to the matter being considered by the Committee, the member with the identified conflict will leave the meeting table and sit in the public gallery area until consideration of the matter is completed. [The declaration of a conflict of interest does not affect quorum at the meeting.](#)

- 3.7.4 A Heritage Markham Committee member who earns their living in a heritage-related occupation and/or has been retained for a matter that is before the Committee is considered to have a conflict of interest and should strongly encouraged, if feasible, to have another representative of the member's firm or company appear before the Committee if a presentation is required or to answer questions.

- ~~3.7.5 A Heritage Markham Committee member who earns their living in a heritage-related occupation and/or has been retained for a matter that is before the Committee, and from time to time may have to appear before the Committee to represent a client (and cannot comply with 3.7.4), will undertake the following:~~

- ~~• The member will declare a conflict of interest due to being retained by a client in a professional capacity or for being an employee of the entity hired by the client.~~
- ~~• If a presentation is necessary, the member in conflict may do so on behalf of the client to explain the project or application, and answer any technical questions from the Committee.~~
- ~~• Once all questions are addressed, the member will leave the deputation area and sit in the public gallery area while the Committee members discuss the application and formulate a recommendation. The member with the professional conflict is strongly encouraged to voluntarily leave the meeting room when the Committee undertakes its deliberations so as to not influence the outcome in any manner.~~
- ~~• Once the Committee has approved a recommendation, the member will be invited to rejoin the Committee and proceed with other business.~~

- 3.7.5 Heritage Markham Committee members will not use their status on the Committee for personal, economic or political gain.

3.8 Compensation

- 3.8.1 Members of the Heritage Markham Committee will serve without compensation other than reimbursement of approved expenses incurred while performing duties on behalf of the Committee.

3.9 Other Meetings

- 3.9.1 Heritage Markham Committee members may through a Committee resolution be appointed to represent the Heritage Markham Committee on other committees or working groups created by municipality or others.
- 3.9.2 Heritage Markham Committee members may wish to attend an information session offered by Heritage Section staff immediately prior to a Heritage Markham Committee meeting. Attendance is voluntary and members can seek further clarification from staff on any agenda issues or applicable policies. The merits of an application or matter will not be discussed and no decisions will be made.

3.10 Safety/Disruptions

- 3.10.1 If at any time prior to, during or after the meeting, the safety of members of the Heritage Markham Committee or others in attendance is at risk, building security personnel (or local police) can be summoned by the Chair or City staff to address the situation and may involve removal of the person from the premises.
- 3.10.2 If a member of the Heritage Markham Committee or others in attendance at the meeting are being disruptive to the operations of the committee, that person will be warned by the Chair to cease the disruptive behavior, and failing to do so, will be asked to leave the meeting room. If they fail to leave, they may be removed from the meeting premises by building security personnel.

Disruptive behaviours may include:

- The use of un-parliamentary or offensive language, including any expressions or statements in debate or in questions that attribute false or undeclared motives to another person, charge another person with being dishonest, be abusive or insulting, or cause disorder;
- Making a noise or disturbance that prevents others from being able to participate in the meeting;
- Interruption of a person who is speaking, except if a Member wishes to raise a matter of privilege or a point of order;
- Ignoring or disobeying the Chair's decision on questions of order or rules of procedure or interpretation of the Committee's by-law(s) or terms of reference.

3.11 Adjournment of Meetings

- 3.11.1 Unless otherwise determined by a resolution of the Heritage Markham Committee, the meeting will adjourn no later than 11:00 p.m.
- 3.11.2 If there is unfinished business on the agenda at the time of adjournment, the Committee shall reconvene at an hour, date and place identified in a resolution detailing where the unfinished business will be considered which may include a special meeting or the next regularly scheduled Heritage Markham meeting.

3.12 Media Requests

- 3.12.1 All media requests will be coordinated through the City's Corporate Communications Department.

3.13 Procedural Matters

- 3.13.1 Procedural matters for the Heritage Markham Committee will be subject to the City's rules of procedure governing statutory and advisory committees as adopted by Council, unless otherwise specified in this terms of reference.

4. Annual Budget

- 4.1 The Heritage Markham Committee will develop and recommend an annual budget in a form satisfactory to the Director of Planning and Urban Design.
- 4.2 The annual budget will identify expenses associated with the operation of the Heritage Markham Committee, and may include among others matters, public education, special events, memberships, meeting refreshments, resource materials and training for members.
- 4.3 The annual budget allocation will be included as part of the Planning and Urban Design Department's operational budget, and will be administered by the Manager, Heritage Planning, or designate.

5. Role of Committee Members

- 5.1 Heritage Markham Committee members will attend all scheduled meetings and will notify the Chair or the designated municipal staff liaison if they are unable to attend a meeting.
- 5.2 Heritage Markham Committee members will read and possess a good understanding of all information supplied to them. If clarification is required on any material provided, the member will consult with staff from the Heritage Section. Members should be familiar with municipal, provincial and federal legislation, policies and programs that apply to cultural heritage resources.
- 5.3 Heritage Markham Committee members will disclose any conflicts of interest at the beginning of meetings, and adhere to any municipal code of conduct, and rules and procedures governing advisory committees as adopted by the municipality.
- 5.4 Heritage Markham Committee members will actively participate in and contribute to committee discussion and debate, in a respectful manner and focus their comments on heritage matters [currently before the committee](#).
- 5.5 Heritage Markham Committee members will endeavor to participate in staff organized site visits to properties identified on the committee agenda, if possible, and as required. When attending site visits, members will conduct themselves in a respectful manner as representatives of the City of Markham, and focus their comments on heritage related matters. Members will not visit private property without the owner's consent. Viewing properties from the public right-of-way is permissible.

- 5.6 Heritage Markham Committee members will undertake training, as required, to perform and enhance their role as a committee member with expenses to be covered through the Committee's budget.
- 5.7 Newly appointed Heritage Markham Committee members will undertake an orientation session with Heritage Section staff preferably prior to the member's first Heritage Markham meeting.
- 5.8 Heritage Markham Committee members will promote and support the protection and conservation of cultural heritage resources and the mandate of the municipal heritage committee.
- 5.9 Heritage Markham Committee members may assist in the identification and/or recruitment of future candidates for appointment consideration by the City.
- 5.10 Heritage Markham Committee members as individual appointees do not possess any authority or responsibilities, and the exercise of power is only through the recommendations and/or resolutions of the municipal heritage committee. Any observations or remarks related to Committee business or interpretation of Committee decisions (past or present) from a member (or a former member) are personal comments and should be qualified as such when speaking with others. Members (or former members) are cautioned not to represent themselves as possessing special knowledge or insight as to how the Committee will address a matter.

6. Role of City Staff

6.1 Clerks Department

- 6.1.1 The Clerks Department will be responsible for agenda production and delivery, the recording of Committee minutes, the preparation and distribution of Heritage Markham Committee extracts for each agenda item (for both internal and external recipients) and the forwarding of the Heritage Markham Committee minutes to Council to be received for information purposes.
- 6.1.2 The Heritage Markham Committee recording clerk possesses no voting privileges.
- 6.1.3 The Clerks Department will be responsible for maintaining a permanent record of the previous minutes of Heritage Markham Committee meetings.
- 6.1.4 The Clerks Department will be responsible for the administration of notices of intention to designate properties, appeals related to the notices and the registration of designation by-laws.

6.2 Planning and Urban Design Department – Heritage Section

- 6.2.1 Staff from the Heritage Section of the Planning and Urban Design Department will attend Heritage Markham Committee meetings and provide the Committee with professional planning and heritage advice, technical and procedural assistance, research, and administrative support. Staff will prepare information memos, including suggested recommendations, for Heritage Markham's consideration as part of the agenda package. Staff will also assist the Committee in educational and outreach projects, if possible.

- 6.2.2 Heritage Section staff will attend sub-committee meetings of the Heritage Markham Committee (i.e. Architectural Review Sub-Committee, Building Evaluation Sub-Committee), as required, and prepare notes from these meetings.
- 6.2.3 Heritage Section staff possesses no voting privileges.
- 6.2.4 Heritage Section staff will ensure that other staff and departments of the municipality, whose responsibilities and actions may impact cultural heritage resources, are aware of the status of these resources, the review and approval process related to alterations, and the role of the Heritage Markham Committee.
- 6.2.5 Heritage Section staff from the Heritage Section of the Planning and Urban Design Department will ensure that Heritage Markham Committee recommendations are forwarded to the appropriate staff at the City, or others as necessary, for consideration and/or action. This will include facilitating the recommendations of the Committee through the preparation of staff reports (see 7.2.2).
- 6.2.6 Heritage Section staff will prepare a Heritage Markham annual budget for consideration by the Heritage Markham Committee. Staff will administer the budget once approved by Council.
- 6.2.7 Heritage Section staff will maintain correspondence, files and records related to the operations and activities of the Heritage Markham Committee.
- 6.2.8 Heritage Section staff will conduct the elections of Heritage Markham Committee officers on an annual basis.
- 6.2.9 Heritage Section staff will conduct an orientation session with new members of the Heritage Markham Committee, as required.

7. Reporting Method

7.1 Heritage Markham Recommendations

- 7.1.1 A recommendation on an application or issue approved by the Heritage Markham Committee, will be forwarded to the appropriate municipal department (or to the **Committee of Adjustment**) for attention. If, there are outstanding heritage issues to be addressed, the applicant or proponent will be given the opportunity to modify the application or project. If the issue is satisfactorily addressed, Council approval of the heritage recommendation may not be necessary due to staff's delegated approval authority (see 7.3).
- 7.1.2 If unresolved issues continue to exist (i.e. conflict between what the Heritage Markham Committee has recommended and what the applicant or proponent wishes to undertake), the matter can be forwarded to the Development Services Committee and Council in the form of a staff report for a decision. There, the applicant or proponent may present their case for consideration.

7.2 Development Services Committee/Council

- 7.2.1 The minutes of the Heritage Markham Committee will be forwarded to Council through the Development Services Committee. [The minutes are received as information.](#)
- 7.2.2 Development applications (or other matters) that involve a cultural heritage resource and require Development Services Committee/Council approval will include the Heritage Markham Committee's recommendation and advice as part of the staff report. If the Heritage Markham recommendation is contrary to the staff recommendation on the matter, the Heritage Markham Committee's position/recommendation will be noted in the Recommendation section of the staff report and 'received as information' so that Council is aware of the advice from its municipal heritage committee, in addition to the staff recommendation.
- 7.2.3 The Council representatives on the Heritage Markham Committee may also assist in conveying the Committee's issues and recommendations to other members of Council.

7.3 Committee of Adjustment

- 7.3.1 [Committee of Adjustment applications such as minor variance or consent \(land division\) that involve a cultural heritage resource will include the Heritage Markham Committee's recommendation and advice as part of the staff report.](#)

7.4 Delegated Approvals

- 7.4.1 As per By-law 2007-67, the Manager, Heritage Planning, or designate, is delegated Council's approval authority respecting the granting of consents and approvals for alterations to individually designated properties and properties in heritage conservation districts, including the authority to attach terms and conditions. If the Manager, Heritage Planning has any concerns regarding an application, it will be forwarded to the Heritage Markham Committee for review and if necessary, Development Services Committee/Council for resolution.
- 7.4.2 The requirement for consultation and review with the Heritage Markham Committee for alterations of individually designated properties and properties located within heritage conservation districts that are compliant with accepted policies and guidelines is delegated to the Manager, Heritage Planning, or designate.
- 7.4.3 The Heritage Markham Committee will be informed of any staff approvals for information purposes on the next available Committee agenda.
- 7.4.4 Delegation authority to the Manager, Heritage Planning to approve on behalf of Council does not include the authority to refuse an application to alter a designated property, or the authority to consider applications for demolition or removals of individually designated properties or properties in heritage conservation districts.

Appendix ‘A’ – Glossary of Terms

“**Act**” refers to the *Ontario Heritage Act*

“**Agenda**” refers to a list of items to be considered at a meeting arranged in the order in which they are intended to be addressed.

“**Adjourn**” refers to officially ending the meeting.

“**Chair**” refers to the person who presides at the meeting. The Vice-Chair assumes this responsibility in the absence of the Chair.

“**Committee**” refers to the Heritage Markham Committee.

“**Committee of Adjustment**” refers to an appointed committee which is authorized by Council to grant minor variances from the zoning by-law and grant consents for land severances.

“**Council**” refers to The Council of the City of Markham.

“**Cultural Heritage Resources**” refers to built heritage resources (which include significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history noted as being important to our community, and may be identified through designation, heritage easement or listing) and cultural heritage landscapes (defined geographical areas of heritage significance that have been modified by human activities and are valued by the a community, examples include heritage conservation districts, villages, parks, main streets, and cemeteries).

“**Designated Property**” refers to property that is protected pursuant to the Ontario Heritage Act either individually or as part of a heritage conservation district.

“**Deputation**” refers to a presentation by one or more individuals regarding a specific agenda item.

“**Development Services Committee**” refers to a standing committee of Council at which Heritage Markham matters are usually addressed.

“**Heritage Conservation Plan**” refers to a document that details how a specific cultural heritage resource can be conserved.

“**Heritage Easement Agreement**” refers to a legal document offering additional protections for a cultural heritage resources. It conveys to its holder the legal right to be involved in decisions concerning the future of a property.

“**Heritage Impact Assessment**” refers to a study to determine if any cultural heritage resources are impacted by a specific proposed development or site alteration, and how the resource can be conserved or the impacts mitigated.

“Heritage Markham” refers to Markham’s municipal heritage committee pursuant to the *Ontario Heritage Act*

“Member” refers to a member of the Heritage Markham Committee.

“Minutes” refers to the official record of the meeting.

“Motion” refers to a formal proposal or recommendation placed before the Committee by one Member (the mover of the motion) for debate and decision.

“Move” refers to formally proposing a motion or an amendment. The person who proposes the motion or amendment is called the “mover”. To discuss a specific motion, it must be “moved” and “seconded”.

“Order” refers to the behavior in a meeting which allows Members to conduct business without disruption.

“Order, call the meeting to” refers to an announcement by the Chair to indicate that the meeting is about to start. Also, can be a way for the Chair to enforce discipline at the meeting if rules have been broken.

“Quorum” refers to the minimum number of Members who must be present at a meeting to make the proceedings valid.

“Register of Property of Cultural Heritage Value or Interest” or **“Register”** refers to the Markham Register of Property of Cultural Heritage Value or Interest maintained pursuant to the *Ontario Heritage Act* as an inventory of individually designated properties, properties in heritage conservation districts and listed properties.

“Second” refers to formally endorsing a motion or amendment after it has been “moved”. The person who formally endorsed the motion or amendment is referred to as the “seconder”. To discuss a specific motion, it must be “moved” and “seconded”.

“Show of Hands” refers to the usual manner in which votes are cast. Those for and those against the motion are asked to raise their hands. The hands are counted, the result announced by the Chair, and the motion is declared either carried or lost.

“Vote, tie” refers to an equal number of votes for and against a motion.